

VILLAGE OF CUSTER
ORDINANCE No.11-121
DOG/NUISANCE CONTROL ORDINANCE

An Ordinance to control dogs running at large, barking, and the number of dogs allowed at any residence

DEFINITIONS

For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OWNER

When applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such a dog or has in his care, and every person who permits such dog to remain in or about any premises occupied by him.

REASONABLE CONTROL

Keeping a dog on suitable leash or under the oral control of the owner or custodian, (or some other person with the permission of the owner or custodian), in all cases other than while upon private property, or unless the dog is confined in a closed automobile or shipping receptacle.

DOG LICENSE REQUIRED

It shall be unlawful for any person to own, maintain, keep or harbor any dog within the Village of Custer without first procuring a license as prescribed by state law. Application for license shall be made as provided by law and shall state the breed, sex, age, color and markings of the dog and the name and address of the applicant and the last known owner.

RUNNING AT LARGE

The owner or custodian of any domestic animal shall not permit such domestic animal to run at large within the Village Limits.

KEEPING OF DOGS

1. The keeping of one (1) or two(2) dogs four (4) months old or older, is generally considered to have minimal nuisance value, and no site improvement or method of housing said pets is required.
2. The keeping of three (3) dogs, four (4) months old or older, requires the following site improvements and housing requirements:
 - a. In the event the dogs are housed outside the principal structure on the site, an approved structure must be constructed to house the dogs. The structure housing the dogs shall be located no less than twenty-five (25) feet from any lot line. In the event a fence is not located around the perimeter of the site, a fence shall be constructed around the structure housing said pets.
 - b. The height of the required fence shall be adequate to prevent any pet from getting beyond the boundaries of the fence enclosure. The fence shall be adequately secured to the ground to prevent tunneling beneath the fence.
3. The keeping of four (4) or more dogs, four (4) months old or older shall constitute a kennel and must meet all requirements of a kennel as described in this ordinance.

BARKING

It shall be unlawful for any person to own, harbor or keep any dog which shall cause annoyance or disturbance to persons by frequent and habitual barking, howling or yelping.

It shall be the duty of the Mason County Animal Control and the Mason County Sheriff Department to seize and impound any dog found anywhere in the Village contrary to the provisions of this Ordinance.

KENNELS

1. A kennel shall be defined as any lot or premises on which four (4) or more dogs, four (4) months or older, are kept either temporarily or permanently, for any purpose whatsoever.
2. A kennel shall be on a lot with a minimum lot size of five (5) acres for the first eleven (11) animals and an additional one-third acre for each animal thereafter.
3. Accessory buildings where animals are kept, runs, and exercise areas shall not be located nearer than one-hundred (100) feet to any adjacent residential lot line.
4. All kennels shall be operated in conformance with the applicable County, State, and Federal regulations.
5. The main kennel building used to house the animals shall be insulated in such a manner that the animal noises are minimized.
6. The intensity level of sounds shall not exceed seventy-five (75) decibels at the lot of Industrial uses, sixty-five (65) decibels at the lot line of Commercial uses and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with the type of audio output meter approved by the United States Bureau of Standards.
7. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
8. During the hours between 7:00 a.m. until 10:00 p.m., dogs shall be permitted in outdoor runs or pens. Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
9. Runs and/or exercise areas, and buildings where the dogs are maintained shall be located in the rear yard only.
10. The kennel area shall be screened from view by appropriate screening.

11. The outside perimeter of the run and/or exercise area shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top having to prohibit the escape of dogs.
12. All dogs must be licensed and maintained in healthful and careful manner.
13. Outdoor runs and breeding areas shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
14. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.
15. Animal odor shall not be detectable beyond the lot lines of the property in which the kennel is located.
16. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.

A violation of this section shall be a civil infraction with the penalties and procedures as set forth by Mason County Animal Control and/or Mason County Sheriff Department

Motion by Bacon second by Henry to approve ordinance.

Yea 5 Nays 0 Absent 1

May 9, 2011

*Margaret Griswold, Clerk
Village of Chester*

Penalties for violations of the Dog ordinance

Municipal Civil Infraction

1. \$100 to \$500 for the 1st offense.
2. \$500 to \$1000 for the 2nd offense (within 3 months of the 1st violation). All costs for subsequent offense will be at the discretion of the court in addition to all other costs, damages, expenses, and attorney's fees incurred by the village or by the designated enforcing authority. The "subsequent offense" is a violation of this ordinance by the same person within (3) months after a previous violation
3. In addition to fines and penalties, Animal Control may confiscate the animal(s) after the second offense. Any fees associated with Animal Control will be charged to the person in violation of this Ordinance.

Lien to enforce

Any civil fines, costs, damages and expenses imposed against a person found responsible for violating this ordinance shall be paid to the village, or to its designated enforcing authority. If the civil fines, costs, assessments, damages and expenses are not paid within 30 days, the Village, or its designated enforcing authority, may obtain a lien against the land, building, land or structure involved in the violation by recording a copy of the court order requiring payment of the fines, costs, assessments, damages and expenses with the Mason County Register of Deeds. The lien may be enforced and discharged in a manner prescribed by the General Property Tax Act.

Injunctive relief

A violation of this ordinance is hereby declared to be a nuisance. The issuance of a municipal civil infraction citation and the imposition of the foregoing municipal civil infraction penalties against a violator shall not prohibit the Village, or the designated enforcing authority, from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.