

**CHAPTER 618**  
**City of Brunswick: 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. [404.04](#), [404.05](#)
- Definitions generally - see GEN. OFF. [606.01](#)
- Offensive odors from places where animals are kept or fed - see GEN. OFF. [660.04](#)
- Animals In Municipal Cemetery - see S.U. & P.S. [1072.27](#)

## **618.01 DEFINITIONS.**

As used in this chapter:

(a) "Animal" means any warm-blooded or cold-blooded creature which is a domesticated pet or used for exhibition purposes, or is intended for use in research, testing or experimentation, including dogs, cats, monkeys, rabbits, domesticated fowl, game birds or any animal kept in an enclosure.

(b) "Dangerous animal" means any animal defined in subsection (a) hereof, that, without provocation, 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 such animal is away from the premises of its owner or keeper and is not under the reasonable control of its owner or keeper or is not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure designed to keep such creature from escaping therefrom. Specifically exempted from the within definition is a police dog which has been trained to assist law enforcement officers in the performance of their official duties when such police dog is being used upon such official duties.

(c) "Vicious animal" means any animal defined in subsection (a) hereof that, without provocation, has either:

- (1) Killed or caused serious injury to any person, or
- (2) Killed another animal of its own species, or
- (3) On two separate occasions, within the prior 36 month period, has seriously bitten or inflicted injury by attacking a domestic animal off the property of the owner or keeper of the animal.

(Ord. 24-88. Passed 6-13-88; Ord. 115-99. Passed 10-25-99.)

(d) "Animal" means any animal, either domesticated or undomesticated, male or female, alone or in a group.

(e) "Fowl" means any fowl, either domesticated or undomesticated, male or female, alone or in a group.

(f) "At large" means an animal off the premises of its owner and not under the control of its owner or a competent person.

(g) "Restraint" means an animal controlled by a leash at heel beside its owner or other responsible person and obedient to such person's commands or an animal within the property of its owner or keeper.

(h) "Animal Warden" means the person or persons employed by the city as enforcement officers.

(i) "Exposure to rabies" means an animal which has been bitten by or been in contact directly or indirectly, with any animal known to be rabid.

(Ord. 24-74. Passed 3-25-74.)

**618.02 ABANDONING ANIMALS.**

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)

(b) Whoever violates division (a) of 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.  
(ORC 959.99(A), (E)(2)) (Ord. 24-74. Passed 3-25-74.)

**618.03 KILLING OR INJURING ANIMALS.**

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

(ORC 959.02)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00). 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. Punishment shall be as provided in Section [698.02](#).

(ORC 959.99(B))

#### **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 animals, either upon his own lands or the lands of another.

(ORC 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section [698.02](#).

(ORC 959.99(C); Ord. 24-74. Passed 3-25-74.)

## **618.05 CRUELTY TO 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 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 does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means:

(a) A man-made enclosure, windbreak or sunshade, or

(b) For the purposes of wind and shade protection only, a 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; or

(4) Keep animals, other than cattle, poultry or fowl, swine, sheep or goats, in an enclosure without wholesome exercise and change of air, or feed cows on food that produces impure or unwholesome milk. (ORC 959.13; Adopting Ordinance)

(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) No owner of any animal shall fail to provide adequate protective shelter for such animal and to keep such shelter in a sanitary condition. (Ord. 24-74. Passed 3-25-74; Ord. 115-99. Passed 10-25-99.)

(e) Whoever violates division (a) of 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 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. (ORC 959.99(D))

(f) Whoever violates division (d) of this section is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section 698.02. (Ord. 24-74. Passed 3-25-74.)

## **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)

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

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall display, sell, offer for sale, expose for sale, barter, 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)

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

**618.07 BARKING OR HOWLING DOGS; PROPERTY DESTRUCTION.**

(a) No person shall harbor or keep any dog within the City which, by loud and frequent or habitual barking, howling or yelping, causes serious annoyance or disturbance to persons residing or being in the neighborhood or which destroys or damages any lawn, tree, shrub, plant, building or other property of any other person.

(b) For purposes of this section, any person who habitually allows any dog to remain lodged and fed within his house, storeyard or enclosure for a period of not less than fourteen days shall be considered to be harboring such dog.

(c) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section [698.02](#).

(Ord. 24-74. Passed 3-25-74.)

