

REQUESTED BY:  
COLBERT

LAW DEPARTMENT  
DRAFT NO. 3546R

TITLE

AN ORDINANCE FOR THE PURPOSE OF AMENDING CHAPTER 505 ("ANIMALS AND FOWL") OF THE CODIFIED ORDINANCES OF THE CITY OF WARREN TO INCLUDE "HUMANE OFFICERS" AS PERSONS IN SECTION 505.01(E) WHO CAN ENFORCE THIS ORDINANCE, AND TO ENACT SECTION 505.17 ("HOUSE/SHELTER/TETHER ANIMALS"), AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12614/15

WHEREAS, this Council deems it to be in the best interests of the City of Warren to update various Sections of Chapter 505 ("ANIMALS AND FOWL") of the Codified Ordinances of the City of Warren; and

WHEREAS, the City of Warren's existing Ordinance was adopted in 2007 and has not been changed since that time, despite the need to be updated for the protection of animals within the City; and

WHEREAS, the City of Warren is empowered to promote the health, safety and welfare and integrity of the residents of the City of Warren, and others; and

WHEREAS, this Ordinance is necessary to promote and protect the public health, safety, and welfare of the residents of the City of Warren; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That Chapter 505 ("ANIMALS AND FOWL") of the General Offenses Code of the Codified Ordinances of the City of Warren, and Section 505.01(e) be and hereby are amended to include ("HUMANE OFFICERS") within this Section as persons authorized to enforce Chapter 505 of the City of Warren Codified Ordinances.

Section 2: That Section 505.17 of Chapter 505 be, and the same hereby is, enacted to and within the General Offenses Code of the Codified Ordinances of the City of Warren as follows:

"CHAPTER 505"  
ANIMALS AND FOWL

505.01 DOGS AND OTHER ANIMALS.

(a) Dogs in Public Places. No dog shall be permitted at any time upon a public highway, public park, public building or other public place within the City, except when held securely by a leash or suitable material and a length not to exceed six feet. The dog must be accompanied by a person of suitable size, weight and discretion to handle the dog in a responsible and safe fashion at all times.

(b) Animals on Private Property. No owner of a dog or cat shall permit such dog or cat: to run at large within the City upon property other than that of such owner; to damage property other than that of such owner; or to injure or annoy a person.

(c) Dogs, cats or any other animals that are permitted to be kept within the City shall, at all times, be provided by the owners, keepers and harbors' thereof with sufficient protection from the elements, including heat, cold, wind, rain, snow, ice or excessive direct sunlight.

(1) If the animal is housed outdoors, a structure for shelter and protection shall be provided by the owner, keeper or harbinger thereof. Proper bedding of straw or similar material, that remains dry, shall be utilized, and the structure shall be equipped with a flap or door or similar device. Food of sufficient quantity and quality to allow the normal maintenance of the animal's body shall be provided. Water shall be open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs shall be provided. The structure shall be moisture-resistant and wind resistant and of suitable size to accommodate the animal and allow retention of body heat. It shall be made of a durable material with a solid, moisture-proof floor and a floor raised at least two inches from the ground. All structures required by this Section shall be subject to all building and zoning regulations. No such structure shall be in or on the front setback area of a property.

(2) In addition, if the animal is housed outdoors, a pen with sides and a top suitable to enclose the animal and the structure, and suitable to keep all other animals outside the pen, shall be provided by the owner, keeper or harbinger of the animal. Such a pen shall, at all times, have a working, lockable gate. All pens required by this Section shall be subject to all building and zoning regulations. No such pen shall be in or on the front setback area of a property.

(d) That, as to a dangerous dog or a vicious dog, to the extent that Section 505.13, is in conflict with this Section, said Section 505.13 shall, and does, prevail over this Section.

(e) Whoever violates Division (c) of this Section is guilty of a misdemeanor of the second degree. The Animal Warden, Dog Catcher, Humane Officer, or other law enforcement officer shall, and does, have discretion to warn the owner, keeper or harbinger and to provide an opportunity for the violation to be remedied within twenty-four hours. Whoever violates any other Division of this Section is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense. (Ord. 12033/07. Passed 5-9-07.)

#### 505.17 HOUSE/SHELTER/TETHER ANIMALS

(a) No person shall House, Shelter or Tether an animal in any of the following circumstances:

(1) If a heat or cold advisory has been issued by a local or state authority or the National Weather Service;

(2) If a severe weather warning has been issued by a local or state authority or the National Weather Service;

(3) If the tether is less than twelve (12) feet in length; Tethering the dog if such tethering fails to allow the dog to move at least 12 feet or if the device is a pulley system, fails to allow the dog to move a total of 12 feet;)

(4) If the tether allows the animal to touch the fence or cross the property line or cross onto public property;

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

(6) If the tether may cause injury or entanglement. Tethering the dog in a manner where the dog is able to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object; or securing an animal with a leash, collar, tether, or other device weighing more than ten percent of the animal's body weight;

(7) If the animal is not provided with its needs as identified in Division (b) of Section 603.091;

(8) 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;

(9) If residential premises is vacant or unoccupied;

(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 result of a violation of this Section, then whoever violates this Section is guilty of a misdemeanor of the first degree.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Warren without undue delay. WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council this 28<sup>TH</sup> day of OCTOBER 2015.

SIGNED: [Signature]  
PRESIDENT OF COUNCIL

ATTEST: [Signature]  
CLERK OF COUNCIL

FILED WITH THE MAYOR: 10-28-15

DATE APPROVED: 10-28-15

[Signature]  
MAYOR, CITY OF WARREN, OHIO