

ORDINANCE NO.: 2015- 10

FIRST READING February 23, 2015

INTRODUCED BY: William Koons

SECOND READING March 9, 2015

THIRD READING March 23, 2015

TABLED March 23, 2015

UNTABLED APRIL 13, 2015

**ORDINANCE REPEALING ORD. 2013-21 AND ADOPTING AN ORDINANCE REQUIRING ALL DOGS, OR OTHER HOUSEHOLD PETS, TO BE ON A LEASH AND UNDER CONTROL IN ANY VILLAGE OWNED PARK; DEFINING "UNDER CONTROL"; AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF AND DECLARING AN EMERGENCY.**

**WHEREAS** By virtue of Ordinance 2013-21 dogs, or other household pets, were permitted on the odd numbered days of each month to be in the village park, off leash, in designated areas; and

**WHEREAS** Such off leash provision was, by the express terms of the ordinance, to be implemented for a 6 month trial period; and

**WHEREAS** During such 6 month period the village maintained a record of incidents, complaints, and violations of such ordinance to determine if maintaining off leash provisions at the village park could be managed safely, consistently, and to the benefit of the general public; and

**WHEREAS** After review of such records Council has determined that the off leash, every other day, trial period was unsuccessful in maintaining the safety, peace, and enjoyment of the village park; and

**WHEREAS** Council therefore desires to repeal Ord. 2013-21 and adopt new regulations for dogs in any village park.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Village of South Russell, Geauga County, Ohio, that:

**SECTION 1.** Ordinance 2013-21, a full copy of which is attached hereto as Exhibit 1, is hereby repealed.

**SECTION 2.** Dogs, or other household pets, are permitted in any Village owned park provided they are under control and on a leash not more than eight feet long. No dog is permitted off leash in a Village owned park.

**SECTION 3.** "Under control" is defined as follows:

- (1) Any dog, or other household pet observed that attempts through force or threat of force to create fear in another person or animal is to be considered not under control; and
- (2) Any dog, or other household pet observed that attempts through force or threat of force to make unwanted bodily contact with another person or animal is to be considered not under control; and
- (3) Any dog, or other household pet observed that through force makes unwanted bodily contact with another person or animal causing injury is to be considered not under control; and
- (4) No person shall bring into the park no more than 3 of any dog, or other household pet.

**SECTION 4.** Whosoever violates Section 2 or 3 of this Ordinance is guilty of a misdemeanor per the following schedule.

1. For a violation of Section 2: Minor misdemeanor on a first offense with a maximum fine of \$150.00; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree with a maximum fine of \$250.00 and/or exclusion from the park; on each subsequent offense within one year after the second offense, the person is guilty of a misdemeanor of the third degree with a maximum fine of \$500.00 and/or exclusion from the park.
2. For a violation of Section 3(1): 4<sup>th</sup> degree misdemeanor.
3. For a violation of Section 3(2): 3<sup>rd</sup> degree misdemeanor.
4. For a violation of Section 3(3): 2<sup>nd</sup> degree misdemeanor and/or exclusion from the park.
5. For a violation of Section 3(4): Minor misdemeanor, punishable with a maximum fine of \$150.00.

**SECTION 5.**

1. No person who has the charge or control of a dog, or other household pet on any Village owned park or on any private property not owned or possessed by the owner or person having control of such dog, or other household pet shall fail to maintain in his or her possession sufficient and readily usable wrappers, materials or implements to remove and properly dispose of any fecal matter that may be deposited on the ground by the animal.

2. No person who has the charge or control of a dog, or other household pet on any Village owned park or on any private property not owned or possessed by the owner or person having control of such dog, or other household pet shall fail to remove and properly dispose of any fecal matter that may be deposited on the ground by the dog, or other household pet.
3. Whoever violates this section is guilty of a minor misdemeanor, punishable with a maximum fine of \$150.00.

**SECTION 6.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION 7:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Municipality and for the reason that it is anticipated with the spring season, the village shall be utilized more frequently and the off leash provisions should terminate prior to such increased utilization by the public.

**SECTION 8.** This Ordinance shall be effective immediately upon its passage.

  
\_\_\_\_\_  
Mayor - President of Council

ATTEST:

  
\_\_\_\_\_  
Fiscal Officer

I certify that Ordinance No. 2015-10 was duly enacted on the 13<sup>TH</sup> day of APRIL, 2015, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

  
\_\_\_\_\_  
Fiscal Officer

RESOLUTION NO.: 2013-21

FIRST READING July 8, 2013

INTRODUCED BY: Bryan Kostura

SECOND READING Waived

THIRD READING Waived

ORDINANCE DEFINING CONTROL OF DOGS, OR OTHER  
HOUSEHOLD PETS OR ANIMALS IN ANY VILLAGE PARK OR  
VILLAGE PROPERTY AND WASTE REMOVAL THEREOF  
AND DECLARING AN EMERGENCY.

