

ORDINANCE NO. 2020 - 25

AN ORDINANCE AMENDING SECTIONS 618.03, 618.04 AND 618.13 OF CHAPTER 618 OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, the Chief of Police and the Animal Control Officer recommend Sections 618.03, 618.04 and 618.13, only, of Chapter 618 of the Codified Ordinances be amended; and

WHEREAS, the Council has reviewed the proposed amendments submitted by the Chief of Police and the Animal Control Officer; and

WHEREAS, the Council concurs with the recommendations of the Chief of Police and the Animal Control Officer to make amendments to Sections 618.03, 618.04 of 618.13, only, of Chapter 618 of the Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. Section 618.03 of the Codified Ordinances of the City of Parma Heights is amended to read as follows:

618.03 ANIMAL CARE STANDARDS; ANIMAL NEGLECT.

- (a) A person commits the crime of animal neglect in the second degree if, except as otherwise authorized by law, the person intentionally, purposely, knowingly, recklessly or with criminal negligence fails to provide minimum care for an ~~domestic~~ animal in the person's possession.
- (b) Animal neglect in the second degree is a misdemeanor of the second degree.
- (c) Each act or omission in violation of division (a) of this section shall constitute a separate offense.
- (d) A person commits the crime of animal neglect in the first degree if, except as otherwise authorized by law, the person intentionally, purposely, knowingly, recklessly or with criminal negligence fails to provide minimum care for an ~~domestic~~-animal in the person's possession; and the failure to provide care results in serious physical injury to the animal; or fails to provide minimum care for an ~~domestic~~ animal in the person's possession; and the failure to provide care results in the death of the animal.
- (e) Animal neglect in the first degree is a misdemeanor of the first degree.
- (f) Each act or omission in violation of division (d) of this section shall constitute a separate offense.
- (g) In addition to providing minimum care for a ~~domestic~~ animal, a person in possession of an ~~domestic~~ animal shall provide:
 - (1) Proper food. All ~~domestic~~-animals shall be provided with wholesome and appropriate food, which is free from contamination, of adequate nutritive value and in sufficient quantity to maintain good health. All food receptacles shall be kept clean and sanitary. Outdoor receptacles used to store food shall be kept securely covered. The owner or custodian shall ensure that each animal receives sufficient food.

(2) Proper drink. All ~~domestic~~ animals shall have available clean, drinkable water (except fish). ~~Domestic~~ Animals which are being transported shall be provided water as often as necessary for their health and comfort. All water receptacles shall be kept clean and sanitary, be of appropriate design and size for the animal and be positioned or affixed to prevent spillage.

(3) Proper space.

A. ~~Domestic~~ Animals shall be able to stand to their full height, stretch out, turn around and lie down in areas which are sanitary and which allow for a free flow of fresh air (except fish).

B. ~~Domestic~~ Animals shall be allowed to exercise and have freedom of movement as necessary to reduce stress and maintain good physical condition. Said space shall be kept free of standing water, mud, accumulated waste and debris (except fish).

C. Dogs and cats shall not be caged, except for transport, temporary confinement or as prescribed by a veterinarian. Dogs and cats kept in cages for the aforementioned reasons shall be removed and exercised as to maintain proper health. Cats shall be provided with litter pans and litter material which shall be changed as necessary to prevent odor and accumulation of urine and fecal matter.

D. Small caged mammals and rodents, such as guinea pigs, rabbits, and hamsters shall be maintained in cages that are of a size sufficient to permit burrowing, hiding or nesting, and which allow necessary space for the animal to exercise.

E. 1. Dogs continuously maintained on a restrictive chain, rope, or other kind of tether shall be deemed to be improperly confined. However, tethering may be acceptable in certain cases where adequate daily socialization and exercise off the tether have been afforded and verified. If a dog is confined on a tether, excepting periods of time that are brief and incidental, the tether shall be at least 20 feet in length and positioned to prevent tangling and hanging.

2. The tether must be of proper weight for the dog's size to allow for the provisions set forth in division (g) (3) E. of this section. Logging chains are prohibited for any dog. The tethered dog shall wear a properly fitted harness or buckle-type collar and be released from the tether at least twice daily for adequate exercise. A choker-chain on the neck of a tethered dog is prohibited. No other animal shall be tethered unless under the supervision of a custodian capable of handling the animal. Collars, harnesses, halters and the like shall be properly fitted to prevent discomfort or injury.

(4) Proper light. Domestic animals shall have adequate light each day, except if in hibernation or pursuant to veterinarian advice. Animals shall not be subjected to excessive amounts of illumination which result in conditions detrimental to the health of the animals.

(5) Proper shelter.

A. Indoor facilities shall be adequately ventilated by natural or mechanical means to prevent extreme temperatures, provide fresh air and minimize drafts, odors and moisture condensation (excluding fish).

B. Domestic animals kept outdoors shall have access to shelter that provides protection from inclement weather conditions and which shall be appropriately constructed given the species of the domestic animal, its age and its physical condition.

