

ORDINANCE 20-02

KEEPING, HARBORING, CONFINING, RESTRAINING DOGS

A. DEFINITIONS

- (1) (a) "Dangerous dog" means a dog that, without provocation, and subject to division (A)(1)(b) of this section, has done any of the following:
- (i) Caused injury, other than killing or serious injury, to any person;
 - (ii) Killed another dog;
 - (iii) Been the subject of a third or subsequent violation of division H of this Ordinance.
- (b) "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.
- (2) (a) Subject to division (A)(2)(b) of this section, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.
- (b) "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.
- (3) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.
- (4) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.
- (5) "Serious injury" means any of the following:
- (a) Any physical harm that carries a substantial risk of death;
 - (b) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
 - (c) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
 - (d) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.
- (6) (a) "Vicious dog" means a dog that, without provocation and subject to division (A)(6)(b) of this section, has killed or caused serious injury to any person.
- (b) "Vicious dog" does not include either of the following:
- (i) A police dog that has killed or causes serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
 - (ii) A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.
- (7) "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

B. No person shall own, keep or harbor a "vicious dog" within the Village.

C. No owner, keeper, or harbinger of a "dangerous dog" shall fail to do either of the following:

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- (1) While that dog is on the premises of the owner, keeper, or harborer, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;
- (2) While that dog is off the premises of the owner, keeper, or harborer, keep that dog on a chain link leash or tether that is not more than six feet in length and additionally do at least one of the following:
 - (a) Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;
 - (b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;
 - (c) Muzzle that dog.

D. No person who has been convicted of or pleaded guilty to three or more violations of division H of this section involving the same dog and no owner, keeper, or harborer of a dangerous dog shall fail to do the following:

- (1) Obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;
- (2) Obtain a dangerous dog registration certificate from the county auditor pursuant to Ohio Revised Code Section 955.22, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;
- (3) Notify the local dog warden and Chief of Police immediately if any of the following occurs:
 - (a) The dog is loose or unconfined.
 - (b) The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.
 - (c) The dog attacks another animal while the dog is off the property of the owner of the dog.

E. No person shall do any of the following:

- (1) Debark or surgically silence a dog that the person knows or has reason to believe is a dangerous dog;
- (2) Possess a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced.

F. Any person that owns, keeps, or harbors a dog that has been issued a dangerous dog registration certificate pursuant to Ohio Revised Code Section 955.22 shall notify the Chief of Police that such dog is being kept within the Village and shall provide the address.

G. No owner, keeper, or harborer of any female dog shall permit it to go beyond the premises of the owner, keeper, or harborer at any time the dog is in heat unless the dog is properly in leash.

H. No owner, keeper, or harborer of any dog shall fail at any time to do either of the following:

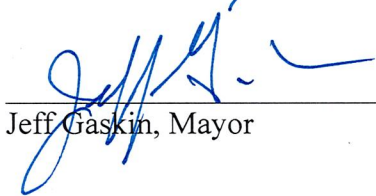
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- (1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;
- (2) Keep the dog under the reasonable control of some person.

I. PENALTIES

- (1) (a) Whoever commits a violation of division H of this Ordinance that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and may be fined up to \$200.00 and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog and may be fined up to \$500.00 and jailed up to 10 days per each subsequent offense. Upon a person being convicted of or pleading guilty to a third violation of division H of this Ordinance involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.
- (b) In addition to the penalties prescribed in division (1)(1) of this section, if a violation of division (H) of this Ordinance involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.
- (2) Whoever commits a violation of division C, D or E of this Ordinance that involves a dangerous dog is guilty of a misdemeanor of the fourth degree on a first offense and may be fined up to \$500.00 and jailed up to 10 days and of a misdemeanor of the third degree and may be fined up to \$750.00 and jailed up to 20 days on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.
- (3) Whoever commits a violation of division B of this Ordinance that involves a vicious dog is guilty of a misdemeanor of the first degree and may be fined up to \$1,000.00 and jailed up to 30 days. Additionally, the Court may order the vicious dog be banned from the Village or to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.
- (4) Whoever violates division F, G or H of this Ordinance is guilty of a minor misdemeanor and may be fined up to \$200.00. Each day of continued violation constitutes a separate offense.

Adopted This 7th Day of January, 2020



 Jeff Gaskin, Mayor

Attest: 

 Scott Thomas, Clerk

	Date:	Yes	No
First Reading:	<u>3 reading suspended</u>	_____	_____
Second Reading:	_____	_____	_____
Third Reading:	_____	_____	_____