

CITY OF KIRTLAND

ORDINANCE NUMBER 23-O-3

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 618.02 RELATING TO DOGS AND OTHER ANIMALS AT LARGE WITHIN THE CITY OF KIRTLAND, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 16-O-60 was passed on May 3, 2017, enacting Kirtland Code of Ordinance §618.02 relating to the prohibition of dogs and other animals running at large within the City of Kirtland; and

WHEREAS, the City wishes to update the ordinance to include an escalating punishment for offenders who violate said ordinance multiple times within a one-year period.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

SECTION I: Codified Ordinance Section 618.02, entitled “Dogs and Other Animals Running at Large,” is hereby amended as set forth in Exhibit “A” attached hereto and made a part hereof as though fully set forth herein at length.

SECTION II: That the heretofore existing 618.02 of the Codified Ordinances of the City of Kirtland, previously enacted and in force, be amended by the passage of this ordinance, and is hereby replaced as set forth in Section I hereinabove.

SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason to protect the safety and welfare of the residents by controlling animals at large; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2023.

ATTEST:

Approved by the Mayor this _____ day
of _____, 2023.

Clerk of Council
Amend 618.02 – Dogs and Animals at Large

Mayor Kevin F. Potter

§ 618.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person, who is the owner or keeper of, horses, mules, cattle, bison, sheep, goats, swine, llamas, alpacas, poultry or other domesticated animal shall permit them to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or cause the animals to be herded, kept, or detained for the purpose of grazing on premises other than those owned or lawfully occupied by the owner or keeper of the animals.

(b) 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.

(c) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper or harbinger of any dog shall fail at any time to do either of the following;

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper or harbinger by any of the following means:

(1) a leash;

(2) a tether;

(3) an adequate fence;

(4) by supervision by a person;

(5) by other secure enclosure to prevent such dog from escaping; or

(2) Keep the dog under the reasonable control of some person.

(d) 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.

(e) Penalty.

(1) Whoever violates this section is guilty of a minor misdemeanor on a first offense and shall be fined not less than twenty-five dollars (\$25.00) or more than one hundred fifty dollars (\$150.00).

(2) If the offender previously was convicted of or pleaded guilty to this section one time within one year of the offense, then the offender shall be guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed by the court, the offender shall be fined not less than fifty dollars (\$50.00) or more than two hundred fifty dollars (\$250.00).

(3) If the offender previously was convicted of or pleaded guilty to this section two or more times within one year of the offense, then the offender shall be guilty of a misdemeanor of the third degree. In addition to any other sanction imposed by the court, the offender shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).

(Ord. 16-O-60, passed 5-3-2017)

Statutory reference:

Animals running at large on public roads - grazing on another's land, see R.C. § 951.02