



M E M O

TO: City Council
FROM: City Clerk
DATE: May 25, 2007
COPIES: Mayor; City Solicitor; file
SUBJECT: E-mail from Karen Sue Wikoff

Attached is an e-mail from Karen Sue Wikoff expressing her concern about vicious dogs. She had also called me earlier this week about this matter. I am also attaching a copy of an ordinance from Highland Heights regarding vicious dogs. All the cities I researched on this subject had similar ordinances. I also researched any ordinances that might limit the number of dogs and have attached several of those.

RECEIVED

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MAY 24 2007

From: KWikoff@aol.com
Date: 05/24/07 09:43:24
To: portscityclk@hotmail.com
Subject: Vicious Dogs in City Limits

CITY CLERK'S OFFICE

copy
OC
Mayor
Health Dept

My name is Karen Sue Wikoff. I own a residential property at 1325 Third Street in Portsmouth. I have owned this property since January, 1998. It was built in 1884 and I have invested significant money to restore and maintain what was once a dilapidated property.

My concern is the recent surge of vicious dogs in the area, namely, pit bulls. The renters next door to me now own 4. Their yard is not properly fenced in. One dog is cabled to a lawn mower for "security". The yard is filled with feces. One of the dogs was loose in the alley behind my garage and charged me. I was with a repairman who chased the dog back to the yard.

As you know the K-12 schools are a short one half block from this residence.

I would like to suggest that the mayor and city council members consider an ordinance that would limit the number of vicious dogs in Portsmouth. It is common knowledge that pit bulls have been responsible for an extraordinary high number of attacks on children and adults. It is also well established that pit bulls are the dogs of choice for those involved in selling drugs. I believe that there should be a limit of one such dog per household. I also believe their should be a posting that a vicious dog resides there. I also believe the home should not only have insurance but a properly constructed yard that securely contains such animals.

Why wait for disasters to happen. Please consider taking preventive measures to thwart such possibilities.

For your information, I have lodged complaints with various persons including the mayor's office about the problem next door to me but I believe broader measures should be in place to better address these problems.

Thank you for your consideration.

Karen S. Wikoff
1325 Third Street
Cell No. 419-351-3629

See what's free at AOL.com.

Highland Heights

505.011 VICIOUS DOGS.

(a) Definitions.

(1) As the terms is used in this section, **vicious dog** means:

A. Any **dog** with a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of humans or domestic animals;

B. Any **dog** which has been judicially or administratively determined, pursuant to Section 505.011(b), to have a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or

C. Any **dog** which has been judicially or administratively determined, pursuant to Section 505.011(b), to have attacked a human being or other domestic animal; or

D. Any pit bull terrier, which shall be herein defined as any Terrier breed of **dog** or any mixed breed of **dog** which contains an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

(2) A **vicious dog** is unconfined, as the term is used in this section, if such **dog** is not confined on the premises of the person described in subsection (c) hereof as follows:

A. If the **dog** is outside, it must be in a securely enclosed pen or **dog** run area which has secure sides and a secure top attached to all sides and which has a secure floor or bottom attached to all sides of the pen or which is embedded in the ground no less than two (2) feet. Such pen or **dog** run area shall be locked with a key or combination lock at all times when the animal is within the structure.

B. If the **dog** is inside, it may not be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure. A **vicious dog** may not be kept on a patio, porch or in any part of a house or structure which would allow the animal to exit the building on its own volition, whether or not such a **dog** is on a chain or leash.

(b) Designation of Dog as Vicious ; A ppeal.

(1) A **dog** may be determined to be **vicious**, as defined in Section 505.011(a)(1); and thus subject to the requirements of Section 505.011, in one of the two following ways:

A. A court of competent jurisdiction may declare the **dog** to be **vicious** in an independent or related civil or criminal proceeding; or

B. The Chief of Police or his designee may provide written notice to the owner or other person harboring or having care or control of the **dog** that the Chief of Police or his designee has determined the **dog** to be **vicious**. Such notice shall be given by personal service, ordinary mail, or by posting on the property at which the person resides. Any person aggrieved by the order of the Chief of Police or his designee hereunder may appeal such order in writing to the Highland Heights Zoning Board of Appeals, which decision shall be the final decision of the City. Such appeal shall be filed within five (5) working days of the date of notice, and heard within twenty (20) working days of the date the appeal is filed. The filing of a notice of appeal hereunder shall stay the requirements of Section 505.011, but shall not preclude the Chief of Police or his designee or the Cuyahoga County Board of Health from impounding the **dog** if otherwise permitted by this chapter or other provision of law and shall not in any way relieve the owner or other person harboring or having care or control of the **dog** from civil or criminal liability for injury or damage caused by the **dog** or for violations of provision of this chapter other than Section 505.011.

