

**CHAPTER 618**  
**City of Aurora: Animals**

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**CROSS REFERENCES**

See section histories for similar State law

Power to restrain and impound animals - see Ohio R.C. 715.23

Driving animals upon roadway - see TRAF. [303.05](#), [303.06](#)

Definitions generally - see GEN. OFF. [606.01](#)

Abatement of criminal activity nuisances - see GEN. OFF. [606.30](#)

Offensive odors from places where animals are kept or fed - see GEN. OFF. [660.04](#)

Dog Warden - see ADM. Ch. [159](#)

Keeping of animals restricted - see P. & Z. [1153.04](#)(d)

### **618.01 DOGS, CATS AND OTHER ANIMALS RUNNING AT LARGE.**

(a) No person shall knowingly or negligently allow any dog, cat or other domestic animal owned, kept or harbored by such person to run at large upon any public way or upon the property of another.

(b) An animal is presumed to be running at large if such animal is not within an enclosed area or securely attached to a physical restraint or leash of a size and type necessary to control the behavior of such animal. While upon any public way or property of another, such physical restraint or leash shall not be more than fifteen feet in length and shall be held in the hand of a person in a manner which continuously controls the animal.

(c) It shall be an affirmative defense to a violation of this section that the animal was:

(1) Securely confined in a vehicle or cage which was adequately ventilated while off the premises of the owner;

(2) Being used for lawful hunting purposes or training for the purpose of hunting while accompanied by a license number;

(3) Being exhibited at a public show, zoo, museum or public institution;

(4) Engaged in activity expressly approved by the laws of the State; or

(5) Owned by a public law enforcement agency or licensed private law enforcement agency or member thereof and the animal was being utilized for law enforcement purposes.

(d) The running of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(e) The owner, keeper or person having charge of a dog, cat or other animal shall remove all matter excreted by such dog, cat or other animal upon any property not belonging to the owner, keeper or person having charge of such animal.

(f) Enforcement of this Section [618.01](#) as it pertains to cats shall be driven only by complaints received by the City.

(g) Penalty.

(1) Whoever violated this section by dogs or other animals running at large, except cats if prior to January 1, 2005, shall be guilty of a minor misdemeanor.

(2) Whoever violates any provision of this section as it pertains to cats shall receive a warning for a first offense until January 1, 2005.

(3) Whoever violates any of this section for a second or subsequent offense shall be guilty of a misdemeanor of the fourth degree.

(4) In a hearing under this chapter, a certified copy of the records of the County Auditor as to the issuance of a dog license shall be prima facie evidence of ownership.

(5) The Court may suspend up to one half of the prescribed penalty for any violation of this section which involves a neutered or spayed animal.

(Ord. 2004-175. Passed 10-11-04.)

**618.02 ABANDONING ANIMALS.**

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.  
(ORC 959.01; Ord. 1971-754. Passed 2-14-72.)

(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. Punishment shall be as provided in Section [698.02](#).

(ORC 959.99(A))

**618.03 KILLING OR INJURING ANIMALS.**

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity, or to trespassing animals as set forth in Ohio R.C. 959.04. (ORC 959.02)

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree.

(ORC 959.99(B)) Punishment shall be as provided in Section [698.02](#).

#### **618.04 POISONING ANIMALS.**

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to any animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by children or any of such animals, either upon his own lands or the lands of another. This section does not apply to trespassing animals as set forth in Ohio R.C. 959.04.

(ORC 959.03; Ord. 1971-754. Passed 2-14-72.)

(b) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section [698.02](#).

(ORC 959.99(C))

## **618.05 CRUELTY TO ANIMALS GENERALLY.**

(a) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty- eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such stock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(ORC 959.99(D))

## **618.051 CRUELTY TO COMPANION ANIMALS.**

(a) As used in this section:

(1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. "Companion animal" does not include livestock or any wild animal.

(2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.

(3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

(4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.

(5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment or commit an act or cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(d) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:

(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;

(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;

(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;

(4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;

(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.

(ORC 959.131)

(f) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.

(4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

(ORC 959.99)

**618.06 BARKING OR HOWLING DOGS.**

(a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who allows any dog 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 dog.

(Ord. 1971-754. Passed 2-14-72.)

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

**618.07 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.  
(Ord. 1971-754. Passed 2-14-72.)

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

**618.08 REGISTRATION OF DOGS REQUIRED.**

(a) No owner, keeper or harbinger of a dog more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by Ohio R.C. 955.01, nor shall he fail to pay the legal fee therefor.

(ORC 955.21; Ord. 1965-419. Passed 4-5-65.)

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

(ORC 955.99(A))

**618.09 HINDERING CAPTURE OF UNLICENSED DOG.**

(a) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unlicensed dog or making an examination of a dog wearing a tag.

