

CHAPTER 618
Animals

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CROSS REFERENCES

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

Driving animals upon roadway - see TRAF. 404.05, 412.05

Definitions generally - see GEN. OFF. 606.01

Assaulting police dog or horse or assistance dog - see GEN. OFF. 642.12

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

618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE; NUISANCE, DANGEROUS AND VICIOUS DOGS; HEARINGS.

- (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. A dog that, without provocation, and subject to division R.C. § 955.11(B), has done any of the following:

1. Caused injury, other than killing or serious injury, to any person;
2. Killed another dog;
3. Been the subject of a third or subsequent violation of R.C. § 955.22(C) or any substantially equivalent municipal ordinance.

B. "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog 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." 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) "Nuisance dog."

A. Subject to R.C. § 955.11(B), "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

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

(4) "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.

(5) "Serious injury." Any of the following:

- A. Any physical harm that carries a substantial risk of death;
- B. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
- C. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
- D. Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(6) "Vicious dog."

A. A dog that, without provocation and subject to division R.C. § 955.11(B), has killed or caused serious injury to any person.

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

1. A police dog that has killed or caused 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.

(7) "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.

(Ord. 2012-28. Passed 4-2-12.)

(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 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 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.

(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 person who has been convicted of or pleaded guilty to three or more violations of division (d) of this section involving the same dog and no owner, keeper, or harbinger of a dangerous dog shall fail to do the following:

(1) Obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;

(2) Obtain a dangerous dog registration certificate from the County Auditor pursuant to division (j) of this section, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;

(3) Notify the local dog warden immediately if any of the following occurs:

A. The dog is loose or unconfined.

B. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.

C. The dog attacks another animal while the dog is off the property of the owner of the dog.

(4) If the dog is sold, given to another person, or dies, notify the County Auditor within ten days of the sale, transfer, or death.

(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 dangerous dog;

(2) Possess a dangerous 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 (h) of this section that the person's dog is not a dangerous 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 dangerous 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 dangerous dog;

(5) A statement that Ohio R.C. 955.22(F) 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 dangerous dog;

B. Possessing a dangerous 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 Ohio R.C. 955.22(G) that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

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

(j) (1) The County Auditor shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is 18 years of age or older, and who provides the following to the County Auditor:

A. A fee of \$50;

B. The person's address, phone number, and other appropriate means for the local dog warden or County Auditor to contact the person;

C. With respect to the person and the dog for which the registration is sought, all of the following:

1. Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;

2. Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;

3. Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property;

4. Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

(2) Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the County Auditor shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure in division (j)(3)B. of this section and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

(3) A. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the County Auditor within ten days of relocating to the new address.

B. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address:

1. Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the County Auditor of the new county;

2. Provide written notice of the new address to the County Auditor of the county where the owner previously resided.

(4) The owner of a dangerous dog shall present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing this section.

(ORC 955.22; Adopting Ordinance)

(k) Hearing.

(1) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

(2) If a person who is authorized to enforce this chapter has reasonable cause to believe that a dog in the person's jurisdiction is a nuisance dog, dangerous dog, or vicious dog, the person shall notify the owner, keeper, or harbinger of that dog, by certified mail or in person, of both of the following:

A. That the person has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable;

B. That the owner, keeper, or harbinger of the dog may request a hearing regarding the designation in accordance with this division (k). The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or harbinger resides.

(3) If the owner, keeper, or harbinger of the dog disagrees with the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, as applicable, the owner, keeper, or harbinger, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the municipal court or county court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harbinger. At the hearing, the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog. The owner, keeper, or harbinger of the dog or the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog may appeal the court's final determination as in any other case filed in that court.

(4) A court, upon motion of an owner, keeper, or harbinger or an attorney representing the owner, keeper, or harbinger, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harbinger until the court makes a final determination under this section or during the pendency of an appeal, as applicable. Until the court makes a final determination and during the pendency of any appeal, the dog shall be confined or restrained in accordance with the provisions of division (e) that apply to dangerous dogs regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or harbinger of the dog shall not be required to comply with any other requirements established in this Code or the Ohio Revised Code that concern a nuisance dog, dangerous dog, or vicious dog, as applicable, until the court makes a final determination and during the pendency of any appeal.

