

ORDINANCE NO. 1479

AN ORDINANCE ADDING A NEW CHAPTER 7.34 TO THE OAK HARBOR MUNICIPAL CODE ENTITLED “BREED SPECIFIC RESTRICTIONS” IMPOSING SPECIFIC RESTRICTIONS ON CERTAIN BREEDS OF DOGS FOR THE PROTECTION OF THE COMMUNITY AT LARGE.

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

**Section One.** Oak Harbor Municipal Code Chapter 7.34 entitled “Breed Specific Restrictions” is hereby added to the OHMC and codified to have the following title and sections:

**CHAPTER 7.34  
BREED SPECIFIC RESTRICTIONS**

**Sections:**

7.34.010	Findings
7.34.020	Applicability
7.34.030	Definitions
7.34.040	Restrictions
7.34.050	Exemptions
7.34.060	Penalties

**Section Two.** Oak Harbor Municipal Code Section 7.34.010 entitled “Findings” is hereby added to the Oak Harbor Municipal Code to read as follows:

**7.34.010 Findings.** The potential for harm from mishandling of certain breeds of dogs with known aggressive tendencies, such as pit bull terriers, far outweighs the burden of added requirements imposed on owners for the keeping of such dogs.

**Section Three.** Oak Harbor Municipal Code Section 7.34.020 entitled “Applicability” is hereby added to the Oak Harbor Municipal Code to read as follows:

**7.34.020 Applicability.** The provisions of this chapter shall apply to adult dogs only, which means any dog over the age of six (6) months.

**Section Four.** Oak Harbor Municipal Code Section 7.34.030 entitled “Definitions” is hereby added to the Oak Harbor Municipal Code to read as follows:

**7.34.030 Definitions.** The following definitions shall apply throughout this chapter:

- (1) “Animal Control Authority” means the department of the City charged with the responsibility of administering the provisions of this chapter, or the department and any other agency to which this responsibility is contractually delegated and which is, thereby,

charged with the duty of enforcing the animal control laws of the City and/or with the shelter and welfare of animals.

- (2) “Animal Control Officer” means any person or agency designated by the City as a law enforcement officer or quasi-law enforcement officer who is authorized to implement the provisions of this chapter and this title.
- (3) “Owner” means any person, firm, corporation, organization, or department in possession of, harboring, keeping, having an interest in, or having control or custody of an animal.
- (4) “Pit Bull Terrier” means American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.
- (5) “Proper enclosure” of a dangerous dog or a potentially dangerous dog means that while on the owner’s property, a dangerous dog shall either be:
  - (a) securely confined indoors; or
  - (b) in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of ten (10) years and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and provide protection from the elements for the dog. If such pen or structure does not have a bottom that is secured to the sides, the sides must be embedded at least one (1) foot into the ground.
- (6) “Running at large” means to be off the premises of the owner and not under the immediate control of the owner or other competent person authorized by the owner, by means of a leash, cord or chain, except when in or on any vehicle and securely confined to such vehicle.

**Section Six.** Oak Harbor Municipal Code Section 7.34.040 entitled “Restrictions” is hereby added to the Oak Harbor Municipal Code to read as follows:

**7.34.040      Restrictions.** The following restrictions apply to all dogs identified in this chapter:

- (1) Dogs must be kept in a proper enclosure as defined in OHMC 7.34.030(5);
- (2) Dogs may not be allowed outside of a proper enclosure, unless the dog is muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal, and:

- (a) is restrained by a substantial chain or leash and under the physical control of a person over the age of 18 years who is of sufficient size and stature to restrain the animal; or
- (b) is secured within a vehicle in a manner that protects the public from harm when the vehicle is parked and the public may have access to the dog and protects the dog from harm when the vehicle is in motion.

**Section Seven.** Oak Harbor Municipal Code Section 7.34.050 entitled “Exemptions” is hereby added to the Oak Harbor Municipal Code to read as follows:

**7.34.050 Exemptions.** Owners of dogs falling under the breed(s) defined by this chapter may earn an exemption from the restrictions listed in OHMC 7.34.040 by showing proof that their dog has passed the Canine Good Citizen (CGC) test of the American Kennel Club (AKC), as administered by any AKC certified trainer, and received appropriate certification from the AKC. Such animal shall be retested at least once every two (2) years and must pass each time in order to maintain this exemption. The exemption shall be noted on the dog license application.

**Section Eight.** Oak Harbor Municipal Code Section 7.34.060 entitled “Penalties” is hereby added to the Oak Harbor Municipal Code to read as follows:

**7.34.060 Penalties.** Violations of any of the restrictions in this chapter may result in the following penalties:

- (1) **Impoundment.** The Animal Control Officer shall immediately impound any dog restricted by the provisions of this chapter found:
  - (a) outside a proper enclosure as defined in OHMC 7.34.030(4); or
  - (b) running at large as defined in OHMC 7.34.030(6); or
  - (c) under the care and control of a minor; or
  - (d) off the owner’s property without a muzzle.
- (2) **Crime.** In addition to impoundment, the owner of said dog shall be guilty of a misdemeanor punishable by a fine of up to One Thousand Dollars (\$1,000) or a jail sentence of up to Ninety (90) days in jail or both fine and jail time.

**Section Nine.** **Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

**Section Ten.** **Effective Date.** This Ordinance shall be in full force and effect five days after its passage and publication as required by law.

PASSED by the City Council and approved by its Mayor this 21st day of November, 2006.

THE CITY OF OAK HARBOR

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Mayor

Attest:

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City Clerk

Approved as to Form:

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City Attorney

Published: \_\_\_\_\_