**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)

(b) Whoever violates this section shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for a first offense. For each subsequent offense, such person shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than thirty days.

(ORC 955.99(D))

**618.09 HINDERING CAPTURE OF UNREGISTERED DOG.**

(a) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unregistered dog or making an examination of a dog wearing a tag.  
(ORC 955.24)

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#).  
(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. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section [698.02](#).  
(ORC 955.99(A))

### **618.11 ANIMAL BITES; CONTROL OF RABIES.**

(a) The owner of any animal three months of age or older shall provide such animal with a mandatory animal vaccination against rabies. Vaccination shall be given by a practicing veterinarian with a vaccine recognized and approved by the U.S. Department of Agriculture.

(b) Any animal which bites a person shall be promptly reported to the Animal Warden and shall thereupon be examined by a practicing veterinarian and securely confined for clinical observation at the direction of the Animal Warden for a period of ten days. Such confinement shall be in accordance with the following provisions:

(1) If a laboratory confirmed case of rabies has occurred within the past twelve months, confinement shall be in the City animal shelter or, at the owner's option and expense, in a veterinary hospital of his choice.

(2) An animal which has been vaccinated within the past three years with ced or within the past one year with phenolized vaccine may be confined on the premises of the owner, isolated from all individuals other than the immediate family. Such animal shall be examined by a practicing veterinarian on the first and tenth days after the bite and a written report of the results of such examinations shall be sent to the Animal Warden.

(3) Confinement may be on the premises of the owner, as provided in subparagraph (2) hereof, if there have been no laboratory-confirmed cases of rabies during the past twelve months.

(4) In the case of a stray animal, or an animal whose owner is not known, confinement shall be at the direction of the Animal Warden. At the end of the tenth day of confinement, such animal shall be examined a second time and a written report of the results of such examination shall be sent to the Animal Warden. Examination shall be by a practicing veterinarian.

(c) The owner, upon demand by the Animal Warden, shall forthwith surrender any animal which has bitten a human being, or which is suspected of having been exposed to rabies and which has not been vaccinated therefor, for supervised confinement, the expense of which shall be borne by the owner. Such animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of the actual costs incurred for confinement and vaccination of the animal against rabies.

(d) When rabies is suspected or diagnosed by a practicing veterinarian in an animal confined for clinical observation, or when an animal has bitten anyone within the past ten days, and then dies while under such observation, the head of such animal shall be sent to the State Health Department by the local health authorities for pathological examination, and the proper public health officer shall be notified of reports of human contacts and the diagnosis.

(e) When a positive diagnosis of rabies has been made, the Animal Warden shall recommend an area-wide quarantine for a period of ten days. During such quarantine, all animals shall be kept on a leash, all pets shall be kept under restraint by the owner and no animal shall be taken or shipped from the City without written permission from the Animal Warden.

(f) During the quarantine period provided for in subsection (e) hereof, and as long afterward as the Animal Warden deems necessary to prevent the spread of rabies, the Animal Warden may require that all dogs three months of age or older be vaccinated against rabies by a practicing veterinarian with a canine rabies vaccine approved by the Biologics Control Section of the U.S. Department of Agriculture. The types of approved canine rabies vaccine to be used and the recognized duration of immunity for each shall be determined by any qualified health officer or veterinarian. All vaccinated dogs shall be restricted to the confines and control of their owners for thirty days after vaccination. During the quarantine period, the health officer or veterinarian shall be 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 the health jurisdiction.

(g) Any dog bitten by an animal known to be rabid shall be immediately destroyed or, if the owner is unwilling to destroy the exposed animal, shall be kept in strict isolation and observation in the City Animal Shelter or, at the owner's option and expense, in a veterinary hospital of his choice for six months. If such dog

has previously been vaccinated, it shall be revaccinated and kept under restraint, i.e. leashed and confined, for thirty days.

(h) In the event that additional cases of rabies occur during the period of quarantine, such quarantine may be extended for additional periods of six months.

(i) No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal which has bitten a human being, except as provided herein and in Section [618.17](#), or remove such animal from the City without written permission from the Animal Warden.

(j) The carcass of any animal exposed to rabies shall, upon demand, be surrendered to the Animal Warden.

(k) The Animal Warden shall direct the disposition of any animal found to be infected with rabies.

