

**CHAPTER 505**  
**City of Chardon: Animals and Fowl**

- [505.01](#)** Dogs and other animals running at large.
- [505.02](#)** Impounding and disposition; records.
- [505.03](#)** Annual registration of dogs; tags required.
- [505.04](#)** Abandoning animals.
- [505.05](#)** Killing or injuring animals.
- [505.06](#)** Poisoning animals.
- [505.07](#)** Cruelty to animals.
- [505.071](#)** Cruelty to companion animals.
- [505.08](#)** Nuisance conditions prohibited.
- [505.09](#)** Barking or howling dogs.
- [505.10](#)** Animal bites; reports and quarantine.
- [505.11](#)** Hunting prohibited.
- [505.12](#)** Coloring rabbits or baby poultry; sale or display of poultry.
- [505.13](#)** Dog owner liable for damage to public property.
- [505.14](#)** Dogs in parks to be on leash; excrement removal; prohibited on Public Square during Maple Festival.
- [505.15](#)** Report of escape of exotic or dangerous animal.
- [505.16](#)** Dangerous or vicious dogs.
- [505.17](#)** Restraint of dangerous or vicious dogs.
- [505.18](#)** Keeping certain animals prohibited.
- [505.99](#)** Penalty.

**CROSS REFERENCES**

- See sectional histories for similar state law
- Owner or keeper liable for damages - see R.C. § 951.10
- Dog registration - see R.C. § 955.01
- Discharging firearms prohibited - see GEN. OFF. § [549.10](#)

### **505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.**

(a) No person being the owner or having charge of cats, cattle, sheep, geese, ducks, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another.

(Ord. 1692. Passed 9-12-96.)

(b) As used in this section, "dangerous dog" and "vicious dog" have the same meanings as in R.C. § 955.11.

(c) 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.

(d) 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.

(e) 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.

(f) 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 \$100,000 because of damage or bodily injury to or death of a person caused by the vicious dog.

(g) 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 (c)(7) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(h) 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 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 R.C. § 955.22 that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(i) It is an affirmative defense to a charge of a violation of subsection (g) 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 subsection (h) of this section and that attests that the dog is not a vicious dog.

(R.C. § 955.22)

(j) 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.

(R.C. § 951.02)

(k) Penalty.

(1) Whoever violates subsections (c) or (d) above shall be fined not less than \$25 or more than \$100 on a first offense; and on each subsequent offense, shall be fined not less than \$75 or more than \$250 and may be imprisoned for not more than 30 days.

(2) In addition to the penalties prescribed in subsection (k)(1) above, if the offender is guilty of a violation of subsection (c) or (d) 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 (e) above involves a dangerous dog, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that 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 (f) 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 (e) above involves a vicious dog, whoever violates that subsection 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 (f) above is guilty of a misdemeanor of the first degree.

(6) Whoever violates subsection (g) 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.

(R.C. § 955.99(E) - (H), (J))

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

(a) A police officer or animal warden may impound every animal or dog found in violation of § [505.01](#). If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If the dog is wearing a valid registration tag or the identity of the owner, keeper or harborer is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harborer that the dog has been impounded and unless redeemed within 14 days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog seized and Impounded may be redeemed by its owner, keeper or harborer at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.

(b) A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dogs shall be kept by any poundkeeper.

**505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.**

(a) Except for guide dogs registered under R.C. § 955.011 and dogs kept by an institution or organization for teaching and research purposes under R.C. § 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by R.C. § 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(R.C. § 955.99)

**505.04 ABANDONING ANIMALS.**

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon the animal.  
(R.C. § 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.  
(R.C. § 959.99(E)(2))

**505.05 KILLING OR INJURING ANIMALS.**

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

(R.C. § 959.02)

(b) Except as otherwise provided in this chapter, 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 \$300 or more, such person is guilty of a misdemeanor of the first degree.

(R.C. § 959.99(B); Ord. 869. Passed 3-3-83.)

**505.06 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 farm animal, dog, cat, poultry or 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 of such animals, either upon his own lands or the lands of another.

(R.C. § 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(R.C. § 959.99(C))

## **505.07 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 (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

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

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

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

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

(ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. (ORC 959.99)

## **505.071 CRUELTY TO COMPANION ANIMALS.**

(a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ORC 959.131)

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

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

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

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

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

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

**505.08 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.  
(Adopting Ordinance)

(b) No person shall keep or maintain cattle, horses, mules, sheep, chickens or other fowl within 50 feet of the margin of any street, or within 50 feet of the dwelling house of any other person, or in such a manner as to permit the unreasonable emanation of noxious odors therefrom.  
(Ord. 134. Passed 9-6-45.)

