

ORDINANCE NO. 2018 - 15

AN ORDINANCE AMENDING SECTIONS 505.07 AND 505.14, REPEALING SECTION 505.18, AND ADDING SECTION 505.072 REGULATING TETHERING DOGS, AND SECTION 505.073 EXTREME WEATHER CONDITIONS FOR DOGS

WHEREAS, The Village of Golf Manor has many dog owners within the Village and encourages the responsible and humane ownership of dogs within the Village; and

WHEREAS, Council, upon further research and consideration, no longer desires to ban Pit Bull Terriers within the Village; and

WHEREAS, Council does desire to amend its Animal and Fowl Ordinance to include provisions and penalties in the Ordinance for the proper and humane treatment and tethering of dogs, and to include provisions and penalties to establish standards for placing dogs outdoors, providing shelter and sustenance to dogs and for how extreme weather conditions affect the required treatment of dogs.

NOW THEREFORE, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

SECTION I. Section 505.07 of the Code of Ordinances, entitled "Cruelty to Animals Generally" is hereby amended as follows:

§ 505.07 CRUELTY TO ANIMALS GENERALLY

- (a) No person shall:
- (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;
 - (2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;
 - (3) Carry or convey an animal in a cruel or inhuman manner;

- (b) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal.

SECTION II.

Section 505.14 of the Code of Ordinances, entitled "Dangerous and Vicious Dogs" is hereby amended as follows:

§ 505.14 DANGEROUS AND VICIOUS DOGS

- (a) For the purpose of this section, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.
- (b) These standards are meant to supplement, not replace or conflict with, the requirements and prohibitions related to the treatment of all types of domestic animals that are currently found in Section 959.13 of the Ohio Revised Code, nor replace or conflict with the requirements of Sections 505.07 and 505.071 of the Code of Ordinances.
 - (1) "Competent adult" shall mean an individual over 18 years of age with both the physical and mental ability to control the dog that he/she is harboring.
 - (2) "Dangerous dog" shall mean a dog which has:
 - (A) Without provocation caused injury, other than killing or serious injury, to any person
 - (B) Without provocation, killed or caused serious injury to another dog; or
 - (C) Been the subject of a third or subsequent violation of either Section 505.01(b) or (c) of this chapter or section 955.22(C) of the Ohio Revised Code.
 - (D) A propensity or disposition to unprovokedly attack or cause injury to humans or domestic animals off its owner's or harborer's premises.
 - (E) "Dangerous dog" does not include a police dog that has caused injury, other than killing or severe injury, to any person or has caused serious injury or 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.

- (3) "Harbor" shall mean control, possess, or oversee.
- (4) "Harmless dog" shall mean a dog which is neither dangerous nor vicious.
- (5) "Injury" shall mean any injury less than a severe injury.
- (6) "Leash" shall mean a rope, leather strap, chain, or other type of tether of sufficient strength to bind a dog to the person harboring the dog.
- (7) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity. The knowledge and actions of persons employed by or agents acting on behalf of corporations or principals shall be imputed to be the knowledge and acts of both the individuals, corporation, and principals. If the owner of a dog is minor, then the minor's parent or legal guardian is deemed the owner for the purpose of this chapter.
- (8) "Premises" shall mean the structure and the real property which is immediately surrounding the structure titled to or controlled by the owner or harborer of the dog. This shall include any place of residence, business or other property.
- (9) "Severe injury" shall mean a physical injury to a human being that results in a broken bone or muscle tear requiring corrective or cosmetic surgery or resulting in hospitalization; any physical injury to a child under the age of six years requiring treatment by a licensed physician.
- (10) "Vicious dog" shall mean any dog which:
 - (A) Without provocation, has killed or inflicted severe injury on a person; or
 - (B) Has been trained for dog fighting or is kept primarily or in part for the purpose of dog fighting; or
 - (C) Is a dog commonly defined as a Pit Bull and shall include, but not be limited to, any American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier breed of dog or any mixed

breed of dog which contains as an element of its breeding the breed of Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier. (Ord. 2003-5. Passed 7-14-03.)

