

CHAPTER 618
Animals

- 618.01 Dogs and other animals running at large and on recreational areas.
- 618.02 Abandoning animals.
- 618.03 Killing or injuring animals.
- 618.04 Poisoning animals.
- 618.05 Cruelty to animals; cruelty to companion animals.
- 618.06 Coloring rabbits and baby poultry; sale or display of poultry.
- 618.07 Barking or howling dogs; destruction of property.
- 618.08 Registration of dogs required.
- 618.09 Hindering capture of unregistered dog.
- 618.095 Dogs required to wear tags.
- 618.10 Unlawful tags.
- 618.11 Rabies quarantine.
- 618.115 Rabies vaccination of dogs and cats required.
- 618.12 Hunting prohibited.
- 618.13 Nuisance conditions prohibited.
- 618.14 Impounding and disposition; redemption.
- 618.15 Dangerous, wild and undomesticated animals or pets prohibited.
- 618.16 Equines.
- 618.17 Steel-jawed trap.
- 618.18 Reporting escapes.
- 618.19 Dangerous and vicious dogs.
- 618.20 Feeding wildlife and stray animals prohibited.
- 618.99 Penalty.

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. 404.04, 412.05

Definitions generally - see GEN. OFF. 606.01

Assaulting police dog or horse or assistance dog - see GEN. OFF. 642.08

Dead animals - see GEN. OFF. 660.03

Offensive odors from places where animals are kept or fed - see GEN. OFF. 660.04

618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE AND ON RECREATIONAL AREAS.

(a) Animals in General. No person who is the owner or keeper of horses, mules, cattle, sheep, goats, swine or geese shall permit them to run at large upon any public way or upon unenclosed land.

(ORC 951.02; Adopting Ordinance)

(b) Dogs Running at Large. No person, being the owner of or in charge or control of any dog, shall permit such dog to run at large within the limits of the City. Unauthorized entry by such dog upon any premises or upon any public street or ground shall constitute "at large" within the meaning of this division.

(c) Dogs on Public Ways and Grounds. No person, being the owner of or in charge or control of any dog, shall permit such dog to go or remain upon any public street or ground within the limits of the City, except when accompanied by a responsible person and upon a leash or under such control as to prevent such dog from entering private property and from chasing or attacking any person, animal, fowl or vehicle.

(Ord.294. Passed 7-10-50.)

(d) Dogs on Recreational Parks or Grounds. Under no circumstances shall the owner or person in charge or control of any dog permit such dog to go upon the recreational parks or grounds of the City at any time or under any circumstances, whether such dog is on a leash or not. Under no circumstances shall a person receive permission to walk or run or otherwise allow a dog to come upon the recreational grounds or premises of the City.

(Ord.97-78. Passed 11-6-78.)

(e) Exceptions. The provisions of division (b) and (c) of this section shall not prevent a person, during the season when running is lawful, from running a dog upon vacant property and the public streets and grounds adjacent thereto, which vacant property is not less than 500 feet from any lot or parcel improved with a dwelling, provided that the permission of the owner or occupant of such vacant property is first obtained.

(Ord.294. Passed 7-10-50.)

(f) Evidence. The running at large of such animal in or upon any of the places mentioned in divisions (b) and (c) above is prima facie evidence that it is running at large in violation of this section.

(ORC 951.02)

618.02 ABANDONING ANIMALS.

No owner or keeper of a dog, cat, or other domestic animal shall abandon the animal.

(ORC 959.01)

618.03 KILLING OR INJURING ANIMALS.

No person shall maliciously, or willfully and without the consent of the owner, kill or injure a dog, cat, or any other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity.

(ORC 959.02)

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 a dog, cat, or any other domestic 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 any such animal, either upon his or her own lands or the lands of another.

618.05 CRUELTY TO ANIMALS; CRUELTY TO COMPANION ANIMALS.

(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 the confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during the 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 division does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means an artificial 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 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the 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 the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. Division (a) of this section does not prevent the dehorning of cattle.

(c) All fines collected for violations of division (a) of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the municipality; otherwise, all fines shall be paid to the general fund.

(ORC 959.13)

(d) Cruelty to Companion Animals.

(1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Boarding kennel." Has the same meaning as in Ohio R.C. 956.01.

B. "Captive white-tailed deer." Has the same meaning as in Ohio R.C. 1531.01.

C. "Companion animal." 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.

D. "Cruelty." Has the same meaning as in Ohio R.C. 1717.01.

E. "Dog kennel." Means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel, or a training kennel.

F. "Federal Animal Welfare Act." The "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. §§ 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.

