

CHAPTER 3

ANIMALS

ARTICLE I - GENERALLY

3-1-1 DOGS AND CATS AT LARGE. No person shall permit any dog or cat to be at large in the Village of Germantown at any time. Dogs and cats are at large when the animal is in any public street, alley, park or other public grounds, or when off the premises of the owner or person who has custody of said dog or cat, and not constrained by a leash or under the immediate control of the owner or the person who has custody of said dog or cat. Within one hour after a dog or cat escapes from either the owner or the person having custody of the animal, the owner or custodian of the animal shall report the escape of said animal to the Village of Germantown Police Department.

3-1-2 RESTRAINT. Any person owning a dog or cat shall keep such dog or cat chained or otherwise confined on his own premises, but may allow the dog or cat upon the streets of the Village if such dog or cat is in the custody of the owner or his agent by a chain or leash. (#81-4; 07-01-81)

3-1-3 IMPOUNDING DOGS AND CATS. It is the duty of the Police Department or any other person authorized by the Board of Trustees to take all dogs or cats running at large within the corporate limits of the Village and impound the same for 10 days. Upon impounding any dog or cat, a notice thereof shall be posted at the Village Hall and a copy thereof mailed to the owner or owners, if known. All dogs and cats which have been impounded for more than 10 days shall be disposed of by the person impounding them. (#81-4; 07/01/81)

3-1-4 COSTS OF IMPOUNDING. The owner or owners of any dog or cat impounded as provided in this Chapter shall pay to the Village Clerk the sum of \$25.00 for the first day or part thereof in which said dog or cat is impounded and \$10.00 for each day thereafter in which said dog or cat is impounded. No dog or cat which has been impounded shall be released to its owner until the costs provided herein are paid by the owner and any dog or cat whose owner fails to pay the costs within 10 days after said impoundment shall be disposed of.

3-1-5 RUNNING AT LARGE. Any dog or cat running at large which the officers are unable to capture shall be humanly disposed of as soon as possible. (#81-4; 07/01/81)

Revised Code

3-1-6 INJURY TO PROPERTY.

(A) Prohibited. It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

(B) Waste Products Accumulations. It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.

3-1-7 PROHIBITION OF WILD AND VICIOUS ANIMALS. It shall be unlawful to possess the following classes of animals within the Village of Germantown.

(A) Wild Animals. Shall mean any live monkey or ape, raccoon, skink, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or bird of prey which can normally be found in the wild state.

(B) Vicious Animal. Shall mean:

i. Any individual animal that, when unprovoked, bites or attacks a human being or domestic animal either on public or private property;

ii. Any individual animal with a known propensity, tendency, or disposition, to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

iii. Any individual animal which, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalk, or any public grounds or places, notwithstanding the presence of restraints or enclosures which would prevent such animal from actually coming into physical contact with any person upon any such public places;

iv. However, no animal shall be deemed "vicious" if it bites, attacks or menaces anyone who has tormented or abused it, or if it is a professionally trained dog for law enforcement or guard duties, and is engages in those duties.

3-1-8 CRUELTY TO ANIMALS PROHIBITED.

(A) Unlawful Cruelty. It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to

Revised Code

drive away vicious or trespassing animals. Any unwanted animals should be delivered to the County Animal Control Facility for proper disposal.

(B) **Food and Shelter.** It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

(C) **Inside Shelter Requirements.** If dogs and/or cats are kept or maintained within a structure or building, such building shall:

1. Meet county and city health standards
2. Be kept clean, free of feces and urine.
3. Not constitute a nuisance or danger to the health and welfare of its inhabitants nor surrounding residents.

(D) **Outside Shelter Requirements.** If dogs and/or cats are maintained outside a building during a substantial portion of the day and/or night:

1. A shelter of sufficient height and width to permit such animal to stand up and turn around inside when fully grown shall be provided.
2. The shelter provided shall provide shade from the sun and shall be located a distance equal to one and one-half (1-1/2) times the width of the shelter from any residence located on lots or parcels of land contiguous to the property occupied by the shelter.
3. Be kept clean, free of feces and urine.
4. Not constitute a nuisance or danger to the health and welfare of its inhabitants nor surrounding residents.

3-1-9 **PROHIBITION OF FARM ANIMALS.**

(A) **Certain Prohibitions.** Except as otherwise provided in this Chapter, no person shall keep within the Village, any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or other livestock.

(B) **Exceptions.** This Section shall not apply to areas of the Village that are zoned agricultural, nor shall this Section apply to livestock brought into the Village for the purpose of being shipped out of the Village.

(C) **Health Hazard.** The Village President shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to pose a health hazard to the general public.

3-1-10 **PENALTIES.**

(A) **Dogs and Cats At Large.** Any person found guilty of permitting any dog or cat to be at large in violation of this ordinance shall be fined:

- (i) Not less than \$25.00 nor more than \$100.00 for the first offense;

Revised Code

(ii) Not less than \$50.00 nor more than \$500.00 for the second offense and subsequent offenses within a consecutive 12-month period.