(l) No person shall fail or refuse to surrender any animal for quarantine or destruction, as required herein, when demand is made therefor by the Animal Warden.

(m) It shall be the duty of every physician or other medical practitioner to report to the Animal Warden the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

(n) It shall be the duty of every veterinarian to notify the Animal Warden promptly when he is presented with an animal for quarantine examination. At the termination of the quarantine, a written report shall be submitted to the Animal Warden. During the quarantine period, any animal showing clinical signs of rabies shall be reported immediately to the Animal Warden.  
(Ord. 24-74. Passed 3-25 -74.)

(o) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. Punishment shall be as provided in Section [698.02](#).

(p) A police dog in training or assisting a law enforcement officer in the performance of the officer's duties shall be exempt from the provisions of this section.  
(Ord. 53-05. Passed 5-9-05.)

### **618.12 DUTIES OF THE ANIMAL WARDEN.**

It shall be the duty of the Animal Warden to enforce all sections of this chapter and to:

- (a) Keep, or cause to be kept, an accurate and detailed record of the impounding and disposition of all animals coming into his custody;
- (b) Keep, or cause to be kept, an accurate and detailed record of all bite cases reported to him and his investigation thereof;
- (c) Keep, or cause to be kept, an accurate and detailed record of all moneys belonging to the City and promptly remit all moneys to the Director of Finance; and
- (d) Call upon the services of the Police Division to aid in the enforcement of this chapter whenever he determines that their support and assistance will be a factor in the successful enforcement thereof.  
(Ord. 24-74. Passed 3-25-74.)
- (e) Have the authority to enforce provisions of the Noise Control Ordinance, Section [634.04](#)(a) as it pertains to animals and birds.  
(Ord. 37-94. Passed 3-14-94.)

### **618.13 IMPOUNDING.**

(a) The owner of any impounded animal shall be notified not more than twenty- four hours after the impounding thereof. However, if such owner is unknown, written notice describing such animal and the time and place of taking shall be recorded and kept by the police dispatchers for a period of three days. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all other costs incurred by the City for the impounding and maintenance of such dog. In the case of any other animal not requiring a license, payment of the fine, if any, and the maintenance costs shall be sufficient to release the animal. The costs shall be paid to the police dispatchers, as deputy clerks of the Mayor's Court.  
(Ord. 24-74. Passed 3-25-74.)

(b) Fees for impounding shall be as follows:

- (1) For impounding, ten dollars (\$10.00);
- (2) For daily care after impounding, five dollars (\$5.00) per day; and
- (3) For notification of the owner, three dollars (\$3.00).

(Ord. 97-94. Passed 9-26-94.)

**618.14 DESTRUCTION OF UNREDEEMED OR DISEASED DOGS.**

It shall be the duty of the Animal Warden to keep all dogs impounded for a period of not less than three days. If, at the expiration of three days from the date of notice to the owner, such dog has not been redeemed, it may be destroyed. Any unlicensed dog required by law to be licensed and any dog which appears to be suffering from rabies or is affected with hydrophobia, mange or any other infectious disease, shall not be released but may be forthwith destroyed.

(Ord. 24-74. Passed 3-25-74.)

**618.15 BREAKING OPEN POUNDS.**

(a) No person shall interfere with, break open, destroy or injure a pound erected by authority of law or set at liberty any animal impounded therein.

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

(Ord. 24-74. Passed 3-25-74.)

## **618.16 ANIMALS RUNNING AT LARGE; RESTRAINT.**

(a) No owner of any animal shall fail to keep such animal under restraint at all times or permit such animal to be at large off the premises or property of the owner unless under the restraint of the owner or other responsible person.

(Ord. 24-74. Passed 3-25-74.)

(b) Dogs running at large; dangerous or vicious dogs; debarked or surgically silenced vicious dogs.

(1) As used in this section, “dangerous dog” and “vicious dog” have the same meanings as in Ohio R.C. 955.11.

(2) 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.

(3) Except when a dog is lawfully engaged in hunting or at the dog park 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:

(Ord. 81-04. Passed 7-26-04.)

A. 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;

B. Keep the dog under the reasonable control of some person.

(4) 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:

A. 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.

B. 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.

(5) 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 \$50,000 because of damage or bodily injury to or death of a person caused by the vicious dog.