G. "Livestock." Means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.

H. "Practice of veterinary medicine." Has the same meaning as in Ohio R.C. 4741.01.

I. "Residential dwelling." 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.

J. "Serious physical harm." Means any of the following:

1. Physical harm that carries an unnecessary or unjustifiable substantial risk of death;
2. Physical harm that involves either partial or total permanent incapacity;
3. Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain;
4. Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.

K. "Torment." Has the same meaning as in Ohio R.C. 1717.01.

L. "Torture." Has the same meaning as in Ohio R.C. 1717.01.

M. "Training kennel." Means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.

N. "Wild animal." Has the same meaning as in Ohio R.C. 1531.01.

(2) 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.

(3) No person shall knowingly cause serious physical harm to a companion animal.

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

A. Torture, torment, or commit an act of cruelty against the companion animal;

B. 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;

C. 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.

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

A. Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;

B. 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 is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of the deprivation or confinement;

C. 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 is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.

(6) 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:

A. Torture, torment, or commit an act of cruelty against the companion animal;

B. 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;

C. 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.

(7) Divisions (d)(2), (d)(3), (d)(4), (d)(5), and (d)(6) of this section do not apply to any of the following:

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

B. 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;

C. 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;

D. 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;

E. 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.

(8) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this division (d) to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys either to provide the training that is required for humane agents under section Ohio R.C. 1717.06 or to provide additional training for humane agents.

(ORC 959.131)

(e) In addition to the penalty provided in Section 202.99 for a violation of this section, 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 division, 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.

618.06 COLORING RABBITS AND BABY POULTRY; SALE OR DISPLAY OF POULTRY.

No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(ORC 925.62)

618.07 BARKING OR HOWLING DOGS; DESTRUCTION OF PROPERTY.

(a) No person shall keep or harbor within the City any dog which, by barking, biting, howling or in any way or manner, injures or disturbs the safety or quiet of any other person, animal or fowl, or which destroys or damages any lawn, tree, shrub, plant, garden, building or other property of another person.

(Ord.294. Passed 7-10-50.)

618.08 REGISTRATION OF DOGS REQUIRED.

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 or she fail to pay the legal fee therefor.

(ORC 955.21)

618.09 HINDERING CAPTURE OF UNREGISTERED DOG.

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)

618.095 DOGS REQUIRED TO WEAR TAGS.

(a) No owner of a dog, except a dog constantly confined to a dog kennel registered under R.C. Chapter 955 or one licensed under R.C. Chapter 956, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog found not wearing at any time a valid tag shall be prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction.

(ORC 955.10)

618.10 UNLAWFUL TAGS.

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 that animal.

(ORC 955.25)

618.11 RABIES QUARANTINE.

(a) Animal Defined. As used in this section, "animal" means any living creature, domestic or wild.

(b) Quarantine of Biting Animal. Any animal which bites or scratches a person shall be immediately reported to the Municipal Environmental Maintenance Specialist and shall thereupon be securely quarantined at the direction of the Municipal Environmental Maintenance Specialist for a period of ten days and shall not be released from such quarantine except by written permission of the Municipal Environmental Maintenance Specialist or under his direction. At the discretion of the Municipal Environmental Maintenance Specialist, such quarantine may be on the premises of the owner, at the shelter designated as the City Pound or, at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the City Pound.

(c) Duty of Owner to Surrender Animal; Redemption. The owner, upon demand by the Municipal Environmental Maintenance Specialist, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. The animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of fees determined therefor by Council from time to time.

(d) Imposition of Area-Wide Quarantine. When a report indicates a positive diagnosis of rabies, the Municipal Environmental Maintenance Specialist may order an area-wide quarantine for a period of sixty days, and upon the invoking of such quarantine no person shall take a pet animal into the streets, or permit a pet animal to be in the streets, during such period of quarantine. During such quarantine, no person shall take or ship an animal from the City without permission of the Municipal Environmental Maintenance Specialist.

(e) Vaccination. During an area-wide quarantine period and as long thereafter as the Municipal Environmental Maintenance Specialist deems necessary to prevent the spread of rabies, he may require that all dogs three months of age and older shall be vaccinated against rabies. All vaccinated dogs shall be restricted by leashing or confinement on enclosed premises for thirty days after vaccination. During the quarantine period, the Municipal Environmental Maintenance Specialist is hereby authorized to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the area of health jurisdiction.

(f) Redemption of Strays Restricted. No animal which has been impounded, by reason of its being a stray or unclaimed by its

owner, shall be allowed to be adopted from any animal shelter during the period of rabies emergency quarantine, except by special authorization of the Municipal Environmental Maintenance Specialist.

