

Record of Ordinances

Ordinance No.: 2010-36

Passed: October 11 2010

AN ORDINANCE TO AMEND CHAPTER 618 CODE OF ORDINANCES, ANIMALS

Be it resolved by the Council for the Village of West Lafayette, Ohio as follows:

SECTION I. That existing sections 618.01 through and including Section 618.15 shall remain in full force and effect and shall be re-affirmed, re-enacted, and incorporated herein by reference excepting Sections 618.07, and 618.13, which are amended herein.

SECTION II. That the following new sections are hereby enacted.

SECTION 618.16 ANIMAL FIGHTS.

(a) No person shall knowingly engage in or be employed at cockfighting, bearbaiting, or pitting an animal against another, no person shall receive money for the admission of another to a place kept for this purpose; no person shall use, train, or possess any animal for seizing, detaining, or mistreating a domestic animal. Any person who knowingly purchases a ticket of admission to such place, or is present thereat, or witnesses such spectacle, is an aider and abettor.

(ORC 959.15)

(b) Whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree.

(ORC 959.99(C))

Statutory reference:

Dog fighting, felony provisions, see Ohio R.C. 959.16

SECTION 618.17 RIGHTS OF BLIND, DEAF OR HEARING IMPAIRED, OR MOBILITY IMPAIRED PERSON, OR TRAINER WITH ASSISTANCE DOG.

(a) When either a blind, deaf or hearing impaired, or mobility impaired person, or a trainer of an assistance dog is accompanied by an assistance dog, the person or the trainer, as applicable, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, and lodging places, all places of public accommodation, amusement, or resort, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

(1) The dog shall not occupy a seat in any public conveyance; and

(2) The dog shall be leashed while using the facilities of a common carrier.

(3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(b) No person shall deprive a blind, deaf or hearing impaired, or mobility impaired person, or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division (a) of this section, nor charge the person or trainer a fee or charge for the dog.

(ORC § 955.43(A), (B))

(c) As used in this section:

- (1) "Assistance dog" means a guide dog, hearing dog, or service dog that has been trained by a nonprofit special agency.
- (2) "Blind" means either of the following:
 - A. Vision 20/200 or less in the better eye with proper correction;
 - B. Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees.
- (3) "Guide dog" means a dog that has been trained or is in training to assist a blind person.
- (4) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.
- (5) "Institutions of education" means:
 - A. Any state university or college as defined in R.C. § 3345.32;
 - B. Any private college or university that holds a certificate of authorization issued by the Ohio Board of Regents pursuant to R.C. Chapter 1713;
 - C. Any elementary or secondary school operated by a board of education;
 - D. Any chartered or nonchartered nonpublic elementary or secondary school; or
 - E. Any school issued a certificate of registration by the state Board of Career Colleges and Schools.
- (6) "Mobility impaired person" means any person, regardless of age, who is subject to a physiological defect or deficiency regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. "Mobility impaired person" includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function, and also includes a person with a seizure disorder.
- (7) "Service dog" means a dog that has been trained or is in training to assist a mobility impaired person.

(ORC 955.011(B), 955.43(C))

- (d) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree.

(ORC 955.99(D))

SECTION 618.18 BIRDS.

- (a) No person shall kill or injure any wild bird, or throw, fire or shoot an air-gun pellet, stone, arrow or other missile at a bird; or break, tear down or destroy any bird nest or the eggs or other contents of the nest; or catch or capture any wild bird; or set traps or spread nets or snares with intent to catch or capture the same; or follow or pursue the same with intent to catch or injure it.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

SECTION 618.19 HARBORING OF BEES; NOTIFICATION TO ABATE.

- (a) No person shall keep or harbor bees which cause annoyance to other persons or damage to the property of others.
- (b) Upon complaint being made, the Mayor or his designee is authorized and directed to notify the owner or keeper of the bees to abate the nuisance and to remove the hives or other contrivances, where the bees are kept or harbored, within ten days after being notified thereof. No person shall fail to comply with such abatement order.

- (c) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 618.20 DANGEROUS ANIMALS.

