

ORDINANCE 24-1988

Offered by Mr. Smith

AN ORDINANCE ENACTING SECTION 505.13 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF RICHFIELD TO PROHIBIT DANGEROUS AND VICIOUS DOGS, TO REPEAL EXISTING SECTION 505.13 AND TO DECLARE AN EMERGENCY

Be It Ordained by the Council of the Village of Richfield, Ohio:

Section 1: That this Council hereby amends and enacts Section 505.13 of the Codified Ordinances of the Village of Richfield as follows:

"505.13 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(1) A. "Dangerous dog means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, 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 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.

B. "Dangerous dog" does not include a police dog that 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 the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "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.

(3) "Police dog" means a dog that has been trained, that may be used, to assist one or more law enforcement officers in the performance of their official duties.

(4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(4)B hereof, meets any of the following:

1. Has killed or caused serious injury to any person;
2. Has caused injury, other than killing or serious injury to any person, or has killed another dog.

B. "Vicious dog" does not include either of the following:

1. 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;
2. 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.

(5) "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 and defense of a person who was not in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. (ORC 955.11)

(b) No owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either 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 building, 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;
- (2) While that dog is off the premises of the owner, keeper or harbinger, keep it 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 which has a top, locked fenced yard or other locked enclosure which 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 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;
  - C. Muzzle that dog.

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than fifty thousand dollars (\$50,000) because of damage or bodily injury to or death of a person caused by the vicious dog. (ORC 955.22)

(d) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous

dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (c) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

(e) If a violation of subsection (d) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:

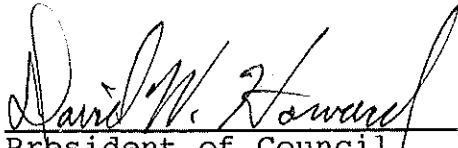
- (1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.
- (2) A misdemeanor of the first degree if the dog causes injury other than killing or serious injury, to any person.

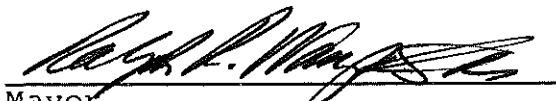
(f) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree (ORC 955.99).

Section 2: That existing Section 505.13 of the Codified Ordinances of the Village of Richfield is hereby repealed.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the Village of Richfield in order to prohibit dangerous or vicious dogs within the Village of Richfield; wherefore, this Ordinance shall be effective immediately upon its passage.

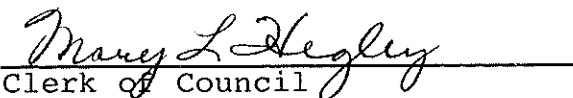
Passed: 5-4, 1988

  
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President of Council

  
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Mayor

Dated: 5/5/88

ATTEST:

  
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Clerk of Council