(5) If a dog is finally determined under this division (k), or on appeal as described in this division (k), to be a vicious dog, R.C. § 955.11(D) and divisions (e) to (j) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog, and Section 618.17 applies with respect to the dog as if it were a dangerous dog, and the court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harbinger in that manner. As part of the order, the court shall require the owner, keeper, or harbinger to obtain the liability insurance required under division (f)(1) in an amount described in division (o)(5)B. of this section.

(6) As used in this division (k), "nuisance dog", "dangerous dog", and "vicious dog" have the same meanings as in R.C. § 955.11. (R.C. § 955.222)

(l) No person who is the owner or keeper of any cat shall permit it to run at large off of the person's or keeper's premises.

(Ord. 1992-87. Passed 6-24-92.)

(m) No owner or keeper of a dog or any other domestic animal shall permit such animal to go upon the public parks, playfields, recreation areas, lands or roadways within the Village, unless such animal is securely leashed or otherwise tied and under the control of the owner or keeper thereof.

(Ord. 2012-28. Passed 4-2-12.)

(n) No owner or keeper of a horse, pony, goat or any other farm animal shall permit such animal to go upon the playfields, lanes or roadways within the Village.

(Ord. 1990-102. Passed 9-26-90.)

(o) Penalty.

(1) Whoever violates division (b), (c) or (m) of this section is guilty of a misdemeanor of the fourth degree.

(Ord. 2012-28. Passed 4-2-12.)

(2) A. Whoever violates division (c) of this section or commits a violation of division (d) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog 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.

B. In addition to the penalties prescribed in division (o)(2)A. of this section, if the offender is guilty of a violation of division (c) of this section or a violation of division (d) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, 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.

(R.C. § 955.99(E))

(3) A. Whoever commits a violation of division (d) of this section that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of division (d) of this section involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.

B. In addition to the penalties prescribed in division (o)(2)A. of this section, if a violation of division (d) of this section involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(R.C. § 955.99(F))

(4) Whoever commits a violation of division (d) of this section that involves a dangerous dog, or a violation of division (e) of this section 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 division (f) 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 at the owner's expense. With respect to a violation of division (d) of this section that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with division (e) of this section or at the county dog pound at the owner's expense.

(R.C. § 955.99(G))

(5) A. Whoever commits a violation of division (d) of this section that involves a vicious dog is guilty of one of the following:

1. A felony to be prosecuted under appropriate state law 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 at the owner's expense.

2. A misdemeanor of the first degree if the dog causes serious injury to a person. 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 at the owner's expense.

B. If the court does not order the vicious dog to be destroyed under division (o)(5)A.2. of this section, the court shall issue an order that specifies that R.C. § 955.11(D) and divisions (e) to (j) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that Section 618.17 applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (f)(1) of this section in an amount, exclusive of interest and costs, that equals or exceeds \$100,000. Until the court makes a final determination and during the pendency of any appeal of a violation of division (d) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions described in division (e) of this section or at the county dog pound at the owner's expense.

(R.C. § 955.99(H))

(6) Whoever violates division (f)(2) of this section is guilty of a misdemeanor of the fourth degree.

(R.C. § 955.99(J))

(7) Whoever violates division (g)(1), (g)(2), or (g)(3) of this section is guilty of a felony to be prosecuted under appropriate state law. Additionally, the court shall order that the dog involved in the violation be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (g)(1), (g)(2), or (g)(3) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (e) of this section or at the county dog pound at the owner's expense.

(R.C. § 955.99(L))

(8) Whoever violates division (f)(1), (f)(3), or (f)(4) of this section is guilty of a minor misdemeanor.

(R.C. § 955.99(M))

(9) Whoever violates division (j)(4) of this section is guilty of a minor misdemeanor.