C. Domestic animals shall have access to shade from the sun during hot weather (excludes fish).

D. Proper outdoor shelter for a dog shall be made of durable material with a solid, moisture-proof floor. The floor shall be solid, level and raised at least two inches from the ground with adequate bedding to protect against cold and dampness. A bedding of straw or similar matter, that remains dry, must be utilized. The structure shall have a roof, enclosed sides, and a doorway. The shelter shall also be a structurally sound, weatherproof enclosure that is moisture-resistant and wind-resistant, of suitable size to accommodate movement and simultaneously facilitate the preservation of body heat of the animal. The entrance shall be covered with a flexible windproof plastic, a self-closing door, or have a baffle. A garage, shed or other structure, not designated and built specifically for an animal, shall not be considered suitable housing. Food of sufficient quantity and quality to allow the normal maintenance of the animal's body must be provided. Water must be open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs must be provided. The animal control officer or any other agent has discretion to warn the owner, and to provide the opportunity to remedy the violation within 24 hours.

(6) Necessary veterinary care. Owners or caretakers of ~~domestic~~ animals which exhibit signs of disease or severe parasitic infestation, infection, orificial discharge, loss of appetite, weight loss, abnormal skin conditions or hair loss, tremors, temperature fluctuation, inability to bear weight on a limb, lameness or any other such sign of illness or injury, shall provide veterinary care.

(h) Whoever violates division (g) of this section is guilty of neglect of animals, which is a misdemeanor in the second degree.

(i) Each act in violation of division (g) of this section shall constitute a separate offense.

Section 2. Section 618.04 of the Codified Ordinances of the City of Parma Heights is amended to read as follows:

618.04 ANIMAL ABUSE/ANIMAL CRUELTY.

(a) A person commits the crime of animal abuse if, except as otherwise authorized by law, the person intentionally, purposely, knowingly, recklessly or with criminal negligence causes physical injury to ~~domestic~~ an animal, causes physical trauma to an ~~domestic~~ animal, causes serious physical injury to an ~~domestic~~ animal, causes the death of the ~~domestic~~ animal, tortures an ~~domestic~~ animal, kills an ~~domestic~~ animal under circumstances demonstrating malice aforethought, administers poison to an ~~domestic~~ animal, or places any poisonous or hazardous food, drink or other substance where it may be easily found and ingested by an ~~domestic~~ animal, either upon his own lands or the lands of another.

(b) Animal Abuse is a misdemeanor of the first degree.

(c) Each act in violation of subsection (a) shall constitute a separate offense.

(d) No ~~domestic~~ animal shall be subject to unnecessary suffering or cruelty. Unnecessary suffering or cruelty may be defined, but is not limited to, failing to provide an ~~domestic~~ animal with minimum care, sexual molestation of an animal for sexual gratification, surgically debarking an animal, or coloring rabbits or poultry.

(e) No animal may be induced or encouraged to perform any behavior through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(f) Whoever is found guilty of causing an animal unnecessary suffering or cruelty is guilty of a misdemeanor of the first degree.

(g) Each act in violation of subsection (d) shall constitute a separate offense.

Section 3. Section 618.13 of the Codified Ordinances of the City of Parma Heights is amended to read as follows:

618.13 FEEDING ANIMALS AND WILDLIFE.

(a) No person shall feed any feral cat in the City.

(b) No person shall feed any deer in the City.

(c) No person shall feed any wild animal, bird, or other wildlife in the front or side yard.

(d) No person shall feed any wild animal, bird, or other wildlife other than in suitable containers for food elevated at least forty-eight (48) inches above the ground level and of such design and construction as to minimize the potential for food or seed from spilling or dropping to the ground.

(e) After such feeding, such food shall not be allowed to remain where it is accessible to rodents, insects, or other animals.

(f) Such feeding shall be allowed so long as it does not create a nuisance or interfere with another's property. Such nuisance activity shall include but not be limited to excessive animal noise; excessive animal droppings; attraction of animals in a way that burdens neighboring properties; and garbage or debris left where it may attract or provide a nesting area for wildlife.

(g) Upon complaint being made, an animal control officer or police officer is hereby authorized and directed to investigate whether a nuisance exists. If the feeding activity is at such a level to constitute a nuisance, the animal control officer or police officer, shall require the owner of the property in violation of this section to abate the nuisance condition within ten (10) days after being notified thereof.

(h) The provisions of this section shall not apply to a person operating under the guidelines of a program approved by the Director of Public Safety providing for the trapping, spaying, or neutering, and releasing of cats and dogs with the purpose of reducing the unwanted stray-animal population in the City.

(i) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. After the notification in subsection (g) hereof and the expiration of ten (10) days, each day such nuisance continues shall be a separate offense.

Section 4. Sections 618.03, 618.04 and 618.13 only, of the Codified Ordinances as they have heretofore existed are repealed effectively immediately.

Section 5. This Council finds and determines that all formal actions or this Council concerning und relating to the adoption of this Ordinance were taken in an open meeting of

this Council and that all deliberation of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public and in compliance with the law.

Section 6. This Council declares the Ordinance: to be an emergency measure for the immediate preservation of the public health, peace and safety of this municipality and for the further reason that it is necessary to provide for a more efficient administration of Chapter 618 of the Codified Ordinances; wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: 11-9-2020


PRESIDENT OF COUNCIL

ATTEST: Florence A. Bordan

11-9-2020
APPROVED

FILED WITH
THE MAYOR: 11-9-2020


MAYOR