

CHAPTER 618
Animals

- 618.01 Dogs and other animals running at large.
- 618.02 Abandoning animals.
- 618.03 Killing or injuring animals.
- 618.04 Poisoning animals.
- 618.05 Cruelty to animals; cruelty to companion animals
- 618.06 Coloring rabbits and baby poultry; sale or display of poultry.
- 618.07 Barking or howling dogs.
- 618.08 Registration of dogs required.
- 618.09 Hindering capture of unregistered dog.
- 618.095 Dogs required to wear tags.
- 618.10 Unlawful tags.
- 618.11 Rabies quarantine.
- 618.12 Dogs with blind, deaf or mobility impaired persons.
- 618.13 Dangerous animals.
- 618.14 Birds.
- 618.15 Animals restricted from parks. (Repealed)
- 618.16 Nuisance conditions prohibited.
- 618.17 Beehives.
- 618.18 Reporting escapes. (Repealed)
- 618.19 Dangerous and vicious dogs.
- 618.20 Number of dogs and cats per dwelling unit.
- 618.21 Restrictions on dog ownership for certain convicted felons.

CROSS REFERENCES

See section histories for similar State law

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

Part-time Dog Warden - see ADM. 236.03

Driving animals upon roadway - see TRAF. 404.04, 404.05

Definitions generally - see GEN. OFF. 606.01

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

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

Pets in parks - see S.U. & P.S. 1068.01

618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

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

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

(c) No owner, keeper or harbinger of any dog or cat 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 a dog is lawfully engaged in hunting accompanied by the owner, keeper or harbinger or a handler.

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

(ORC 951.02)

(e) As used in this chapter, "at large" means off the premises of the owner and not under restraint by a leash, cord, wire, strap, chain or a similar device.

(Adopting Ordinance)

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

(Ord. 1984-90. Passed 6-18-84.)

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(A); Ord. 1974-68. Passed 2-18-74.)

618.03 KILLING OR INJURING ANIMALS.

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

(ORC 959.02)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00). If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. The penalty shall be as provided in Section 698.02.

(ORC 959.99(B); Ord. 1983-57. Passed 4-18-83.)

618.04 POISONING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to any animal that is the property of another; and no person shall, willfully and without the consent of the

owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his or her own lands or the lands of another.

(ORC 959.03)

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

(ORC 959.99(C); Ord. 1974-68. Passed 2-18-74.)

618.05 CRUELTY TO ANIMALS; CRUELTY TO COMPANION ANIMALS.

(a) No person shall:

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

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

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

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

(5) Detain livestock in railroad cars or compartments longer than twenty-eight (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 thirty-six (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 (1) in the municipality; otherwise, all fines shall be paid to the general fund.

(ORC 959.13)

(d) Cruelty to Companion Animals.

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

A. "Boarding kennel" has the same meaning as in 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 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 (1) 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 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 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 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; Ord. 1974-68. Passed 2-18-74.)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree for a first offense and a misdemeanor of the third degree for any subsequent offense. The penalty shall be as provided in Section 698.02.

(ORC 925.99(B))

618.07 BARKING OR HOWLING DOGS.

(a) No person shall harbor or maintain in the City a dog which, by habitual barking, yelping or howling, disturbs the peaceful living of any person. A dog which barks, yelps or howls in excess of fifteen minutes on each of two or more consecutive days shall be deemed to be habitually barking, yelping or howling.

(Ord. 1993-196. Passed 12-20-93.)

(b) Subsection (a) hereof does not apply to owners, operators or employees of duly licensed veterinary hospitals or of duly licensed kennels or animal boarding establishments or to blind or deaf persons when the dog serves as a guide or leader.

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

(Ord. 1982-69. Passed 3-15-82.)

618.08 REGISTRATION OF DOGS REQUIRED.

(a) Except for guide, leader or listener dogs, or dogs in training to become guide, leader or listener dogs, registered under Ohio R.C. 955.011, and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, 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) for a first offense. For each subsequent offense, such person shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than thirty days.

(ORC 955.99(E)(1))

618.09 HINDERING CAPTURE OF UNREGISTERED DOG.

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

(ORC 955.24)

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

(ORC 955.99(A))

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 (1) 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 and shall be subject to the penalty provided in Section 698.02.

(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 such animal.

(ORC 955.25)

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

(ORC 955.99(A); Ord. 1974-68. Passed 2-18-74.)

618.11 RABIES QUARANTINE.

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

(ORC 955.39)

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense; for each subsequent offense such person is guilty of a misdemeanor of the fourth degree. The penalty shall be as provided in Section 698.02.

(ORC 955.99(C); Ord. 1974-68. Passed 2-18-74.)

618.12 DOGS WITH BLIND, DEAF OR MOBILITY IMPAIRED PERSONS.

(a) When either a blind, deaf or hearing impaired, or mobility impaired person, or a trainer of an assistance dog is accompanied by an assistance dog, the person or the trainer, as applicable, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, and lodging places, all places of public accommodation, amusement, or resort, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

(1) The dog shall not occupy a seat in any public conveyance.

