

Ohio Supreme Court declines duck case



Joe Williams, Reporter

1:36 p.m. EST December 30, 2015



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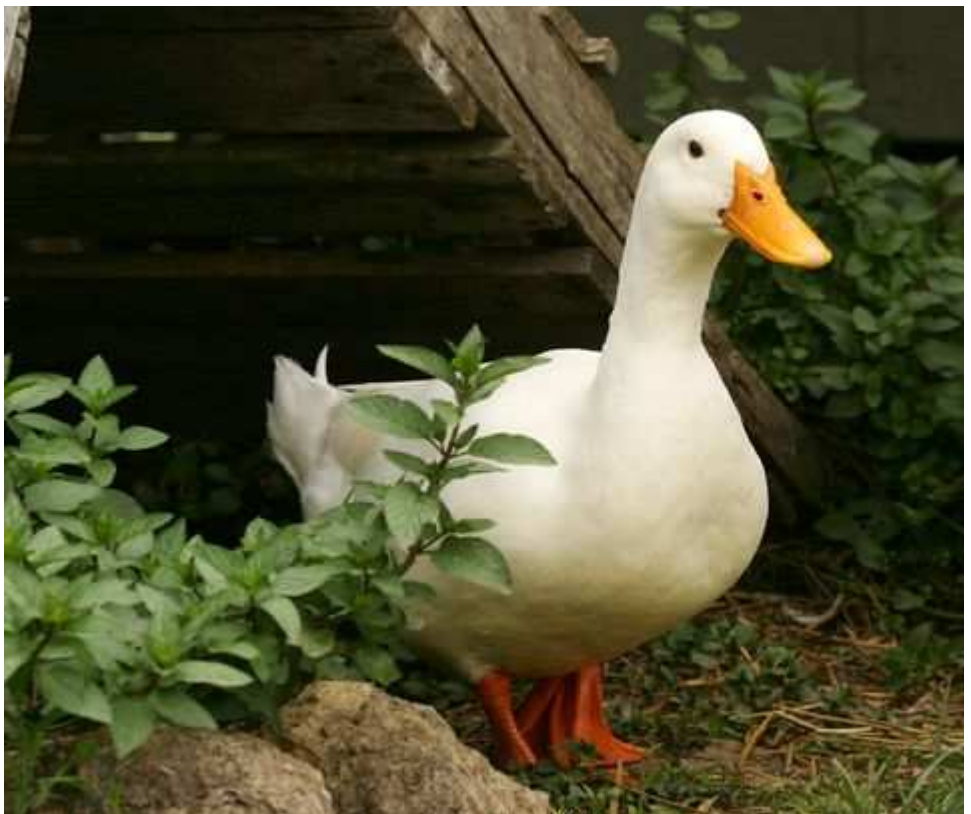
(Photo: Michael Lehmkuhle/Tribune)

WEST LAFAYETTE - The Ohio Supreme Court has declined to hear the appeal of a man who raised therapy ducks at his home in violation of village law.

The state's high court formally declined to review the case Wednesday, with Justice Kennedy dissenting. Justice Kennedy said she would accept the case on the issue of medical defense.

U.S. Army veteran Darin Welker, of West Lafayette, said he is uncertain what to talk with his attorney before proceeding. Welker said he is considering filing an appeal in West Lafayette.

Welker's attorney in the appeal, Robert Weir of Coshocton, was unavailable for comment.



U.S. Army veteran Darin Welker continues to challenge a ban on farm animals inside the village of West Lafayette on the grounds of post-traumatic stress disorder and depression. (Photo: Michael Lehmkuhle/Tribune)

Welker had asked the high court to allow him to continue raising his six ducks inside West Lafayette village limits, despite the ban. Welker said they help him manage his post-traumatic stress disorder and depression.

He served in the Army in 2005 in Iraq, then later served in the Ohio National Guard in Newark before receiving a medical discharge.

Retiring Mayor Jack Patterson said that while he is glad to hear of the court's ruling for the village's sake, the case may have set a precedent.

"It's never really over 'til it's over," Patterson said. "There is still an appeals process possible."

Patterson said that while West Lafayette law had previously forbidden all farm animals from being housed inside village homes, the village council in response to Welker to allow housing two therapy animals weighing 20 pounds or less as long as they are officially documented.

Patterson serves as president of the Coshocton County Veterans Service Commission, which helps connect veterans with needed services. Patterson said he understands that veterans have difficulty dealing with PTSD, and he believes the village has a duty to help.

Despite that change in village law, Welker still does not comply, Patterson said. During the appeals process, the village council has voted to sue Welker against him.

"Mr. Welker went from 14 to six (ducks) and is still not in compliance," Patterson said. "It will be up to the new administration to fix this."

Patterson is retiring at midnight Thursday after serving as village mayor for 24 years.

Former Village Councilman Stephen Bordenkircher won the election in November against union steward Timothy Tubbs and was sworn in as mayor Friday.

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