Law Committee Minutes
Wednesday, August 17th, 2019
9:00 a.m.

2nd Floor Community Room
Fairfield County Municipal Courthouse
136 W. Main Street

Law Committee Chairman, Randy Groff
Also present: committee member Corey Schoonover, Asst. Law Director Stephanie Hall, Daniel Cogley – Senior Attorney at City Law Director Office, Mayor David Scheffler, Service Safety Director Paul Martin, Mitch Noland & Cecil Hanes from City Engineers office, Sean Fowler – Code Enforcement, and Lancaster resident Shirley Karl (1907 Salt Lick Dr. – River Valley Highlands)

Absent: committee member Orman Hall

I. Call to Order: meeting called to order at 9:00 a.m.
II. New Business/Old Business

a) ROW (Right-of-Way) Ordinance and other Title Nine – Part One
Changes: Mitch Nolan and Cecil Hanes gave an overview of changes to control and maintain Lancaster’s Public ROW's. This has been discussed and under review for approximately two years, while future changes may be needed, this is the version that has been adopted by numerous cities in Ohio, as Lancaster too contracted with Ice Miller LLP of Columbus to handle this issue. Mitch Nolan will present the changes with the accompanying legislation at the next council meeting.

b) Feral Cats: Discussion revolved around what Lancaster as a city can do on the issue and what current laws exist (see attachment). While Ms. Karl has addressed council concerning the number of stray cats and the problems in the River Valley Highlands neighborhood, it is noted that the same situation exist in many neighborhoods in Lancaster. It is also noted this is also a health concern to many and needs to be addressed.
As a private non-profit the Fairfield Area Humane Society has in the past received grants to spay and neuter feral cats and reduce the population over time however grants have been limited and more is needed to address the overpopulation issue. It was discussed as to the potential of the City of Lancaster contracting with the Fairfield Area Humane Society for the purpose of assisting in a continued program to spay and neuter. It was further discussed that the mayor have the City of Lancaster’s grant writer investigate potential grants available to the city, that may not be available directly to the humane society, to address the overpopulation of feral cats and any health
issue that may be related. Realizing that a program such as this will not provide immediate relief but will be a step toward future relief. Additionally, for the mayor to consider as a future budget item contracting with the humane society.

III. Motion to Adjourn was made by Councilman Schoonover, Councilman Groff seconded, Meeting Adjourned at approximately 10:15.
Cat Issue

1) Overpopulation, Stray Cats:
   A) Lancaster Code 505.01 concerning running at large and 505.04 ABANDONING ANIMALS, refers to owners – if there is no owner then there is nothing in the code to cover this.

   B) The city has no animal control department, no location to House or impound animals, no means of adoption or euthanizing any animal.

   C) Only the Fairfield Area Humane Society (a private non-profit) And Fairfield County Dog Shelter/Animal Control have the Means to impound animals – Only the Fairfield County Dog Shelter/Animal Control has the means to euthanize.

2) Health concern:
   A) Lancaster contracts with the Fairfield County Department of Health.

Solution...

1) Financial

2) Enforcement

Lancaster Codified Ordinance:

CHAPTER 505
Animals and Fowl

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.
   (a) No person being the owner or having charge of cattle, horses,
swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.
(ORC 951.02)

505.02 IMPOUNDING AND DISPOSITION; RECORDS.
(a) A police officer or animal warden may impound every animal or dog found in violation of Section 505.01. If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If the dog is wearing a valid registration tag or the identity of the owner, keeper or harborer is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harborer that the dog has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog seized and impounded may be redeemed by its owner, keeper or harborer at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.
(b) A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dog shall be kept by any poundkeeper.

505.04 ABANDONING ANIMALS.
(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.
(ORC 959.01)
(b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
(ORC 959.99)

505.05 KILLING OR INJURING ANIMALS.
(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a
licensed veterinarian acting in an official capacity, or to trespassing animals as set forth in Ohio R.C. 959.04.
(ORC 959.02)
(b) Except as otherwise provided herein, whoever violates this section is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars ($300.00) or more, such person is guilty of a misdemeanor of the first degree.
(ORC 959.99(B))

505.06 POISONING ANIMALS.
(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. This section does not apply to trespassing animals as set forth in Ohio R.C. 959.04.
(ORC 959.03)
(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(ORC 959.99(C))

505.07 CRUELTY TO ANIMALS GENERALLY.

505.071 CRUELTY TO COMPANION ANIMALS.
(a) As used in this section:

"Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.

505.08 NUISANCE CONDITIONS PROHIBITED.
(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
(b) Whoever violates this section is guilty of a minor misdemeanor.
505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. Whenever it is reported to the Health Commissioner that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harboring, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense of the owner or harboring. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harboring. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptoms or behavior suggestive of rabies.

(b) Whoever violates this section is guilty of a minor misdemeanor.