(2) The dog shall be upon a leash while using the facilities of a common carrier.

(3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(b) No person shall deprive a blind, deaf or hearing impaired, or mobility impaired person, or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division (a) of this section, nor charge the person or trainer a fee or charge for the dog.

(c) As used in this section, "institutions of education" means:

(1) Any state university or college, as defined in Ohio R.C. 3345.32;

(2) Any private college or university that holds a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713;

(3) Any elementary or secondary school operated by a board of education;

(4) Any chartered or nonchartered nonpublic elementary or secondary school;

(5) Any school issued a certificate of registration by the State Board of Career Colleges and Schools.

(ORC 955.43)

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

(ORC 955.99(D))

618.13 DANGEROUS ANIMALS.

(a) No person shall keep or harbor a dangerous animal within the limits of the City. For the purposes of this section, an animal shall be deemed a dangerous animal if, being at large contrary to the provisions of Section 618.01, it has caused damage or injury to any person or to property or to an animal not itself at large contrary to the provisions of Section 618.01.

(Ord. 1973-97. Passed 9-24-73.)

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

618.14 BIRDS.

(a) No person shall kill or injure any wild bird or throw, fire or shoot a bullet, stone, arrow or other missile at such bird, or break, tear down or destroy any bird's nest or the eggs or other contents of such nest, or catch or capture any wild bird, or set traps or spread nets or snares with intent to catch or capture the same, or follow or pursue the same with intent to catch or injure the same.

(1960 Code Sec. 30.6)

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

618.15 ANIMALS RESTRICTED FROM PARKS. (REPEALED)

(Editor's note: Section 618.15 was repealed by Ordinance No. 1999-037, passed April 5, 1999.)

618.16 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall permit any dog or cat to scratch, dig or defecate upon any lawn tree, shrub, plant, building or other public or private property, other than the property of the owner or person in charge or control of such animal.

(b) Where the owner or person in charge or control of such dog or cat immediately and forthwith removes all fecal matter

deposited by such dog or cat and disposes of such fecal matter in a sanitary manner, such nuisance shall be considered abated.

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

(Ord. 1984-90. Passed 6-18-84.)

618.17 BEEHIVES.

(a) From and after six (6) months from the effective date of this subsection (Ordinance 1986-103, passed June 16, 1986), no person shall maintain or harbor, on any property within the City, more than one (1) beehive.

(Ord. 1986-103. Passed 6-16-86.)

(b) A license issued by the State to maintain beehives shall at all times be in the possession of any person maintaining up to three (3) beehives within the City.

(c) Beehives that are permitted shall be enclosed by an adequate fence with an automatic locked gate to a height of at least four (4) feet. Such fence shall be installed in the rear yard portion of the premises.

(d) Beehives shall be located at least fifteen (15) feet from any property line.

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

(Ord. 1985-149. Passed 10-7-85.)

618.18 REPORTING ESCAPES. (REPEALED)

(Editor's note: Section 618.18 was repealed as part of the 2013 updating and revision of these Codified Ordinances, due to the repeal of underlying State law, Ohio R.C. 2927.21.)

618.19 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(1) "Dangerous dog" is defined as follows:

A. "Dangerous dog" means a dog that, without provocation, and subject to paragraph (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 (1) 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) "Vicious dog" is defined as follows:

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

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; or

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 way 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) 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.

(ORC 955.22(D))

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a person caused by the vicious dog.

(ORC 955.22(E))

(d) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Punishment shall be as provided in Section 698.02. 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 (c) hereof. 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.

(ORC 955.99(F))

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

(1) A felony of the fourth degree on a first or subsequent offense if the dog kills or seriously injures a person. Prosecution shall be made under Ohio R.C. 955.22(D) and punishment shall be as provided in Ohio R.C. 2929.11. 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.

(2) A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense. Prosecution for the misdemeanor shall be under this section and punishment shall be as provided in Section 698.02. Prosecution for the felony shall be under Ohio R.C. 955.22(D) and punishment shall be as provided in Ohio R.C. 2929.11. 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.

(3) A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to any person. Punishment

shall be as provided in Section 698.02.

(ORC 955.99(G))

(f) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02.

(ORC 955.99(H))

618.20 NUMBER OF DOGS AND CATS PER DWELLING UNIT.

(a) No person shall own, keep or harbor more than three dogs and/or cats, except puppies or kittens under six months old, in or on the premises of any dwelling unit within the City, regardless of the number of persons keeping or harboring such dogs and/or cats in such dwelling unit.

(b) In addition to the penalty provided in subsection (d) hereof, upon a conviction under this section, the court may order that the dog or cat be humanely destroyed.

(c) In addition to the penalty provided in subsection (d) hereof, any person found guilty of violating the provisions of this section shall pay all expenses, including shelter, food, veterinary and destruction expenses, necessitated by the seizure of any dog or cat for the protection of the public.

(d) 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. The penalty shall be as provided in Section 698.02.

(Ord. 1993-113(S). Passed 12-20-93.)

618.21 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 (3) 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 twelve (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))