WHEREAS, the Village of South Russell has a park available for hiking, walking, birding, and other passive recreational activities, which is subject to a conservation easement designed to protect wildlife and certain bird species; and

WHEREAS, Council has determined that some park users, or the pets accompanying such park users, may have made unwanted contact with other park users; and

WHEREAS, Council desires for all park users to feel, and to be, safe in their enjoyment of the park and further desires to prevent the accidental injury of all persons and other pets using the Village park, as well as the birds and other wildlife in the park, and has concluded that further regulations need to be placed upon the users of the park in order to provide for a better experience for all park users.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Village of South Russell, Geauga County, Ohio, that:

SECTION I:

(a) Dogs, or other household pets, are permitted on any Village owned park in designated areas on posted days if they are controlled at all times on a leash not more than eight feet long; and

(b) Dogs, or other household pets, are permitted on any Village owned park in designated areas off leash on posted days if they are under control per this ordinance and no more than 50 feet from the person that brought the animal(s) to the park. The Village Street Commissioner shall be responsible for posting the designated areas for which non-leash activities are permitted; and

1. Posted day would be defined as odd days for no leash utilization and even days for full leash requirements.
2. Designated leash areas/no leash areas are generally defined in the map attached and incorporated into this Ordinance as Appendix A.
3. The Ordinance is to be implemented for a 6 month trial period.

4. Section I (a) and (b) including subsections, can be altered at any time upon motion of Council.

(c) Under control is defined as the following:

1. Any dog, or other household pet that is responsive to an audible, verbal, or electronic command upon initial order and is within a specified distance from its owner is to be considered under control; and
2. Any dog, or other household pet observed that attempts through force or threat of force to create fear in another person or animal is to be considered not under control; and
3. Any dog, or other household pet observed that attempts through force or threat of force to make unwanted bodily contact with another person or animal is to be considered not under control; and
4. Any dog, or other household pet observed that through force makes unwanted bodily contact with another person or animal causing injury is to be considered not under control; and
5. No person shall walk more than 2 of any dog, or other household pet off leash regardless of day.
6. No person shall bring into the park no more than 3 of any dog, or other household pet.

(d) Whoever violates this section is guilty of a misdemeanor per the following schedule:

1. Section I(a): Minor misdemeanor, punishable with a maximum fine of \$150.00.
2. Section I(b): Minor misdemeanor, punishable with a maximum fine of \$150.00.
3. Section I(c)(1): Minor misdemeanor, punishable with a maximum fine of \$150.00.
4. Section I(c)(2): 4<sup>th</sup> degree misdemeanor.
5. Section I(c)(3): 3<sup>rd</sup> degree misdemeanor.
6. Section I(c)(4): 2<sup>nd</sup> degree misdemeanor and/or exclusion from the park.
7. Section I(c)(5): Minor misdemeanor, punishable with a maximum fine of \$150.00.
8. Any party found to have violated any portion of this ordinance more than once will

be subject to further prosecution consistent with this ordinance and all other applicable laws of the Village and of the State of Ohio.

SECTION II:

(a) No person who has the charge or control of a dog, or other household pet on any Village owned park or on any private property not owned or possessed by the owner or person having control of such dog, or other household pet shall fail to maintain in his or her possession sufficient and readily usable wrappers, materials or implements to remove and properly dispose of any fecal matter that may be deposited on the ground by the animal.

(b) No person who has the charge or control of a dog, or other household pet on any Village owned park or on any private property not owned or possessed by the owner or person having control of such dog, or other household pet shall fail to remove and properly dispose of any fecal matter that may be deposited on the ground by the dog, or other household pet.

(c) Whoever violates this section is guilty of a minor misdemeanor, punishable with a maximum fine of \$150.00.

SECTION III: As a convenience to the public, the Village Street Commissioner shall cause signs to be posted at each Village park entrance summarizing the provisions of this ordinance and referencing its section number in the codified ordinances of the Village. Further the Village Street Commissioner will be responsible for demarcating leash free zones. The absence of any such sign shall not render the ordinance unenforceable.

SECTION IV: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION V: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Municipality and for the reason that Council desires to immediately remove the threat of harm or injury to park users.

SECTION VI: This Ordinance shall be effective immediately upon its passage.

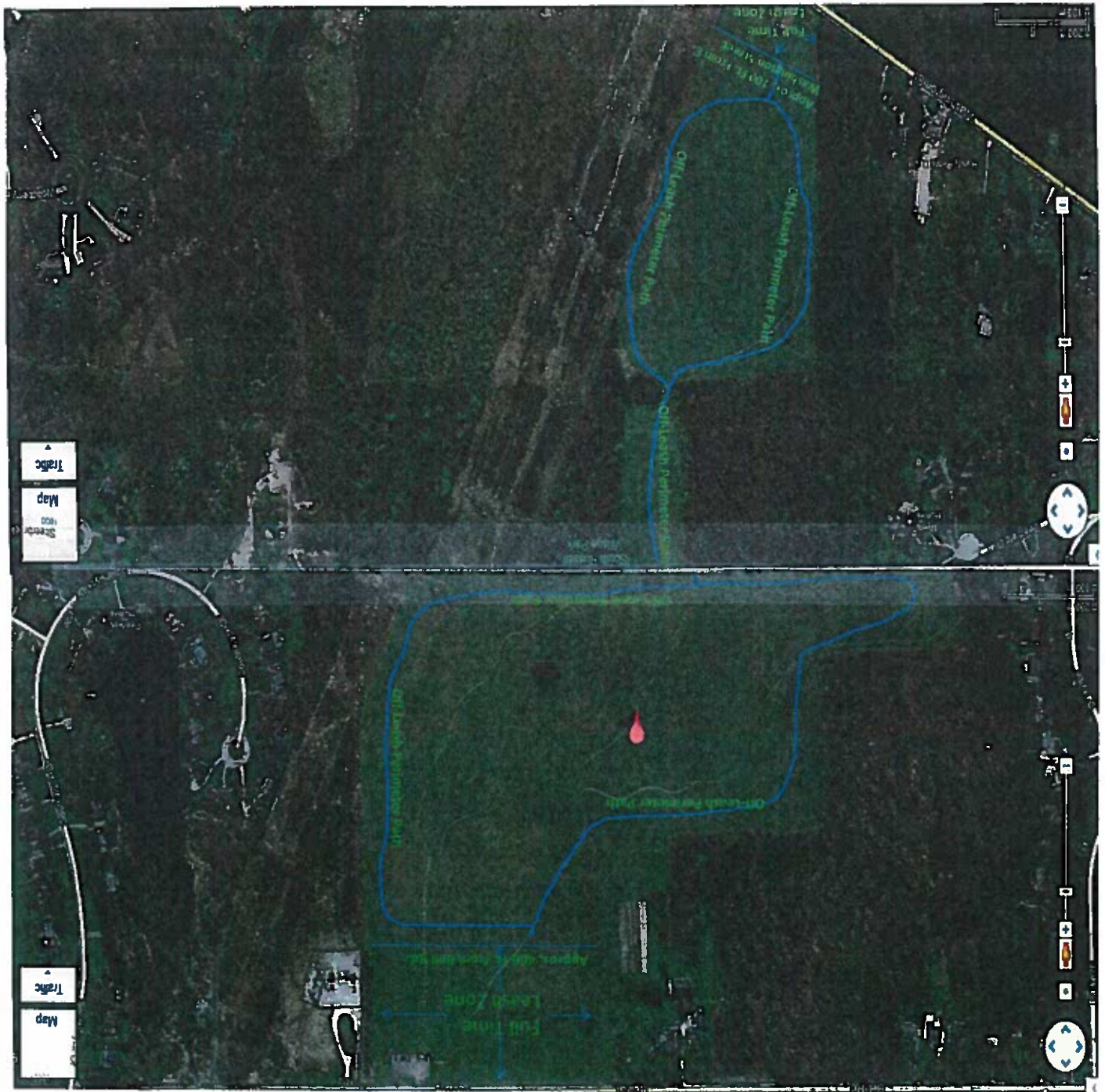
  
\_\_\_\_\_  
Mayor - President of Council

ATTEST:

Danielle Romanowski  
Fiscal Officer

I certify that Ordinance No. 2013-21 was duly enacted on the 8th day of July, 2013, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

Danielle Romanowski  
Fiscal Officer





For quick access, place your bookmarks here on the bookmarks bar: <https://maps.google.com>

Search Images Maps Play YouTube News Gmail Drive Calendar More



1000 Bell Road, South Russell, OH



jdshong@windstream.net



Map Traffic

For quick access, place your bookmarks here on the bookmarks bar. Import bookmarks now...

- You
- Search
- Images
- Maps
- Play
- YouTube
- News
- Gmail
- Drive
- Calendar
- More



1000 Bell Road, South Russell, OH



jdshong@windstream.net



RESOLUTION NO.: 2013-21\*

FIRST READING July 8, 2013

INTRODUCED BY: Bryan Kostura

SECOND READING Waived

THIRD READING Waived

ORDINANCE DEFINING CONTROL OF DOGS, OR OTHER  
HOUSEHOLD PETS OR ANIMALS IN ANY VILLAGE PARK OR  
VILLAGE PROPERTY AND WASTE REMOVAL THEREOF  
AND DECLARING AN EMERGENCY.

