

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2021-O-2502

AMENDING CERTAIN SECTIONS OF PART FIVE, GENERAL OFFENSES CODE, OF THE CITY CODE OF HUBER HEIGHTS.

WHEREAS, the citizens of Huber Heights require City codified ordinances that are current, up to date, and reflect the current practices and processes of the City; and

WHEREAS, as part of the Ordinance Review Commission process, the Ordinance Review Commission has identified provisions within the General Offenses Code that require updating or other changes; and

WHEREAS, the City Council has determined that revisions in Chapters 505, 509, and 521 are necessary to enhance the effective and efficient delivery of municipal services.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Part Five, General Offenses Code, Chapter 505 – Animals, Section 505.04 – Abandoning Animals is hereby amended to read as follows:

**505.04 - Abandoning animals.**

- (a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)
- (b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. (ORC 959.99(E))

Section 2. Part Five, General Offenses Code, Chapter 505 – Animals, Section 505.10 – Animal Bites, Reports, and Quarantine is hereby amended to read as follows:

**505.10 - Duties after dog bites person.**

(a) General

(1) No person shall remove a dog that has bitten any person from the county in which the bite occurred until a quarantine period as specified in division (b) of this section has been completed. No person shall transfer a dog that has bitten any person until a quarantine period as specified in division (b) of this section has been completed, except that a person may transfer the dog to the county dog warden or to any other animal control authority.

(2) No person shall kill a dog that has bitten any person until a quarantine period as specified in division (B) of this section has been completed. Notwithstanding the foregoing, this section does not apply to the killing of a dog in order to prevent further injury or death or if the dog is diseased or seriously injured.

(3) No person who has killed a dog that has bitten any person in order to prevent further injury or death or if the dog is diseased or seriously injured shall fail to do both of the following:

(A) Immediately after the killing of the dog, notify the board of health for the district in which the bite occurred of the facts relative to the bite and the killing;

(B) Hold the body of the dog until that board of health claims it to perform tests for rabies.

(b) The quarantine period for a dog that has bitten any person shall be ten days or another period that the board of health for the district in which the bite occurred determines is necessary to observe the dog for rabies.

(c) This section does not apply to a police dog that has bitten a person while the police dog is under the care of a licensed veterinarian or has bitten a person while the police dog is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If, after biting a person, a police dog exhibits any abnormal behavior, the law enforcement agency and the law enforcement officer the police dog assists, within a reasonable time after the person is bitten, shall make the police dog available for the board of health for the district in which the bite occurred to perform tests for rabies.

(d) As used in this section, "police dog" has the same meaning as in Ohio R.C. 2921.321.

(ORC 955.261)

Section 3. Part Five, General Offenses Code, Chapter 505 – Animals, Section 505.14 – Dangerous Dogs is hereby amended to read as follows:

**505.14 – Dangerous dogs.**

(a) As used in this section:

(1) (A) "Dangerous dog" means a dog that, without provocation, and subject to division (a)(1)(B) of this section, has done any of the following: (i) Caused injury, other than killing or serious injury, to any person; (ii) Killed another dog; (iii) Been the subject of a third or subsequent violation of division (C) of Ohio R.C. 955.22.

(B) "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person. "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

(4) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(5) "Serious injury" means any of the following: (i) Any physical harm that carries a substantial risk of death; (ii) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity; (iii) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement; (iv) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

- (6) (A) "Vicious dog" means a dog that, without provocation and subject to division (a)(6);

(B) of this section, has killed or caused serious injury to any person. "Vicious dog" does not include either of the following: (i) A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties; (ii) A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

- (7) "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(b) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper, or harbinger at any time the dog is in heat unless the dog is properly in leash.

(c) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

(2) Keep the dog under the reasonable control of some person.

(d) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of a dangerous dog shall fail to do either of the following:

(1) While that dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;

(2) While that dog is off the premises of the owner, keeper, or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

(A) Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;

(B) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

(C) Muzzle that dog.

(e) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than \$100,000.00 because of damage or bodily injury to or death of a person caused by the vicious dog.

(f) Penalty

(1) Whoever commits a violates section (b) or (c) that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(2) Whoever commits a violation of section (c) that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog.

(3) Whoever commits a violation of section (c) that involves a dangerous dog or a violation of section (d) is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense.

(4) Whoever commits a violation of section (c) of section that involves a vicious dog is guilty a misdemeanor of the first degree if the dog causes injury other than killing or injury to a person.

(5) Whoever violates section (e) is guilty of a misdemeanor of the fourth degree.

