

ORDINANCE NO. 81-9

AN ORDINANCE RESTRICTING THE KEEPING OF CERTAIN ANIMALS INSIDE THE VILLAGE OF SOUTH POINT, OHIO, AND REQUIRING THE PROPER CARE AND CONTROL OF PETS.

WHEREAS, the Village of South Point, Ohio, is predominantly a residential and business community and the keeping of animals and livestock, except as normal domestic household pets, is not in the peace and health interests of the residents of the Village; and

WHEREAS, the owners and keepers of animals inside the Village are responsible for the care and control of their animals;

THEREFORE, BE IT ORDAINED by the Council of the Village of South Point, Ohio:

SECTION 1

The keeping of more than four dogs or cats older than six months of age at a single residence or location inside the Village is prohibited.

SECTION 2

The keeping of horses, cows, pigs, chickens, geese, and other farm animals and fowl inside the Village is prohibited.

SECTION 3

Sections 1 and 2 of this Ordinance may be waived for any farm or residence at which sufficient ground area exists to properly keep said animals in a manner conducive to healthful conditions and where no neighboring residents are adversely affected by the noise, odor, or other characteristics associated with the keeping of said animals.

SECTION 4

a) The Mayor or Village Administrator may issue a written waiver of Sections 1 and/or 2 of this Ordinance in any instance in which it has been properly determined that the conditions described in Section 3 apply.

SECTION 4 (cont.)

b) Village Council may, by majority vote at an official meeting, grant a waiver of Sections 1 and/or 2 of this Ordinance.

c) Village Council may, by majority vote, revoke and rescind any waiver of Sections 1 and/or 2 that had been granted by the Mayor or Village Administrator.

SECTION 5

Anyone keeping dogs, cats, or other animals inside the Village must provide for their proper care, including providing adequate wholesome food and water, shelter, reasonable freedom of movement, and other basic requirements for the well-being of the animal.

SECTION 6

The owners or keepers of dogs shall be responsible for the control and confinement of said dogs at all times and shall not permit their dogs to roam freely within and about the Village except on the owners' property.

SECTION 7

a) The owners or keepers of dogs shall use all reasonable means to prevent their dogs from barking, howling, or making other noise in a loud, long and persistent manner that results in disturbance and annoyance of neighbors.

b) This Section shall not be construed to prohibit all dog noises, but only those determined to be unreasonable and excessive.

SECTION 8

a) Enforcement of the provisions of this Ordinance shall be pursued only after the filing of an official written complaint by any resident of the Village, said complaint specifying the nature of the alleged violation and the name(s) of owner(s) or keeper(s) of the animals involved in the alleged violation.

SECTION 8 (cont.)

b) Following the filing of said official complaint, the Mayor shall cause to be served upon the subjects of the complaint a copy of the complaint and a summons to appear in Mayor's Court to answer the charges contained in the complaint.

SECTION 9

Upon conviction in Mayor's Court of violating any provision of this ordinance, those convicted shall be fined not more than \$50.00 for each violation for a first conviction, and not more than \$100.00 for each subsequent conviction.

SECTION 10

This Ordinance shall take effect and be in force at the earliest allowable time following lawful passage by Council.

PASSED FIRST READING: 7/4/21
PASSED SECOND READING: 8/18/21
PASSED THIRD READING: 9/1/21

William Gaskin
Mayor

Attest:

L. Whitfield
Clerk

AN ORDINANCE OF THE VILLAGE OF SOUTH POINT, OHIO, REGULATING THE KEEPING OF DOGS WITHIN SAID VILLAGE, PROVIDING FOR THE TAKING UP AND IMPOUNDMENT, QUARANTINING AND DESTRUCTION OF DOGS IN CERTAIN CASES AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SOUTH POINT, OHIO:

SECTION 1. DEFINITIONS. As used in this Ordinance, the following words and phrases are defined as follows:

OWNER: Any person owning, keeping or harboring a dog or dogs.

PERSON: Any person, group of persons or corporation owning, keeping or harboring a dog or dogs. The single shall include the plural, and the masculine shall include the feminine and neuter.

AT LARGE: Any dog shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.

CONTROL: A dog is under control within the meaning of the ordinance if he is restrained by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

SPAYED FEMALE: Any bitch which has been operated upon to prevent conception.

ANIMAL SHELTER: Any premise designated by action of the Village for the purpose of impounding and caring for all dogs found running at large in violation of this ordinance.