(R.C. § 955.99(N))

(10) A. If a dog is confined at the county dog pound pursuant to division (o)(4), (o)(5), or (o)(7) of this section, the county dog warden shall give written notice of the confinement to the owner of the dog. If the county dog warden is unable to give the notice to the owner of the dog, the county dog warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of \$100 is due to the county dog warden within ten days to secure payment of all reasonable expenses, including medical care and boarding of the dog for 60 days, expected to be incurred by the county dog pound in caring for the dog pending the determination. The county dog warden may draw from the security any actual costs incurred in caring for the dog.

B. If the person ordered to post security under division (o)(10)A. of this section does not do so within ten days of the confinement of the animal, the dog is forfeited, and the county dog warden may determine the disposition of the dog unless the court issues an order that specifies otherwise.

C. Not more than ten days after the court makes a final determination under division (o)(4), (o)(5), or (o)(7) of this section, the county dog warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the county dog warden finds that the security provided under division (o)(10)A. of this section is less than the actual cost of confinement of the dog, the owner shall remit the difference between the security provided and the actual cost to the county dog warden within 30 days after the court's determination. If the county dog warden finds that the security provided under division (o)(10)A. of this section is greater than that actual cost, the county dog warden shall remit the difference between the security provided and the actual cost to the owner within 30 days after the court's determination.

(R.C. § 955.99(P))

(11) As used in this division (o), "nuisance dog", "dangerous dog", and "vicious dog" have the same meanings as in R.C. § 955.11.

(R.C. § 955.99(Q))

618.02 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat, or other domestic animal shall abandon the 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(E)(2))

618.03 KILLING OR INJURING ANIMALS.

(a) 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)

(b) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, whoever violates division (a) of this section is guilty of a misdemeanor of the first degree.

(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 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.

(ORC 959.03)

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

(ORC 959.99(C))

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 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) As used in this section:

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

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

C. "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.

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 R.C. § 956.06, a boarding kennel, or a training kennel.

F. "Federal Animal Welfare Act" means 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" 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.

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 R.C. § 1717.01.

L. "Torture." Has the same meaning as in 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) 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) (1) Whoever violates division (d)(2) of this section is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate State law on each subsequent offense.

(2) Whoever violates division (d)(3) of this section is guilty of a felony to be prosecuted under appropriate state law.

(3) Whoever violates division (d)(4) 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.

(4) Whoever violates division (d)(5) of this section is guilty of a felony to be prosecuted under appropriate state law.

(5) Whoever violates division (d)(6) of this section is guilty of a misdemeanor of the first degree.

(6) A. A court may order a person who is convicted of or pleads guilty to a violation of division (d) 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 division (d) 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.

(7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of division (d) 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(E))

Statutory reference:

Impoundment of companion animals; notice and hearing, see Ohio R.C. 959.132

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 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)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense; each subsequent offense is a misdemeanor of the third degree.

(ORC 925.99(B))

618.07 BARKING OR HOWLING DOGS.

(a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who allows any dog habitually to remain or be lodged or fed within any dwelling, building, yard or enclosure, which he or she occupies or owns, shall be considered to be harboring such dog.

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

618.08 REGISTRATION OF DOGS REQUIRED.

(a) No owner, keeper, or harbinger of a dog more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by Ohio R.C. 955.01, nor shall he or she 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) 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 30 days.

(ORC 955.99(E))

618.09 HINDERING CAPTURE OF UNREGISTERED DOG.

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

(ORC 955.24)

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

(ORC 955.99(B))

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)

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

(ORC 955.99(B))

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 that animal.

(ORC 955.25)

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

(ORC 955.99(B))

618.11 ANIMAL BITES; REPORT AND RABIES 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 twenty-four hours. Whenever it is reported to the Health Commissioner that any dog or cat has bitten a person, such dog or cat shall be quarantined under an order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harborer, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense of the owner or harborer. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of such examination. The examination by a veterinarian shall be at the expense of the owner or harborer. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

(b) 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.

(Ord. 1979-17. Passed 2-14-79.)