- (D) "Vicious dog" does not include either of the following:
 - (1) A police dog that has killed or caused severe 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; or
 - (2) A dog that has killed or caused severe 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.
 - (E) Has been used in the commission of a crime. Such injury need not have occurred as the result of a dog bite, but may be as the result of any action of the dog resulting in the above described injury.
- (c) The owner or harbinger of a harmless dog, not on the premises or in a motor vehicle, shall keep said dog on a leash of such length to keep the dog from annoying others. A harmless dog may be unleashed if either of the following is applicable:
- (1) The dog is in training, a competition, or show, or
 - (2) The dog is on property with the permission of the property owner.
- (d) The owner or harbinger of a dangerous dog shall keep said dog:
- (1) When outdoors and on the premises in a securely enclosed fenced area which restricts all means of egress or on a leash controlled by a competent adult.
 - (2) When not on the premises, securely restrained with a leash, not exceeding six feet in length, and under the control of a competent adult.
- (e) The owner or harbinger of a vicious dog shall:

- (1) When the dog is indoors secure all means of egress so that the dog may not exit;
 - (2) When the dog is outside and on the premises of the owner or harborer, confined at all times in a roofed, securely fenced, and locked barricade which is designed so that the dog may not dig its way out or jump over or climb through the top. The barricade must be at least six feet in height measuring from the ground with an attached top, and posted with a sign stating vicious dog by both symbol and words, and constructed so that a child cannot penetrate the barricade with his hand;
 - (3) When the dog is off the premises of the owner or harborer, muzzled, and securely restrained with a leash not exceeding three feet in length and under the control of a competent adult. In the alternative said vicious dog may be confined in a locked crate which is constructed of material of sufficient strength to prevent escape and posted with a sign stating vicious dog both symbol and words, and constructed so that a child cannot penetrate the barricade with his hand;
 - (4) When the dog is in a vehicle or is being transported in an open truck bed, or other conveyance, it shall be confined in a locked crate or cage which is constructed of material of sufficient strength to prevent escape and posted with a sign stating vicious dog by both symbol and words, and constructed so that a child cannot penetrate the barricade with his hand.
- (f) It shall be unlawful for any person to own or harbor a dangerous or vicious dog unless said dog has been registered pursuant to this chapter.
- (g) (1) It shall be unlawful for any person to own or harbor more than three dangerous dogs.
- (2) It shall be unlawful for any person to own or harbor more than one vicious dog, which is over the age of six months, at one time.
- (h) The owner or harborer of a dangerous and/or vicious dog shall, within seven (7) days of possession, comply with subsection (1) through (3) of this section; and with all other subsections as indicated herein.

- (1) Have the dangerous dog identified using a micro-chip inserted between the top of the dog's shoulder blades at the withers, by an individual licensed to practice veterinary medicine in the state of Ohio.
 - (2) Provide the Golf Manor Police Division with:
 - (A) Documentation from the veterinarian providing the micro-chip number;
 - (B) Current color photographs of the dog showing the front face, side head, and whole body of the dog, and any other identifying characteristics such as color marking or scars; and
 - (C) The name, address, and phone number of the owner or harborer.
 - (3) If the owner or harborer has registered a dangerous or vicious dog, he/she shall notify within 24 hours the Golf Manor Police Division of a change of his address and/or phone number;
 - (4) If the owner or harborer of a dangerous or vicious dog has sold, given away, or if control of said dog has in any other manner been transferred for more than 48 consecutive hours, he shall notify the Golf Manor Police Division within 24 hours of the name and address of the individual harboring the dog.
 - (5) Within 72 hours of taking possession of a dog registered under this chapter, register the dog with the Golf Manor Police Division, if the dog is harbored in the Village of Golf Manor.
 - (6) The owner or harborer of a dangerous or vicious dog shall re-register the dog with the Golf Manor Police Division annually.
 - (7) The owner or harborer of a vicious dog shall immediately notify the Golf Manor Police Division when the dog is loose or has attacked a person.
- (i) The owner or harborer of a vicious dog, or in event the owner is a minor, the owner's parent or guardian shall obtain and keep in force

liability insurance, in an amount of not less than one hundred thousand dollars (\$100,000), protecting against injury or death caused by such vicious dog. The owner or harbinger, or in the event the owner or harbinger is a minor, the owner's or harbinger's parent or guardian shall provide the Golf Manor Police Division with proof of the insurance required herein.

