

1st READING 11-22-21
2nd READING 12-6-21
3rd READING 12-20-21

ORDINANCE 2021-34

**AN ORDINANCE AMENDING TITLE V, GENERAL OFFENSES CODE,
CHAPTER 505, ANIMAL AND FOWL, SECTION 505.15, VICIOUS DOGS
OF THE CODIFIED ORDINANCES OF THE CITY OF ST. CLAIRSVILLE
AND DECLARING AN EMERGENCY**

WHEREAS, Council has determined that there is a need to amend and update the ordinance dealing with vicious dogs within the city limits of the City of St. Clairsville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. CLAIRSVILLE, OHIO:

SECTION 1: That Title V, General Offenses Code, Chapter 505, Animals and Fowl, Section 505.15, Vicious Dogs shall be amended and renamed Dangerous Dogs, as follows:

505.15 DANGEROUS DOGS.

(A) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no person owning or harboring or having the care of a dangerous dog shall fail to do any of the following:

(1) While that dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;

(2) While that dog is off the premises of the owner, keeper, or harbinger, keep that dog 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:

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

(b) 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 or other animal.

(c) Have the dog wear a head mounted muzzle device.

(3) Notify the police and local dog warden immediately if any of the following occurs:

(a) The dog is loose or unconfined.

(b) The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.

(c) The dog attacks another animal while the dog is off the property of the owner of the dog.

(B) Any person owning or harboring a dangerous dog must obtain insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or injury caused by such dangerous dog in an amount not less than \$100,000.00 if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section.

(C) Definitions.

(1) A dangerous dog is "unconfined" as the term is used in this section, if such dog is not restrained by a secure fence or other secure enclosures (which does not include an electric fence) which effectively prevents such dog from going beyond the premises of the person described in subsection (a) hereof.

(2) "dangerous dogs" as used in this section means any dog without provocation:

- a. Has a propensity, tendency or disposition to attack, to cause injury to or to otherwise danger the safety of human beings or other domestic animals;
- b. Attacks a human being or another domestic animal without provocation;
- c. Has killed or caused serious injury to any person or another domestic animal;
- d. Has caused injury; other than killing or serious injury, to any person, or another domestic animal; '

(3) " dangerous dog" does not include either of the following:

- a. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

- b. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

(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.

(D) Subsections (A), (B) and (C) hereof are necessary controls on the unrestrained activity of dangerous dogs which threaten the safety and pleasantness of streets, parks, sidewalks, yards and all areas of the City and lack of knowledge or lack of intent is not a defense to a violation thereof.

(E) Whoever violates this section is guilty of one of the following:

(1) Misdemeanor One: If the dog causes injury to any person or other domestic animal;

(2) Misdemeanor Four: If the dog does not otherwise cause injury to any persons or domestic animal; and

(3) When any person is found guilty of a subsequent offense of (E)(2), such person is guilty of a misdemeanor of the third degree.

(Ord. 2017-16. Passed 5-1-17.)

SECTION 2: All ordinances inconsistent herewith are repealed to the extent of the inconsistencies.

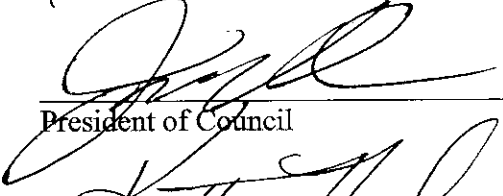
SECTION 3: That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the residents of the City of St. Clairsville.

SECTION 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by the Charter of the City of St. Clairsville.

PASSED at a meeting of the Council of the City of St. Clairsville on this 20th day of December, 2021, by the affirmative vote of 6 members of the council.

Passed: December 20, 2021

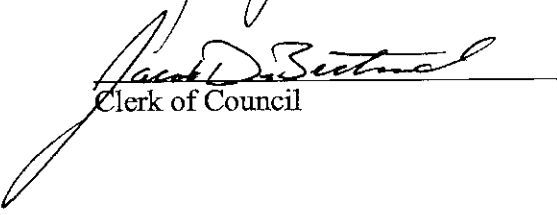
Approved: December 20, 2021



President of Council



Mayor



Clerk of Council