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) All other violations of this Article I of Chapter 3. Any persons found guilty of any other section of this Article may be fined pursuant to the General Penalty in Section 1-1-20 of this Code. In addition to any punishment under Section 1-1-20 of this Code, the County Court may order the person who owns, possesses, keeps or exercises control over a dog to confine the dog immediately and continuously so as to prevent the dog from attacking or biting any person or animal, or may order such other dispositive action, including destruction of the dog, as deemed necessary by the court. Failure to comply with any such order shall be deemed a violation of this Section.

ARTICLE II - INOCULATIONS**3-2-1 DOGS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.**

(A) Each calendar year, or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog 4 months or more of age shall cause such dog to be inoculated against rabies. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.

(B) Every owner or keeper of a dog, regardless of age, shall cause the dog to wear a collar or harness and shall affix thereto a metallic or other suitable tag inscribed with the name, address and phone number, if any, of the owner or keeper of the dog.

3-2-2 INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE. The inoculation of dogs required by Section 3-2-1(A) shall be performed by a veterinarian duly licensed to practice his profession in this State. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a metallic or other suitable tag to be attached to the collar or harness of the dog, which shall also certify to the fact of the inoculation against rabies.

3-2-3 DURATION OF INOCULATION. The inoculation performed under provisions of Section 3-2-2 of this Chapter shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

3-2-4 SPECIFICATIONS FOR TAG. The tag issued under the provisions of Section 3-2-2 of this Chapter shall be in such form as shall be determined by the Department of Agriculture.

3-2-5 EXHIBITION OF CERTIFICATE UPON REQUEST. At any reasonable time upon request of any member of the Police Department, the owner or keeper of any unmuzzled dog shall exhibit his certificate, issued under the provisions of Section 3-2-2 of the Chapter, showing the inoculation against rabies of any dog owned or controlled by him.

ARTICLE III - BARKING DOGS

3-3-1 HARBORING BARKING DOGS. It shall be unlawful for any person or persons to keep or harbor any dog or dogs which habitually bark, howl, or yelp to the great disturbance of the peace and quiet of the neighborhood, or in such

Revised Code

manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared to be a public nuisance.

3-3-2 **PETITIONS OF COMPLAINT.** Whenever any person(s) shall complain to the Police Department that any dog or dogs that habitually bark, howl, or yelp are being kept by any person in the Village, the Police Department shall notify the owner or keeper of said dog or dogs that a complaint has been received and the person should take whatever steps are necessary to alleviate the barking, howling, or yelping. Any person(s) found guilty of failing to alleviate the barking, howling, or yelping, after police notification, shall be fined not less than **\$35.00** nor more than **\$500.00** for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE IV – POULTRY

3-4-1 **DEFINITIONS.** Whenever the following words or phrases are used, they shall, for the purposes of this Article, have the meaning ascribed to them in this section, except when the context otherwise indicates:

(A) **Poultry.** Domesticated fowl, limited for the purposes of this Article to turkeys, geese, ducks and chickens.

(B) **Coop.** A structure housing poultry, consisting of a covered inside enclosure.

(C) **Pen.** An enclosure connected to a coop for the purposes of allowing poultry to leave the coop while remaining in an enclosed, predator-safe environment.

3-4-2 **LIMIT ON AMOUNT AND TYPE OF POULTRY.**

(A) No owner or owners or keepers of poultry shall own or keep more than six (6) poultry per residence.

(B) No owner or owners or keepers of poultry shall own or keep a rooster, tom, drake or gander.

3-4-3 **CONFINEMENT.**

(A) All poultry kept in the Village shall be entirely confined in a pen, coop, building, or other enclosure at all times.

(B) All poultry shall be provided a secure coop that is well ventilated, roofed, and lockable. All coops must also be enclosed on all sides, with a roof and door(s). All coop floors must be kept in a clean and sanitary condition.

(C) All pens and coops shall not be located closer than ten (10) feet from any property line or an adjacent property, nor shall they be closer than forty (40) feet from any residential structure.

Revised Code

(D) All pens and coops must be located in the backyard of the poultry owner's property.

(E) All enclosures, including pens and coops, keeping poultry shall be constructed and/or repaired to prevent mice, rats and other rodents from being harbored underneath, within or within the walls of the enclosure, pen, or coop.

(F) Maximum pen size shall be 60 square feet.

3-4-4 **MISCELLANEOUS REGULATIONS.**

(A) Poultry feed must be stored in a tightly covered container.

(B) Poultry shall only be allowed in the R-1 district.

(C) Poultry shall be for personal use only and not for commercial activities.

(D) Odors from poultry, poultry manure, and other poultry substances shall not be perceptible at the property boundaries of the property where poultry are kept, and it is hereby declared a nuisance and shall be unlawful for any person to allow such a nuisance to exist.

(E) No person shall allow poultry to provide noise loud enough to annoy or disturb the comfort, health, peace or repose of reasonable persons of ordinary sensibilities, and it is hereby declared a nuisance and shall be unlawful for any person to allow such a nuisance to exist.

(F) All waste materials, including but not limited to, feed, manure, and litter shall be disposed of in an environmentally responsible manner.

