

ORDINANCE NO. 16-64
INTRODUCED BY: Mr. Vincent

AN ORDINANCE
**AMENDING CODIFIED ORDINANCE SECTION 505.01 DOGS,
CATS, AND OTHER ANIMALS RUNNING AT LARGE AND
REPEALING SECTION 505.99 PENALTIES,
AND DECLARING AN EMERGENCY**

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance 505.01 which presently reads as follows:

505.01 DOGS, CATS, AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person, being the owner or in charge or control of any dog, cat, or other animal, shall permit or allow by any means or in any manner, such dog, cat, or other animal, to go or remain upon any public Street or place within the City except when accompanied by a responsible person and upon a leash. The length of a leash shall be no longer than that which is reasonably necessary to maintain control of a pet and to prevent the pet from trespassing on private property, or from chasing or attacking any person, animal or vehicle. As against the owner or person in charge or control of any such dog, cat, or other animal, evidence that such dog, cat, or other animal, was found at large upon any public street or place within the City shall be prima- facie evidence of a violation of this section.

(b) No person, being the owner or in charge or control of any dog, cat, or other animal, shall permit or allow by any means or in any manner, such dog, cat, or other animal, to go or remain on any city park property without reasonable restraint and leashed and under control. Reasonable restraint and under control is defined here as restraint which conforms to the animals weight, size, and strength, being controlled by a person who is of suitable age, size and discretion to control the animal.

(c) While on private property, it shall be unlawful to allow any dog, cat, or other animal, outdoors on private property unless the animal is leashed, or contained in a fence or under the control of a responsible individual. It shall be unlawful for any owner to allow his or her animal to cross outside the property line of its owner to any extent, including reaching over, under or through a fence. Any method of pet containment is not considered valid during a period of time when failure or lack of maintenance renders it non-effective. Visible signage to an electronic pet containment system must be posted.

(d) Whoever violates or fails to comply with this section is guilty of a minor misdemeanor and is subject to incremental increases in misdemeanor degrees with repeated offenses that occur within the first twelve (12) months of the first offense.
(Ord. 03-07. Passed 4-7-03.)

be and the same is amended to read:

505.01 DOGS, CATS, AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person, being the owner or in charge or control of any dog, cat, or other animal, shall permit or allow by any means or in any manner, such dog, cat, or other animal, to go or remain upon any public Street or place within the City except when accompanied by a responsible person and upon a leash. The length of a leash shall be no longer than that which is reasonably necessary to maintain control of a pet and to prevent the pet from trespassing on private property, or from chasing or attacking any person, animal or vehicle. As against the owner or person in charge or control of any such dog, cat, or other animal, evidence that such dog, cat, or other animal, was found at large upon any public street or place within the City shall be prima- facie evidence of a violation of this section.

(b) No person, being the owner or in charge or control of any dog, cat, or other animal, shall permit or allow by any means or in any manner, such dog, cat, or other animal, to go or remain on any city park property without reasonable restraint and leashed and under control. Reasonable restraint and under control is defined here as restraint which conforms to the animals weight, size, and strength, being controlled by a person who is of suitable age, size and discretion to control the animal.

(c) While on private property, it shall be unlawful to allow any dog, cat, or other animal, outdoors on private property unless the animal is leashed, or contained in a fence or under the control of a responsible individual. It shall be unlawful for any owner to allow his or her animal to cross outside the property line of its owner to any extent, including reaching over, under or through a fence. Any method of pet containment is not considered valid during a period of time when failure or lack of maintenance renders it non-effective. Visible signage to an electronic pet containment system must be posted.

~~(d) —Whoever violates or fails to comply with this section is guilty of a minor misdemeanor and is subject to incremental increases in misdemeanor degrees with repeated offenses that occur within the first twelve (12) months of the first offense.
(Ord. 03-07. Passed 4-7-03.)~~

(d) Penalties.

~~(1) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the second degree on the third or any subsequent offense. Upon a third conviction an owner shall be subject to the dangerous dog provisions as outlined in 505.19.~~

(2) Notwithstanding division (d)(1) of this section, if the animal bites a domestic animal without provocation as a result of violation of this section, then whoever violates this section is guilty of a misdemeanor of the third degree.

(3) Notwithstanding division (d)(1) of this section, if the animal bites a human without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the second degree.

(4) Notwithstanding division (d)(1) of this section, where the animal bites a human or domestic animal without provocation and causes serious injury as defined by Ohio R.C. 955.11(A)(5), as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

and present Sections 505.01 and 505.99 are hereby repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.


SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: September 26, 2016


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: September 26, 2016


MAYOR (ACTING)

9-15-16