

RECORD OF ORDINANCES

Ordinance No. 23-69

Passed 21st day of April, 19 69

ORDINANCE NO. 23-69

AN ORDINANCE PROVIDING FOR A CITY ANIMAL WARDEN; PROHIBITING ANIMALS FROM RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF CENTERVILLE; AUTHORIZING THE IMPOUNDING OF ANIMALS AND PROVIDING A PENALTY.

WHEREAS, it is in the interest of the safety and health of the citizens of Centerville to prohibit, the running at large, within the corporate limits of the City of Centerville, of animals;

NOW, THEREFORE,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS THAT:

Section 1. DEFINITIONS OF TERMS. As used in this ordinance, unless the context otherwise indicates:

- (a) "Animal" shall be intended to mean any cat, cattle, dog, horse, hog, sheep, goat, goose chicken, duck and other fowl and any other domesticated or wild beast.
- (b) "At large" shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of his immediate family or his agent either by leash, cord, chain or otherwise.
- (c) "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring an animal.

Section 2. RUNNING AT LARGE PROHIBITED. No owner or keeper of any animal shall permit such animal to run at large.

Section 3. CITY ANIMAL WARDEN. There is hereby created the position of City Animal Warden which shall be a part-time position. The City Animal Warden shall work at the direction of and be responsible to the City Manager who shall appoint a suitable person for such position.

The City Animal Warden shall be compensated at the rate of \$1.75 per hour plus reimbursement for expenses; provided, however, that the City Animal Warden may not incur any expenses without prior approval of the City Manager.

The position of City Animal Warden is not subject to the provisions of Ordinance No. 11-69.

Section 4. IMPOUNDING. It shall be the duty of the City Animal Warden to apprehend any animal found running at large contrary to Section 2 of this Ordinance and to impound such animal in the Montgomery County Animal Shelter or other suitable place.

Section 5. NOTICE TO OWNER AND REDEMPTION. Not later than two days after the impounding of any animal the owner shall be notified, or if the owner of the animal is unknown written notice shall be posted for five days at five or more conspicuous places in the City of Centerville describing the animal and the place and time of taking. The owner of any animal so impounded may reclaim such animal upon payment of \$5.00 and of all costs and charges incurred by the City of Centerville for impounding and maintenance of said animal and upon proof of proper licensing. All payments shall be made at the City Offices.

Section 6. DISPOSITION OF UNCLAIMED OR INFECTED ANIMALS. It shall be the duty of the City Animal Warden to arrange for the boarding of any animal for a period of seven days, except as hereafter provided in the case of an infected animal. If at the expiration of seven days from the date of notice

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to the owner or the posting of notice such animal shall not have been redeemed, it may be destroyed or sold at public or private sale. The proceeds of any sale shall be paid into the General Fund, after deducting therefrom all costs incurred in the sale and costs and charges for the impounding and maintenance of said animal. Any animal which appears to be suffering from rabies, mange or other infectious or dangerous disease shall not be released but may be forthwith destroyed.

Section 7. UNCLAIMED ANIMALS FOR SCIENTIFIC PURPOSES. Whenever any hospital or reputable institution of learning shall apply to the City Animal Warden for permission to use for research purposes in the study of prevention of disease or the betterment of mankind, any impounded animal remaining unclaimed, the City Animal Warden shall request the poundmaster or other custodian to surrender to the institution or hospital such unclaimed animal as it has requested, and they shall be so surrendered, upon payment of costs and charges by the institution making the request.

Section 8. CONFINEMENT OF CERTAIN ANIMALS. No animal of fierce, dangerous or vicious propensities and no female animal in heat, shall be allowed to run at large or upon the premises of one other than the owner. If any such animal is found running at large in violation of this provision it shall be taken up and impounded and shall not be released except upon approval of the City Manager after payment of the fees provided in Section 5; PROVIDED, HOWEVER, that if any dangerous fierce, or vicious animal so found at large cannot be safely taken up and impounded, such animal may be slain by any policeman or the City Animal Warden

Section 9. MUZZLING. Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping an animal to confine it securely on his premises unless such animal shall have a muzzle of sufficient strength to prevent its biting any person. Any un-muzzled animal running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All animals so noticeably infected with rabies and displaying vicious propensities shall be killed by the City Animal Warden or the Police without notice to the owner. Animals impounded during the first two days of such proclamation shall if claimed within five days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for in Section 5. If unclaimed after that period, such animal may be summarily destroyed.

Section 10. RABIES --NOTICE. If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, such animal shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the City Animal Warden of the fact that his animal has been exposed to rabies and at his discretion the City Animal Warden is empowered to have such animal removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

It shall be unlawful for any person knowing or suspecting an animal has rabies to allow such animal to be taken off his premises or beyond the limits of the city without the written permission of the City Animal Warden. Every owner, or other person, upon ascertaining an animal is rabid shall immediately notify the City Animal Warden or a policeman who shall either remove the animal to the pound or summarily destroy it.

Section 11. VACCINATION OF DOGS AND CATS. It shall be unlawful for the owner of any dog or cat to keep or maintain such dog or cat unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which such dog is kept, or maintained.

Section 12. PENALTIES. Any owner found violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 nor more than \$50.00 for such offense.

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Section 13. REPEAL OF CONFLICTING ORDINANCE. All existing ordinances of the City of Centerville are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

Section 14. SEPARABILITY OF PROVISIONS. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Section 15. This ordinance shall become effective at the earliest date allowed by law.

PASSED this 21st day of April, 1969.

/S/ Paul C. Hoy
Mayor - City of Centerville, Ohio

ATTEST:

/S/ Marilyn J. McLaughlin
Clerk of Council
City of Centerville, Ohio

C E R T I F I C A T E

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 23-69, passed by the Council of the City of Centerville, Ohio, on the 21st day of April, 1969.

/S/ Marilyn J. McLaughlin
Clerk of Council

Approved as to form, consistency with existing ordinances, the charter & constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney