

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

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**CROSS REFERENCES**

See sectional histories for similar State law  
Owner or keeper liable for damages - see Ohio R.C 951.10  
Dog registration - see Ohio R.C. 955.01

**505.01 DOGS, CATS, AND OTHER ANIMALS RUNNING AT LARGE.**

(a) No person shall knowingly or negligently allow any dog, cat or other domestic animal owned, kept or harbored by such person to run at large upon any public way or the property of another.

(b) An animal is presumed to be running at large if such animal is not within an enclosed area or securely attached to a physical restraint or leash of a size and type necessary to control the behavior of such animal. While upon any public way or property of another, such physical restraint or leash shall not be more than fifteen feet in length and shall be held in the hand of a person in a manner which continuously controls the animal.

(c) It shall be an affirmative defense to a violation of this section that the animal was:

(1) Securely confined in a vehicle or cage which was adequately ventilated while off the premises of the owner;

(2) Being used for lawful hunting purposes or training for the purpose of hunting while accompanied by a license number;

(3) Being exhibited at a public show, zoo, museum or public institution;

(4) Engaged in activity expressly approved by the laws of the State; or

(5) Owned by a public law enforcement agency or licensed private law enforcement agency or member thereof and the animal was being utilized for law enforcement purposes.

(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.

(e) The owner, keeper or person having charge of a dog, cat, or other animal shall remove all matter excreted by such dog upon any property not belonging to the owner, keeper or person having charge of such animal.

(f) Enforcement of Section [505.01](#) of these Kent ordinances as it pertains to cats shall be driven only by complaints received by the City.

(g) Penalty.

(1) Whoever violates this section by dogs or other animals running at large, except cats if prior to June 1, 1999, shall be guilty of a minor misdemeanor.

(2) Whoever violates any provision of this section as its pertains to cats shall receive a warning for a first offense until June 1, 1999.

(3) Whoever violates any provision of this section for a second or subsequent offense shall be guilty of a minor misdemeanor.

(4) In a hearing under this chapter, a certified copy of the records of the County Auditor as to the issuance of a dog license shall be prima facie evidence of ownership.

(5) The Court may suspend up to one half of the prescribed penalty for any violation of this section which involves a neutered or spayed animal.

(Ord. 1998-82. Passed 10-21-98.)

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

(a) A police officer, animal control agent or other person or organization designated by the City to act in that capacity may impound every dog, cat or other animal found in violation of Section [505.01](#). Animals impounded under this chapter shall be impounded for not less than seventy-two hours, unless claimed by the owner. Notice shall be posted in the pound or animal shelter both describing the dog and place where seized.

If the dog or cat is wearing a valid registration tag or identification tag, microchip, identification tattoo or other commonly accepted means of ownership identification, notice shall be given by certified and regular mail 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 animal has been impounded and unless redeemed within fourteen days, it may thereafter be sold or destroyed according to law. Any dog, cat or other animal seized and impounded may be redeemed by its owner, keeper or harbinger at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if one is required and it has none. Any animal impounded and unclaimed may thereafter be sold or destroyed according to the City shelter's determination.

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

(c) All animals shall have all required vaccines. No animal impounded under this chapter shall be released without proof of vaccine except that owners claiming animals shall have three working days to comply with this section.

(d) Penalty: Whoever fails to provided proof of vaccine within three working days following redemption of the animal shall be guilty of a minor misdemeanor.  
(Ord. 1998-82. Passed 10-21-98.)

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

(a) Except for guide 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 person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

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

(ORC 955.99)

**505.04 ABANDONING ANIMALS; PRESUMPTION OF ANIMAL OWNER, KEEPER OR HARBORER.**

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

(b) A person shall be presumed to be the owner, keeper or harbinger of an animal if such person does any of the following:

(1) Knowingly allows an animal to remain upon his/her property for more than twenty-four hours;

(2) Knowingly or recklessly feeds such animal food or water on a regular basis for more than twenty-four hours.;

(3) Knowingly restrains such animal from leaving his/her property for more than twenty-four hours;  
or

(4) Knowingly accepts responsibility to care for another person's animal.

