

ORDINANCE NO. 2024-26

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

AN ORDINANCE TO PROVIDE AMENDMENTS TO THE CODIFIED ORDINANCES OF OAKWOOD GENERAL OFFENSES CODE, PART FIVE, SECTIONS 505.02 AND 505.03 CLARIFYING CIRCUMSTANCES UNDER WHICH ANIMALS ARE RUNNING AT LARGE IN VIOLATION OF THE ORDINANCES OF THE VILLAGE

WHEREAS, Oakwood Codified Ordinance Sections 505.02 and 505.03 as presently written prohibit animals running at large under certain circumstances; and,

WHEREAS, Oakwood Village Council wishes to clarify the circumstances under which animals are running at large in violation of the Village Ordinances,

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OAKWOOD, STATE OF OHIO:

SECTION 1. That Oakwood Codified Ordinance Section 505.03, which presently reads as follows:

505.03 - Dogs and other animals running at large.

(a) No person being the owner or having charge of cattle, horses, swine, sheep, goats, chickens, or other animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(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) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape, or under 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) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(f) (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

be and hereby is amended to read as follows:

505.03 - Dogs and other animals running at large.

(a) No person being the owner or having charge of cattle, horses, swine, sheep, goats, chickens, or other animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(b) No owner, keeper or harbinger of any dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time unless the dog is properly in leash.

(c) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape, or under 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) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(f) (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

SECTION 2. The existing version of Oakwood C.O. Section 505.03 be and hereby is repealed.

SECTION 3. The codifier is hereby instructed to substitute the amended version of C.O. Section 505.03 for the existing version.

SECTION 4. This Ordinance shall become effective in full force and effect upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: 6.11.24

Erica J. Nikolic
Erica Nikolic, President of Council

Tanya Joseph
Tanya Joseph, Clerk of Council

Presented to the Mayor: 6.12.24

Approved: 6.12.24

Gary v. Gottschalk
Gary v. Gottschalk, Mayor

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2024-26 was duly and regularly passed by this Council at the meeting held on 11th day of June, 2024.

Tanya Joseph
Tanya Joseph, Clerk of Council

POSTING CERTIFICATE

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2024-26 was duly posted on the 18th day of June, 2024, and will remain posted in accordance with the Oakwood Village Charter.

Tanya Joseph
Tanya Joseph, Clerk of Council

DATED: 6.18.24

505.03 - Dogs and other animals running at large.

(a) No person being the owner or having charge of cattle, horses, swine, sheep, goats, chickens, or other animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(b) No owner, keeper or harbinger of any dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time unless the dog is properly in leash.

(c) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape, or under 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) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(f) (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.