

**ORDINANCE NO. 25, 2018**

**AN ORDINANCE ADDING SECTIONS 505.22 AND 505.23 TO THE ST. BERNARD CODIFIED ORDINANCES TO UPDATE THE LAWS RELATING TO TETHERING DOGS AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council of St. Bernard intends update the Village laws relating to health and safety by adding sections 505.22 and 505.23 to the St. Bernard Codified Ordinances; now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD, STATE OF OHIO:**

**Section 1.** Section 505.22 Tethering Dogs is hereby added in its entirety, and that the new chapter shall be enacted and added to the St. Bernard Codified Ordinances and shall be recorded in its entirety to read as follows:

**505.22 Tethering Dogs**

(A) No owner, keeper, or harbinger shall allow a dog to be tethered:

- (1) For more than six hours in a twenty-four hour period;
- (2) Between the hours of 10 p.m. and 6 a.m.;
- (3) When no owner, keeper, or harbinger of the dog is present on the premises; or
- (4) In any area where there is an accumulation of feces or other waste, insect infestation, rodent infestation, foul odor, or another unsanitary or dangerous condition within the radius of the tether.

(B) No owner, keeper, or harbinger of a dog shall use any of the following types of tethers for the dog:

- (1) A tether of less than ten feet in length, or less than four times the length of the dog's body from tip of nose to base of tail, whichever is greater;
- (2) A tether the length of which allows the dog to cross the property line of the property on which it is tethered;
- (3) A tether that causes injury or pain to the dog because of the material of which it is made or because of the size or weight of the tether; generally, a tether should not weigh more than one-eighth (1/8) of a dog's body weight.

(C) No owner, keeper, or harbinger of a dog shall tether the dog:

- (1) By attaching the tether to the dog by means of a choke chain collar, pinch collar, or prong collar, as the collars are defined by the Humane Society of the United States;
- (2) By attaching the tether to a collar that is not properly fitted;
- (3) In an area likely to cause injury or pain to the dog because of entanglement; or
- (4) In an area likely to cause injury or pain to the dog because of surrounding structures.

(D) Anyone who violates this section shall be guilty of a minor misdemeanor.

**Section 2.** Section 505.23 Tethering Dogs is hereby added in its entirety, and that the new chapter shall be enacted and added to the St. Bernard Codified Ordinances and shall be recorded in its entirety to read as follows:

**505.23 Extreme Weather Conditions; Shelter; Food and Water.**

(A) *Purpose, applicability.* This section establishes standards for placing dogs outdoors, providing shelter and sustenance to dogs, and for how extreme weather conditions affect the required treatment of dogs. These standards are meant to supplement, not replace or conflict with, the requirements and prohibitions related to the treatment of all types of domestic animals that are currently found in Section 959.13 of the Ohio Revised Code.

*(B) Outdoor time limits during extreme weather conditions.*

(1) No owner, keeper, or harbinger of a dog shall leave the dog outdoors without adequate shelter for longer than sixty minutes when the temperature is below 20 degrees Fahrenheit or above 90 degrees Fahrenheit.

(2) No owner, keeper, or harbinger of a dog shall leave the dog outdoors for longer than necessary for the dog to urinate and/or defecate without adequate shelter when the National Weather Service has issued a severe weather warning for the location in which the dog is kept or harbored.

*(C) Adequate shelter.*

(1) *Suitable size, construction.* No owner, keeper, or harbinger of a dog who keeps or harbors a dog outdoors as the dog's primary living space shall fail to provide for the dog a shelter suitable for the dog's breed, size, age, coat, and health.

(2) *No standing water.* All shelters must be designed and/or located such that water does not gather and stand within the structure.

(3) *Outdoor dogs in extreme weather conditions.* The owner, keeper, or harbinger of a dog who provides the dog with a shelter shall adhere to paragraph (b) of this section, related to time limits during extreme weather conditions, unless the shelter provided for the dog has design and construction characteristics that, alone or in combination, sufficiently protect a particular dog against extreme weather conditions. Such characteristics include, but are not limited to, the following:

- i. Door, flap, or similar device to close shelter from the elements;
- ii. Construction of material durable enough to withstand strong wind;
- iii. Insulation;
- iv. Bedding of a material to protect against temperature extremes;
- v. Floor raised above the ground;
- vi. Airflow system, fan, or other cooling mechanism.

(4) *No exception if access to shelter blocked.* An owner, keeper, or harbinger of a dog must keep the dog indoors, except to urinate, defecate, or for recreation, if the dog has a shelter but the shelter is not accessible because of snow, ice, flood water, or other conditions.

(D) Anyone who violates this section shall be guilty of a minor misdemeanor.

**Section 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for the emergency is the immediate need to update the Codified Ordinances of St. Bernard. Therefore, this Ordinance shall take effect immediately by and upon its passage, and the approval of two-thirds of the members of said Council. However, this Ordinance shall take effect on the earliest date provided by law if approved by no more than a majority of the members of Council and in that event the emergency provisions herein are set at naught.

Passed this 9<sup>th</sup> day of August, 2018.

St. Asbach  
President of Council

ATTEST:  
M. Sri Katharan  
Clerk of Council

Approved this 9<sup>th</sup> day of August, 2018.

John R. Estep  
Mayor

I, M. SUE KATHMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 25, 2018, was made by posting true copies of the same in the most public places designated by Council: St. Bernard Square Bus Stop; Vine Street and Washington Avenue; Bertus Street Park; Greenlee Avenue and Johnson Alley; Park on Heger Drive; each for a period of fifteen (15) days or more commencing 8.9, 2018.

ATTEST: M. Sue Kathman DATE 8.9.18  
Clerk of Council

Approved as to form Michael N. Peck Date 8.9.18  
Director of Law