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

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

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

C. Falsely attest on a waiver form provided by the veterinarian under subsection (b)(7) hereof that the person’s dog is not a vicious dog or otherwise provide false information on that written waiver form.

(7) 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:

A. The veterinarian’s license number and current business address;

B. The number of the license of the dog if the dog is licensed;

C. A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

D. The signature of the owner of the dog attesting that the owner’s dog is not a vicious dog;

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

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

vicious dog;

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

3. 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.

(8) It is an affirmative defense to a charge of a violation of subsection (b)(6) hereof 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 subsection (b)(7) hereof and that attests that the dog is not a vicious dog.

(ORC 955.22)

(c) The running at large 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.

(ORC 951.02; Adopting Ordinance)

(d) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#).

(Ord. 24-74. Passed 3-25-74.)

(e) Penalty.

(1) Whoever violates subsections (b)(2) or (b)(3) above shall be fined not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) on a first offense; and on each subsequent offense, shall be fined not less than seventy-five dollars (\$75.00) or more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than thirty days.

(2) In addition to the penalties prescribed in subsection (e)(1) above, if the offender is guilty of a violation of subsection (b)(2) or (b)(3) above, 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.

(3) If a violation of subsection (b)(4) above involves a dangerous dog, whoever violates that division 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 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 subsection (b)(5) above. 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.

(4) If a violation of subsection (b)(4) above involves a vicious dog, whoever violates that division is guilty of one of the following:

A. On a first offense, a misdemeanor of the first degree if the dog causes injury other than killing or serious injury to any person. The person shall be guilty of a felony on each subsequent offense and shall be prosecuted under appropriate state law. 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.

B. A felony on a first or subsequent offense if the dog kills or seriously injures a person and shall be prosecuted under appropriate state law. 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.

(5) Whoever violates subsection (b)(5) above is guilty of a misdemeanor of the first degree.

(6) Whoever violates subsection (b)(6) above 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))

**618.17 KILLING OF ANIMALS AT LARGE AND RABID ANIMALS.**

Notwithstanding any other provision of this chapter, members of the Police Division are hereby authorized to kill any dog which is found running at large contrary to any of the provisions of this chapter and which is threatening, chasing or killing any other animal or attacking, biting or mauling any human being. Members of the Police Division are also authorized to kill any animal infected with rabies.

(Ord. 24-74. Passed 3-25-74.)

**618.18 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY; MAXIMUM NUMBER OF DOGS AND CATS PERMITTED.**

(a) 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.

(b) Not more than four dogs, except puppies not over three month old, may be kept in any single-family dwelling within the City. "Dwelling," as used in this section, includes the lot or parcel of land on which the dwelling is located and all out-buildings located on the lot or parcel.

(c) Not more than four cats, except kittens not over three months old, may be kept in any single-family dwelling within the City. "Dwelling" as used in this section, includes the lot or parcel of land on which the dwelling is located and all out-buildings located on the lot or parcel.

(d) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. Punishment shall be as provided in Section [698.02](#).

(Ord. 96-06. Passed 10-9-06.)

**618.19 HUNTING AND TRAPPING PROHIBITED.**

(a) The hunting or trapping, above water, of animals or fowl within the City is hereby prohibited except for live trapping authorized by the Animal Control Officer.  
(Ord. 128-04. Passed 9-13-04.)

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#).  
(Ord. 24-74. Passed 3-25 -74.)

**618.20 LARGE FARM ANIMALS; RACING PROHIBITED.**

(a) One horse, cow, sheep, hog or other farm animal may be kept on a lot of not less than one and one-half acres, provided that the structure containing such animal is located not less than 100 feet from any adjoining residential lot line or any residence. An additional one-half acre shall be provided for each additional horse, cow, sheep, hog or other farm animal.

(b) No racing of horses or ponies on City streets shall be permitted.

(c) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. Punishment shall be as provided in Section [698.02](#).  
(Ord. 24-74. Passed 3-25 -74.)

**618.21 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall permit a place where any animal or fowl is kept to become so noisy, filthy or offensive in any manner that such place is injurious to the health or comfort of persons living in the vicinity thereof. No person shall keep, transport, unload or collect any animal or fowl in such a manner that the stench therefrom or the noise caused thereby is annoying or offensive to any person.