- (j) A Pit Bull may be identified by a veterinarian licensed by the State of Ohio, the Hamilton County Dog Warden or agent or representative of the Local Society for the Prevention of Cruelty to Animals or a deputy Hamilton County Dog Warden.
- (k)
 - (1) The Mayor is authorized to establish rules, regulations, and fees necessary for the enforcement of the provisions of this section dealing with dogs, including the removal of the dangerous dog designation.
 - (2) The Chief of Police is authorized to charge an annual fee, not to exceed \$50, for the registration of a dangerous or vicious dog.
- (l)
 - (1) A police officer or dog warden shall remove from the premises any vicious dog not properly confined, if the owner or harbinger of said dog has been previously convicted of violating this section or the previous version of Section 505.14 or of a municipal state or federal ordinance substantially equivalent hereto;
 - (2) A police officer or dog warden shall remove from the premises any dog that has attacked and severely injured a human;
 - (3) The police officer or dog warden who removes a dog pursuant to this section shall file the appropriate complaint in Golf Manor Mayor's Court and hold the dog until final adjudication of the charge.
- (m)
 - (1) Whoever violates subsection (c) hereof shall be guilty of a fourth degree misdemeanor.
 - (2) Whoever violates subsections (d), (e), (f), (g), (h), or (i) shall be guilty of a first degree misdemeanor.
 - (3) In addition to subsections (j)(1) and (2), any vicious dog which attacks a human being or domestic animal may be ordered destroyed when, in the court's judgment, such

vicious dog represents a continuing threat of severe harm to human beings or domestic animals.

- (4) In addition any person found guilty of violating this section shall pay all expenses including shelter, food, and transportation of the dog, expenses for identification of the breed of animal and veterinary expenses necessitated by the seizure of any dog for the protection of the public.
- (n) Whenever a person is bitten by a dog or other animal, report of such bite shall be made within 24 hours to the Health Commissioner. The report herein required shall be made in the same manner and by the same persons made responsible for reporting notifiable diseases or by the person bitten.
- (o) Any dog or other animal inflicting a bite on a person shall be confined by its owner or harbinger, or be placed by him under the care and supervision of a veterinarian, at the owner's or harbinger's expense until it shall be determined by the Health Commissioner that the animal is not afflicted with rabies. The isolation and observation period hereby required shall not be less than 10 days from the date the person was bitten. Whenever a veterinarian is called to examine an animal which has bitten a person, or whenever such an animal is placed under his care, he shall immediately examine such animal and shall report the results of his examination within 24 hours to the Health Commissioner. Whenever such a biting animal is placed under the care of a veterinarian, he shall observe it daily and shall immediately report by telephone any symptom or behavior suggestive of rabies. When such an animal has been observed for the required number of days of isolation, the veterinarian shall make a final examination and shall report the results in the same manner as required for the initial examination.
(Ord. 2001-6. Passed 6-25-01.)

SECTION III.

Section 505.18 of the Code of Ordinances, entitled "Pit Bull Terriers Banned" is hereby repealed.

SECTION IV.

The Code of Ordinances is hereby amended to add the following Section 505.072:

§ 505.072 TETHERING DOGS

- (a) *Purpose, applicability.* The standards set forth in this section are meant to supplement, not replace or conflict with, the requirements and prohibitions found in section 505.01.