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

#### **505.09 BARKING OR HOWLING DOGS.**

- (a) No person shall own, harbor or keep in custody a dog which disturbs the peace by barking, yelping, howling or making other loud noises to the annoyance and/or discomfort of any person. Continuous barking, yelping, howling and/or making other loud noises for 15 consecutive minutes by such dog, whether confined inside a residence or building or to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons; provided, that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner, and provided that the dog was not being teased or provoked in any manner.
- (b) Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure owned or occupied by such person shall be considered as harboring or keeping such dog.
- (c) Upon an initial complaint, an enforcement officer shall warn the person in writing of the violation. Upon a second such complaint within 30 days, the enforcement officer shall charge the person with a violation of this section.
- (d) Division (a) of this section does not apply to owners, operators or employees of licensed veterinary hospitals, licensed kennels, or licensed animal boarding establishments, nor does this section apply to blind, deaf or hearing impaired, or mobility impaired persons when the dog serves as an assistance dog.
- (e) Whoever violates this section is guilty of a minor misdemeanor.

**505.10 ANIMAL BITES; REPORTS AND QUARANTINE.**

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within 24 hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian and results of such examination shall be reported to the Health Commissioner within 24 hours. At the direction of the Health Commissioner, the dog or other animal shall either be confined by its owner or harborer to his premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten at which time report of the condition of the animal shall be made to the Health Commissioner.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptom or behavior suggestive of rabies.

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

**505.11 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.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

**505.12 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.**

(a) No person, firm or corporation shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person, firm or corporation 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.

(R.C. § 925.62)

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

**505.13 DOG OWNER LIABLE FOR DAMAGE TO PUBLIC PROPERTY.**

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

(Ord. 438. Passed 7-7-66.)

**505.14 DOGS IN PARKS TO BE ON LEASH; EXCREMENT REMOVAL;  
PROHIBITED ON PUBLIC SQUARE DURING MAPLE FESTIVAL.**

(a) No person that is an owner, harborer or in control of a dog shall allow said dog to be upon the parks and recreation grounds owned or leased by the City, or the highways, streets, roads, sidewalks or other dedicated rights-of-way, without the dog being restrained by a leash.

(b) Any person, who is an owner, harborer or in control of a dog, who takes said dog upon another's property, including the property described in subsection (a) herein, shall remove any excrement deposited by the said dog upon said property and dispose of it away from said property, and in a sanitary manner.

(c) No dog excrement shall be deposited on any public street, sidewalk or storm sewer.

(d) No person who is the owner, harborer or in control of a dog shall allow the dog to be upon the following places:

(1) During the four days of the Geauga County Maple Festival from 7:00 a.m. on Thursday, the first day of the Geauga County Maple Festival, until the following Sunday night at 11:00 p.m.:

A. Upon the Public Square (Chardon Square);

B. Upon the Short Court Street right-of-way;

C. Upon the Main Street right-of-way;

D. Upon the East Park Street right-of-way;

E. Upon the North Hambden Street and Center Street rights-of-way between the westerly boundary of the Main Street right-of-way and the easterly boundary of the East Park Street right-of-way;

F. Upon the South Hambden Street right-of-way between its westerly terminus at Water Street and the easterly boundary of the East Park Street right-of-way; and

G. Upon the Water Street right-of-way between its easterly terminus at South Hambden Street and the westerly boundary of the Main Street right-of-way.

H. For purposes of this section, "right-of-way" includes the paved street, sidewalks and tree lawns;

I. Nothing herein shall prevent dogs from participating in the Maple Festival Parades when accompanied by their owners or some other person in control thereof.

(2) Upon the Public Square (Chardon Square) during an event approved by the Council when signs prohibiting dogs upon the Public Square/Chardon Square are posted by the City of Chardon.

(e) Violation of this section is a minor misdemeanor, for which the violator may be fined up to one hundred fifty dollars (\$150.00).

(Ord. 941. Passed 7-5-84; Ord. 1597. Passed 5-11-95; Ord. 2324. Passed 1-5-06; Ord. 2530. Passed 5-14-09; Ord. 2567. Passed 12-10-09; Ord. 2886. Passed 7-9-15.)

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

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

- (1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and
- (2) The Clerk of the Municipal Legislative Authority.

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

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(R.C. § 2927.21)

## **505.16 DANGEROUS OR VICIOUS DOG.**

### **(a) Definitions.**

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

B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

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

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

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

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

or

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 one or more 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" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not using the dog as a means of carrying out such activity.