DOG WARDEN: The person or persons employed by the Village as its enforcement officer or officers.

EXPOSED TO RABIES: A dog has been exposed to Rabies within the meaning of this ordinance if it has been bitten by, or been exposed to, any animal known to have been infected with Rabies.

SECTION 2: ENFORCEMENT. The provisions of this ordinance shall be enforced by the Dog Warden of the Village of South Point, Ohio.

SECTION 3: REGISTERING.

(a) No person shall own, keep or harbor any dog within the Village limits unless such dog is registered as herein provided. Written application for such registration shall be made to the County Auditor or such agents as shall be designated by the County Auditor, and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. At the time of making application, a numbered tag shall be issued to the owner.

(b) All dog registrations shall be issued for one year beginning with the 2nd day of July, 1984. Applications for registration may be made prior to and for 10 days after the start of the registration year.

(c) If there is a change in ownership of a dog during the registration year, the new owner may have the current registration transferred to his name.

(d) No person shall use for any dog a registration tag issued for another dog.

(e) No registration shall be issued for any dog unless and until the person applying for such registration shall have furnished a certificate of a veterinary showing that such dog or dogs has been or have been inoculated for Rabies with one year next before the application for such registration is made.

SECTION 4. TAG AND COLLAR.

(a) Upon complying with the provision of Section 3 of this ordinance, there shall be issued to the owner a numbered tag, stamped with the number and the year for which issued.

(b) Every owner is required to see that the tag is securely fastened to the dog's collar or harness which must be worn by the dog at all times.

SECTION 5: CONTROL. The owner shall keep his dog under control as defined under Section 1, at all times within the Village of South Point.

SECTION 6: BARKING DOGS. Any person who shall harbor or keep on his premises or in or about his premises or premises under his control, any dog or animal of the dog kind, which, by loud or unusual barking or howling, shall cause the peace and quiet of the neighborhood or the occupants of adjacent premises to be disturbed, or reasonably liable to be disturbed, shall be guilty of a misdemeanor and, upon conviction in Mayor's Court, shall be fined not exceeding Fifty Dollars (\$50.00), and each and every twenty four hours that said dog shall remain or be kept on any such premises shall constitute a separate offense.

SECTION 7: IMPOUNDMENT.

(a) Unregistered dogs or dogs found running at large shall be taken up by the Dog Warden and impounded in the shelter designated as the County Animal Shelter and there confined in a humane manner for a period of not less than seven days and may thereafter be disposed of in a humane manner if not claimed by their owners. Dogs not claimed by their owners before the expiration of 7 days may be disposed of at the discretion of the said authority except as hereinafter provided in the cases of certain dogs.

(b) The Dog Warden may transfer title of all animals held by him at the animal shelter to the Humane Society after the legal detention period has expired, and the animal has not been claimed by its owner. In the event of such transfer of title, it is expressly understood that the Humane Society shall pay for each such animal's food until it shall be removed from the County Animal Shelter.

(c) When dogs are found running at large in the Village and their ownership is known to the Dog Warden, such dogs need not be impounded, but the agent may, at his discretion, cite the owners of such dogs to appear in court to answer to charges of violation of this ordinance.

(d) Immediately upon impounding dogs, the Dog Warden shall make every possible effort to notify the owners of such dogs so impounded and inform such owners of the conditions whereby they may regain custody of such animals.

SECTION 8: REDEMPTION OF IMPOUNDED ANIMALS.

(a) The owner shall be entitled to resume possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon compliance with the registration provision in Section 3 of this ordinance and the payment of impoundment fees set forth herein.

(b) Any dog impounded under the provisions of this ordinance and not reclaimed by its owner within 7 days may be humanely destroyed by the Dog Warden or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this ordinance and such other regulations as shall be fixed by the Village of South Point, Ohio.

SECTION 9: IMPOUNDMENT FEES. Any dog impounded hereunder may be reclaimed as herein provided upon payment by the owner to the County Dog Warden the amount charged by the County plus three (\$3.00) for the Village of South Point.

SECTION 10: CONFINEMENT OF CERTAIN DOGS.

(a) The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

(b) Every female dog in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such manner that such female dog cannot come in contact with another animal except for breeding purposes.

(c) When, in the judgment of the Dog Warden, a dog should be destroyed for humane reasons, such dog may not be redeemed except on order of a court of competent jurisdiction.