(ORC 955.24; Ord. 1965-419. Passed 4-5-65.)

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

(ORC 955.99(A))

**618.10 UNLAWFUL TAGS.**

(a) No person shall own, keep or harbor a dog wearing a fictitious, altered or invalid registration tag or a registration tag not issued by the County Auditor in connection with the registration of such animal.  
(ORC 955.25)

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 955.99(A))

### **618.11 ANIMAL BITES; QUARANTINE AND REPORTING.**

(a) Whenever any animal bites any person, the Chief of Police may order such animal quarantined for a period extending not longer than ten days from the time of the biting. Any owner or person in custody or possession of such animal who fails to comply with such quarantine order shall be deemed guilty of a misdemeanor. All expenses incurred for the keeping of such animal or the necessary tests to determine whether rabies exists, shall be borne exclusively by the owner or keeper of such animal. No person, having knowledge of the existence of any rabies, or the fact that any animal has bitten any other person, shall fail to immediately report such information to the Chief of Police.

(b) No person shall violate a rabies quarantine order issued under Ohio R. C. 955.26. (ORC 955.39)

(c) Whoever violates this section is guilty of a minor misdemeanor for a first offense; for each subsequent offense such person is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section [698.02](#).  
(ORC 955.99(B))

**618.12 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY.**

The owner, keeper or harbinger of any animal which damages or destroys public or private property shall be held liable for the full value of the property damaged or destroyed in addition to any penalty imposed for a violation of this chapter.

(Ord. 1971-754. Passed 2-14-72.)

### **618.13 IMPOUNDING AND DISPOSITION; RECORDS.**

(a) The Police Division or Dog Warden may impound every animal or dog found in violation of Section [618.01](#). If such dog is found not wearing a valid dog license tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs. If such dog is wearing a valid dog license tag or the identity of the owner or custodian is otherwise established, notice shall immediately be given to the licensee, owner or custodian that the dog has been impounded. Such notice may be by telephone or by ordinary mail to the last known address of such licensee, owner or custodian. The dog shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog remaining unclaimed within ten days of the mailing of written notice, or of actual notice thereof, shall be sold or otherwise disposed of as provided by law.

(b) A record of all dogs impounded, the disposition of the same, the owner's name and address, where known, and a statement of any costs or receipts against such dog shall be kept and furnished monthly to the Mayor.

(Ord. 1971-754. Passed 2-14-72.)

**618.14 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.**

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

(1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and

(2) The Clerk of the Municipal Legislative Authority.

(b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with subsection (a) hereof if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section [698.02](#).

(ORC 2927.21)

## **618.15 DANGEROUS AND VICIOUS DOGS.**

(a) As used in this section:

(1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or on the premises of its owner, keeper or harbinger but is not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top.

B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person or other animal 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) "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.

(4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(4)B. hereof, meets any of the following:

1. Has killed or caused injury to any person;
2. Has caused injury to or killed a domesticated animal;

B. "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused injury to any person or animal while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
2. A dog that has killed or caused injury to any person while that 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.

(5) "Without provocation" means that a dog was not encouraged, teased, tormented or abused by a person, or that the dog was not coming to the aid 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. (ORC 955.11)

(b) No owner, keeper or harbinger of a dangerous or vicious 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 building, in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained; and

(2) While that dog is off the premises of the owner, keeper or harbinger, keep it 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 which has a top, locked fenced yard or other locked enclosure which has a top;

B. Have the leash or tether controlled by a person who is of suitable age, capability and discretion or securely attach the leash or tether to the ground or 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.

(c) 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 fifty thousand dollars (\$50,000) because of damage or bodily injury to or death of a person or animal caused by the vicious dog.  
(ORC 955.22)

(d) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that subsection 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. Additionally, the court may order the offender to personally supervise the dangerous dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (c) hereof. The court, in the

alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

(e) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of the following:

(1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

(f) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. (ORC 955.99; Ord. 1987-122. Passed 12-28-87.)

## **618.16 HUNTING AND TRAPPING.**

(a) Except as provided herein, no person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means.

(b) No person shall set, use or maintain any trap for animals or fowl within the Municipality. This provision shall not apply to the owner or lawful occupant of the premises upon which such trap is set, used or maintained, or an agent acting on behalf of such person for whom such trap has been set, used or maintained, and which is for the sole purpose of trapping an animal or fowl that is destructive to the property or interest of such owner or occupant.

