

ORDINANCE 2007-53

Council for the Village of New Richmond, Ohio met in regular session this 11th day of December, 2007 with the following members present:

Ramona Carr,
Richard Hilt,

Lee Vesper,
Vinnie Cochran,

Raymond Perszyk,
Nicholas Wolf

Councilperson _____ moved for adoption of the following:

ORDINANCE ADOPTING AN ORDINANCE PROHIBITING THE TETHERING OF DOGS AND CATS TO ANY OBJECT, STATIONARY OR OTHERWISE, WITHIN THE LIMITS OF THE VILLAGE OF NEW RICHMOND

Whereas: The Village of New Richmond desires to adopt provisions relating to the tethering of dogs and cats, and

Whereas: The Village Safety committee has presented an ordinance detailing the restrictions related to the tethering of dogs and cats which is attached hereto as Exhibit "A", and

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of New Richmond, State of Ohio at least ¾ of the members concurring:

1. Does hereby adopt anti tethering provision as shown and formally attached hereto as exhibit "A"
2. That Council finds and determines that all formal actions relative to the passage of this ordinance were taken in an open meeting and that all deliberations of Council which resulted in the passage of this Ordinance were taken in meetings open to the public, in full compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Councilperson _____ seconded the motion to adopt the foregoing Ordinance and upon roll call the vote was as follows:

Ramona Carr	_____	,
Lee Vesper	_____	
Raymond Perszyk	_____	
Richard Hilt	_____	
Vinnie Cochran	_____	
Nicholas Wolf	_____	

First Reading	_____
Second Reading	_____
Third Reading	_____

Adopted: _____

Date

ATTEST:

CLERK, Donna Hammons

MAYOR, Terry Durette

Approved as to form and content:

John C. Korfhagen, Solicitor

EXHIBIT "A"

Ordinance No. 2007-53

ORDINANCE PROHIBITING THE TETHERING OF DOGS AND CATS TO ANY OBJECT, STATIONARY OR OTHERWISE, WITHIN THE LIMITS OF THE VILLAGE OF NEW RICHMOND

Section 1. Any person owning and/or controlling animals whether vaccinated or unvaccinated, licensed or unlicensed, shall not allow said animal to be tied or chained to dog houses, trees, barrels, fences or other stationary objects as a means of confinement to property. Confinement by tethering shall be considered cruel treatment.

Section 2. No person shall, at any time, fasten, chain, or tie any animal or cause such animal to be fastened, chained or tied while such animal is on the animal owner's property or on the property of the animal owner's landlord, or on any property within the limits of the Village of New Richmond.

Section 3. Dogs shall not be allowed to run at large. All dogs must be restrained by some physical means; however, a dog shall not be considered at large when held or controlled by some person by means of a collar, properly-fitting harness and leash. A chain or rope may not be used in place of a leash when walking dogs.

Section 4. From and after the passage of this Ordinance, any person owning animals shall confine such animal within an adequate fence or enclosure, or within a house, garage or other building. Sterilized cats are exempt from confinement.

Section 5. Any dogs, six months or older, confined within a fenced yard or enclosure must have an adequate space for exercise based on a dimension of at least 150 square feet per dog. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons have custody of such dogs shall provide an enclosure for such dogs meeting the 150 square foot per dog dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be sufficient height to prevent the dog from escaping from such enclosure. A person may not keep six or more dogs, other than puppies less than six (6) months old, in an enclosure unless the enclosure meets the requirements outlined herein.

Section 6. Exceptions and temporary restraints. Nothing in this ordinance shall be construed to prohibit owners or others from:

- a) Walking dogs with a hand held leash during a lawful animal event, veterinary treatment, grooming, training or law enforcement activity; OR
- b) what is required to protect the safety or welfare of a person or the dog if the dog's owner or handler remains with the dog throughout the period of the restraint.

A person temporarily restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar (at least two human fingers must fit between the collar and the dog's neck) or harness worn by the dog.

A person may not wrap a chain or tether directly around a dog's neck. A person may not temporarily restrain a dog with a chain or tether that weighs more than 1/18 of the dog's body weight. A chain or tether used to temporarily restrain a dog must, by design and placement, be unlikely to become entangled.

A person may not temporarily restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water

A person may not temporarily restrain a dog in a manner that allows the dog to move outside the person's property.

Section 7. Nothing in this ordinance shall be construed to prohibit owners from allowing dogs to be attached to over head runs or trolley systems (i.e. leash or chain attached to an over head wire at least 10 feet long, that allows the dog to move unheeded.) if the owner is present; to tether the dog ONLY to allow for the cleaning of the dog's enclosure; or while the owner is outside with the dog AND is in visual contact of the animal at all times to prevent injury to the dog.

Section 8. Shelter and Care Shelter must be sanitary, of sound construction, and provide adequate protection from precipitation, cold and heat. Shelter must be placed in a dry area free of debris, feces and standing water. It must have at least three sides and a weatherproof roof; have a solid sanitary floor, be adequately ventilated; provide shelter from wind, rain, sun and the elements at all times. Suitable drainage must be provided so that water is not standing in or around the shelter.

Shelter must be small enough to retain the animal's body heat and must be large enough for the animal to stand, turn around, and lie down without touching the sides or top of the shelter.

In cases of extreme weather (outdoor temperatures reach freezing levels (32 degrees Fahrenheit) or a heat advisory has been issued by a local or state authority

or jurisdiction), all cats dogs and small domestic animals must be moved indoors or to an area that provides shelter from the weather.

All areas where animals are kept shall be cleaned regularly so that fecal matter is disposed of so not to attract insects or rodents, become unsightly or cause objectionable odor.

If multiple animals are present in one location, each animal must have a separate and clean food bowl. Each animal must have access to shelter and the owner must meet all standards as detailed in this section.

Section 9. Animal Neglect -- A person that is the owner or custodian of any animal may be found to be guilty of animal neglect by finding that any one or more of the following conditions were allowed to exist.

Lack of immediately available proper drinking water or inadequate supply of drinkable water.

Lack of wholesome, palatable, free from contamination food or sustenance to be provided in sufficient quantity.

Failure to provide an animal sufficient space to stand to full height, turn around and lay down and make normal postural adjustments for comfort.

The lack of providing a stationary shelter from weather such as sun, rain, wind or inclement weather or to maintain said shelter in a clean, sanitary condition free of excrement and unreasonable objectionable odors.

To have an animal in possession that is known to or suspected to have an injury, accidental or deliberate, or to exhibit any signs of disease, shock, parasite infestation, shock, temperature fluctuations, tremors, swelling, open wounds, inability to eat, blistering or abnormal bleeding, partial paralysis, discharge blood or mucus, failure to arrange for medical care.

Section 10. Penalties -A person who violates this ordinance is guilty of an infraction or a misdemeanor.

An infraction under this chapter is punishable upon conviction by a fine of up to ____ as to each animal with respect to which a violation occurs.

A misdemeanor under this chapter is punishable upon conviction by a fine of up to ____ as to each animal with respect to which a violation occurs, or imprisonment in a county jail for not more than _____, or both.

An animal control officer may issue a correction warning to a person who violates this Ordinance, requiring the owner to correct the violation within five (5) business days, in lieu of an infraction or misdemeanor, unless the violation endangers the health or safety of the animal, the animal has been wounded as a

result of the violation or a correction warning has previously been issued to the individual.

An animal control officer may remove an animal that is living in conditions that do not meet the minimum standards outlined herein. If modifications to the shelter or living conditions do not meet the minimum standards within five (5) business days, that animal becomes property of the *Village of New Richmond*.