(g) Destruction and Isolation of Bitten Animals. Animals bitten by a known rabid animal shall be immediately destroyed or, if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a kennel, designated by the Municipal Environmental Maintenance Specialist, for six months shall be enforced. If the animal has been previously vaccinated, within time limits established by the public health service based on the kind of vaccination used, revaccination and restraint by leashing and confinement for thirty days shall be carried out.

(h) Extension of Quarantine. If there are additional cases of rabies occurring during any period of area-wide quarantine, such period of quarantine may be extended for an additional period of time.

(i) Destruction and Removal of Rabid Animals. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human, except as herein provided, or remove such animal from the City without written permission from the Municipal Environmental Maintenance Specialist.

(j) Surrender of Carcass. The carcass of any dead animal exposed to rabies shall be surrendered to the Municipal Environmental Maintenance Specialist upon demand.

(k) Failure to Obey Municipal Environmental Maintenance Specialist. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Municipal Environmental Maintenance Specialist.

(l) Report of Bite Cases. It shall be the duty of every physician or other medical practitioner to report to the Municipal Environmental Maintenance Specialist the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

(m) Report of Suspected Cases. It shall be the duty of every licensed veterinarian to report to the Municipal Environmental Maintenance Specialist any animal considered by him to be a rabies suspect.

(1966 Code, §§ 51.3, 51.4; 1976 Code, §§ 711.01 to 711.13; Ord.55-92. Passed 6-15-92.)

618.115 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

(a) Any person owning, keeping or harboring any dog or cat over the age of three months shall be required to have such animal currently immunized against rabies by a licensed veterinarian.

(b) All owners or keepers as described in division (a) of this section shall maintain a record of such immunization as provided by a veterinarian and shall provide said proof of immunization to any person so inquiring.

(Ord.153-97. Passed 10-6-97.)

618.12 HUNTING PROHIBITED.

(a) The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means, except as follows:

(1) The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:

A. The Mayor or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant as a corollary to and following the issuance by the ODNR of its own Deer Damage Control Permit to allow only bow-hunting (long bow and crossbow) of white-tailed deer;

B. The permit is limited to areas of not less than five contiguous acres by State-licensed hunters proficient in the use of bow and arrow, on such forms and subject to such rules and regulations as the Mayor or his designated representative may prescribe;

C. Hunting shall be conducted from an elevated platform only;

D. Written permission from the property owner(s) has been obtained;

E. Qualified archer shall be defined as an individual having obtained an approval/certification from an approved archery

proficiency test site, a valid Ohio hunting license, if applicable, and all other State requirements;

F. Compliance with all laws, rules and regulations of the City and State is required;

G. All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts committed by the applicant;

H. Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Mayor or his designated representative;

I. The Mayor or his designated representative is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulations necessary to insure public health and safety;

J. Nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Mayor or his designated representative using means for such killing which are also authorized by the Mayor or his designated representative.

(b) Whoever violates any provisions of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 202.99.

(Ord. 23-15. Passed 12-7-15; Ord. 32-16. Passed 6-6-16.)

618.13 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal, livestock or poultry in the Municipality so as to create offensive odors or unsanitary conditions.

(b) No person owning, keeping or harboring any animal, livestock or poultry shall permit such animal, livestock or poultry to dig, urinate, defecate or otherwise damage any public property or private property other than the subplot or parcel owned or occupied by such owner, keeper or harbinger. However, this prohibition shall not apply to private property onto which such owner, keeper or harbinger has the permission of the owner of such private property to walk such animal, livestock or poultry, so long as the person owning, keeping or harboring such animal, livestock or poultry immediately removes all feces deposited by such animal, livestock or poultry and disposes of the same in a sanitary manner.

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 202.99.

(Ord.45-84. Passed 7-16-84.)

618.14 IMPOUNDING AND DISPOSITION; REDEMPTION.

(a) Duty of Municipal Environmental Maintenance Specialist. It shall be the duty of the Municipal Environmental Maintenance Specialist to seize and impound, subject to the provisions of this chapter, all dogs found in violation of any of the provisions of this chapter within the City, whether such a dog is in the immediate presence of its owner or custodian or otherwise.

(b) Right of Entry. The Municipal Environmental Maintenance Specialist is hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing and impounding any dog found thereon in violation of any of the provisions of this chapter.

(c) Registry. The Municipal Environmental Maintenance Specialist shall, upon receiving any dog, make a complete registry entering the breed, color and sex of such dog, the time of taking it into custody and, if licensed, the name and address of the owner of such dog and the number of the license and tag.

