

APPROVED AS TO FORM: COUNCIL AS A WHOLE

MOVED TO 2nd RD. 1-21-15
MOVED TO 3rd RD. 2-4-15
COMMITTEE
SUSPEND ✓

Mark

ORD - 15 - 12

DEPARTMENT OF LAW

AN ORDINANCE

AMENDING THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN

ENACTING SECTION 505.011, DOGS RUNNING AT LARGE, OF THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN, WHICH IS MORE FULLY DEFINED HEREIN; AND

PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX OF THE MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF YOUNGSTOWN, STATE OF OHIO:

SECTION 1

That **Section 505.011, Dogs Running at Large**, of the Codified Ordinances of the City of Youngstown, be and the same which is hereby enacted to read as follows:

SECTION 505.011 DOGS RUNNING AT LARGE

(A) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper, or harbinger at any time the dog is in heat unless the dog is properly in leash.

(B) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

(2) Keep the dog under the reasonable control of some person.

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(C) Tethering dogs

(1) Definitions: As used in this section:

Body Harness. A device consisting of straps made of nylon, leather or other pliable material fitted to the body of a dog and used to affix a restraint of the animal.

Collar. A device consisting of straps made of nylon, leather or other pliable material secured around the neck of a dog that is properly fitted and has enough room between the collar and the dog's throat through which two adult fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog.

Properly fitted. Worn without causing discomfort, pain or injury.

Tether. When used as a noun, any device, including but not limited to a chain, leash, cable, or tie out attached to a stationary point or object, trolley or run used to contain or restrain a dog. When used as a verb, tether shall mean to attach a dog to such a device.

(2) Nothing in this section shall prohibit the tethering of a dog that is in the immediate proximity of its owner or custodian, in a manner that does not cause discomfort, pain or injury to the dog.

(3) No person shall tether or cause to be tethered any dog that is not in the immediate proximity of its owner or custodian except under ALL the following conditions:

- a) the owner or custodian is present on the property
- b) such tethering does not exceed sixty (60) continuous minutes
- c) the dog is six (6) months of age or older
- d) if female, the dog is sterilized or not in estrus
- e) the tether does not exceed ten percent (10%) of the dog's body weight

- f) the tether is at least three (3) times the length of the dog from the tip of its nose to the base of its tail
- g) the tether allows the dog to easily stand, sit, lie, turn around, and make all other normal body movements in a comfortable normal position for the dog
- h) the tether allows the dog to interact safely with other animals, if at all
- i) the tether is appropriate for the age and size of the dog and attached to the dog by a properly fitted collar or body harness configured to prevent the dog or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the dog
- j) only one dog is attached to a single tether; and
- k) the dog is not tethered in such a manner to permit the dog to cross and enter upon another's property, except that the same shall not be unlawful if the affected property owner or person having lawful possession thereof provides consent.

(D) Whoever violates this section is guilty of a minor misdemeanor for the first offense. For subsequent violations of this section, the violator shall be deemed guilty of a misdemeanor of the fourth degree.

SECTION 2

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety, the emergency being the necessity to **enact Section 505.011, Dogs Running at Large, of the Codified Ordinances** of the City of Youngstown, as further herein above described; and provided it receives the affirmative vote of six of the members elected to the legislative authority, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 19th DAY OF February 2015.




PRESIDENT OF COUNCIL

ATTEST:



CITY CLERK

APPROVED: THIS 19th DAY OF February, 2015.



MAYOR