- (a) As used in this section "dangerous animal" means and includes any mammal, amphibian, reptile or fowl which is of a species which is wild by nature, and of a species which, due to its size, vicious nature or other characteristic, is dangerous to human beings. Such animals include, but are not limited to, lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species whose average adult weight is twenty pounds or more, foxes, elephants, rhinoceroses, alligators, crocodiles and all forms of venomous, poisonous or constricting reptiles. "Dangerous animal" does not include gerbils, hamsters, guinea pigs, mice or rabbits.
- (b) No person shall possess, keep or maintain a dangerous animal in the Village.
- (c) The provisions of this section shall not apply to the keeping of dangerous animals in the following cases:
- (1) The keeping of such animals in zoos, bona fide education or medical institutions, museums or any other place where they are kept as live specimens for the public view or for the purpose of instruction or study;
 - (2) The keeping of such animals for exhibition to the public by a circus, carnival or other exhibit or show; or
 - (3) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.
- (d) Prohibited Animals. Except as provided in this section, no person shall keep, maintain or have in his possession or under his control within the Municipality any of the following animals:
- (1) Any animal which has been declared to be protected or endangered by the U.S. Department of the Interior, the U.S. Department of Agriculture, the Ohio Revised Code, the Ohio Administrative Code, or the City Codes and ordinances;
 - (2) All poisonous animals, including rear fang snakes;
 - (3) Badgers (mellinae);
 - (4) Bears (ursidae);
 - (5) Beavers (castoridae);
 - (6) Canids, that is: wolves, foxes, coyotes, jackals, dingo;
 - (7) Civet (viverrines);
 - (8) Constrictor snakes;
 - (9) Crocadians, that is: alligators, crocodiles, caimans, cavials;
 - (10) Eagles, hawks, owls (Falconiformes);
 - (11) Edentata, that is: anteaters, tamanduas, sloths, armadillos;
 - (12) Emus (casuariiformes)
 - (13) Felids, that is: lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots;
 - (14) Game cocks and other fighting birds;
 - (15) Hyendidae (hyenas);
 - (16) Marsupials, that is: opossums, Tasmanian wolf, kangaroos, koalas, wombats;
 - (17) Muskrats (ondatra);
 - (18) Ostriches (struthio);
 - (19) Porcupine (hystricomorpha);
 - (20) Primates (nonhuman) that is: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs;
 - (21) Procuonids, that is: raccoons, coatis, kinkajous, ring tailed cats, pandas;
 - (22) Rats (mus);
 - (23) Rheas (rheiformes);
 - (24) Skunks (mephitinae);
 - (25) Squirrels (sciuriclae);

- (26) Sharks (chondrichthyes);
 - (27) Swine (suidae);
 - (28) Ungulates, that is: elephants, zebra, tapirs, rhinoceroses, camel, llama, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle, gnu;
 - (29) Water buffalo (bubalus);
 - (30) Wart hogs (phacocherus aethiopicus);
 - (31) Weasels;
 - (32) Wolverines (gulo gulo); or
 - (33) Woodchucks (marmota monas)
- (e) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 618.21 TEASING OR STRIKING POLICE DOG, POLICE HORSE OR HANDICAPPED ASSISTANCE DOG.

- (a) No person shall maliciously or willfully tease or strike a police dog, police horse or handicapped assistance dog.
- (b) No person shall purposely interfere with or meddle with any police dog, police horse or handicapped assistance dog.
- (c) A person violates division (a) of this section if he or she willfully and maliciously taunts, torments, teases or strikes any police dog, police horse or handicapped assistance dog. A person commits a violation of division (b) of this section if he or she interferes with or meddles with any police dog, police horse or handicapped assistance dog in the performance of their functions or duties.
- (d) Whoever violates this section is guilty of a misdemeanor of the third degree.

SECTION 618.22 ASSAULTING POLICE DOG OR HORSE OR ASSISTANCE DOG.