(c) The hunting of deer by use of a crossbow, long bow or other bow and arrow hunting device, shall be permitted only when all of the following apply:

(1) The person hunting ("the hunter") possesses a current State Hunting License, has completed the State Hunter Safety Course, and possesses a current City Permit, all of which he/she carries with him/her at all times;

(2) The City has on file all of the necessary documentation required concerning the hunter and the location where the hunter is hunting;

(3) The hunter is on the approved list of hunters maintained by the Chief of the Aurora Police Department;

(4) The hunter is hunting on an approved, registered hunting site, to which all of the following apply:

A. The site consists of a minimum of 8 (eight) contiguous acres of property; and

B. The site includes no individually owned parcel which is smaller, by itself than 2 (two) acres;

and

C. The location where the hunter is hunting is on the list of hunting sites registered with the Chief of the Aurora Police Department; and

D. Prior to the commencement of any hunting whatsoever, all owner(s) of the hunting site have met with the hunter and fully indicated all boundary lines of the site; and

E. Familiarity with the boundaries of the hunting site shall be the sole responsibility of the hunter; and

F. All hunting activities take place on the approved hunting site; and

G. There shall be no pursuit of wounded or killed animals onto other property unless the hunter and/or pursuer has the prior approval of that/those property owner(s).

(5) The hunter shall be in a tree stand or similar apparatus at a minimum height of 8' (eight feet) during all hunting activities.

(6) The hunter notifies the Aurora Police Department of all animal kills within 24 (twenty-four) hours of such kill, such notification to include the nature and location of such kill, gender of animal, etc.

(d) The hunting of deer on City owned property shall be permitted subject to the following conditions which are in addition to those conditions set forth in Section [618.16\(c\)](#), above;

(1) Hunting areas are hereby established on the Aurora Wetlands property and the Ray Harmon property. Additional hunting areas may be approved by Council.

(2) Two (2) hunters will be permitted to hunt in one (1) designated area.

(3) Hunters will be selected by a lottery to be conducted in accordance with the rules and parameters established by the Division of Parks and Recreation with Aurora residents being given priority consideration.

(4) Rules and regulations governing deer hunting on City property shall be established by the Division of Parks and Recreation with input from the Division of Police and may be amended from time to time.

(e) The finding of a firearm, crossbow, long bow or hunting device ("hunting device") in the possession of a person, outside such person's residence, shall constitute prima-facie evidence of the violation of this section. This section shall not apply if:

(1) Such hunting device is disassembled or stored for transport; or

(2) Such hunting device is used in connection with organized target shooting competition, organized target practice, or a shooters training or education program, for which a permit has been issued pursuant to Section [672.14](#).

(3) Such crossbow, long bow or other bow and arrow has been utilized by a person permitted to hunt under subsection (c) above.

(f) Whoever fails to have the necessary paperwork required by subsection (c)(1) in his/her possession, shall be guilty of a minor misdemeanor.

(g) Whoever violates any other section of this provision shall be guilty of a misdemeanor of the fourth degree. (Ord. 2010-128. Passed 10-11-10.)

### **618.17 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.**

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

(1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.

(2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(b) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike a police dog or horse;

(2) Throw an object or substance at a police dog or horse;

(3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:

A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;

B. Deprives the law enforcement officer of control of the police dog or horse;

C. Releases the police dog or horse from its area of control;

D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.

(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.

(2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.

(d) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:

A. Inhibits or restricts the assisted or served person's control of the dog;

B. Deprives the assisted or served person of control of the dog;

C. Releases the dog from its area of control;

D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the dog to assist the assisted or served person.

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

(e) (1) Whoever violates subsection (a) hereof is guilty of assaulting a police dog or horse. If the violation results in physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation

results in death or serious physical harm to the police dog or horse, such violation is a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (b) hereof is guilty of harassing a police dog or horse. Except as otherwise provided in this subsection, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse or if the violation results in serious physical harm to the police dog or horse but does not result in its death, harassing a police dog or horse is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree.

(3) Whoever violates subsection (c) hereof is guilty of assaulting an assistance dog. If the violation results in physical harm to the dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the dog, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the dog, such violation is a felony and shall be prosecuted under appropriate State law.

(4) Whoever violates subsection (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

(5) In addition to any other sanction or penalty imposed for the offense under this section, whoever violates subsection (a), (b), (c) or (d) of this section is responsible for the payment of all of the following:

A. Any veterinary bill or bill for medication incurred as a result of the violation by the Police Department regarding a violation of subsection (a) or (b) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of subsection (c) or (d) of this section;

B. The cost of any damaged equipment that results from the violation;

C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;

D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog or horse that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

(f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.

(g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or assistance dog.

(h) As used in this section:

(1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

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

(3) "Serious physical harm" means any of the following:

A. Any physical harm that carries a substantial risk of death;

B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;

C. Any physical harm that causes acute pain of a duration that results in substantial suffering.

(4) "Assistance dog", "blind", and "mobility impaired person" have the same meanings as in Ohio R.C. 955.011.

(ORC 2921.321)