

REQUESTED BY: CITY MANAGER, BILL KOCHER

DATE OF FIRST READING: 12-19-17  
FINAL ACTION DATE: 12-19-17

WAIVE RULES?  YES  NO  
VOTE:  YES  NO

SUSPENSION OF TWO READING RULE:

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>ABSENT</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>6</u>	<u>0</u>

DENISE LINGO  
JENNIFER MOODY  
ROBERT PARSONS  
JEANNE GEORGE  
JUDY PETERSEN  
JOE ROETTING  
KISHA DOSA  
TOTALS

ADOPTION OF ORDINANCE:

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>ABSENT</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>6</u>	<u>0</u>

ORDINANCE NO. 17-1840

**AN ORDINANCE AMENDING CHAPTER 95.07 "KEEPING OF ANIMALS" AND CHAPTER 90.29 "FAILURE TO REGISTER DOG OR DOG KENNEL" OF THE MT. HEALTHY CODE OF ORDINANCE AND DECLARING AN EMERGENCY**

**WHEREAS**, there is a need for more accurate descriptions in the "NUISANCES" and "ANIMALS" Chapters and Sections in the Mt. Healthy Code of Ordinances.

**NOW THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MT. HEALTHY, STATE OF OHIO:

**Section 1.** That Chapter 95 Section 07 "Keeping of Animals" Sub Section (A) shall be amended to read as follows:

(A) No person shall keep any pig, horse, cow, goat, ~~three or more~~ <sup>NO more than three</sup> dogs at least three months of age in any pen, yard, lot or other enclosure situated within the City.

**Section 2.** That Chapter 95 Section 07 "Keeping of Animals" Sub Section (B) shall be amended to read as follows:

(B) The owner or keeper of any dog shall keep any pen, yard, lot or other enclosure for said dog in a sanitary condition and free from preventable offensive odors. Any fowl or poultry shall be maintained in a pen or other enclosure more than 100 feet from any inhabited dwelling other than the dwelling house of the owner of such fowl or poultry; and said pen/enclosure shall be kept in a sanitary condition and free from preventable offensive odors.

**Section 3.** That Chapter 95 Section 07 "Keeping of Animals" Sub Section (C) shall be amended to read as follows:

(C) This section shall not limit the number of handicapped assistance dogs which may be housed outside of a principal dwelling so long as there is no more than one handicapped assistance dog for any one disabled person upon the premises requiring the use of such dog. This exception is intended to provide equal accessibility for all owners of dogs that are trained as assistance dogs in a manner that is no less than that required by

the Americans with Disabilities Act of 1990, being 42 USC 12101 et seq. For purposes of this section, a HANDICAPPED ASSISTANCE DOG shall be defined to be a guide dog, a signal dog or a service dog.

(1) A GUIDE DOG means a seeing eye dog or other dog that meets the definitional criteria under federal regulations adopted to implement Title III of the Americans with Disabilities Act of 1990.

(2) A SIGNAL DOG means any dog trained to alert a deaf person or a person who is hearing impaired to intruders or sound.

(3) A SERVICE DOG means any dog individually trained to do work or perform tasks for the benefit on an individual with disability, including but not limited to minimal protective work, rescue work, pulling a wheelchair, fetching dropped items, or seizure detection.

**Section 4.** That Chapter 90 Section 29 shall be amended to read as follows:  
FAILURE TO REGISTER DOG.

**Section 5.** That Chapter 90 Section 29 Sub Section (A) shall be amended to read as follows:

(A) No owner, keeper or harbinger of a dog more than three months of age, shall fail to file an application for registration required by R.C. §955.01, nor shall he or she fail to pay the legal fee therefor.

**Section 6.** This ordinance is hereby declared an emergency measure for the immediate preservation of the public peace, health, safety and welfare and shall take effect and be in force immediately upon its passage by Council and approval by the Mayor.

Passed this 19 day of December, 2017.

Tom Bittner  
President of Council

Attest: Melanie BC  
Clerk of Council

Approved this 19 day of December, 2017.

J. Sewell  
Mayor

**Text in red and underlined in red has been added. Text in red with a strikethrough has been deleted.**

**§ 95.07 KEEPING OF ANIMALS.**

(A) No person shall keep any pig, horse, cow, goat, ~~three or more dogs~~ <sup>for more than three</sup> at least three months of age, or any other animal or animals or any fowl or poultry in any pen, yard, lot or other enclosure situated within 100 feet of an inhabited dwelling house, other than the house of the owner of such animal or animals, fowl or poultry ~~the City.~~

(B) The owner or keeper of any ~~such animal or animals, fowl or poultry~~ dog shall keep the any pen, yard, lot or other enclosure for said dog in a sanitary condition and free from preventable offensive odors.

(‘74 Code, § 91.46)

Any fowl or poultry shall be maintained in a pen or other enclosure more than 100 feet from any inhabited dwelling other than the dwelling house of the owner of such fowl or poultry; and said pen/enclosure shall be kept in a sanitary condition and free from preventable offensive odors.

(C) This section shall not limit the number of handicapped assistance ~~animals~~ dogs which may be housed outside of ~~the~~ a principal dwelling so long as there is no more than one handicapped assistance ~~animal~~ dog for any one disabled person upon the premises requiring the use of such ~~animal~~ dog. This exception is intended to provide equal accessibility for all owners of ~~animals~~ dogs that are trained as assistance ~~animals~~ dogs in a manner that is no less than that required by the *Americans with Disabilities Act of 1990*, being 42 USC 12101 *et seq.* For purposes of this section, a **HANDICAPPED ASSISTANCE ANIMAL DOG** shall be defined to be a guide dog, a signal dog or a service dog.

(1) A **GUIDE DOG** means a seeing eye dog or other dog that meets the definitional criteria under federal regulations adopted to implement Title III of the *Americans with Disabilities Act of 1990*.

(2) A **SIGNAL DOG** means any dog trained to alert a deaf person or a person who is hearing impaired to intruders or sound.

(3) A **SERVICE DOG** means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to minimal protective work, rescue work, pulling a wheelchair, fetching dropped items, or seizure detection.

Penalty, see § 95.99

**§ 90.29 FAILURE TO REGISTER DOG OR DOG KENNEL.**

(A) No owner, keeper, or harbinger of a dog more than three months of age, ~~nor owner of a dog kennel,~~ shall fail to file an application for registration required by R.C. § 955.01, nor shall he or she fail to pay the legal fee therefor.

(R.C. § 955.21)

(B) Whoever violates this section shall be fined not less than \$25 nor more than \$100 on a first offense, and on each subsequent offense shall be fined not less than \$75 nor more than \$250 and may be imprisoned for not more than 30 days.