

North Canton City Council
Ordinances, Rules & Claims Committee

Ordinance No. 5 - 2016

An ordinance amending Part Five - General Offenses Code of the Codified Ordinances of the City of North Canton by the amendment of Chapter 505 Animals and Fowl, and declaring the same to be an emergency.

WHEREAS, North Canton City Council deems it necessary to protect the health, safety, and welfare of animals in the City; and

WHEREAS, additional regulations are necessary to prevent the neglect of animals and to ensure their humane treatment; and

WHEREAS, it is necessary and appropriate to require animal owners to provide adequate water, food, veterinary care, and suitable shelter for their animals; and

WHEREAS, it is essential that animals be tethered under only proper or legally-permitted conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. Chapter 505, Animals and Fowl, of Part Five - General Offenses Code of the City of North Canton is hereby amended and modified to read as follows:

505.072 Neglect of Animals

(a) No person who owns or keeps an animal shall fail to provide the animal all of the following needs:

(1) Clean, potable drinking water at all times, and suitable food, of sufficient quality and quantity as to ensure normal growth and the maintenance of normal body weight;

(2) Food and water receptacles that are kept clean and disinfected, and located so as to avoid contamination by feces or other wastes;

(3) Necessary veterinary care;

(4) Shelter from the elements, including heat, cold, wind, rain, snow, or excessive direct sunlight. If the animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species, age, condition, size, and type of that animal. The structure must be completely enclosed and insulated, having a single entrance/exit secured with a flap or door or similar device. The structure shall be moisture-resistant, wind-resistant, and of suitable size and type to allow the animal to stand, turn about freely, lie in a normal position, and regulate proper body temperature. The structure shall be made of a durable material with a solid, moisture-proof floor and a floor raised at least two inches from the ground. Suitable drainage shall be provided so that water cannot be reasonably expected to gather and stand within 10 feet of the structure, and so the animal has access to a dry area at all times. Proper bedding of straw or similar material, that remains dry, must be utilized inside the structure. All structures required by this section shall be subject to all building and zoning regulations.

(b) No person who shelters an animal from the elements by means of an animal shelter, a cage, or a pen shall fail to conform it to the following requirements:

(1) The shelter, cage or pen shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position;

(2) The shelter, cage or pen shall provide sufficient shade to allow the animal to escape the direct rays of the sun at all times;

(3) The shelter, cage or pen shall be regularly cleaned and sanitized.

(c) (1) A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in R.C. 959.132, any or all of the animals in that person's ownership or

care. The court also may prohibit or place limitations on the person's ability to own or care for any animals for a specified or indefinite period of time.

(2) A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of an animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under R.C. 959.132.

(3) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling pursuant to R.C. 959.99.

505.18 Tethering Animals

(a) No person shall tether an animal outdoors in any of the following circumstances:

- (1) For more than six hours total in a 24-hour period or for more than three consecutive hours with less than a one hour period between tetherings;
- (2) Between the hours of 10:00 p.m. and 6:00 a.m.;
- (3) If a heat or cold advisory has been issued by a local or state authority or the National Weather Service;
- (4) If a severe weather warning has been issued by a local or state authority or the National Weather Service;
- (5) If the tether is less than five times the animal's length;
- (6) If the tether allows the animal to touch the fence or cross the property line or cross onto public property;

(7) If the tether is attached by means of a pinch-type, prong-type, or choke-type collar or if the collar is unsafe or is not properly fitted;

(8) If the tether may cause injury or entanglemen;

(9) If the animal is not provided with its needs as identified in Section 505.072;

(10) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal;

(11) If no owner or occupant is present at the premises.

(b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

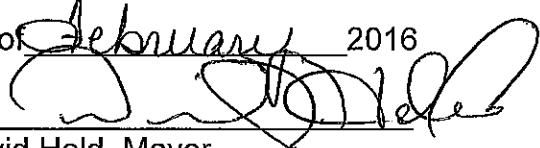
(c) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are repealed.

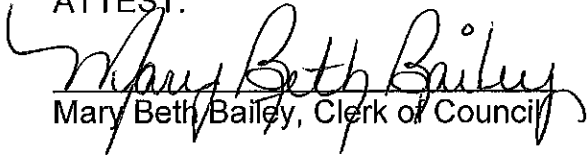
Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to put in place these regulations to ensure the humane treatment of animals with the City, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and the approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 22nd day of February 2016


David Held, Mayor

ATTEST:


Mary Beth Bailey, Clerk of Council

Signed: 2/22, 2016