618.12 HUNTING.

(a) Except as otherwise provided in division (b) of this section, no person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the Village.

(b) The Chief of Police is hereby authorized to issue a permit to owners of real property within the Village to permit bow and arrow hunting on the property owner's own property or to a resident of the Village to permit bow and arrow hunting on the property on which the resident resides, provided that the resident provides the Chief of Police written consent of the property owner for hunting on the property. A person to whom a permit is issued may hunt by bow and arrow on other property within the Village with the express permission of the property owner. All hunting must be conducted in compliance with Ohio hunting and game laws. There shall be no fee for the issuance of said permit.

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 1992-102. Passed 7-22-92; Ord. 2009-176. Passed 12-9-09.)

618.13 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Village so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public. Noxious or offensive odors which originate from the property on which the animals or fowl are kept or harbored and which can be observed from any other property shall be deemed a violation of the aforementioned prohibition, punishable pursuant to division (d) below, and are hereby declared to be a nuisance.

(b) Any dog, cat or other animal which scratches, digs or defecates upon any lawn, tree, plant, shrub, building or any other public or private property, other than that of the owner, keeper or person in charge or control of such dog, cat or other animal, without the permission of the owner of such property, is hereby declared to be a nuisance.

(c) No person, being the owner or keeper of, or being in charge or control of, any dog, cat or other animal, shall allow or permit such animal to commit a nuisance on any school grounds, Village park or other public property, or upon any private property, other than that of the owner or person in charge or control of such animal, without the permission of the owner of such property. If the owner, keeper or person in charge or control of such animal immediately removes all the feces deposited by such animal and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

(Ord. 1990-102. Passed 9-26-90.)

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree. A second violation of the provisions of this section within one year shall be a misdemeanor of the third degree.

(Ord. 2012-28. Passed 4-2-12; Am. Ord. 2014-70. Passed 5-19-14.)

618.14 IMPOUNDING AND DISPOSITION; RECORDS.

(a) A police officer or animal warden may impound every dog, cat or other animal found in violation of Section 618.01. 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 harbinger is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harbinger that the dog has been impounded and that unless it is redeemed within fourteen 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 harbinger at any time prior to the applicable redemption period upon the 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, if known, and a statement of any costs assessed against the dogs, shall be kept by any poundkeeper.

(Ord. 1992-87. Passed 6-24-92.)

618.15 RESERVED.

618.16 VICIOUS ANIMALS PROHIBITED.

(a) No person shall keep or harbor any vicious animal. For purposes of this section, "vicious animal" means an animal which has a propensity or tendency to attack or to cause injury, by biting or otherwise, to any person or other domestic animal.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree and shall be subject to the penalty provided in Section 698.02.

(c) In addition to other penalties applicable to this section, the Municipal Court may order the owner or person in custody or possession of any animal which is determined by the Court to be vicious and constituting a serious threat to the health or safety of the public to forthwith remove such animal from the Village. If such animal is not removed from the Village in compliance with such

order, the Court may order the Chief of Police to cause the animal to be impounded and destroyed.

(Ord. 1990-120. Passed 11-15-90.)

618.17 RESTRICTIONS ON DOG OWNERSHIP FOR CERTAIN CONVICTED FELONS.

(a) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after May 22, 2012 or a felony violation of any provision of R.C. Chapter 959, R.C. Chapter 2923 or R.C. Chapter 2925 committed on or after May 22, 2012 shall knowingly own, possess, have custody of, or reside in a residence with either of the following for a period of three years commencing either upon the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for the offense or violation, upon the date of the person's final release from the other sanctions imposed for the offense or violation:

(1) An unspayed or unneutered dog older than 12 weeks of age;

(2) Any dog that has been determined to be a dangerous dog under R.C. Chapter 955 or any substantially equivalent municipal ordinance.

(b) A person described in division (a) of this section shall microchip for permanent identification any dog owned, possessed by, or in the custody of the person.

(c) (1) Division (a) of this section does not apply to any person who is confined in a correctional institution of the Department of Rehabilitation and Correction.