(b) No person, being the owner or in charge or control of any dog, except a seeing-eye/guide dog shall allow or permit such dog to defecate upon any public property or any private property, other than the property of owner or person in charge or control of such dog, unless permission of the owner of such property is granted or unless the owner or person in charge or control of such dog immediately removes all feces deposited by such dog and disposes of the same in a sanitary manner, in which latter event such nuisance shall be considered abated. Any dog, except a seeing-eye/guide dog which defecates upon any public or any private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

(c) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Punishment shall be as provided in Section [698.02](#).

(Ord. 24-74. Passed 3-25-74; Ord. 78-00. Passed 6-12-00.)

**618.22 KENNELS; LICENSE REQUIRED.**

(a) For purposes of this section, "kennel owner" means a person, partnership, firm or corporation professionally engaged in the business of breeding dogs for hunting or for sale.

(b) All kennels shall be licensed, shall be considered businesses and, therefore, shall not be permitted, under zoning regulations, to operate in residential areas.

(c) Whoever violates or falls to comply with this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. Punishment shall be as provided in Section [698.02](#).  
(Ord. 24-74. Passed 3-25-74.)

**618.23 ENFORCEMENT.**

It shall be the duty of the Animal Warden, his deputies and the members of the Police Division to  
d 5-9-83.)

#### **618.24 LARGE CATS.**

(a) Prohibition. No person shall own, keep or harbor any member of the large cat family known as Felidae, including, but not limited to, lions, tigers, cougars, leopards and panthers.

(b) Exceptions; Liability Insurance. Subsection (a) hereof does not apply to any circus, carnival, zoo or other event for entertainment, which is authorized by law by the proper City official, provided that proper bond or Insurance is posted to indemnify those who may be injured or killed as a result of the keeping of such cats. The type and amount of such bond shall be determined by the Law Director.

(c) Notice to Correct Violation; Impoundment or Destruction by City:

(1) Upon the complaint of any person of the keeping or harboring of a large cat in the City, in violation of subsection (a) hereof, the City Manager/Safety Director shall forthwith cause the matter to be investigated. If, after such investigation, the facts indicate that the person named in the complaint is in fact the owner of, or is keeping or harboring a large cat in the City, in violation of subsection (a) hereof, the Director shall immediately send a written notice to such person to safely remove such cat from the City within five days of the delivery of such notice. No person shall fail to comply with such notice within such period of time.

(2) Such notice shall not be required if the large cat has previously caused physical harm or death to any person or has escaped and is at large, in which case the Director shall cause such cat to be immediately seized and impounded. If seizure and impoundment are not possible without risk of serious harm or death to the responsible person, the cat may be destroyed.

(d) Penalty. Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the third degree for each subsequent offense. A separate offense shall be deemed committed each day during or on which the violator fails to abide by the notice provided for in subsection (c) hereof. Punishment shall be as provided in Section [698.02](#).

(Ord. 43-83. Passed 5-9-83.)

## **618.25 DANGEROUS OR VICIOUS ANIMALS.**

No owner or keeper of a dangerous or vicious animal shall fail to act as follows:

- (a) While such dangerous or vicious animal is on the premises of its owner or keeper, such dangerous or vicious animal shall be securely confined at all times in a locked structure having a secured top or, if temporarily kept outside of such locked structure, such dangerous or vicious animal shall be securely tied with a leash or tether so as to adequately restrain the same; or
- (b) While such dangerous or vicious animal is off or without the premises of its owner or keeper, such dangerous or vicious animal shall be kept on a metal chain-link leash or tether that is not more than six feet in length, which leash or tether is controlled by the owner or keeper of such dangerous or vicious animal; and
- (c) A dangerous or vicious animal shall have its mouth securely enclosed by a muzzle or other device so as to preclude such dangerous or vicious animal from using its mouth with which to bite.
- (d) Any dangerous or vicious animal which attacks a person or another domestic animal may be ordered destroyed when, in the Court's judgment, such dangerous or vicious animal represents a continuing threat of serious harm to persons or other domestic animals.
- (e) After documented proof, such as a police report, Dog Warden report or written complaint, that the animal in question is a dangerous or vicious animal, whoever violates this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section [698.02](#).

(Ord. 24-88. Passed 6-13-88.)

**618.26 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 that is not indigenous to the 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 the Municipality.