- (b) "Tether" means a rope, chain, cord, or similar restraint attached from a fixed point to a dog's collar or elsewhere on a dog, for the purpose of holding the dog in place, which in effect creates a fixed area in which the dog can move about, the radius of which is the length of the tether.
- (c) No owner, keeper, or harbinger shall allow a dog to be tethered:
 - (1) For more than six hours in a twenty-four hour period;
 - (2) Between the hours of 10 p.m. and 6 a.m.;
 - (3) When no owner, keeper, or harbinger of the dog is present on the premises; or
 - (4) In any area where there is an accumulation of feces or other waste, insect infestation, rodent infestation, foul odor, or another unsanitary or dangerous condition within the radius of the tether.
- (d) No owner, keeper, or harbinger of a dog shall use any of the following types of tethers for the dog:
 - (1) A tether of less than ten feet in length, or less than four times the length of the dog's body from tip of nose to base of tail, whichever is greater;
 - (2) A tether the length of which allows the dog to cross the property line of the property on which it is tethered;
 - (3) A tether that causes injury or pain to the dog because of the material of which it is made or because of the size or weight of the tether; generally, a tether should not weigh more than one-eighth (1/8) of a dog's body weight.
- (e) No owner, keeper, or harbinger of a dog shall tether the dog:
 - (1) By attaching the tether to the dog by means of a choke chain collar, pinch collar, or prong collar, as the collars are defined by the Humane Society of the United States;
 - (2) By attaching the tether to a collar that is not properly fitted;
 - (3) In an area likely to cause injury or pain to the dog because of entanglement; or

- (4) In an area likely to cause injury or pain to the dog because of surrounding structures.
- (f) *Penalty.* Whoever violates this section shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

SECTION V.

The Code of Ordinances is hereby amended to add the following Section 505.073:

§ 505.073 EXTREME WEATHER CONDITIONS; SHELTER; FOOD AND WATER.

- (a) *Purpose, applicability.* The standards set forth in this section are meant to supplement, not replace or conflict with, the requirements and prohibitions found in section 505.07
- (b) *Outdoor time limits during extreme weather conditions.*
 - (1) No owner, keeper, or harbinger of a dog shall leave the dog outdoors without adequate shelter for longer than sixty minutes when the temperature is below 20 degrees Fahrenheit or above 90 degrees Fahrenheit.
 - (2) No owner, keeper, or harbinger of a dog shall leave the dog outdoors for longer than necessary for the dog to urinate and/or defecate without adequate shelter when the National Weather Service has issued a severe weather warning for the location in which the dog is kept or harbored.
- (c) *Adequate shelter.*
 - (1) *Suitable size, construction.* No owner, keeper, or harbinger of a dog who keeps or harbors a dog outdoors as the dog's primary living space shall fail to provide for the dog a shelter suitable for the dog's breed, size, age, coat, and health.
 - (2) *No standing water.* All shelters must be designed and/or located such that water does not gather and stand within the structure.
 - (3) *Outdoor dogs in extreme weather conditions.* The owner, keeper, or harbinger of a dog who provides the dog with a shelter shall adhere to paragraph (b) of this section, related to time limits during extreme weather conditions, unless the

shelter provided for the dog has design and construction characteristics that, alone or in combination, sufficiently protect a particular dog against extreme weather conditions. Such characteristics include, but are not limited to, the following:

- (i) Door, flap, or similar device to close shelter from the elements;
 - (ii) Construction of material durable enough to withstand strong wind;
 - (iii) Insulation;
 - (iv) Bedding of a material to protect against temperature extremes;
 - (v) Floor raised above the ground;
 - (vi) Airflow system, fan, or other cooling mechanism.
- (4) *No exception if access to shelter blocked.* An owner, keeper, or harbinger of a dog must keep the dog indoors, except to urinate, defecate, or for recreation, if the dog has a shelter but the shelter is not accessible because of snow, ice, flood water, or other conditions.
- (d) *Food and water.* No owner, keeper, or harbinger who leaves a dog unattended for more than six hours, indoors or outdoors, shall fail to provide the dog with a sufficient quantity of potable water.
- (e) *Penalty.* Whoever violates this section shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

SECTION VI.

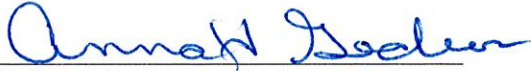
This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED this 26th day of September, 2018.



Mayor Greg Schwartzberg

ATTEST:



Anna Gedeon, Assistant Clerk

APPROVED AS TO FORM:



Terrence M. Donnellon, Solicitor