

Ordinance No. 1-87.12

Passed October 5 19 87

ORDINANCE NO. 1-87.12 amending Chapter 90 of the Code of Ordinances of the Village of Hartville by the addition of Section 90.19 defining "dangerous and vicious dogs", adopting certain prohibitions in respect to "dangerous and vicious dogs" and amending Section 90.99 of the Code of Ordinances to provide for penalties for violation of Section 90.19 of the Code of Ordinances, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, COUNTY OF STARK AND STATE OF OHIO:

SECTION 1: That Chapter 90 of the Code of Ordinances of the Village of Hartville be amended by the addition of Section 90.19 which shall read as follows:

90.19 Vicious Dogs and Dangerous Dogs

(a) Definitions

(1) "Dangerous Dog" as the term is used in this Section means provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top.

(2) A "Vicious Dog" as the term is used in this section means:

- i. Any dog with a known propensity, tendency or disposition to attack, unprovoked, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or
- ii. Any dog which attacks a human being or another domestic animal without provocation; or
- iii. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- iv. Any dog which is not licensed in accordance with state law.

(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) "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) Prohibitions

(1) No owner, keeper, or harbinger of a dangerous or vicious dog shall fail to do either of the following, except when the dog is lawfully engaged in hunting or training for the purpose of hunting, accompanied by the owner, keeper, harbinger or a handler;

- i. While that dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

Ordinance No. 1-87.12

Passed October 5 19

ii. While that dog is off the premises of the owner, keeper, or harbinger, keep it 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:

(1) Keep that dog in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top;

(2) 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;

(3) Muzzle that dog.

(2) No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait, or use any dog for the purpose of dog fighting or for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.

(c) Penalties

(1) If a violation of Section (b) "Prohibitions" of the Section involves a dangerous dog, whoever violates that division is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offence. Additionally, the Court may order the offender to personally supervise the dangerous dog that he owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the Court may order the offender to obtain liability insurance pursuant to Division (E) of Section 955.22 of the Ohio Revised Code. The Court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Human Society.

(2) If a violation of Section (b) "Prohibitions" of this Section involves a vicious dog, whoever violates that division is guilty of one of the following:

i. A misdemeanor of the first degree on a first offense. Additionally, the Court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

ii. A misdemeanor of the first degree if the dog causes injury other than killing or serious injury, to any person.

(3) Whoever violates Subsection 2 of Section (b) "Prohibitions" of this Section is guilty of a misdemeanor of the first degree.

SECTION 2: That Section 90.99 of the Code of Ordinances of the Village of Hartville be amended by the addition of Subsection (E) which shall read as follows:

(E) In the event of a conviction pursuant to Section 90.19 of the Code of Ordinances, any person found guilty shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and any other expenses as may be required for the destruction of any such dog.

Ordinance No. 1-87.12


Passed October 5 1987

SECTION 3: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and peace of the Village of Hartville, and necessary to provide for the control and destruction of vicious dogs in the Village of Hartville; wherefore, this ordinance shall be in full force and effect immediately upon its adoption by Council and approval by the Mayor.

PASSED: October 5, 1987

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL