

## Safety Committee Minutes

Honorable Council  
City of Newark, Ohio  
April 2, 2019

The Safety Committee met in Council Chambers on Monday April 1, 2019 following the Service Committee meeting with these members present:

Mark Labutis, Chair	Mark Fraizer
Sean Fennell	Jeremy Blake
Jeff Rath	

We wish to report:

1. **Ordinance No. 19-08** an ordinance amending Chapter 618 of the codified ordinances of the City of Newark, Ohio regarding the causing serious physical harm to a companion animal was considered.

**Director Sassen-** this piece of legislation that is before you by the request of my office and my prosecutors to give us one more opportunity to address animal abuse in the City of Newark. As you know home rule provisions of the Ohio Constitution gives us the right to have our own set of ordinances. Home Rule is not what it used to be and it is a fairly complicated area of the law. What it does not allow us to do generally is to create a criminal felony offense if that conduct is not considered a felony in the Ohio Revised Code. Recently however the Ohio Assembly enacted legislation to make the causing of serious physical harm to companion animals a felony of the 5<sup>th</sup> degree and we would like to modify Newark's codified ordinances to reflect that which we are allowed to do under Home Rule since the General Assembly created that offense and made it a felony level offense. We could file these charges under State Code but in consulting with the Animal Control Officer, County Prosecutor and my staff we would like to have that as a local ordinance not only because of the example it sets, the message it sets about how this Council, this city and my office feels about animal abuse but also because for statistical purposes and for accounting purposes it is of some value to our department as well because the distribution of fines is different if it is charged under a local ordinance and under a State ordinance and that money can come back to us in our Animal Control Department to again further more efforts towards animal control. In a nutshell this basically defines serious physical harm as it is set forth in the ordinance; if you commit serious physical harm or death to a companion animal that is a felony of the 5<sup>th</sup> degree. Currently in Newark it is a 1<sup>st</sup> degree misdemeanor. Previously to the enacted of the most recent legislation by the General Assembly it was a 1<sup>st</sup> degree

misdemeanor. We just had one case in my office last week that was dismissed because it is going to be refiled under the new law as a felony. We want that to be present in our code as well and are asking you to consider the modification.

**Motion by Mr. Rath to send to full Council, second by Mr. Fraizer**

**Mr. Rath-** can you define companion animal

**Director Sassen-** the animal that you keep in your home as a pet.

**Mr. Fraizer-** with Section 7 defining all of this did we previously did we just use the other sections for the prosecution of these cases? This all needed to be updated with the Ohio Revised Code

**Director Sassen-** in order to insert the definitions for serious physical harm and the prohibition on serious physical harm and the penalty as a felony that is what is in all caps and the only change that is being made. The other sections that we've been using all along as misdemeanors remain unchanged.

**Ms. Hall-** thanked the Law Director

**Motion passed by a vote of 5-0.**

Mark Labutis, Chair