

ORDINANCE NO. 64 - 06

By: Jeffrey L. McClelland

An Ordinance to amend Section 618.11 of the General Offenses Code regarding rabies control, animal bites, reports and examinations in order to conform with the general laws of the State of Ohio and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Section 618.11 of the General Offenses Code is hereby amended as follows:

618.11 RABIES CONTROL; ANIMAL BITES; REPORTS AND EXAMINATIONS.

(a) Definitions. The following definitions shall apply in the interpretation and enforcement of this section.

- (1) Health Commissioner. "Health Commissioner" means the Health Commissioner of the City or his authorized representative.
- (2) Veterinarian. "Veterinarian" means a veterinarian duly licensed by the State of Ohio, or a veterinarian licensed by any other state having laws regulating practice of veterinary medicine, or a veterinarian duly authorized by United States government to perform certain duties of a veterinarian.
- (3) Immunization. "Immunization" means the administration of a biological product approved and/or licensed by the United States Department of Agriculture and/or the Ohio State Department of Agriculture recommended by the U.S. Center for Disease Control and Prevention and licensed by the U.S. Department of Agriculture and deemed adequate, by the veterinarian to provide protection for the animal so vaccinated against rabies. administering the biological product, to protect the animal so treated against rabies.
- (4) Owner. "Owner" shall have the meaning set forth in Section 618.16(a)(3).

(b) Immunization. Every owner of a dog or cat or ferret over 3 months of age within the City shall keep such dog or cat animal immunized against rabies. Such immunization shall be by a method listed in the U.S. Center for Disease Control and Prevention Animal Rabies Compendium and shall be in compliance with any local, county or State of Ohio rabies quarantine law, ordinance or regulation. Any method, other than that or reimmunization described above, approved by the Health Commissioner and approval and/or licensed by the United States Department of Agriculture and/or the State Department of Agriculture, may be used. Dogs or cats need not be immunized before reaching the age of three months. Dogs or cats entering this jurisdiction temporarily for dog or cat shows or exhibition and/or breeding purposes shall not be allowed out of the owner's, keeper's or handler's control, unless properly immunized,

and all dogs or cats entering this jurisdiction for field trails or hunting purposes, or any other purpose, shall be properly immunized, and immunized dogs and cats shall be accompanied by an immunization certificate (accomplished?) by the veterinarian that has immunized the dog or cat.

(c) Records. All veterinarians immunizing or re-immunizing dogs or cats against rabies Upon request of the Health Commissioner, the owner, keeper or harbinger of a dog, cat or ferret shall keep provide within 72 hours a copy of a record of rabies immunization or re-immunization and shall, without delay, give to the owner of the dog or cat or ferret immunized or re-immunized a certificate of immunization which shall include a number identifying the individual record, a complete description of the dog or cat, the animal, the place where the dog or cat animal is kept or harbored, the name of the owner of the dog or cat animal and his or her address, the date and type of rabies immunization or re-immunization and such other pertinent information as is needed, and the signature and address of the veterinarian. The veterinarian shall also, without delay, forward the information, required on the certificate described in this section, to Franklin County Animal Control.

(d) Certificates. The certificates described in subsection (c) hereof shall be purchased from the Columbus, Ohio, Department of Health.

Tags. Every owner, keeper or harbor of any dog, cat or ferret shall securely fasten a tag to the collar or harness worn by the animal which shall have thereon permanently affixed the year of immunization and the number indicating the record prescribed in subsection (c) hereby. All veterinarians who immunize or re-immunize a dog or cat against rabies shall provide a tag approved by the Health Commissioner, which shall have thereon permanently affixed the year of immunization or re-immunization and the number indicating record prescribed in subsection (c) hereby. Every owner of a dog or cat within the City shall securely fasten such tag to the collar or harness worn by the dog or cat. Failure to wear such tag shall be prima-facie evidence of the lack of immunization of the dog or cat animal.

(e) Dogs or Cats Running at Large. Nothing in this section shall be interpreted to mean that dogs or cats animal immunized or re-immunized shall be allowed to run at large in violation of Section 618.01 or any rabies quarantine, law, ordinance or regulation.

(f) Administration and Enforcement. The Health Commissioner shall be assisted by Police Department and the Animal Control Officer in administering and enforcing this section. The Board of Health may appoint and authorize one or more other agencies to assist in administering and enforcing this section.