(G) Nothing in this Article shall be construed to permit the keeping of chickens when such activity is prohibited by private covenants, conditions or restrictions covering the use of property. The Village is not responsible for the enforcement of private covenants.

(H) Nothing in this Article shall preempt any provisions of the Zoning Code of the Village of Germantown.

3-4-5 **LICENSE AND PERMIT REQUIRED.** No person shall keep poultry within the Village without first obtaining a license therefor issued by the Village after obtaining a building permit as provided for herein.

3-4-6 **REVOKED.**

3-4-7 **LICENSE AND PERMIT PROCESS.**

(A) An applicant for a license for the keeping of poultry or for a building permit for any pen, coop, building or other enclosure used for the housing of poultry must submit the following to the Zoning Administrator:

1. Completed applications on forms provided by the Village.
2. A current plat of survey accurately depicting the potential location of the proposed structure housing poultry on the applicant's property.

Revised Code

(B) A license for the keeping of poultry and a building permit for a structure for the keeping of poultry shall not be granted unless the applicant can show proof that a proposed structure that complies with all provisions of this chapter will be erected.

(C) A license for the keeping of poultry and a building permit for a structure for the keeping of poultry shall not be transferrable or run with the land and shall terminate and become invalid upon the licensee no longer occupying the property for which the license and permit were issued.

(D) All applicants are required to grant the Zoning Administrator the authority to inspect the applicant's premises after the application has been filed, and at any time the licensee has poultry on his/her premises.

3-4-8 **SUSPENSION OR REVOCATION.** In addition to any other penalty which may be authorized by this chapter or other Village ordinances, the Zoning Administrator may suspend or revoke any license issued pursuant to this chapter for:

(A) Failure of the licensee to comply with any provisions of this chapter, any other applicable ordinances, the laws of the state, federal laws or other applicable legal requirements; or

(B) Finding that the licensee knowingly furnished false or misleading information or withheld relevant information in any application for a license for the keeping of poultry or for a building permit for any structure for the keeping of poultry.

3-4-9 **SUMMARY SUSPENSION.** Where the Zoning Administrator presents to the Village President sufficient evidence demonstrating probable cause to believe that the licensee has violated the provisions of this chapter or the laws of the United States or the state, and that said violation will immediately threaten the public health, safety or welfare, the Village President may, upon the issuance of a written order stating the reason for such conclusion, and without prior notice or hearing, order the licensee structure for the keeping of poultry closed and the license summarily suspended pending a public hearing and a determination on suspension or revocation. Such hearing shall be commenced not more than seven (7) days following the entry of such an order, unless the licensee shall agree to a longer period of time. The procedure for such a hearing or any appeal with respected thereto shall be as otherwise provided in this chapter. Upon entry of an order of summary suspension, the licensee shall be served with a copy of the order and notice of violation and a hearing in the manner provided by this chapter.

3-4-10 **NOTICE OF HEARING.** Except as provided in Section 3-4-9 of this chapter, prior to suspension or revocation of a license under this chapter, the licensee shall be notified in writing of the nature of the violation(s) and an opportunity for a hearing which will be provided if a written request for a hearing is filed with Zoning Administrator by the holder of the license within ten (10) days. If a written request is filed within ten (10) days, a hearing date shall be set within ten (10) days of receipt of the request. If no written request

Revised Code

for a hearing is filed within ten (10) days, the suspension or revocation shall be sustained.

3-4-11 **HEARING.** As provided in this chapter, a hearing shall be conducted by the Zoning Administrator or his/her designee affording the licensee an opportunity to appear and defend the charges. The Zoning Administrator shall make a final decision in writing, including the reasons for such decision, and shall serve such decision on the licensee within ten (10) days after the conclusion of the hearing.

3-4-12 **APPEAL.**

(A) Any person aggrieved by the action or decision of the Zoning Administrator to deny, suspend or revoke a license applied for or issued under the provisions of this chapter shall have the right to appeal such action or decision to the Village Board within ten (10) days after the notice of action or decision has been mailed to the licensee's address as shown on the license application form, or to the licensee's last known address.

(B) An appeal shall be taken by filing with the Zoning Administrator a written statement setting forth the grounds for appeal.

(C) The Zoning Administrator shall transmit the written statement to the Village President within ten (10) days of its receipt and the Village President will set a time and place for a hearing on the appeal. The Village President may designate an authorized representative to conduct such hearing.

(D) A hearing shall be set not later than thirty (30) days from the date of receipt of the appellant's written statement.

(E) Notice of the time and place for the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action decision.

(F) The Village President shall service a decision on the licensee within ten (10) days after the conclusion of the hearing on such appeal.

3-4-13 **REMOVAL OF STRUCTURE.** Structures housing poultry including any pens, coops, buildings or enclosures shall be removed upon a licensee no longer keeping poultry, upon a licensee no longer occupying the property for which a license for the keeping of poultry was issued or upon a licensee for the keeping of poultry having been revoked.

3-4-14 **PENALTY.** Any person convicted of a violation of this Article shall be subject to the general penalty as described in Section 1-1-20 of this Code.