

ORDINANCE NO. 1182-2021

AN ORDINANCE: OF THE VILLAGE OF ELIDA,  
OHIO RESTRICTING ANIMAL OWNERSHIP,  
CONDITIONAL LIVING, ODORS, AND NOISE

**Whereas**, the Council of the Village of Elida, Ohio met at a duly called and authorized meeting of the Council, such meeting being duly called pursuant to the rules of Council, with notice received by all Council members.

**Whereas**, it is desirable for the Village of Elida, Ohio to address concerns and issues relating to noise.

**Whereas**, the Council of the Village of Elida, by an affirmative vote of the majority of the members elected, approved Ordinance # 1182-2021 read by title on three different days as proscribed by law. That such reading was suspended based on a motion to pass as an emergency, under suspension of the rules due to necessity to protect the safety, health and/or well being of the residents of the Village of Elida. Such passage was done by a three fourths majority vote.

**Whereas**, it is desirous to restrict the ownership of adult animals, housing of said animals, and their impact on the village at large.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ELIDA, OHIO COUNTY OF ALLEN, STATE OF OHIO:

**Section 1:**

1. No person shall keep or harbor any animal in the Village so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.
2. No person shall keep or otherwise harbor any animal within the Village which, by frequent and habitual barking, howling or yelping, menacing passersby, chasing vehicles, or attacking other domestic animals, results in disturbance of the peace, quiet and good order of the Village. Any person, who allows any

Vote	1st	2nd	3rd
Jon T. Jenkins	y	y	y
Larry Flick	y	y	y
Ken Hall	y	y	~
Rhonda McCoy	y	y	~
Darryl Nichols	y	y	y
Dan Kaseman	y	y	y
Claude Paxton, Mayor			
Total	6-0	6-0	4-0

animal habitually to remain, be lodged, or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such animal.

3. Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, sidewalk, building, park, playground, school ground or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.
4. No person being the owner or in charge or control of any animal shall allow or permit such animal to commit a nuisance on any school grounds, playground, Village park or upon any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such nuisance shall be considered abated.
5. No person shall erect, use or maintain a building, structure or place for the keeping or feeding of animals which by causing noise or offensive smells becomes injurious to the health, comfort or property of individuals or the public.
6. No person shall keep more than three (3) adult animals for pleasure, profit, breeding or exhibiting without obtaining a kennel permit through Village of Elida and complying with the Zoning Code. No kennel shall be permitted in any district with the exception that a kennel shall be permitted in an area zoned B-2.
  - a. If over three (3) adult animals a kenneling permit will need be obtained through Council.
  - b. Any person contesting this provision may attend a Council meeting of the Village of Elida, Ohio and for good cause shown, the Council may approve a conditional permit.
7. Adult animals are defined as older than three months in age. Animal mean all types of animals whether domesticated or non-domesticated. Animal shall mean non-human, but further encompass all other species.
  - a. Aquatic animals (i.e. fish) shall be excluded from consideration herein so long as their containers do not cause a violation to odor of the public.

If the aquatic nature allows the animal to also be on land, it does not violate the peace, health, comfort of any land or the public at large other than the Owner of that animal.

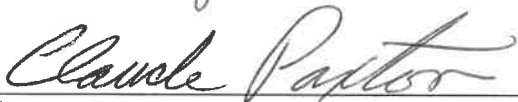
**PENALTY:**

Whoever violates this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for the second offense, and a misdemeanor of the second degree for all subsequent offenses. **KENNEL OR OTHER ANIMAL SHELTERS.** Kennel or other animal shelters means the keeping of more than three (3) animals at least three months of age for pleasure, profit, breeding or exhibiting.

**Section 2.** That the Council of the Village of Elida, Ohio hereby finds that all discussion and debate regarding the matter was conducted in open session of council pursuant to the provisions of the Ohio Revised Code.

**Section 3.** That the Council of the Village of Elida, Ohio authorizes the Fiscal Officer to make publication and approval from the earliest period prescribed by law. That such passage was done under an emergency under suspension of the rules for the safety, health, and well being of the Village and their residents.

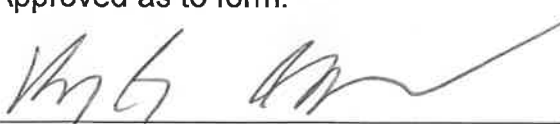
Adopted Aug 24, 2021,

  
\_\_\_\_\_  
Claude Paxton, Mayor

Attest:

  
\_\_\_\_\_  
Sandy L Langhals, Clerk and Fiscal Officer

Approved as to form:

  
\_\_\_\_\_  
Barry Schroeder, Village Solicitor