

AN ORDINANCE TO ADOPT RULES AND REGULATIONS FOR ANIMALS IN THE VILLAGE OF WEST LAFAYETTE, OHIO AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH

THEREFORE, BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio as follows:

SECTION I: ANIMALS AS PROPERTY GENERALLY

- A. The owner or keeper of any animal kept within the Village of West Lafayette shall ensure:
 - a. the smell of such animal shall be sufficiently mitigated so that persons of ordinary sensibilities are not offended
 - b. said animal will not make noise which would offend or annoy a person of ordinary sensibilities,
 - c. said animal shall not roam at large,
 - d. shall not interfere with the use and enjoyment of any public place,
 - e. shall not impede the traffic on roadways or sidewalks, or
 - f. otherwise cause offense to persons of ordinary sensibilities.
- B. No livestock or other animals to be used for the production of food, food products, wool, antlers, or any other good, or any animals used to provide services and perform labor, including but not limited to: chickens, turkeys, ducks, geese, or other such live poultry or fowl of any kind, horses, llamas, alpacas, ponies, cattle, calves, goats, sheep, bison, swine, reptiles, amphibians, and also dogs, cats, gerbils, hamsters, guinea pigs, or mice shall be kept in the Village, except:
 - a. kept as when kept as therapy animals as may be accepted in Section II of this Ordinance, companion animals, show animals, breeding stock, or household pets.
- C. Breeding animals of any kind for any purpose shall be permitted within the Village.
 - a. Unsterilized animals shall be kept in numbers of two or less provided they are confined in cages or inside residences
 - b. Animal breeders must be permitted by the Village.
- D. No hooved animals shall be kept within the Village, no other provision or exception of this ordinance shall permit any hooved animal to be kept within the Village.
- E. Live birds, including, poultry, raptors, or fowl of any kind as stated in Section I (B)(1) which are caged inside a residential dwelling shall be allowed in the Village.
 - a. However, no owner shall permit any bird described herein to make noise which would offend or annoy a person of ordinary sensibilities.
 - b. No owner shall permit any bird described herein to fly freely in the Village.
 - c. CHARLIE'S LAW: No person shall keep a hummingbird as a pet.

- F. Whoever violates division (A), (B), (C), or (D) of 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.

SECTION II: THERAPY ANIMALS

- A. When a person presents to Council for the Village of West Lafayette in a full Council meeting his/her written petition supported by medical evidence he/she is in need of a therapy animal the petition shall be referred to the Ordinance Committee or other committee of Council as selected by the Mayor for consideration and reporting back to full Council. The petitioner shall be required to attend the committee meeting and be prepared to provide full details as to the need.
- B. The medical evidence shall be in writing and provided by a health care provider who is licensed psychologist or licensed social worker, each who possesses a master's degree or higher degree, a licensed osteopathic doctor, or a licensed medical doctor.
- C. The medical evidence shall state that the person is suffering from an illness, disease, or injury which in the opinion of the medical provider can be cured or reasonably alleviated by use of an allowable therapy animal.
- D. Therapy animals may be animals not otherwise permitted by the Ordinances of West Lafayette, Ohio and are subject to review in each case. No therapy animal unless it is a dog shall exceed twenty (20) pounds in weight. No person or combination of persons within a residential dwelling may have in excess of two (2) therapy animals.
- E. All therapy animals shall be restrained and confined at all times within the perimeters of the owner's property. Housing for said animals outside the person's residence shall be kept neat, clean, without odor, and free of nuisance. In order to restrain flying animals, wings shall be clipped.
- F. The property owner possessing a therapy animal other than dogs, cats, gerbils, hamsters, guinea pigs, or mice shall cause his yard to be enclosed by a fence which meets the allowances for fences in the Village of West Lafayette.
- G. The person presenting the petition shall attempt to obtain the written consent of all abutting property owners in the Village to the property where the therapy animal is to be kept. Consent to house al therapy animal within the Village may be granted without all written consents but the applicant must attempt to obtain them and explain to the adjacent neighbors what is proposed.
- H. Any person harboring or keeping an animal not specifically permitted by this Section or Section I shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Any persons currently in violation of said ordinance shall have sixty (60) days from date of final passage to become compliant. All persons becoming compliant shall have cases now pending dismissed if the defendant pays the court costs.

SECTION III: WILD BIRDS

- A. No person shall kill or injure any wild bird, or throw, fire or shoot an air-gun pellet, stone, arrow or other missile at a bird; or break, tear down or destroy any bird nest or the eggs or other contents of the nest; or catch or capture any wild bird; or set traps or spread nets or snares with intent to catch or capture the same; or follow or pursue the same with intent to catch or injure it.
- B. Whoever violates this section is guilty of a minor misdemeanor.

