

## Safety Committee Minutes

Honorable Council  
City of Newark, Ohio  
March 11, 2014

The Safety Committee met in Council Chambers on Monday, March 10, 2014 following the Finance Committee meeting. These members were present:

Alex Rolletta, Chair	Curtis Johnson
Bill Cost for Marc Guthrie	Carol Floyd
Jeff Rath	

We wish to report:

1. **Ordinance No. 14-04** an ordinance amending chapter 618 of the codified ordinances of the City of Newark, Ohio to require that all dogs be leashed when off the premises of the dog owner was considered.

**Mr. Cost-** when we had the vicious dog legislation, in the midst of that conversation I was informed that Newark does not have a leash law. Most of us as a whole assumed that we did and when I found that out I was rather concerned. What people are misunderstanding is that we do have a rule that when a dog is in a city park the dog needs to be on a leash but when the dog is out on a city street there is no set law in effect. What it says is that the dog needs to be under reasonable control. Without a leash I have to assume that only leaves voice command. I am proposing that we would want to have dogs on a leash when they are on public property. When you are walking a dog down a sidewalk I simply can't imagine taking a dog for a walk without having it on a leash for the safety of the animal, for the protection of property or anyone being harmed or the dog running out in front of a car. I am sure there are some dogs that are voice command and perfectly well trained that they would not do that but I know mine is certainly not. I think most dogs if they see something they are going to bolt then we will have an upset owner, an upset car driver and a very injured dog. I am trying to make this a concept of responsible ownership and from my point of view common sense to protect the animal and everyone else involved.

**Chief Sarver-** when this committee met to talk about the vicious dog I shared my comments about quite a few different things. One of them being my wife and I are responsible dog owners. We have two standard poodles, we wouldn't dream of walking them down the street without having them on a leash. We shutter when we walk down the street and see a somewhat aggressive dog that isn't on a leash because they are in a position where you can't always control what goes on in a dogs mind. They may take off and they may not. Often times when an owner tells the dog to come back sometimes they will and sometimes they won't. I had a phone

conversation with Mr. Cost at the end of last week and what I would like this committee to do is just spend some time before we move forward with this and let's talk about a few things. For instance, it talks about whenever the dog is off its' property that means if I take my dog across the street to my neighbor's property it has to be on a leash. That is just not accurate. I know what the intent was. It was when a dog is off your property and in a public area but the way that it is currently worded I can't even take my dog across the street and let it run with my neighbor's dog unless it is on a leash. In the vicious dog ordinance it addresses police K-9. If a police K-9 in the act of its' job bites someone it shouldn't be deemed as dangerous. There is no wording here so based on all this my police officers couldn't release a dog to track a suspect or to stop a suspect unless it is on a leash because it doesn't give any provisions here. The other thing that I think this committee needs to talk about and just have some dialogue about is under what conditions can that dog be off the leash. One of the things that we push with the vicious dog ordinance is when people would get their dogs trained through the American Kennel Club for the Good Citizen Award; we did this to our two dogs, if you are going to teach them how to sit, how to heel, how to stay because that is part of that Good Citizen requirements that the dog has to be able to sit or stay for a couple of seconds or minutes before it is allowed to get up. You will see homeowners walking down the street in quiet neighborhoods I am not talking about 21<sup>st</sup> St or Main St; they may be practicing with their dog. They are there, they are reasonable; they are somewhat under control that if a car comes they will hold the dog. There could be those situations where a person could be working with their dog to better train and by the letter of the law one of officer's drive by we are going to give you a ticket. Now we know in reality that is not going to happen, we have a magical saying in police work called police discretion. We are not going to give someone a ticket every time that someone is walking their dog down the street and they are not on a lead. If that dog is 30 feet in front of them and they have no control over that dog and somebody calls to complain I am going to expect my officers to do their job. I agree with you 100% that we need to have a leash law in effect I think we need to have some conversation about what that exactly is going to be before we move forward.

**Mr. Rath**-Chief we have a current law that states the dog needs to be under reasonable control. If I feel as though that I can reasonably control my dog without a leash than that is reasonable control if I feel as though I can't control my dog without a leash to have reasonable control of that dog then I need to have a leash. There are going to be dogs that get out and run around and bite people and we are going to ticket them or cite them and obviously those dogs weren't under reasonable control. Do you see the leash law being a little redundant to what we currently have?

**Chief Sarver**- that is a piece Mr. Rath where I think that we need to get some conversation, what is reasonable control? If the dog is right next to you and it is not on a lead but you are in a position to grab the collar if you saw a kid coming down the street on a bike. Is that reasonable control? I would offer to you that there are some people who walk their dogs on a lead if their dog bolts to chase another dog or

squirrel or child they are not going to restrain that dog anyway. Our dog has pulled out of our hands once or twice, it happens. It is going to be hard to define what reasonable control is. Walking down a city street I would suggest that the codified ordinance says that the dog must be on a leash. If you are working with the dog and you are in a relatively nice neighborhood, when I say nice neighborhood I mean not much traffic that is when we have to take into consideration does that dog truly have to be on a leash or not. I don't know how you word that so that is why I am asking the committee to give us some time to play with this a little bit to massage it a little bit and I agree there needs to be something in place that is going to put dogs on a leash in proper times.

**Mr. Cost-** in our conversation and I wanted to express this publicly too, first of all I appreciate how much help you have been, I am certainly not looking for police officers to be out hunting for people walking dogs without a leash and I think that it would be very reasonable to say that this would be a complaint driven type of situation, I am just trying to avoid as many injuries to people, vehicles and animals as we possibly can. To my outlook on this it is a step in the right direction. I do agree we want to emphasis when they are on public property. I guess if you are going to walk your dog across the street to your neighbors I would assume it would be on a leash to your neighbors but once it gets there but I am not expecting anyone to tell anyone what to do on private property, I don't think that is reasonable. I think that the emphasis needs to be more when the dog is out in public like a sidewalk or park.

**Chief Sarver-** while you are looking at this, unless I am completely wrong, I don't think the City of Newark has a pooper scooper ordinance as well and most responsible dog owners will carry a Kroger bag. You see tons of people who just let their dogs do their business and ignore it so you might want to package this all up at the same time and revisit the whole area.

**Mr. Cost-** Law Director would you advise us to table this and take the time to look at some of these issues. I think that I would like to do that if that is an acceptable thing to do.

**Assistant Law Director Caroline Clippinger-** yes, Mr. Cost I would suggest that if we are going to be amending a bunch of things with regards to this legislation. I think that it might be best so that we can have some discussions with Chief Sarver and clarify the wording of that a little bit better.

**Mr. Cost-** do we set a date for that?

**Assistant Law Director-** you don't need to set a date when tabling

**Mrs. Floyd-** there seems to me that there are a number of things that we need to change so I think that maybe we table it until we feel it is time and work with the Law Director's office to get some of these things down. I know that I have company come over and they bring their dogs and they are out in my yard and that is not obviously the dogs' yard. Everything that you said makes sense to me. This is basically the original ordinance we had on the books with the capital letters in section 1 is the addition to it.

**Mr. Johnson-** I agree that we need to revisit it all the way through and I am very much for a leash law.

**Motion by Mrs. Floyd to table Ordinance 14-04, second by Mr. Johnson**  
Motion passed by a vote of 5-0.

Alex Rolletta, Chair