Section 4. Part Five, General Offenses Code, Chapter 505 – Animals is hereby amended to add Section 505.111 – Outdoor Feeding Prohibited to read as follows:

**505.111 – Outdoor feeding prohibited.**

(a) For purposes of this section the following definitions shall apply:

(1) “Running at large” shall mean an animal off of its owner's premises, without a leash, and without a person to control the animal.

(2) “Wild Animal” shall mean an animal not legally confined or held by private ownership legally acquired and shall include but not be limited to feral cats, squirrels, chipmunks, ground hogs, raccoons, skunks, opossums, muskrats, deer, foxes and coyotes.

(b) No person shall knowingly or recklessly leave food or any other type of feed outdoors so to attract animals running at large or wild animals. The feeding of one's own animal(s) or birds on their premises shall be the exception so long as the feed does not attract animals, other than birds, whether running at large or wild from public property, public ways or private property not owned by the feeding person. The feeding outdoors of one's own animals shall take place during daylight hours only.

(c) It shall be prima facie evidence of a violation of this section if a person shall knowingly or recklessly:

(1) Leave food or any other type of feed outdoors after daylight hours; or

(2) Leave food or any other type of feed outdoors unattended not in the presence of the owner's animal; or

(3) Allow animals running at large or wild animals to feed on one's own property.

(d) Whoever violates this section is guilty of a minor misdemeanor on the first offense. Whoever violates any provision of this section on a second or subsequent offense within one (1) year shall be guilty of a misdemeanor of the fourth degree.

Section 5. Part Five, General Offenses Code, Chapter 509 – Disorderly Conduct And Peace Disturbance, Section 509.10 – Motor Vehicle Noise Control is hereby amended to read as follows:

**509.10 - Motor vehicle noise control.**

(a) *Definitions.* All terminology used in this chapter but not defined in this section, shall have the same meanings as are set out in the applicable publications of the American National Standards Institute (ANSI) or its successor body. In addition, as used in this chapter, the terms listed below shall have the following meanings:

- (1) "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB (A) or dBA.
- (2) "Light motor vehicle" means any automobile, van, motorcycle, motor-driven cycle, motor scooter, dune buggy, snowmobile, all-terrain vehicle, go-cart, minibike, trail bike or truck with a gross vehicular weight of less than 8,000 pounds.
- (3) "Modified exhaust system" means an exhaust system in which the original noise abatement devices have been physically altered, causing them to be less effective in reducing noise, or in which the original noise abatement devices have either been removed or replaced by noise abatement devices which are not as effective in reducing noise as their original devices, or in which devices have been added to the original noise abatement devices so that noise levels are increased.
- (4) "Noise level" refers to the A-weighted sound level produced by a motor vehicle.
- (5) "Person" means any individual, association, partnership or corporation and includes any officer, employee, department, agency or instrumentality.
- (6) "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks and which is used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute Standard S1.4 – 1983, or the most recent revision thereof. Readings shall be made on a dB (A) scale.
- (7) "Traffic noise" means sound made by a motor vehicle operated either on a public right-of-way or on private property.

(b) *Light Motor Vehicle Noise.*

- (1) No person shall cause noise levels from the operation of a light motor vehicle in excess of 80 dB (A) in any area of the City, at any time of the day, regardless of the specified speed limit, where the speed limit is not more than 45 miles per hour. Such noise level limits of 80 dB (A) shall be based on a distance of not less than 15 feet from the noise source.
- (2) Whoever violates this subsection is guilty of a minor misdemeanor for the first offense, a fourth degree misdemeanor for any second offense occurring within six months of a first offense, and a third degree misdemeanor for subsequent offenses occurring within six months of a previous offense. No portion of the fine may be suspended and no imprisonment shall be imposed.

(c) *Modified Exhaust Systems; Revving; Tire Squealing.*

- (1) No person shall operate a motor vehicle which causes noise levels in excess of 80 dB (A) in any area of the City as a result of a defective or modified exhaust system which noise level limits shall be based on a distance of not less than 15 feet from the noise source. No person shall operate a motor vehicle which

causes excessive noise levels as a result of unnecessary rapid acceleration, deceleration, revving or tire squealing.

- (2) Whoever violates this subsection is guilty of a minor misdemeanor for the first offense, a fourth degree misdemeanor for any second offense occurring within six months of a first offense, and a third degree misdemeanor for subsequent offenses occurring within six months of a previous offense. No portion of the fine may be suspended and no imprisonment shall be imposed.

Section 6. Part Five, General Offenses Code, Chapter 521 – Health, Safety And Sanitation, Section 521.06 – Duty To Keep Sidewalks In Repair And Clean is hereby amended to read as follows:

**521.06 - Duty to keep sidewalks in repair and clean; remedy by city for noncompliance.**

(a) No owner or occupant of abutting lands shall fail to keep the sidewalks in repair and free from any nuisance.