(g) Report of Bite by Dog or Other Mammal. Whenever a person is bitten there is a potential human exposure to rabies by a mammal bite, scratch or other exposure by a dog, cat or other animal, the owner of such dog, cat or other animal mammal shall report such bite potential human exposure to the Health Commissioner by notifying the Police Department within twenty-four hours of the incident or his obtaining knowledge thereof. (A report shall also be made by the physician called to treat such bite or injury, or if such injured person is received at a hospital or dispensary for treatment, a report shall also be made by the superintendent or person in charge of such hospital or dispensary. Where a physician is not consulted or the person is not taken to a

hospital or dispensary, a report shall also be made by the person bitten, or if a minor, then by his parent or by any other person who has knowledge of the facts. *Whenever a person is bitten by a dog or other mammal, report of such bite shall be made within 24 hours to the Health Commissioner or an agent of the Health Commissioner. The report herein required shall be made in the same manner and by the same persons made responsible for reporting diseases listed as class A(2) in rule 3701-3-02 of the Administrative Code, or by the person bitten.*

(i) ~~Isolation of Animal and Examination by Veterinarian. Whenever a person is bitten there is a potential human exposure to rabies by a dog, cat or other animal, the owner of such dog, cat or other animal shall, within twenty four hours of the incident or his obtaining knowledge thereof, take it to a veterinarian licensed by the State whose office is within Franklin County or the Franklin County Animal Shelter for examination and shall report the name, address and telephone number of such veterinarian or that the animal is in the Franklin County Animal Shelter to the Health Commissioner by notifying the Police Department. (Note: 24 hour check is not required by Ohio Department of Health, Franklin County Dept. of Health or Columbus Health Dept. In most cases the ACO observes the animal within 24 hours and could take action should there be concerns. The three health checks can be prohibitively expensive for some residents and also difficult....its tough to get an appointment with a veterinarian within hours).~~ Any veterinarian who makes an examination of a dog, cat or other animal that has bitten a person shall promptly report the result of his examination to the Health Commissioner. Such dog, cat or other animal inflicting such bite shall be confined in the Franklin County Animal Shelter or in a hospital of a veterinarian licensed by the State whose office is within Franklin County or, with the approval of the Health Commissioner, within the residence of the owner until it is determined that the animal is not afflicted with rabies. Such isolation period hereby required shall not be less than ten days from the date the person was bitten, ~~and will be determined by the Health Commissioner~~ provided, however, that is such biting, or such examination, is during the period of an epidemic of rabies and a quarantine has been declared within the City, such period of isolation shall not be less than twenty one days from the date person was bitten. ~~The quarantine shall remain in effect until a veterinarian has made an examination of the animal.~~ If the owner of such dog, cat or other animal cannot be found, or fails or refuses to make the necessary arrangements with a veterinarian for the examination and isolation of such dog, cat or other animal, then the Health Commissioner shall, in addition to any criminal penalties which may be imposed against the owner under this section, cause such dog, cat or other animal to be seized and impounded for isolation and examination as hereinabove provided. The owner shall be responsible for all costs incurred in connection with impounding and examination required by this subsection, and the animal shall not be released until such costs are paid. Any animal which is seized or impounded but not redeemed may be disposed of as provided by Ohio R.C. 955.16.

(h) *Isolation of Animal and Examination by Veterinarian. Whenever there is a human exposure by a dog, cat or other mammal suspected of having rabies, the owner of such dog, cat or other mammal shall confine such animal in the Franklin County Animal Shelter or in a hospital of a veterinarian or, with the approval of the Health Commissioner, within the residence of the owner until it is determined that the animal is not afflicted with rabies. Such isolation period hereby required shall not be less than ten days from the date the person was bitten nor more than 180 days or as determined by the Health Commissioner. The quarantine*

shall remain in effect until a veterinarian acting on behalf of the Health Commissioner has made an examination of the animal on the final day of the quarantine and has reported the results of his examination within 24 hours to the Health Commissioner. If the owner of such dog, cat or other animal cannot be found, or fails or refuses to make the necessary arrangements with a veterinarian for the examination and isolation of such dog, cat or other animal, then the Health Commissioner shall, in addition to any criminal penalties which may be imposed against the owner under this section, cause such dog, cat or other mammal to be seized and impounded for isolation and examination as hereinabove provided. The owner shall be responsible for all costs incurred in connection with impounding and examination required by this subsection, and the animal shall not be released until such costs are paid. Any animal which is seized or impounded but not redeemed may be disposed of as provided by Ohio R.C. 955.16.

(i) Penalty. Any owner of a dog, cat or other animal who violates or fails to comply with subsection (g) or (h) is guilty of a misdemeanor of the first degree, and any other person who violates or fails to comply with such subsections is guilty of a minor misdemeanor. Whoever violates or fails to comply with any other provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Section 2. That Section 618.11 as presently in effect is hereby repealed.

Section 3. That this Ordinance shall be an emergency measure necessary for the immediate preservation of the public health, safety or welfare, said emergency being the need to be able to enforce Section 618.11 in conformity with the general laws of the State of Ohio, and shall be in full force and effect upon passage and approval by the Mayor.

Passed: September 26, 2006

Helen MacMurray
President of Council

Attest: [Signature]
Clerk of Council

7-25-06 FIRST READING
9-12-06 SECOND READING
9-26-06 THIRD READING.
PASSED

Approved: 9/26, 2006

[Signature]
David H. Madison, Mayor