(c) Penalty: Whoever violates this section shall be guilty of a minor misdemeanor.  
(Ord. 1998-82. Passed 10-21-98.)

**505.05 KILLING OR INJURING ANIMALS.**

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity, or to trespassing animals as set forth in Ohio R.C. 959.04. (ORC 959.02)

(b) Except as otherwise provided herein, 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 three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (ORC 959.99)

**505.06 POISONING ANIMALS.**

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. This section does not apply to trespassing animals as set forth in Ohio R.C. 959.04.  
(ORC 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.  
(ORC 959.99)

## **505.07 CRUELTY TO ANIMALS GENERALLY.**

(a) No person shall:

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

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

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

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

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

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

(ORC 959.13)

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

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

(a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ORC 959.131)

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

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

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

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

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

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

**505.08 NUISANCE CONDITIONS PROHIBITED.**

- (a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

**505.09 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 shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

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

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

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. Whenever it is reported to the Health Commissioner that any dog or cat has bitten a person, that 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 harbinger, 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 harbinger. 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 the examinations. The examination by a veterinarian shall be at the expense of the owner or harbinger. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

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 symptoms or behavior suggestive of rabies.

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

**505.11 HUNTING PROHIBITED; EXCEPTED AREAS.**

- (a) The hunting of animals or fowl within the Municipality is prohibited.
  - (b) No person shall hunt, kill, or attempt to kill any animal or fowl by the use of firearms or any other means, unless the person is performing a valid and authorized law enforcement function.
  - (c) No person shall trap any game animal or fowl unless that person is a trapper, licensed by the state of Ohio, having expressed, written permission of the property owner, or is performing a valid and authorized law enforcement function.
  - (d) Penalty. Whoever violates this ordinance is guilty of a minor misdemeanor. If a violation of this ordinance results in death or serious injury to an animal, or injury to a person, the offender is guilty of a misdemeanor of the first degree.
- (Ord. 2007-07. Passed 1-17-07.)

**505.12 COLORING RABBITS OR 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 poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times. (ORC 925.62)

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

**505.13 IMMUNIZATION OF DOGS AND CATS REQUIRED; METHOD.**

(a) Any person who keeps or harbors any dog or cat over six months of age within the City Health District shall have such dog immunized against rabies by a licensed veterinarian and, thereafter, in those cases where chick embryo vaccine has been used, shall have such dog or cat reimmunized by a licensed veterinarian every thirty-six months.

(b) Any method, other than that of reimmunization described above, approved by the Health Commissioner and approved and/or licensed by the United States Department of Agriculture may be used. (Ord. 1964-97. Passed 11-2-64.)

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

**505.14 DOGS OR CATS TEMPORARILY IN THIS JURISDICTION.**

(a) Dogs or cats entering this jurisdiction temporarily (not to exceed seventy-two hours) for dog or cat shows and/or breeding purposes, or any other purposes, shall not be allowed out of the owner's, keeper's or handler's direct control unless properly immunized. Immunized dogs or cats shall be accompanied by an immunization certificate executed by the veterinarian who has immunized the dog or cat.

(Ord. 1964-97. Passed 11-2-64.)

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

**505.15 CERTIFICATES AND TAGS.**

(a) All veterinarians immunizing or reimmunizing dogs or cats against rabies shall provide a certificate, approved by the Health Commissioner, attesting to such an immunization and shall send a copy of this certificate for each dog or cat immunized or reimmunized to the Health Board.

(b) All veterinarians who immunize or reimmunize a dog against rabies shall provide a tag approved by the Health Commissioner, which tag shall have thereon permanently affixed the year of immunization.

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

#### **505.16 RULES AND REGULATIONS FOR HEALTH BOARD.**

The Health Board shall use and be guided as for rules and regulations, insofar as applicable, by the regulations passed by the Portage County, Ohio, General Health District, Board of Health, effective October 1, 1964, "requiring immunization for rabies of all dogs and cats, over the age of six months, within Portage County Health District, the reporting of such immunization, the reporting, examination, isolation and disposition of susceptible animals biting persons", which regulations are hereby incorporated by reference and as fully as if written herein. The Health Board may further adopt such rules and regulations as are provided in Section [153.03](#).