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

(c) Notice to Repair; Assessment Against Land. Upon a finding by the City Engineer or his designee, that an owner or occupant of abutting lands has failed to keep the sidewalks, curbs or gutters in repair and free from any nuisance, the City Engineer, or his designee, in the name of the City Council, shall cause a written notice to be served upon the owner, occupant or any other person or entity having charge of such land directing that repairs shall be made within sixty (60) days after the service of the notice. No owner, occupant or other person or entity having charge of the land shall fail to comply with such notice within those sixty days.

(d) Service of Notice.

(1) The written notice provided for in subsection (c) hereof shall be served upon the owner, occupant or other person or entity having charge of the abutting land either in person, or by being mailed to or left at the usual place of residence of any such person or the principal office of any such entity.

(2) If such owner, occupant or other person or entity having charge of such land is a nonresident of this City whose address is known, such notice shall be sent to his or its address by registered or certified mail.

(3) If no owner, occupant or other person or entity having charge of the land is present on such land at the time the City attempts to serve the written notice, or if the address of such owner is unknown, or if notice by registered or certified mail is not delivered and accepted, the City shall have the option to make such service by publishing the written notice once in a newspaper of general circulation in the City.

(4) The City Engineer or his designee may make such personal or residential service and return of the written notice provided for in subsection (d) hereof.

(e) Noncompliance; Remedy of City. If the owner, occupant or other person or entity fails to comply with such notice and timely make the repairs, the City shall cause such repairs to be properly completed at the expense of the owner of that abutting land. All expenses incurred, together with an administrative fee of \$250.00, shall be assessed against the land.

(f) Collection of Costs.

(1) Written notice of such an assessment under subsection (e) hereof shall be given to the owner of the land in the same manner as is provided above for service of the written notice under subsection (d) hereof. The amount of the assessment shall be paid and delivered to the City within thirty (30) days after notice of the assessment was so served.

(2) If the City has not received payment of the assessment under subsection (e) hereof within those thirty (30) days, the City shall make a written return or certification to the County Auditor of the amount of the unpaid assessment, plus an additional administrative charge of ten percent including with that certification a proper description of the

premises. The assessed amount shall be entered upon the tax duplicate and shall be a lien upon such land from and after the date of the entry and shall be collected as other taxes and returned to the City General Fund.

Section 7. Part Five, General Offenses Code, Chapter 521 – Health, Safety And Sanitation, Section 521.081(h) – Littering And Deposit Of Garbage And Trash; Remedy By City For Noncompliance is hereby amended to read as follows:

**521.081 - Littering and deposit of garbage and trash; remedy by city for noncompliance.**

- (h) Whoever violates this section shall, in addition to the above, be guilty of a minor misdemeanor. Any person convicted of a second or additional offense of this section within two years of the first offense shall be guilty of a misdemeanor of the fourth degree.

Section 8. Part Five, General Offenses Code, Chapter 521 – Health, Safety And Sanitation, Section 521.082(c) – Residential Solid Waste Collection and Disposal is hereby amended to read as follows:

**521.082 - Residential solid waste collection and disposal.**

- (c) No person, other than the Authorized Collection Agent, shall collect or receive, for hire, and thereafter convey or transport on the streets and alleys or public thoroughfares of the City of Huber Heights, Waste Material from any Residential Dwelling. Each such activity in violation hereof from one or more locations shall constitute a separate and distinct offense. The foregoing shall in no way limit the City from using its own forces, or other authorized agents to remove Waste Material at Residential Dwellings from time to time.

Section 9. Part Five, General Offenses Code, Chapter 521 – Health, Safety And Sanitation, Section 521.10(e) – Duty To Cut Weeds And Grass; Remedy By City For Noncompliance is hereby amended to read as follows:

**521.10 - Duty to cut weeds and grass; remedy by city for noncompliance.**

- (e) Upon notice presented to the Director of Public Service or his/her designee, that weeds and grass are growing on land in the City in violation of this section, the Director or his/her designee, in the name of Council, shall in addition to the publication set forth in subsection (d) hereof, cause a placard to be conspicuously placed on the property. Said placard shall be of a size, shape and color to be clearly visible and shall contain, at a minimum, the following information:

Section 10. 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 of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 11. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the 8<sup>th</sup> day of November, 2021;  
\_\_\_7\_\_\_ Yeas; \_\_\_0\_\_\_ Nays.

Effective Date: December 9, 2021  
AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_

Date

\_\_\_\_\_

Date