(2) Division (a) of this section does not apply to any person with respect to any dog that the person owned, possessed, had custody of, or resided in a residence with prior to May 22, 2012.

(R.C. § 955.54)

(d) Whoever violates division (a) or (b) of this section is guilty of a misdemeanor of the first degree.

(R.C. § 955.99(O))

618.18 FARM ANIMALS AND FOWL.

(a) Definitions.

(1) "Farm Animal" means any farm animal other than domestic cats or dogs, but including, and not limited to, a horse, mule, pig, alpaca, llama, sheep, goat, and cow.

(2) "Fowl" means gamefowl, whether or not domesticated, including, but not limited to, geese, turkeys, ducks, chickens, roosters, and pigeons and any other similar type of animal.

(b) No person shall keep any fowl or farm animal within the Village, except that chickens, not including roosters, may be kept pursuant to division (c) of this section.

(c) (1) Upon written request to, and prior approval of, the Village Building Commissioner, up to four chickens may be kept on a residential property within the Village for the private use of the property owner or occupant. No sale of chickens or chicken products are permitted.

(2) A request for approval must contain a site plan of the property, a depiction of the size and location of the coop, a description of the coop structure which must be sufficient for its purposes, and a reasonable waste disposal and all-seasons maintenance plan. The request must also demonstrate that the keeping of chickens, as requested, will not create a nuisance to any adjacent resident or business.

(3) Approval of the keeping of chickens may be revoked at any time by the Building Commissioner, upon notice, if the keeping of chickens is not performed in compliance with information submitted in the request for approval, the keeping of chickens becomes a nuisance to adjacent properties, or the keeping of chickens becomes a threat to the health, safety or welfare of the Village or its residents.

(d) Any person aggrieved by a denial or an approval of a request to keep chickens, or a revocation of approval, may appeal to the

Board of Zoning Appeals in writing within ten days of receiving notice of said denial or revocation.

(Ord. 2014-71. Passed 5-19-14.)

618.19 SEXUAL CONDUCT WITH AN ANIMAL.

(a) As used in this section:

- (1) "Animal." Means a nonhuman mammal, bird, reptile, or amphibian, either dead or alive.
- (2) "Offense." Means a violation of this section or an attempt, in violation of Ohio R.C. 2923.02, to violate this section.
- (3) "Officer." Has the same meaning as in Ohio R.C. 959.132.
- (4) "Sexual conduct." Means either of the following committed for the purpose of sexual gratification:

A. Any act done between a person and animal that involves contact of the penis of one and the vulva of the other, the penis of one and the penis of the other, the penis of one and the anus of the other, the mouth of one and the penis of the other, the mouth of one and the anus of the other, the vulva of one and the vulva of the other, the mouth of one and the vulva of the other, any other contact between a reproductive organ of one and a reproductive organ of the other, or any other insertion of a reproductive organ of one into an orifice of the other;

B. Without a bona fide veterinary or animal husbandry purpose to do so, the insertion, however slight, of any part of a person's body or any instrument, apparatus, or other object into the vaginal, anal, or reproductive opening of an animal.

(b) No person shall knowingly engage in sexual conduct with an animal or knowingly possess, sell, or purchase an animal with the intent that it be subjected to sexual conduct.

(c) No person shall knowingly organize, promote, aid, or abet in the conduct of an act involving any sexual conduct with an animal.

(d) An officer may seize and cause to be impounded at an impounding agency an animal that the officer has probable cause to believe is the subject of an offense. With respect to an animal so seized and impounded, all procedures and requirements that are established in Ohio R.C. 959.132, and all other provisions of that section, apply to the seizure, impoundment, and disposition of the animal. References in Ohio R.C. 959.132 to "section 959.131 of the Revised Code," "companion animal," and "offense" shall be construed, respectively, as being references to "§ 618.19 of this Code" and to "animal" and "offense" as defined in this section, for purposes of application under this section only.

(ORC 959.21)

(e) (1) 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 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))

(2) 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(E)(6))