(d) Time for Redemption. All impounded dogs shall be redeemed within five days after they are impounded. Any dog not redeemed within such time may be sold, destroyed or otherwise disposed of.

(e) Right to Redeem. The owner of any dog which has been impounded under the provisions of this chapter shall have the right to redeem the same upon payment of any and all fees which may be due and payable for the impoundment of such dog, provided, however, that the payment of the impoundment fees shall not bar the imposition of any fine which may be imposed for a violation of any of the provisions of this chapter.

(1976 Code, §§ 703.02, 703.03; Ord.21-68. Passed 5-6-68; Ord.55-92. Passed 6-15-92.)

(f) Fees.

(1) Prior to redeeming an animal, the owner or purchaser shall pay a base fee of fifteen dollars (\$15.00) for the impoundment of any animal under the provisions of this chapter.

(2) Whenever any animal is impounded, an additional fee of ten dollars (\$10.00) shall be charged for each day or fraction thereof of impoundment for the care and feeding of such animal.

(Ord.119-95. Passed 8-21-95.)

(g) Redemption by Person Other Than Owner. If the owner of any dog impounded under this chapter fails to redeem his dog within the time allowed for redemption, any other person may, upon complying with all provisions of this chapter, redeem such dog from the pound and be the lawful owner of such dog thereafter.

(1976 Code, § 703.07)

618.15 DANGEROUS, WILD AND UNDOMESTICATED ANIMALS OR PETS PROHIBITED.

(a) No person shall harbor, maintain or control a wild, dangerous or undomesticated animal within the City.

(b) A wild, dangerous or undomesticated animal is an animal that is not an ordinary household pet and that would be ordinarily confined to a zoo, farm or the wilderness, or that otherwise causes fear or offensive odors or noises to the general public.

(Ord.93-78. Passed 11-6-78.)

618.16 EQUINES.

(a) Definitions. As used in this section:

(1) "Owner" means any person, group of persons or corporation owning, keeping and/or harboring horses, mules, donkeys, jackasses and/or ponies.

(2) "At large" means any horse, mule, donkey, jackass and/or pony that is off the premises of its owner and not under the control of a competent person.

(3) "Stable" means any barn, building or other structure used for the keeping, housing or feeding of horses, mules, donkeys, jackasses and/or ponies.

(b) Stable Required. A stable shall be required on any premises where horses, mules, donkeys, jackasses and/or ponies are kept, permitted, allowed, boarded or harbored.

(c) Land and Area Required. No person shall keep, maintain, permit, allow or board horses, mules, donkeys, jackasses and/or ponies in any residential district, except, however, that one such animal may be kept upon property containing at least two acres, and two such animals may be kept upon property containing five acres, other than any such animal under six months of age. However, if the stable used for keeping or harboring such animals has a hard surface floor equipped with a sanitary sewer drain connected to a public sanitary sewer and has a City water supply to permit maintenance of required sanitary conditions, then the minimum land area required for one such animal shall be two acres and for each additional such animal not less than one acre.

(d) Location of Stable. A stable shall be located on the rear portion of a lot as an accessory use to a dwelling and shall be located not less than:

- (1) 125 feet from any neighbor's dwelling;
- (2) Thirty-five feet from any lot line;
- (3) Fifty feet from a drilled well; and
- (4) 300 feet from a dug well.

(e) Sanitary Regulations.

- (1) All stables and yards where horses, mules, donkeys, jackasses and/or ponies are kept shall be kept in a sanitary condition, and

the bedding, manure and waste materials accumulated from such animals shall be kept in a covered container or pit. All stables and yards shall be kept clean and in good repair so as to prevent the breeding of flies and the emission of deleterious and offensive odors.

(2) The Building Commissioner or his duly authorized representative is hereby authorized to enter upon and inspect any premises to determine whether the construction or erection of any stable and the keeping of any horse, mule, donkey, jackass and/or pony on such premises are in compliance with this section. If he determines that any provision of this section is being violated, he shall issue a citation therefor to the owner, tenant or occupant of such premises.

(f) Animals at Large. No person shall permit a horse, mule, donkey, jackass and/or pony to be at large off the premises of the owner.

(g) Riding or Walking on City or Private Sidewalks Prohibited. No person shall ride or walk a horse, mule, donkey, jackass and/or pony upon City or private sidewalks.

(Ord.41-74. Passed 5-6-74.)

618.17 STEEL-JAWED TRAP.

No person shall use, employ or set a leghold, steel-jawed trap in the Municipality.

(Ord.22-81. Passed 4-6-81.)