(b) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller and a brief description of the dog. Blank forms of the certificate may be obtained from the County Auditor. A transfer of ownership shall be recorded by the Auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of twenty-five cents.

(c) Prior to the transfer of ownership or possession of any dog, upon the buyers or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(d) Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous or vicious dog, he shall give to the buyer or other transferee, the Board of Health for the district in which the buyer or other transferee resides, and the Dog Warden of the County in which the buyer or other transferee resides, a completed copy of a written form on which the seller shall furnish the following information:

- (1) The name and address of the buyer or other transferee of the dog;
- (2) The age, sex, color, breed and current registration number of the dog.

(3) In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

A. "Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

B. "Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

C. "Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

The Dog Warden of the County in which the seller resides shall furnish the form to the seller at no cost.

(e) No seller or other transferor of a dog shall fail to comply with the applicable requirements of subsections (b) to (d) hereof.

(Ord. 1129. Passed 10-1-87.)

### **505.17 RESTRAINT OF DANGEROUS OR VICIOUS DOGS.**

- (a) As used in this section, "dangerous dog" and "vicious dog" have the same meanings as in Section [505.16](#).
- (b) 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.
- (c) No owner, keeper or harbinger of any dog shall fail at any time to keep it either 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, or under reasonable control of some person except when the dog is lawfully engaged in hunting accompanied by the owner, keeper or harbinger or a handler.
- (d) No owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following, except when the dog is lawfully engaged in hunting or training for the purpose of hunting, accompanied by the owner, keeper, harbinger or handler:
- (1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained; or
  - (2) While that dog is off the premises of the owner, keeper or harbinger, keep it on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:
    - A. Keep that dog in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top;
    - B. Have the leash or tether controlled by a person who is of suitable age 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 such a person in close enough proximity to that dog so as to prevent it from causing injury to any person; or
    - C. Muzzle that dog.
- (e) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than fifty thousand dollars (\$50,000) because of damage or bodily injury to or death of a person caused by the vicious dog.  
(Ord. 1129. Passed 10-1-87.)

**505.18 KEEPING CERTAIN ANIMALS PROHIBITED.**

(a) No person shall possess, keep, harbor, own, maintain, raise or breed within the municipality, the following animals and reptiles:

- (1) Lions;
- (2) Tigers;
- (3) Cross-breeds between lions and tigers;
- (4) Leopards of any breed;
- (5) Mountain lions, pumas or panthers;
- (6) Jaguars;
- (7) Jaguarundis;
- (8) Cheetahs;
- (9) Ocelots;
- (10) Bears;
- (11) Wolves;
- (12) Coyotes; or
- (13) Venomous or constricting snakes.

(b) Any person within the Municipality that possesses, keeps, harbors, owns, maintains, raises or breeds a wild carnivore not indigenous to the State of Ohio and not regulated by the State of Ohio, nor prohibited by this section, which has an adult weight in excess of thirty pounds shall maintain such animal in a completely enclosed structure either within the home, or out building, or a chain link fence with a chain link top so that the animal is completely secure. No person shall allow such animal to run loose or be otherwise given access to property other than that maintained, possessed or owned by the keeper, harborer or owner of such animal.

(c) Whosoever violates this section shall be guilty of a first degree misdemeanor as defined by the laws of the State of Ohio and shall be punishable by a fine of not more than one thousand dollars (\$1,000) and/or six months in jail.

(Ord. 1376. Passed 4-29-92; Am. Ord. 1841. Passed 7-13-98.)

**505.99 PENALTY.**

(a) (1) Whoever violates Section [505.16\(e\)](#) because of a failure to comply with Section [505.16\(b\)](#) is guilty of a minor misdemeanor.

(2) Whoever violates Section [505.16\(e\)](#) because of a failure to comply with Section [505.16\(c\)](#) or (d) is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(b) (1) Whoever violates Section [505.17\(b\)](#) or (c) shall be fined not less than twenty-five dollars (\$25.00) nor 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) nor 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 (b)(1) hereof, if the offender is guilty of a violation of Section [505.17\(b\)](#) or (c), the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

(c) If a violation of Section [505.17\(d\)](#) involves a dangerous dog, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to Section [505.17\(e\)](#). The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian.

(d) If a violation of Section [505.17\(d\)](#) herein involves a vicious dog, whoever violates that subsection is guilty of a first degree misdemeanor if the dog causes injury other than killing or serious injury to any person. (Ord. 1129. Passed 10-1-87.)