- (a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:
 - (1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.
 - (2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.
- (b) No person shall recklessly do any of the following:
 - (1) Taunt, torment, or strike a police dog or horse;
 - (2) Throw an object or substance at a police dog or horse;
 - (3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:
 - A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;
 - B. Deprives the law enforcement officer of control of the police dog or horse;
 - C. Releases the police dog or horse from its area of control;
 - D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

- E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer;
 - (4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.
 - (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.
- (c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:
- (1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.
 - (2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.
- (d) No person shall recklessly do any of the following:
- (1) Taunt, torment, or strike an assistance dog;
 - (2) Throw an object or substance at an assistance dog;
 - (3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:
 - A. Inhibits or restricts the assisted or served person's control of the dog;
 - B. Deprives the assisted or served person of control of the dog;
 - C. Releases the dog from its area of control;
 - D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;
 - E. Inhibits or restricts the ability of the dog to assist the assisted or served person;
 - (4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;
 - (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.
- (e) (1) Whoever violates division (a) of this section is guilty of assaulting a police dog or horse. Except as otherwise provided in this division, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in physical harm to the police dog or horse other than death or serious physical harm, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation results in serious physical harm to the police dog or horse or results in its death, assaulting a police dog or horse is a felony to be prosecuted under appropriate State law.
- (2) Whoever violates division (b) of this section is guilty of harassing a police dog or horse. Except as otherwise provided this division, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree. If the violation results in serious physical harm to the police dog or horse

or results in its death, harassing a police dog or horse is a felony to be prosecuted under appropriate State law.

- (3) Whoever violates division (c) of this section is guilty of assaulting an assistance dog. Except as otherwise provided in this division, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in physical harm to the assistance dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation results in serious physical harm to the assistance dog or results in its death, assaulting an assistance dog is a felony to be prosecuted under appropriate State law.
 - (4) Whoever violates division (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this division, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in physical harm to the assistance dog but does not result in the death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree. If the violation results in serious physical harm to the assistance dog or results in its death, harassing an assistance dog is a felony to be prosecuted under appropriate State law.
 - (5) In addition to any other sanctions or penalty imposed for the offense under this section, Ohio R.C. Chapter 2929 or any other provision of the Ohio Revised Code or this code, whoever violates division (a), (b), (c), or (d) of this section is responsible for the payment of all of the following:
 - A. Any veterinary bill or bill for medication incurred as a result of the violation by the Police Department regarding a violation of division (a) or (b) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of division (c) or (d) of this section;
 - B. The cost of any damaged equipment that results from the violation;
 - C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;
 - D. If the violation resulted in the death of the police dog or horse or the assistance dog that was the subject of the violation or resulted in serious physical harm to that dog or horse to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.
- (f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.
 - (g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or assistance dog.
 - (h) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (1) "Assistance dog", "blind" and "mobility impaired person" have the same meaning as in Ohio R.C. 955.011.

- (2) "Physical harm" means any injury, illness, or other psychological impairment, regardless of its gravity or duration.
- (3) "Police dog or horse" means a dog or horse that has been trained and may be used to assist law enforcement officers in the performance of their official duties.
- (4) "Serious physical harm" means any of the following:
 - A. Any physical harm that carries a substantial risk of death.
 - B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming.
 - C. Any physical harm that causes acute pain of a duration that results in substantial suffering.

(ORC 2921.321)

SECTION 618.23 FARM AND OTHER ANIMALS

- (a) No chickens, turkeys, ducks, live poultry or fowl of any kind, horses, ponies, cows, calves, goats, sheep, or live animals of any kind except dogs, cats, gerbils, hamsters, guinea pigs, birds or mice shall be kept in the Village.
- (b) No person shall keep or harbor rabbits which cause inconvenience or annoyance to persons of ordinary sensibilities by smell, unsightly housing, or trespass, or which cause damage to the property of others.
 - (1) Upon complaint being made, the Mayor or his designee is authorized and directed to notify the owner or keeper of the rabbits to abate the nuisance and to remove the rabbits or other contrivances, where the rabbits are kept or harbored, within ten days after being notified thereof. No person shall fail to comply with such abatement order.
 - (2) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (c) Parrots or domesticated song birds which are normally caged inside a residential unit shall be allowed in the Village.

