

AN ORDINANCE

BY: MR. EPLEY

NO. _____

TO AMEND EXISTING SECTION 505.08, *NUISANCE CONDITIONS PROHIBITED*, OF THE OAKWOOD GENERAL OFFENSES CODE TO EXPAND THE DEFINITION OF PUBLIC NUISANCE AND TO REQUIRE PET OWNERS TO CLEAN UP AFTER THEIR ANIMALS.

WHEREAS, to preserve the city of Oakwood as the premier residential community in the Greater Dayton area, and to promote the health, safety and welfare of residents in this predominantly walking community, Council desires to enact legislation prohibiting certain nuisance behaviors of pets and requiring their owners or caretakers to clean up after them;

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

SECTION I.

Section 505.08, *Nuisance Conditions Prohibited*, of the Oakwood General Offenses Code is hereby amended to read as follows, with new text in **bold** type and deleted text in ~~strike through~~ type:

505.08 NUISANCE CONDITIONS PROHIBITED.

- a. No person shall keep or harbor any animal or fowl in the City so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public. No person shall keep or harbor any animal or fowl in the City except those of a domesticated species or variety, customarily accepted as house pets in this City. Any action prohibited by this paragraph shall be deemed to constitute a public nuisance. (See 521.10 as to offensive odors from places where animals are kept or fed.)
- b. Any animal, other than a wild animal under the jurisdiction of the Ohio Department of Natural Resources, that defecates upon any public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a public nuisance. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner, such public nuisance shall be considered abated and shall not be subject to penalty.**
- ~~b.~~ **c. Whoever violates any provision of this section is guilty of a minor misdemeanor and shall be fined not less than \$25 for the first offense within a rolling 12 month period and not less than \$50 for each subsequent offense within a rolling 12 month period.**

SECTION II.

This ordinance shall be and remain in force from and after the earliest period allowed by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2016.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish the foregoing by incorporating the same into the Codified Ordinances of the city.

City Attorney Robert F. Jacques