(Ord. 1964-97. Passed 11-2-64.)

### **505.17 KEEPING DANGEROUS ANIMALS PERMIT; FEES.**

(a) As used in this section, "dangerous animal" means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.

(b) No person shall keep or maintain within the corporate limits of this City, any dangerous animal unless a special animal permit there for is first obtained from the Health Commissioner.

(c) The Health Commissioner shall issue a special permit for the keeping or maintenance of a dangerous animal if he/she finds that:

(1) The animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or the property of others.

(2) Adequate safeguards are made to prevent unauthorized access to such animal by members of the public.

(3) The health or well being of the animal is not in any way endangered by the manner of keeping or confinement.

(4) The keeping of such animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the tranquility of the surrounding neighborhood.

(5) The keeping of such animal will not create or cause offensive odors or constitute a danger to public health.

(6) The quarters in which such animal is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.

(7) The applicant for such special permit proves his/her ability to respond in damages to and including the amount of one hundred thousand dollars (\$100,000) for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the Health Commissioner a certificate of insurance from an insurance company authorized to do business in the State stating that the applicant is, at the time of his/her application, and will be during the period of such special permit, insured against liability to respond in such damages, or by posting with the Health Commissioner a surety bond conditioned upon the payment of such damages during the period of such special permit. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days written notice is first given to the Health Commissioner.

(d) The Health Commissioner, in investigating any applicant for a permit under this section or in the enforcement of this section, is authorized to consult with and seek the advice of the Society for Prevention of Cruelty to Animals, the Animal Protective League, the Humane Society or any other individual, agency, organization or society which may be able to provide information and advice concerning the keeping of dangerous animals.

(e) Prior to the annual renewal of any special permit issued hereunder and at least once, not more than three months after the issuance of any such special permit or after its renewal, the Health Commissioner shall inspect the premises subject to such special permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this section. If the Commissioner determines during any such inspection that any of the conditions therein specified are being violated, he/she shall refuse to renew any such special permit, or he/she shall revoke such special permit in the event that such violation is not corrected within such period of time as he/she directs. A fee of fifteen dollars (\$15.00) shall be charged for each such quarterly inspection.

(f) In no event shall a permit be issued for the keeping of more than one dangerous animal at any single location.

(g) The provisions of this section shall not apply to the keeping of dangerous animals in the following cases:

(1) The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public view, or for the purpose of instruction or study.

(2) The keeping of such animals for exhibition to the public of such animals by circus, carnival or other exhibit or show.

(3) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.

(4) Dangerous or poisonous reptiles may be maintained by bona fide educational or medical institutions for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the Health Commissioner.

(h) No permit shall be issued for the keeping of dangerous animals unless all provisions of this section are complied with and a fee of fifty dollars (\$50.00) is paid to the Health Commissioner. Permit fees shall be paid annually on or before the start of the license year.

(Ord. 1973-53. Passed 4-18-73.)

(i) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

## **505.18 DANGEROUS DOGS.**

(a) As used in this section, "dangerous dog" means:

(1) A. A dog that, without provocation, and subject to subsection (a)(1)B. hereof has done any of the following:

1. Caused injury, other than killing or serious injury, to any person;
2. Killed or seriously injured another dog;
3. Been the subject of a third or subsequent violation of division (c) of Section 955.22 of the Revised Code.

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) "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.

(3) "Serious injury" means 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.

(4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(4)B. hereof, 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.

(5) "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

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

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

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

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

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

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

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

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

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

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

(f) No person owning or harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on the premises of such person. A dangerous dog is "unconfined" as the term is used in this section, if such dog is not securely confined or confined in a securely enclosed and locked pen or a dog run area upon the premises of such person. Such pen or dog run area shall also have sides of at least six feet in height and a secure top. The structure shall also have a foundation of either concrete or asphalt.

(g) No person owning or harboring or having the care of a dangerous dog shall suffer or permit such dog to go beyond the premises of such person unless the dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(h) No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to unprovoked attacks upon human beings or domestic animals.

