

First Reading: May 23, 2006
Second Reading: June 13, 2006
Third Reading: June 27, 2006

ORDINANCE 14-2006

AN ORDINANCE PROHIBITING LOUD DOGS

WHEREAS, loud habitual barking dogs can cause serious annoyance or disturbance to a neighborhood;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Newtown, State of Ohio:

SECTION 1. No person shall harbor or keep any dog which, by loud and frequent or habitual barking or yelping, shall cause serious annoyance or disturbance to a person of ordinary sensibilities.

SECTION 2. It shall be a prima facie violation of this ordinance for any person to harbor or keep any dog which can be heard barking or yelping continuously for a period of three minutes when such barking or yelping can be heard while on the property of another.

SECTION 3. Whoever violates this ordinance shall be guilty of a minor misdemeanor.

VOTE RECORD:

Mr. Cosby yes

Mr. Evans yes

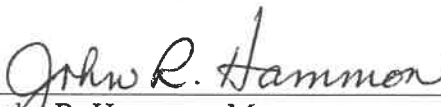
Ms. Hueber yes

Mr. Kobasuk yes

Ms. McCarthy yes

Mr. Pulskamp yes

PASSED this 27th day of June, 2006.



John R. Hammon, Mayor
Village of Newtown, Ohio

ANIMALS RUNNING AT LARGE

§ 90.01 DOGS OR OTHER ANIMALS RUNNING AT LARGE; DANGEROUS OR VICIOUS DOGS.

(A) Animals running at large.

(1) A person who is the owner or has charge of any animal shall not permit it to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or permit them to go upon any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

(2) No person shall cause animals to be herded, kept, or detained for the purpose of grazing on premises other than those owned or occupied by the owner or keeper thereof without the consent of the owner of the premises.

(3) The running at large of such animal in or upon any of the places mentioned in divisions (1) and (2) above is prima facie evidence that it is running at large in violation of this section.
(R.C. §§ 951.01, 951.02)

(4) Whoever violates this division (A) is guilty of a misdemeanor of the fourth degree.
(R.C. § 951.99)

(5) The owner or keeper of an animal described herein who permits it to run at large in violation of this section, is liable for all damages caused by such animal upon the premises of another without reference to the fence which may enclose such premises.
(R.C. § 951.10)

(B) Dogs running at large; dangerous or vicious dogs; debarked or surgically silenced vicious dogs.

(1) As used in this section, **DANGEROUS DOG** and **VICIOUS DOG** have the same meanings as in R.C. § 955.11.

(2) 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.

(7) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a vicious dog. The written waiver form shall include all of the following:

- (a) The veterinarian's license number and current business address;
- (b) The number of the license of the dog if the dog is licensed;
- (c) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;
- (d) The signature of the owner of the dog attesting that the owner's dog is not a vicious dog;
- (e) A statement that division (F) of R.C. § 955.22 prohibits any person from doing any of the following:
 1. Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dog;
 2. Possessing a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;
 3. Falsely attesting on a waiver form provided by the veterinarian under division (G) of R.C. § 955.22 that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(8) It is an affirmative defense to a charge of a violation of division (B)(6) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (B)(7) of this section and that attests that the dog is not a vicious dog.
(R.C. § 955.22)

(C) Penalty.

(1) Whoever violates divisions (B)(2) or (B)(3) above shall be fined not less than \$25 or more than \$100 on a first offense; and on each subsequent offense, shall be fined not less than \$75 or more than \$250 and may be imprisoned for not more than 30 days.

(2) In addition to the penalties prescribed in division (C)(1) above, if the offender is guilty of a violation of division (B)(2) or (B)(3) above, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

§ 90.16 LOUD DOG.

(A) No person shall own, harbor or keep in custody a dog which disturbs the peace by barking, yelping, howling or making other loud noises to the annoyance and/or discomfort of any person. Continuous barking, yelping, howling and/or making other loud noises for 15 consecutive minutes by such dog, whether confined inside a residence or building or to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons; provided, that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner, and provided that the dog was not being teased or provoked in any manner.

(B) Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure owned or occupied by such person shall be considered as harboring or keeping such dog.

(C) Upon an initial complaint, an enforcement officer shall warn the person in writing of the violation. Upon a second such complaint within 30 days, the enforcement officer shall charge the person with a violation of this section.

(D) Division (A) of this section does not apply to owners, operators or employees of licensed veterinary hospitals, licensed kennels, or licensed animal boarding establishments, nor does this section apply to blind, deaf or hearing impaired, or mobility impaired persons when the dog serves as an assistance dog.

(E) Whoever violates this section is guilty of a minor misdemeanor.