

**ORDINANCE NO. O-18-03**

**AN ORDINANCE PROVIDING THAT BOTH OWNERS OF DOGS DESIGNATED NUISANCE, DANGEROUS OR VICIOUS AND OWNERS OF PROPERTY LOCATED WITHIN THE CITY OF WILMINGTON WITH DOGS SO DESIGNATED BEING KEPT THEREUPON SHALL BE REQUIRED TO COMPLY WITH COURT ORDERS AND STATE LAW AND PROVIDING A PENALTY FOR VIOLATION OF THE SAME.**

WHEREAS, the Legislative Authority of the City of Wilmington has determined it in the public interest to bolster, improve and expand rules and regulations related to dogs housed, kept or harbored within the City of Wilmington which have been designated by court order as nuisance, dangerous or vicious.

THEREFORE, BE IT ORDAINED by the City of Wilmington, Ohio the following:

**CITY OF WILMINGTON CODIFIED ORDINANCES**

**505.16 KEEPING OF NUISANCE, DANGEROUS OR VICIOUS DOGS**

**SECTION 1.** Whenever a dog which is housed, kept or harbored (hereinafter collectively "kept") within the incorporated limits of the City of Wilmington is designated a "nuisance", "dangerous" or "vicious" dog by order of any court pursuant to the provisions of Ohio Revised Code Chapter 955, then the City of Wilmington shall serve written notice, either personally or by certified mail, to the owner(s) of the nuisance, dangerous or vicious dog (hereinafter "Dog Owner") advising the Dog Owner of the following:

1. In the event the Dog Owner fails to comply with all court orders and all other state laws governing nuisance, dangerous or vicious dogs, then, in addition to any other penalties as prescribed by law, the Dog Owner will be in violation of Wilmington City Ordinance No. O-18-03 and that a citation will be issued to the Dog Owner unless then within thirty (30) days of receipt of the notice one of the following apply:
  - a. The Dog Owner is compliant with all orders of the court and every other state law relating the nuisance, dangerous and vicious dogs;  
or
  - b. The Dog Owner no longer keeps the dog within the incorporated limits of the City of Wilmington.

**SECTION 2.** In addition to the notice as provided for in Section 1, whenever a dog which kept within the incorporated limits of the City of Wilmington is designated a "nuisance", "dangerous" or "vicious" dog by order of any court pursuant to the provisions of Ohio Revised Code Chapter 955, then the City of Wilmington shall notify the record owner(s) of the property upon which the dog is kept (hereinafter the "Property Owner") of said designation. The notice shall be in writing delivered, either personally or by certified mail, and shall notify the Property Owner that, regardless of whether of the Property Owner is the owner of the nuisance, dangerous of vicious dog, that all the of the following apply:

1. That a dog kept upon the property has been designated by court order as a nuisance, dangerous or vicious dog pursuant to the provisions of Ohio Revised Code Chapter 955.
2. In the event the owner of the nuisance, dangerous or vicious dog fails to comply with all orders of the court and all other state laws governing nuisance, dangerous or vicious dogs, then the Property Owner will be in violation of Wilmington City Ordinance No. O-18-03, and that a citation will be issued to the Property Owner unless then within thirty (30) days of receipt of the notice one of the following apply:
  - c. The Dog Owner is compliant with all orders of the court and every other state law relating the nuisance, dangerous and vicious dogs;  
or

- d. The designated nuisance, dangerous or vicious dog is no longer kept on the property; or
- e. The Property Owner has initiated eviction proceedings against the Dog Owner.

**SECTION 3.** Any officer of the Wilmington Police Department or other agent duly designated by the Director of Public Safety shall be authorized to issue citations and otherwise ensure compliance with this Ordinance. For purposes of this Ordinance, the City of Wilmington shall only issue the notices as provided for in Sections 1 & 2 hereinabove upon the City's receipt of notice of the issuance of a qualifying court order relating to a dog being kept within the City. The failure to send notices under Sections 1 & 2 hereinabove, or otherwise prosecute a dog owner or property owner under this Ordinance shall not impose any liability on behalf the City or otherwise create any right or independent cause of action as against the City by any person(s) injured by any nuisance, dangerous or vicious dog kept therein.


**SECTION 4.** Whoever violates this Ordinance shall be guilty of an unclassified misdemeanor punishable by a fine of not more than five hundred dollars (\$500). Each day in which a person is in violation of this Ordinance shall constitute a separate punishable offense.

**SECTION 5.** This Ordinance shall take effect at the earliest time prescribed by Ohio law

Passed this 1st day of February, 2018.

  
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President of Council

ATTEST:

  
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Clerk of Council

Approved by me this 1st day of February, 2018.

  
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Mayor