(i) No person shall possess with intent to sell or offer for sale, breed or buy or attempt to buy within the City any dangerous dog.

(j) Any person owning or harboring or having the care of any dangerous dog shall maintain a policy of insurance in an amount not less than one hundred thousand dollars (\$100,000) insuring such person against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts of a dangerous dog. Such person shall produce evidence of the insurance upon the request of a law enforcement agent.

(k) In the event that a law enforcement agent has probable cause to believe that a dangerous dog is being harbored or cared for in violation of subsections (F), (G), (H) or (I) hereof, the law enforcement agent may petition a court of competent jurisdiction to order the seizure and impoundment of the dangerous dog pending trial. In the event that a law enforcement agent has probable cause to believe that a dangerous dog is being harbored or housed in violation of subsections (c) or (d) the law enforcement agent may seize and impound the dangerous dog pending trial.

(1) Penalty.

A. Whoever violates this section shall be guilty of a misdemeanor of the first degree. Whoever is found guilty of a second offense of violating this section shall be guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000) which fine shall be mandatory and shall not be suspended or remitted, and may be imprisoned for a term not to exceed six months.

B. Any dangerous dog which attacks a human being or another domestic animal may be ordered destroyed when in the court's judgment such dangerous dog represents a continuing threat of serious harm to human beings or other domestic animals.

C. Any person found guilty of violating this section shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of such dog.

(Ord. 2014-94. Passed 8-20-14.)

**505.181 MENACING DOGS.**

(a) As used in this section, "menacing dog" means:

(1) A. A dog that, without provocation, and while off of the premises of the owner of the dog, and subject to subsection (a)(2) hereof, has done any of the following:

1. Caused injury, but less than serious injury, to any person;
2. Caused injury, but less than serious injury to another dog;
3. Has attempted to bite, or cause physical harm to another dog or domestic animal.

(2) "Menacing dog" does not include a police dog that has caused injury to any person or another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(b) Any person who owns, harbors, or has the care of a dog that acts as a menacing dog as defined in Section [505.181](#)(a), shall be guilty of a misdemeanor of the third degree.

(Ord. 2014-94. Passed 8-20-14.)

**505.182 NUISANCE DOGS.**

(a) As used in this section, "nuisance dog" means:

(1) A. A dog that, without provocation, and while off of the premises of the owner of the dog, and not on a leash, and subject to subsection (a)(2) hereof, has approached or chased a person while growling, barking, and/or while baring its teeth in a manner that would lead a reasonable person to believe that the dog would cause physical injury to that person.

(2) "Nuisance dog" does not include a police dog that has acted in the manner described in Section [505.182](#)(a)(1) while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(b) Any person who owns, harbors, or has the care of a dog that acts as a "nuisance dog" as defined in Section [505.182](#)(a), shall be guilty of a minor misdemeanor.

(Ord. 2014-94. Passed 8-20-14.)

## **505.19 FARM ANIMALS/LIVESTOCK.**

As used in this chapter:

(a) Definitions.

(1) "Chickens" and "fowl" include chickens, duck, geese and any other similar type of fowl.

(2) "Domestic farm animals" includes sheep, goats, cattle, swine, and any other similar type of animal.

(3) "Livestock" means horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and any animals normally found in the wild state which are being kept for exhibition purposes or as private pets. Not included are animals identified as "Dangerous Animals" as defined in Codified Ordinance [505.17](#).

(b) Permit Necessary. No person shall keep or harbor domestic farm animals or livestock, chickens or fowl within the City without having first obtained a permit from the Director of Public Safety. Such permit shall contain the name, age, breed, description and any special markings peculiar to such animals.

(c) Agricultural Exemption: Those property owners who have a minimum of two acres and are engaged in commonly approved agricultural practices are exempt from the permit requirements as stated above.

## **505.20 FARM ANIMALS/LIVESTOCK PERMITS.**

(a) No permit shall be issued by the Director of Public Safety for any above-defined animals unless the following conditions are met:

(1) The subplot or parcel of real property upon which such animals shall be kept or harbored shall be no less than two acres in size.