WHEREAS, the Village of South Russell has a park available for hiking, walking, birding, and other passive recreational activities, which is subject to a conservation easement designed to protect wildlife and certain bird species; and

WHEREAS, Council has determined that some park users, or the pets accompanying such park users, may have made unwanted contact with other park users; and

WHEREAS, Council desires for all park users to feel, and to be, safe in their enjoyment of the park and further desires to prevent the accidental injury of all persons and other pets using the Village park, as well as the birds and other wildlife in the park, and has concluded that further regulations need to be placed upon the users of the park in order to provide for a better experience for all park users.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Village of South Russell, Geauga County, Ohio, that:

SECTION I:

(a) Dogs, or other household pets, are permitted on any Village owned park in designated areas on posted days if they are controlled at all times on a leash not more than eight feet long. No dog is permitted to be off leash on such posted days at the Village park; and

(b) Dogs, or other household pets, are permitted on any Village owned park in designated areas off leash on posted days if they are under control per this ordinance and no more than 50 feet from the person that brought the animal(s) to the park. The Village Street Commissioner shall be responsible for posting the designated areas for which non-leash activities are permitted; and

1. Posted day would be defined as odd days for no leash utilization and even days for full leash requirements. Even days are those calendar days ending with either a 0, 2, 4, 6 or 8. Odd days are those calendar days ending with either a 1, 3, 5, 7 or 9.

2. Designated leash areas/no leash areas are generally defined in the map attached and incorporated into this Ordinance as Appendix A.

3.The Ordinance is to be implemented for a 6 month trial period.

4.Section I (a) and (b) including subsections, can be altered at any time upon motion of Council.

(c)Under control is defined as the following:

- 1.Any dog, or other household pet that is responsive to an audible, verbal, or electronic command upon initial order and is within a specified distance from its owner is to be considered under control; and
- 2.Any dog, or other household pet observed that attempts through force or threat of force to create fear in another person or animal is to be considered not under control; and
- 3.Any dog, or other household pet observed that attempts through force or threat of force to make unwanted bodily contact with another person or animal is to be considered not under control; and
- 4.Any dog, or other household pet observed that through force makes unwanted bodily contact with another person or animal causing injury is to be considered not under control; and
- 5.No person shall walk more than 2 of any dog, or other household pet off leash regardless of day.
- 6.No person shall bring into the park no more than 3 of any dog, or other household pet.

(d)Whoever violates this section is guilty of a misdemeanor per the following schedule:

- 1.Section I(a): Minor misdemeanor, punishable with a maximum fine of \$150.00.
- 2.Section I(b): Minor misdemeanor, punishable with a maximum fine of \$150.00.
- 3.Section I(c)(1): Minor misdemeanor, punishable with a maximum fine of \$150.00.
- 4.Section I(c)(2): 4<sup>th</sup> degree misdemeanor.
- 5.Section I(c)(3): 3<sup>rd</sup> degree misdemeanor.
- 6.Section I(c)(4): 2<sup>nd</sup> degree misdemeanor and/or exclusion from the park.
- 7.Section I(c)(5): Minor misdemeanor, punishable with a maximum fine of

\$150.00.

8. Any party found to have violated any portion of this ordinance more than once will be subject to further prosecution consistent with this ordinance and all other applicable laws of the Village and of the State of Ohio.

SECTION II:

(a) No person who has the charge or control of a dog, or other household pet on any Village owned park or on any private property not owned or possessed by the owner or person having control of such dog, or other household pet shall fail to maintain in his or her possession sufficient and readily usable wrappers, materials or implements to remove and properly dispose of any fecal matter that may be deposited on the ground by the animal.

(b) No person who has the charge or control of a dog, or other household pet on any Village owned park or on any private property not owned or possessed by the owner or person having control of such dog, or other household pet shall fail to remove and properly dispose of any fecal matter that may be deposited on the ground by the dog, or other household pet.

(c) Whoever violates this section is guilty of a minor misdemeanor, punishable with a maximum fine of \$150.00.

SECTION III: As a convenience to the public, the Village Street Commissioner shall cause signs to be posted at each Village park entrance summarizing the provisions of this ordinance and referencing its section number in the codified ordinances of the Village. Further the Village Street Commissioner will be responsible for demarcating leash free zones. The absence of any such sign shall not render the ordinance unenforceable.

SECTION IV: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION V: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Municipality and for the reason that Council desires to immediately remove the threat of harm or injury to park users.

SECTION VI: This Ordinance shall be effective immediately upon its passage.

  
\_\_\_\_\_  
Mayor - President of Council

ATTEST:

Danille Romanowski  
Fiscal Officer

I certify that Ordinance No. 2013-21 was duly enacted on the 8th day of July, 2013, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

Danille Romanowski  
Fiscal Officer