



Legislation Text

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BACKGROUND

Although Columbus and the state of Ohio currently have code provisions regarding animal cruelty and confinement, there exist no regulations regarding tethering dogs and other animals, a practice that can produce harmful effects for the animals themselves, as well as neighborhood residents. The proposed code changes will help address the more dangerous methods of tethering that: (1) harm dogs and other animals, (2) create neighborhood nuisances, and (3) contribute to criminal activity.

The U.S. Dept. of Agriculture, the Center for Disease Control (CDC), and several animal advocacy organizations have highlighted the negative effects of inhumane tethering. Improper types of collars can become embedded in the skin, and animals can strangle on tethers. Improperly tethered animals are also typically those that are neglected, and at risk for adverse weather conditions, as well as lacking in basic care. In the specific case of dogs, improper and prolonged tethering can lead to increased nuisances, such as barking or other loud noises. They can also become more dangerous to residents. According to the CDC, chained dogs are almost three times as likely to bite as dogs that are not tethered. Also, improper and inhumane tethering practices are often signs of additional animal cruelty and other criminal activity. Discussions with Columbus Humane (formerly Capital Area Humane Society) and the City Attorney's office informed that many animal cruelty cases involved some form of tethering and neglect. Improper tethering is often also evidence that the animals are involved in dog fighting.

This proposed code is not intended to limit how dogs in particular are walked or trained by owners, nor does it seek to outlaw tethering entirely. Rather, it is intended to enact responsible regulations that will target those practices and manners of tethering that bring harm to the animals and neighborhood residents. This code will continue City efforts to promote safe neighborhoods and encourage responsible pet ownership in Columbus.

To amend Columbus City Code Section 2327.01 and to enact new Section 2327.20, establishing regulations for the tethering of animals in the City of Columbus.

WHEREAS, Chapter 2327 of the Columbus City Codes pertains to general offenses related to animals; and

WHEREAS, the State of Ohio currently has no regulations on the tethering of animals; and

WHEREAS, certain types and methods of tethering can be harmful to animals, causing pain and immediate or eventual injuries; and

WHEREAS, animals that are tethered can become lonely, bored and anxious, which can lead to increased aggression; and

WHEREAS, research conducted by the Center for Disease Control found that chained dogs are nearly three times more likely to bite than non-chained dogs, and are also over five times more likely to bite children under the age of twelve; and

WHEREAS, the City of Columbus has promoted numerous animal-related resolutions, designed to encourage responsible pet ownership and support the humane treatment of animals; and

WHEREAS, the City of Columbus, in furthering its efforts to promote safe neighborhoods and encourage responsible pet ownership, finds it necessary to provide limitations on the tethering of animals; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapter 2327 of the Columbus City Codes is hereby amended by the enactment of new Section 2327.20, as follows:

2327.20 - Tethering animals

(A) No person shall allow an animal to be tethered outdoors:

- (1) unattended between the hours of 10:00 p.m. and 6:00 a.m.
- (2) in an environment that violates the provisions of section 2327.15 of the Columbus City Codes;
- (3) in an environment that violates the provisions of section 2327.19 of the Columbus City Codes;
- (4) if a heat or cold advisory or a severe weather warning has been issued by a local or state authority or the national weather service for the area in which the animal is kept or harbored.
- (5) with a pinch, prong, or choke-type collar;
- (6) with a tow chain, log chain, padlock chain, or any type of tether unsuitable for the animal's size and weight.
- (7) with a tether that is entangled or does not allow free movement of the animal for the full length of the tether
- (8) in a manner that will allow it to reach within the property of another person, a public walkway, or a road;
- (9) in a manner that could allow it to become entangled with a fence or other tethered animals;

(B) Columbus Humane (formerly Capital Area Humane Society), incorporated under ORC 1717.05 as the humane society with jurisdiction in Franklin County, may appoint agents for the purpose of prosecuting any person guilty of a violation of this section, or any other section in the Columbus City Codes pertaining to the protection of animals from acts of cruelty or neglect. Such agents may arrest any person found violating this section. Upon making an arrest the agent forthwith shall convey the person arrested before some court or magistrate having jurisdiction of the offense, and there make complaint against the person on oath or affirmation of the offense.

(C) Whoever violates subsection 2327.20(A)(2) is guilty of a misdemeanor of the first degree, according to the provisions of subsections 2327.15(F) of the Columbus City Codes. Whoever violates subsection 2327.20(A)(3) is

guilty of a misdemeanor of the second degree, according to the provisions of subsection 2327.19(B) of the Columbus City Codes. Whoever violates any other provisions of Section 2327.20 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.

SECTION 2. That Section 2327.01 of the Columbus City Codes is hereby amended as follows:

2327.01 - Definitions.

As used in this chapter:

- (A) "Health commissioner" means the health commissioner of the city of Columbus, or his authorized representative.
- (B) "Vicious animal" means any animal which has been declared a vicious animal by the animal review board or which represents a danger to any person or to any other domestic animal because it has killed or seriously injured a person.
- (C) "Dangerous animal" means any animal which has been declared a dangerous animal or any animal which represents a danger to any person or to any other domestic animal, for either:
 - (1) The animal is attack trained;
 - (2) The animal without provocation has chased or attempted to bite or otherwise endanger any person off the premises of its owner.
- (D) "Owner" means any person owning, handling, keeping, possessing, harboring, maintaining or having the care, custody or control of an animal.
- (E) "Nuisance animal" means any of the following:
 - (1) Any animal that has been declared a nuisance animal by the city veterinarian;
 - (2) Any animal that has been cited and/or impounded for running at large and/or not licensed and/or not vaccinated for rabies; or
 - (3) Any animal that has been cited and/or impounded for running at large for a second occurrence within a twelve (12) month period.
- (F) "City veterinarian" shall mean the veterinarian of the city of Columbus or his authorized representative.
- (G) "Attack trained dog" means:
 - (1) Any dog which has been specifically trained by any person to take a command to attack or injure a person or animal; or
 - (2) Any dog which has been specially trained or disciplined to protect persons or property;
 - (3) "Attack trained dog" does not include dogs possessed and used by a law enforcement officer in the performance of his official duties.
- (H) "Direct control" means that a dog is within sight and hearing and will respond instantly to the commands or signals to "come," "sit," or "stay."

- (I) "Come" means that the dog shall immediately leave the position where he is located and return to his owner;
- (J) "Sit" means that the dog shall immediately cease movement in any direction and assume a sitting position;
- (K) "Stay" means that the dog shall immediately cease movement in any direction and remain at the spot in which the command was heeded until released by his owner.
- (L) "Animal" means any animal, other than man.
- (M) "Tether" means a rope, chain, cord, dog run or pulley, or similar restraint, other than a fence, for holding an animal in place, allowing a radius in which it can move about.

SECTION 3. That existing section 2327.01 of the Columbus City Codes is hereby repealed and replaced as provided herein.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.