



Village of Kirby

130 S. Main St. P.O. Box 63 Kirby, Ohio 43330-0063

ORDINANCE 1-2017

A Resolution of Council of the Village of Kirby, Ohio as follows:

WHEREAS, per Ohio Revised Code, Council of the Village of Kirby, Ohio has the legal right to adopt and enforce regulations in the Village; and

WHEREAS, to enhance the safety, comfort, and tranquility of residents and visitors it is found desirable to control dogs within the Village of Kirby, Ohio; and

WHEREAS, local officials have received numerous complaints about dogs, and desire to have regulations in place to control dogs in the Village of Kirby, Ohio from being a public nuisance; and

WHEREAS, the enforcement of all laws, including these dog regulations, in the Village of Kirby, Ohio shall be conducted by authorized law enforcement agencies according to Ohio Revised Code; and

WHEREAS, the general public shall not be adversely affected by the implementation of this action; and

Now therefore, BE IT RESOLVED by the Village of Kirby, Ohio that the establishment of regulations attached is APPROVED and shall be codified and become enforceable at the earliest date allowable by law.

Passed this 12th day of September, 2017 during regular session of Council of the Village of Kirby, Ohio.

Attest:

Clerk-Treasurer

President Pro Tempore of Council

Mayor

It is unlawful for the owner, keeper or harbinger of any animal to violate any of the provisions of this chapter hereinbefore or hereinafter set out, or to commit any of the following acts:

- A. Fail at any time to do either of the following:
 - 1. Keep the dog physically confined or restrained upon the premises of 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 (ORC 955.22)
 - 3. Whoever violates this Section is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree for each subsequent offense.

- B. Fail to keep any dog from trespassing upon public property or upon any private property without the consent of the owner or person in control of the property.
Whoever violates this Section is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree for each subsequent offense;

- C. If unauthorized, to remove from any dog any collar or harness or other device to which a license tag is attached, for the current year, or to remove such license tag therefrom;

- D. To attach to, or keep upon, or cause or permit to be attached to or kept upon any dog, any license tag except a tag issued for such dog under the jurisdiction of Wyandot County, or to attach to or keep upon, or cause or permit to be attached to or kept upon any dog, or to make or to cause or permit to be made, or to have in possession, any counterfeit or imitation of any tag provided for by this chapter;

- E. To possess any unlicensed dog in the Village or to maintain, conduct or operate, or to cause or permit to be maintained or operated in the Village, any unlicensed dog kennel;

- F. To interfere with, oppose or resist any animal control officer or law enforcement officer engaged in the performance of any act authorized by this ordinance or applicable law.

- G. To permit any female dog to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat or breeding condition unless the dog is properly leashed. 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;

- H. To permit any dog to trespass on any farm where livestock or domestic fowl are kept; or to abandon any dog in the Village of Kirby;
- I. To possess any dog over four months of age which does not have a current vaccination for rabies as evidenced by an official certificate thereof;
- J. No new dog Kennel shall be established in the Village of Kirby 30 days after the passage of this Ordinance;
- K. The running at large of any such animal in or upon any of the places mentioned in this Section is prima facie evidence that it is running at large in violation of this Section (ORC 951.02).
 - A. No person shall keep or harbor any animal or fowl in the municipality so as to create noxious or offense odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
 - B. Whoever violates this Section is guilty of a minor misdemeanor of a first offense and a misdemeanor of the fourth degree for each subsequent offense.

L. Barking or Howling Dogs

- A. No person shall keep or harbor any dog within the Village which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, and duration as to disturb the peace, quiet and good order of the Village. Any person who shall allow any dog habitually to remain, be lodged, or fed within any dwelling, building, yard or enclosure which he occupies or owns, shall be considered as harboring such dog;

Commercial dog kennels, permitted by the Ohio Revised Code, are subject to dog barking nuisance laws as well as other applicable codes. Working dogs who bark while actively herding or participating in standard farming practices, as determined by the agricultural commissioner, shall be exempt from this section.

- B. Whoever violates this section is guilty of a minor misdemeanor upon a first and second offense regardless of the timeframe. Whoever violates this Section is guilty of a misdemeanor of the fourth degree upon a third offense regardless of timeframe.
- C. Upon a third conviction, regardless of the timeframe, the owner, keeper or harbinger shall be required to either remove the dog(s) from the premises or

comply with such other restrictions as deemed necessary by a court of jurisdiction.

- M. Unless otherwise provided, whoever violates any of the provisions of this Ordinance are guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense;
- N. Should any clause or provision in Ordinance 1-2017 be deemed invalid by a court of jurisdiction, only that specific clause or provision shall be deemed void. All other items of this regulation shall remain in effect.