(b) If the office of the Clerk of the Municipality is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with paragraph (a)(2) 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)

### **618.27 ASSAULTING A POLICE DOG.**

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

(1) The police dog 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 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 is a police dog.

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

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

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

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

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

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

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

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

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

(c) (1) Whoever violates subsection (a) hereof is guilty of assaulting a police dog. If the violation results in physical harm to the police dog, assaulting a police dog 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, assaulting a police dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the police dog, 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. Except as otherwise provided in this subsection, harassing a police dog is a misdemeanor of the second degree. If the violation results in the death of the police dog or if the violation results in serious physical harm to the police dog but does not result in its death, harassing a police dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the police dog but does not result in its death or in serious physical harm to it, harassing a police dog is a misdemeanor of the first degree.

(3) Whoever violates subsection (b) hereof is responsible for the payment of all of the following:

A. Any veterinary bills or bills for medication incurred by the Police Department as a result of the violation;

B. Any damaged equipment that results from the violation;

C. The cost of replacing the police dog and of any further training of a new police dog by a law enforcement officer that is required because of the death of or serious physical harm to the police dog that is the subject to the violation.

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

(e) As used in this section:

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

(2) "Police dog" means a dog 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; and

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

(Ord. 53-05. Passed 5-9-05.)

## **618.28 TETHERING DOGS.**

(a) As used in this Section:

(1) "Body harness" means a device consisting of straps made of nylon, leather or other pliable material fitted to the body of a dog and used to affix a restraint of the animal.

(2) "Collar" means a device consisting of straps made of nylon, leather or other pliable material secured around the neck of a dog that is properly fitted and has enough room between the collar and the dog's throat through which two adult fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog.

(3) "Properly fitted" means worn without causing discomfort, pain or injury.

(4) "Tether" means, when used as a noun, any device, including but not limited to a chain, leash, cable or tie out attached to a stationary point or object, trolley or run used to contain or restrain a dog. When used as a verb, tether shall mean to attach a dog to such a device.

(b) Nothing in this section shall prohibit the tethering of a dog that is in the immediate proximity of its owner or custodian except under all of the following conditions:

(1) The owner or custodian is present on the property;

(2) Such tethering does not exceed sixty (60) continuous minutes;

(3) The dog is six months of age or older;

(4) If female, the dog is sterilized;

(5) The tether does not exceed ten percent of the dog's body weight;

(6) The tether is at least three times the length of the dog from the tip of its nose to the base of its tail;

(7) The tether allows the dog to easily stand, sit, lie, turn around, and make all other normal body movements in a comfortable normal position;

(8) The tether allows the dog to interact safely with other animals;

(9) The tether is appropriate for the age and size of the dog and attached to the dog by a properly fitted collar or body harness configured to prevent the dog or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the dog;

(10) Only one dog is attached to a single tether;

(11) The dog is not tethered in such a manner to permit the dog to cross and enter upon another's property, except that the same shall not be unlawful if the affected owner or person having lawful possession thereof provides consent; and

(12) Adequate water is provided to the dog.

(d) Whoever violates or fails to comply with any provisions of this section is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense occurring within 12 months from the previous offense and shall be subject to the penalty provided in Section [698.02](#).

(Ord. 10-17. Passed 2-27-17.)

**618.29 LEAVING ANIMALS UNATTENDED IN VEHICLES.**

(a) No animal shall be left unattended in an enclosed portion of a vehicle except under all of the following conditions:

- (1) No animal may be left unattended in an enclosed portion of a vehicle for more than five minutes;
- (2) No heat or cold advisory has been issued by a local or state authority or the National Weather Service;
- (3) The animal is not younger than six months or age; and
- (4) Adequate water is provided to the animal.

(b) This section does not apply to any animal left unattended in an enclosed portion of a vehicle wherein appropriate temperature controls are in actual use.

(c) Whoever violates or fails to comply with any provisions of this section is guilty of the following and shall be subject to the penalty as provided in Section [698.02](#)

- (1) On the first offense within 12 months, a minor misdemeanor.
- (2) On the second offense within 12 months of a first offense, a misdemeanor of the fourth degree.
- (3) On the third offense within 12 months of a first offense, a misdemeanor of the first degree.
- (4) On any offense, if the animal was injured, a misdemeanor of the first degree.

(Ord. 100-16. Passed 1-23-17.)