SECTION 618.24 That existing Section 618.07 shall be amended to read as follows:

SECTION 618.07 BARKING DOGS:

- (a) No person shall keep, harbor or maintain, within the Village, any dog which, by loud, frequent or habitual barking, yelping or howling, disturbs the peaceful living of any person or makes such a noise as is likely to cause inconvenience or annoyance to persons of ordinary sensibilities. If a dog continues the foregoing activity for five (5) minutes or more without cessation said activity is prima facie unlawful.
- (b) It is prima facie unlawful, during any hours of the day, for a person to keep, harbor or maintain a dog that barks, howls or yelps substantially uninterrupted in an area zoned residential under the West Lafayette Zoning Code, or any amendments thereto, or in a commercial area adjacent to said residential area.
- (c) None of the provisions of divisions (a) and (b) of this section shall apply to owners, operators or employees of duly licensed veterinary hospitals; owners, operators or employees of duly licensed kennels or animal boarding establishments; and blind persons when the dog serves as a guide or leader.
- (d) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 618.25 That existing Section 618.13 shall be amended to read as follows:

SECTION 618.13 DOG NUISANCE PROHIBITED; ABATEMENT.

No person being the owner or person in charge of a dog shall permit such dog while at large or upon a leash in the Village to:

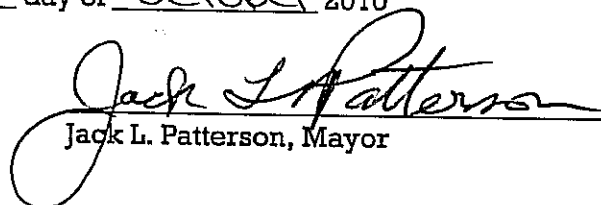
- (a) Defecate upon any public land or any private land other than the land where the owner or person in charge of such dog resides.
- (b) The owner or person in charge of any dog which defecates on any such prohibited land shall immediately clean such and cause its removal to a proper receptacle.
- (c) The owner or person in charge of any dog shall keep the property where he resides in a clean and sanitary condition by regularly removing the defecation of his dog to prevent accumulations.
- (d) The terms of this section shall not apply to any dog which has been expressly invited to enter upon private property by notification to the owner or keeper of such dog, or to any dog engaging in the pursuit of hunting.
- (e) The defecation of any dog is hereby declared to be a nuisance, creating an unsanitary and unhealthful condition, causing an accumulation of insects and bacteria, and in violation of the regulations of this section, is hereby declared to be unlawful and a misdemeanor.
- (f) Whoever violates this section is guilty of a minor misdemeanor.

SECTION 618.26 SET BACK AND WARNING SIGNS.

- (a) As used in this Section dangerous dogs and vicious dogs are defined as stated in Section 618.01 of this Code of Ordinances.
- (b) No person owning, harboring or having care or custody of a dangerous or vicious dog shall house said dog in a pen or structure which is located closer than four (4) feet from any adjacent property line, street, or alley.
- (c) No person owning, harboring, or having care or custody of a dangerous or vicious dog shall house said dog in a pen or structure unless said pen or structure is clearly marked with a sign containing the words "Dangerous Dog" or "Vicious Dog". In addition a second sign shall be placed on the premises where the pen or structure is located so as to be clearly legible from the public street or sidewalk adjacent to the premises, indicating that a dangerous or vicious dog is located on the premises. For purposes of this section if a public street or sidewalk is located adjacent to the premises the sign may not be placed so as to be viewed only from an alley.
- (d) Whoever violates any provision of this section for a first offense is guilty of a minor misdemeanor.

SECTION III. That this Ordinance shall be and is hereby declared to be an emergency for the health, safety, and welfare of the citizens of the Village of West Lafayette, Ohio and shall be in full force and effect upon passage at the earliest date provided by law, signing by the Mayor, and posting by the Fiscal Officer

PASSED IN COUNCIL THIS 11th day of October 2010


Jack L. Patterson, Mayor

First Reading 9-13-10
Date

Second Reading 9-27-10
Date

Third Reading 10-11-10
Date

ATTEST:

Lisa M. Stiteler
Lisa Stiteler, Fiscal Officer

APPROVED AS TO FORM:

William M. Owens
William M. Owens, Solicitor for the Village
of West Lafayette, Ohio

CERTIFICATE OF POSTING

The foregoing Ordinance was posted according to law this 12th day of October, 2010

Lisa M. Stiteler
Fiscal Officer