618.18 REPORTING ESCAPES.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his or her 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 or she discovers or reasonably should have discovered the escape, report it to:

- (1) A law enforcement officer of the Municipality and the County Sheriff; and
- (2) The Clerk of Council.

(b) If the office of the Clerk of Council is closed to the public at the time a report is required by division (a) of this section, then it is sufficient compliance with division (a)(2) of this section if the owner or keeper makes the report within one hour after the office is next open to the public.

618.19 DANGEROUS AND VICIOUS DOGS.

(a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Dangerous dog." A dog that, without provocation, and subject to the following sentence, 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 or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top. "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 while the police dog is being used to assist law enforcement officers in the performance of their official duties.

(2) "Menacing fashion." A dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Police dog." 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) "Vicious dog."

A. A dog that, without provocation and subject to division B. of this definition, meets any of the following criteria:

1. Has killed or caused serious injury to any person;

2.Has caused injury, other than killing or serious injury, to any person, or has killed another dog;

3.Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of such a breed of dog shall be prima facie evidence of the ownership, keeping or harboring of a vicious dog.

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

1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist law enforcement officers in the performance of their official duties.

2. A dog that has killed or caused serious injury to any person while a 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." A dog acts "without provocation" when it was not teased, tormented, or abused by a person, or it was not coming to the aid or the defense 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(A))

(b) A person who is the owner or has charge of any animal shall not permit it to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or permit them to go upon any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

(c) No person shall cause animals to be herded, kept, or detained for the purpose of grazing on premises other than those owned or occupied by the owner or keeper thereof without the consent of the owner of the premises.

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

(ORC 951.01, 951.02)

(e) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper, or harbinger at any time the dog is in heat unless the dog is properly in leash.

(f) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

(2) Keep the dog under the reasonable control of some person.

(g) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of a dangerous or vicious dog shall fail to do either of the following:

(1) While the dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that 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.

(2) While the dog is off the premises of the owner, keeper, or harbinger, keep that dog 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: keep the dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top; have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station a person in close enough proximity to that dog so as to prevent it from causing injury to any person; or muzzle that dog.

(h) 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 one hundred thousand dollars (\$100,000.00) because of damage or bodily injury to or death of a person caused by the vicious dog.

(i) No person shall do any of the following:

(1) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog;

(2) Possess a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(3) Falsely attest on a waiver form provided by the veterinarian under division (j) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(j) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a vicious dog. The written waiver form shall include all of the following:

(1) The veterinarian's license number and current business address;

(2) The number of the license of the dog if the dog is licensed;

(3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

(4) The signature of the owner of the dog attesting that the owner's dog is not a vicious dog;

(5) A statement that division (F) of Ohio R.C. 955.22 prohibits any person from doing any of the following:

A. Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dog;

B. Possessing a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

C. Falsely attesting on a waiver form provided by the veterinarian under division (G) of Ohio R.C. 955.22 that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(k) It is an affirmative defense to a charge of a violation of division (i) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (j) of this section and that attests that the dog is not a vicious dog.

(ORC 955.22)

(l) Whoever violates this section is guilty of a misdemeanor of the first degree. In addition, if the offender is guilty of a violation of division (e) or (f) of this section, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(m) (1) If a violation of division (g) of this section involves a dangerous dog, then, in addition to the penalty provided in Section 202.99, the court may order the offender to personally supervise the dangerous dog that the offender 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 division (h) of this section. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(2) If a violation of division (g) of this section involves a vicious dog, whoever violates that division (g) is guilty of one of the following:

A. A felony, to be prosecuted under appropriate State law, on a first or subsequent offense if the dog kills or seriously injures a person. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

B. A misdemeanor of the first degree on a first offense and a felony, to be prosecuted under appropriate State law, on each subsequent offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

C. A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to a person.

(n) Whoever violates division (i) of this section is guilty of a felony to be prosecuted under appropriate state law. Additionally, the court shall order that the vicious dog be humanely destroyed by as licensed veterinarian, the County Dog Warden, or the County Humane Society.

(ORC 955.99(E) - (H), (J))

618.20 FEEDING WILDLIFE AND STRAY ANIMALS PROHIBITED.

(a) No person shall provide food for dogs, cats, deer, geese, ducks, raccoons, fowl or other wild animals or wildlife by setting such food out on any public property or within a 150-yard radius of any private residence or public roadway. This section does not apply to animals owned by the person or to songbirds fed from a stationary bird feeder.

(b) Whoever violates this section is guilty of a minor misdemeanor for the first offense and a fourth degree misdemeanor for a second or subsequent offense. Penalty shall be as provided in Section 202.99 of these Codified Ordinances.

(Ord. 148-05. Passed 12-19-05.)

618.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)