(2) If such livestock shall be kept or harbored upon property not owned by the owner of such livestock, no permit shall be issued until there shall have been filed with the Director of Public Safety the written consent of the owner, including a contracted manager or power of attorney in lieu of an owner, of the subplot or parcel of property upon which such livestock shall be kept or harbored.

(3) A stable, barn or shed shall be required for the keeping or harboring of animals and placed totally within a corral or fence. Such stable, barn or enclosure shall meet the requirement of the building and zoning laws and shall be kept in a sanitary condition, and shall not be nearer than fifty feet to a street or any property line, or municipal boundary line, nor nearer than two hundred feet to any dwelling. The floors of such barn or shed shall include a sanitary disposal system approved by the Commissioner of Health. The owner shall further be responsible for disposing of all manure in an approved manner.

(4) Nondomesticated animals shall not be permitted unless the permit applicant shall demonstrate to the satisfaction of the Director of Public Safety that:

A. All reasonable precautions have been taken to securely cage or enclose the animals and prevent them from running at large, and

B. Such animals will not present a threat to the public peace, health and safety if the animal escapes its cage or enclosure.

(5) The minimum grazing area for grazing livestock shall be according to the latest "animal units" per acres as established by the County Cooperative Extension Service.

(6) No grazing is permitted upon public right-of-way.

(7) The fee for any livestock permit shall be \$20.00 per year per location.

(b) Any person who believes that special conditions exist which should exempt them for any of the conditions specified above may appeal to the City Manager via written request prior to the issuance of the permit. Exemptions to the conditions specified may be granted by the City Manager upon a satisfactory showing by the applicant that owing to special circumstances, the strict application of the conditions of this ordinance are unnecessary in order to protect the public health, safety, and welfare. Prior to the City Manager's determination of exemption from any conditions of the permit process, notification shall be sent by certified mail to property owners who live within a 200 foot radius of the property line of an individual property on which the animals will be housed. The written notification shall request that the affected property owner approve or disapprove the request for exemption and to set forth their reasons for disapproval. If any notified property owner objects to the granting of an exemption, that property owner may request that a hearing take place before a 5-member panel of disinterested landowners of the City to be chosen by Kent City Council. The panel shall hear the affected property owner's reasons for disapproval of the exemption within a sixty (60) day period of the City Manager's office receiving the request for disapproval and a hearing. The panel's decision shall be binding upon the City Manager's determination for granting an exemption.

(c) Application of Section. The provisions of this section shall apply to all yards and structures existing upon the effective date of this section not in conformity with the requirements of the section as of January 1, 1996 whereupon any keeping of fowl, farm animals or livestock or all other structures used thereof, shall be discontinued or brought in conformity with these regulations immediately upon this section becoming effective.

(d) Declaration of Nuisance; abatement thereof. It shall be unlawful and considered a public nuisance for any person to keep, harbor or maintain any domestic farm animals or livestock, chickens or fowl within the City without having first complied with the applicable provisions of this chapter.

In the event of any violation of the provision of this chapter, the City, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation and abate the nuisance created.

**505.21 ANIMALS PROHIBITED FROM SPECIAL EVENTS.**

(a) No person shall knowingly enter or remain within the defined area of any Special Event area (as defined in Section [316.03](#) of the Kent Codified Ordinances) held within the City limits, while having an animal in their possession or control.

Animal is defined as a dog, cat, domestic animal, or other animal.

(b) (1) It shall be an affirmative defense to the section if the animal is owned by a public law enforcement agency and is being utilized for law enforcement purposes, or if the animal is a “trained service/assistance dog” working for its owner.

(2) It shall also be an affirmative defense if the sponsor of the event wants animals brought in as part of a ride, display, or informational booth, as established in the City of Kent permit application process pursuant to Chapter [316](#).

(c) Violation of this provision shall be a minor misdemeanor, unless the person has received a prior warning, in which case the offense shall be a misdemeanor of the fourth degree.

(Ord. 2005-44. Passed 5-4-05.)

**505.99 PENALTY.**

(EDITOR'S NOTE: See Section [501.99](#) for penalties applicable to any misdemeanor classification.)