ORDINANCE NO. 10 , 2012

AN ORDINANCE AMENDING SECTIONS 90.03 and 90.99 OF THE CODE OF ORDINANCES TO ESTABLISH PENALTIES FOR VIOLATIONS

WHEREAS, Section 90.03 of the Code of Ordinances prohibits the harboring of a vicious dog within the City of Montgomery; and

WHEREAS, the Montgomery Police Department has recommended that the penalty for a violation of Section 90.03 be modified to a misdemeanor of the first degree; and

WHEREAS, Section 90.99 of the Code of Ordinances sets forth penalties for violations of various categories of Ordinances regulating animals; and

WHEREAS, the Montgomery Police Department has recommended that Section 90.99 be amended to allow for escalating penalties for multiple violations.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Section 90.03 of the Code of Ordinances entitled, Vicious Animals Prohibited, shall be amended as follows:

(A) No person shall own, keep or harbor a dog that notoriously exhibits a vicious or harmful disposition toward life, limb or property of residents of the municipality.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.

SECTION 2. Section 90.99 of the Code of Ordinances entitled, Penalty, shall be amended as follows:

Any person who violates any section of this Chapter, unless otherwise provided, shall be guilty of a minor misdemeanor on the first conviction. If within one year of the offense a person is convicted of or pleads guilty to a subsequent violation of this Chapter, the person who violates this Chapter shall be guilty of a misdemeanor of the fourth degree.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 4. The section and subsections of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective, for any cause, shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: November 7, 2012

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Ken Suer
Ken Suer, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon, Law Director