

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;