SECTION IV: DANGEROUS ANIMALS

- A. As used in this section "dangerous animal" means and includes any mammal, amphibian, reptile, or fowl which is of a species which is wild by nature, and of a species which, due to its size, vicious nature, or other characteristic, is dangerous to human beings. Such animals include, but are not limited to, lions, tigers, ligers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species whose average adult weight is twenty pounds or more, foxes, elephants, rhinoceroses, alligators, crocodiles, and all forms of venomous, poisonous, or constricting reptiles. "Dangerous animal" does not include gerbils, hamsters, guinea pigs, mice, or rabbits.
- B. No person shall possess, keep, or maintain a dangerous animal in the Village.
- C. The provisions of this section shall not apply to the keeping of dangerous animals in the following cases:
 - a. The keeping of such animals in zoos, bona fide education or medical institutions, museums or any other place where they are kept as live specimens for the public view or for the purpose of instruction or study;
 - b. The keeping of such animals for exhibition to the public by a circus, carnival or other exhibit or show; or
 - c. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.
- D. Prohibited Animals. Except as provided in this section, no person shall keep, maintain or have in his possession or under his control within the Municipality any of the following animals:
 - a. Any animal which has been declared to be protected or endangered by the U.S. Department of the Interior, the U.S. Department of Agriculture, the Ohio Revised Code, the Ohio Administrative Code, or the Village Ordinances;
 - b. All poisonous animals, including rear fang snakes;
 - c. Badgers (mellinae);
 - d. Bears (Ursidae);
 - e. Beavers (castoridae);
 - f. Canids, that is: wolves, foxes, coyotes, jackals, dingo;
 - g. Civet (viverrine);
 - h. Constrictor snakes;
 - i. Crocodilians, that is: alligators, crocodiles, caimans, caviales;
 - j. Eagles, hawks, owls (falconiformes);

- k. Edentata, that is: anteaters, tamanduas, sloths, armadillos;
 - l. Emus (casuariiformes)
 - m. Felids, that is: lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots;
 - n. Game cocks and other fighting birds;
 - o. Hyendidae (hyenas);
 - p. Marsupials, that is: opossums, Tasmanian wolf, kangaroos, koalas, wombats;
 - q. Muskrats (ondata);
 - r. Ostriches (Struthio);
 - s. Porcupine (hystricomorph);
 - t. Primates (nonhuman) that is: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs;
 - u. Procyonids, that is: raccoons, coatis, kinkajous, ring tailed cats, pandas;
 - v. Rats (mus);
 - w. Rheas (rheiformes);
 - x. Skunks (mephitinae);
 - y. Squirrels (sciuriclae);
 - z. Sharks (Chondrichthyes);
 - aa. Swine (suidae);
 - bb. Ungulates, that is: elephants, zebra, tapirs, rhinoceroses, camel, llama, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle, gnu;
 - cc. Water buffalo (Bubalus);
 - dd. Wart hogs (Phacochoerus aethiopicus);
 - ee. Weasels;
 - ff. Wolverines (gulo gulo); or
 - gg. Woodchucks (marmota monas).
- E. Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION V: DOG NUISANCE PROHIBITED; ABATEMENT

No person being the owner or person in charge of a dog shall permit such dog while at large or upon a leash in the Village to:

- A. Defecate upon any public land or any private land other than the land where the owner or person in charge of such dog resides.
- B. The owner or person in charge of any dog which defecates on any such prohibited land shall immediately clean such and cause its removal to a proper receptacle.
- C. The owner or person in charge of any dog shall keep the property where he resides in a clean and sanitary condition by regularly removing the defecation of his dog to prevent accumulations.
- D. The terms of this section shall not apply to any dog which has been expressly invited to enter upon private property by notification to the owner or keeper of

such dog, or to any dog engaging in the pursuit of hunting.

- E. The defecation of any dog is hereby declared to be a nuisance, creating an unsanitary and unhealthful condition, causing an accumulation of insects and bacteria, and in violation of the regulations of this section, is hereby declared to be unlawful and a misdemeanor.
- F. Whoever violates this section is guilty of a minor misdemeanor.

SECTION VI: SET BACK AND WARNING SIGNS

- A. As used in this Section, dangerous dogs and vicious dogs are defined as stated in the Village of West Lafayette Ohio Basic Code Section 90.28.
- B. No person owning, harboring, or having care of custody of a dangerous or vicious dog shall house said dog in a pen or structure which is located closer than four (4) feet from any adjacent property line, street, or alley.
- C. No person owning, harboring, or having care or custody of a dangerous or vicious dog shall house said dog in a pen or structure unless said pen or structure is clearly marked with a sign containing the words "Dangerous Dog" or "Vicious Dog". In addition, a second sign shall be placed on the premises where the pen or structure is located to be clearly legible from the public street or sidewalk adjacent to the premises, indicating that a dangerous or vicious dog is located on the premises. For purposes of this section if a public street or sidewalk is located adjacent to the premises, the sign may not be placed to be viewed only from an alley.
- D. Whoever violates any provision of this section for a first offense is guilty of a minor misdemeanor.

SECTION VII: CRUELTY TO ANIMALS

- A. No person shall:
 - 1. Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;
 - 2. Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. Division (A)(2) of this section does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, shelter means a man-made enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development, or vegetation.
 - 3. Carry or convey an animal in a cruel or inhuman manner;
 - 4. Keep animals in an enclosure without wholesome exercise and change of air;
 - 5. Whoever violates any provision of this section for a first offense is guilty of a minor misdemeanor.
 - 6. Upon a report of animal cruelty, the Village of West Lafayette Police may assist the County Dog Warden in securing the safety of said animal.

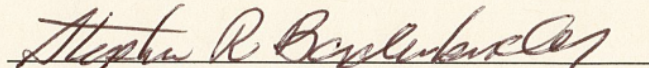
Record of Ordinances

Ordinance No.: 2023-29


Passed: May 22, 2023

SECTION VII: Further rules and regulations regarding animals can be found in the Village of West Lafayette Ohio Basic Code Chapter 90. All provisions of Ordinances and Resolutions in conflict with the provisions and terms of this Ordinance shall be and are herewith amended in accordance with this Ordinance.

PASSED IN COUNCIL THIS 22 day of MAY, 2023.


Stephen R. Bordenkircher, Mayor

ATTEST:


Amy Bourne, Fiscal Officer