SECTION 11: RABIES CONTROL

(a) Every animal which bites a person shall be promptly reported to the Dog Warden and shall thereupon be securely quarantined at the direction of the Dog Warden for a period of 10 days and shall not be released from such quarantine except by written permission of the Dog Warden. At the discretion of the Dog Warden, such quarantine may be on the premises of the owner, at the shelter designated as the County Animal Shelter, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the County Animal Shelter.

(b) The owner, upon demand made by the Dog Warden, shall forthwith surrendered any animal which has bitten a human or which is suspected of having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner and may be reclaimed by the owner, if adjudged free of rabies, upon payment of fees set forth in Section 8 of this ordinance and upon compliance of registration provisions set forth in Section 3 of this ordinance.

(c) When a dog under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the Dog Warden shall immediately send the head of such animal to the State Health Department for pathological examination and shall notify the proper public health officer of reports of human contacts and the diagnosis made of the suspected animal.

(d) When one or both reports give a positive diagnosis of rabies, the Dog Warden shall recommend a Village-wide quarantine for a period of 30 days and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine.

(e) During such period of rabies quarantine as herein mentioned, every animal bitten by a dog adjudged to be rabid shall be forthwith destroyed, or, at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under 30 days quarantine by the owner.

(f) In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional period of time, not to exceed six months.

(g) No person shall kill, or cause to be killed, any rabid dog, any dog suspected of having been exposed to rabies, or any dog biting a human, except as herein provided, nor remove same from the Village limits without written permission from the Dog Warden.

(h) The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Dog Warden.

(i) The Dog Warden shall direct the disposition of any animal found to be infected with rabies.

(j) No person shall fail or refuse to surrender any dog for quarantine or destruction as required herein when demand is made therefor by the Dog Warden.

SECTION 12: REPORTS OF BITE CASES. It shall be the duty of every physician, or other practitioner, to report to the Dog Warden the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

SECTION 13: RESPONSIBILITIES OF VETERINARIANS.

It shall be the duty of every licensed veterinarian to report to the Dog Warden his diagnosis of any animal observed by him as a rabies suspect.

SECTION 14: EXEMPTIONS.

(a) Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this ordinance, except where such duties are expressly imposed.

(b) The registration and vaccination requirements of this ordinance shall not apply to any dog belonging to a non-resident of the Village and kept within the Village for not longer than 30 days, provided all such dogs shall at all times while in the Village be kept within a building enclosure or vehicle, or be under control by the owner.

SECTION 15: INVESTIGATION. For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, the Dog Warden, or any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. It is further provided that the Dog Warden may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal, when, in his opinion, it requires humane treatment.

SECTION 16: INTERFERENCE: no person shall interfere with, hinder or molest the Dog Warden in the performance of any duty of such agent, or seek to release any animal in the custody of the Dog Warden except as herein provided.

SECTION 17: RECORDS:

(a) It shall be the duty of the Dog Warden to keep or cause to be kept accurate and detailed records of the registration, impoundment and disposition of all animals coming into its custody.

(b) It shall be the duty of the Dog Warden to keep, or cause to be kept accurate and detailed records of all bite cases reported to it and its investigation of same.

SECTION 18: PENALTY. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not exceeding Fifty Dollars (\$50.00) and costs, and if such violation be a continuing one, each day's violation shall be a separate offense. All monies derived from the enforcement of this ordinance, fines, forfeitures, and court costs, shall be used, first, to defray the cost of enforcement and administration of the terms of this ordinance and second, be paid into the General Fund of the Village to defray the expense of the General Government.

It is the intention of the Village Council to enact each section and subsection of this ordinance separately, and should any part, section or subsection of this ordinance be declared invalid, such invalidity shall not affect the remaining parts of this ordinance.

SECTION 19: The position of Dog Warden is hereby created. The Dog Warden shall be appointed by the Mayor and shall hold his position at the pleasure of the appointive power. He may be removed at any time by the Mayor.

SECTION 20: All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 21: This ordinance shall be in full force and effect from and after its passage, approval and publication, as required by law.

ADOPTED THIS 19TH DAY OF JUNE, 1984.

ATTEST: Ralph E. Early
CLERK OF VILLAGE COUNCIL

William A. Gask
MAYOR OF VILLAGE OF SOUTH POINT

1st Reading 6/5/84
2nd Reading 6/19/84
3rd Reading 6/19/84