(c) No person owning or harboring or having the care or custody of a **vicious dog** shall permit such **dog** to go unconfined on the premises of such person.

(d) No person owning or harboring or having the care of a **vicious dog** shall permit such **dog** to go beyond the premises of such person unless such **dog** is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(e) No person shall own or harbor any **dog** for the purpose of **dog** fighting, or train, torment, badger, bait or use any **dog** for the purpose of causing or encouraging such **dog** to unprovoked attacks upon humans or domestic animals.

(f) No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the City any **vicious dog**.

(g) Any person owning or harboring or having the care or control of any **vicious dog** shall maintain a policy of insurance in an amount not less than two hundred thousand dollars (\$200,000) for each occurrence and insuring such person against any claim, loss, damage or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the **vicious dog**. Such person(s) shall produce evidence of such insurance upon the request of a law enforcement officer.

(h) In the event that a law enforcement officer has probable cause to believe that a **vicious dog** is being harbored or cared for in violation of subsections (b), (d), (e) or (f) hereof, the law enforcement officer may petition a court of competent jurisdiction to order the seizure and impoundment of the **vicious dog** pending trial. In the event that a law enforcement officer has probable cause to believe that a **vicious dog** has gone beyond the premises of a person owning, harboring, or having the care or control of the **dog**, in violation of subsection (c) hereof, the law enforcement officer may seize and impound the **vicious dog** pending trial.

(i) No person shall own, harbor, care for, or control a **vicious dog** within the City until such **dog** has been registered at the Division of Police on such form(s) as prescribed by the Chief of Police. Persons owning, harboring, caring for or controlling a **vicious dog** upon the effective date of this section, shall register such **dog**

with the Division of Police within sixty days of the effective date of this provision.

(j) Penalty.

(1) Whoever violates any provision of this section, other than subsection (h) herein, shall be guilty of a misdemeanor of the first degree. Whoever violates subsection (h) herein shall be guilty of a misdemeanor of the fourth degree and shall be required to comply with the requirements of subsection (h).

(2) Whoever is found guilty of any subsequent offense of violating this section shall be guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000), which fine shall be mandatory and shall not be suspended or remitted.

(3) Any **vicious dog** which attacks a human or domestic animal may be ordered destroyed when, in the court's judgment, such **vicious dog** represents a continuing threat of serious harm to humans and domestic animals.

(4) Any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any **dog** for the protection of the public, and such other expense as may be required for the destruction of any such **dog**.
(Ord. 35-2005. Passed 11-9-05.)

505.09 NUMBER OF DOGS LIMITED.

(a) No household shall be permitted to own or board more than three dogs that are ten weeks of age or older on the premises of the household.

(Ord. 77-24. Passed 6-13-77.)

(b) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

618.18 MAXIMUM NUMBER OF DOGS PERMITTED.

(a) Not more than two dogs, except puppies not over three months old, may be kept in any single-family dwelling within the City. "Dwelling," as used in this section, includes the lot or parcel of land on which the dwelling is located and all out-buildings located on the lot or parcel.

(b) Any person requesting to increase the maximum number of dogs permitted shall be subject to a one time fee of twenty-five dollars (\$25.00). An applicant shall file an application with the Police Department. Said application must provide information regarding age, description, breed, name of dog(s), current dog licenses and/or rabies tags. Veterinarian information and emergency numbers shall also be required, inspection of the property will need to be made by the Animal Control Officer before a permit may be issued. Random inspections will also be allowed by the applicant. Any person who either does not maintain control of the dogs, meet standards of animal care, or has dog-related complaints against them may not be renewed. When inspecting property, the Animal Control Officer will inspect for proper care and standards of animal care, licensing, rabies inoculations and nuisance conditions. (Ord. 1999-17. Passed 5-11-99.)

505.19 NUMBER OF DOGS PER HOUSEHOLD.

(a) No person shall own, keep or harbor more than four dogs, excepting puppies under six months old, in or on the premises of any dwelling unit within the City, unless the zoning lot upon which dogs are kept has a minimum area of 4,000 square feet for each dog kept on such zoning lot regardless of the number of persons keeping or harboring dogs on such lot.

(Ord. 1991-333. Passed 12-19-91.)

(b) Whoever violates this section is guilty of a minor misdemeanor.