

CHAPTER 618
City of Lyndhurst: Animals

- [618.01](#) Dogs and other animals running at large; dangerous and vicious dogs.
- [618.011](#) Determination of dangerous or vicious dog.
- [618.012](#) Appeal of designation.
- [618.013](#) Registration of vicious dogs required; fee and insurance.
- [618.02](#) Abandoning animals.
- [618.021](#) Tethering animals.
- [618.03](#) Killing or injuring animals.
- [618.04](#) Poisoning animals.
- [618.05](#) Cruelty to animals generally.
- [618.051](#) Cruelty to companion animals.
- [618.06](#) Coloring rabbits and baby poultry; sale or display of poultry.
- [618.07](#) Barking dogs; authority of police and animal warden.
- [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 and procedure.
- [618.12](#) Hunting and trapping regulated.
- [618.125](#) Special permits for removal of excessive nuisance animals.
- [618.13](#) Nuisance conditions prohibited.
- [618.14](#) Impounding of dogs.
- [618.15](#) Reporting escapes.
- [618.16](#) Animal owner liable for damage to property.
- [618.17](#) City designated as bird sanctuary.
- [618.18](#) Authority of animal warden.
- [618.19](#) Damaging property.
- [618.20](#) Maximum number of dogs permitted.
- [618.21](#) Furnishing false pedigree.
- [618.22](#) Dogs with blind, deaf or obility impaired persons.
- [618.23](#) Removal or destruction of animals.
- [618.24](#) Feeding of wildlife and stray animals prohibited.

CROSS REFERENCES

See section histories for similar State law

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

Driving animals upon roadway - see TRAF. [404.04](#), [412.05](#)

Definitions generally - see GEN. OFF. [606.01](#)

Assaulting police dog or horse or handicapped assistance dog - see GEN. OFF. [642.08](#)

Offensive odors from places where animals are kept or fed - see GEN. OFF. [660.04](#)

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

(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 dog that, without provocation, and subject to the following sentence, has chased or approached any person in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, or has caused injury other than serious physical harm to any person, while that dog is off the premises of its owner, keeper or harbinger or some other responsible person.

"Dangerous dog" does not include a police dog that has chased or approached any person 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 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 acts in a menacing fashion.

(3) "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.

(4) "Vicious dog".

A. A dog that, without provocation and subject to division B. of this definition, meets any of the following criteria:

1. Has killed or caused serious physical harm to any person; or
2. Has caused injury, other than killing or serious physical harm, to any person, or has killed or caused serious physical harm to another domestic animal; or
3. Has been possessed, owned, trained or used for purposes of dogfighting, or
4. Has been determined by a court of competent jurisdiction to be a vicious dog in an independent or related civil or criminal proceeding.

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

1. A police dog that has killed or caused serious physical harm to any person or that has caused serious physical harm, other than killing or serious injury, to any person while the police dog is being used to assist law enforcement officers in the performance of their official duties; or
2. A dog that has killed or caused serious physical harm to any person while that 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." 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.

(6) "Serious physical harm" means physical harm that involves any of the following:

- A. A substantial risk of death;
- B. Permanent incapacity, whether partial or total, or temporary, substantial incapacity;
- C. Permanent disfigurement or temporary, serious disfigurement;
- D. Acute pain of a duration that results in substantial suffering;
- E. Any degree of prolonged or intractable pain.

(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.

(c) No person shall cause animals to be herded, kept, or detained for the purpose of grazing on premises other than those owned or occupied by the owner or keeper thereof without the consent of the owner of the premises.

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

(e) 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.

(f) 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 any 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 control of some person; and
- (3) Keep the dog physically restrained while on any public property, by leash with appropriate collar or harness.

For purposes of this section, an appropriate collar or harness is a collar or harness of the size and strength necessary for that particular dog.

(g) 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, a yard that is enclosed by a locked chain link fence not less than six (6) feet in height, 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. The fencing height requirement contained in this section is an exception to the height

limitations contained in Chapter 1329 of the Building Code, and no variance shall be required to erect such chain link fencing.

(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, a yard that is enclosed by a locked chain link fence not less than six (6) feet in height, 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. The fencing height requirement contained in this section is an exception to the height limitations contained in Chapter [1329](#) of the Building Code, and no variance shall be required to erect such chain link fencing.

(h) The owner of a dangerous or vicious dog must display, in a conspicuous manner, one or more signs on the owner's premises warning that a dangerous or vicious dog is on the premises. The sign shall state in capital letters:
"WARNING - DANGEROUS ANIMAL – KEEP AWAY"

The sign or signs must be visible and legible from the public right of way, as well as from 50 feet away from the special enclosure required pursuant to paragraph (g) of this section.

(i) 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. Failure to produce proof of the required liability insurance at the request of a person who is authorized to enforce this chapter shall be prima-facie evidence of the lack of insurance.

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

(1) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog;

(2) Possess a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(3) Falsely attest on a waiver form provided by the veterinarian under division (j) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(k) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a vicious dog. The written waiver form shall include all of the following:

(1) The veterinarian's license number and current business address;

(2) The number of the license of the dog if the dog is licensed;

(3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

(4) The signature of the owner of the dog attesting that the owner's dog is not a vicious dog;

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

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

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

C. Falsely attesting on a waiver form provided by the veterinarian under division (G) of Ohio R.C. 955.22 that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

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

(m) No person shall own, keep, or harbor more than one vicious dog or allow the presence of more than one vicious dog on the premises where the person resides.

(n) (1) Whoever violates divisions (b), (c), (e), (f) or (l) of this section is guilty of a misdemeanor of the fourth degree.

(2) In addition to the penalties prescribed in division (n)(1) above, if the offender is guilty of a violation of division (e) or (f) of this section, 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.

(o) (1) If a violation of division (g) of this section involves a dangerous dog, whoever violates that division (g) 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 (i) 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.

(2) If a violation of division (g) of this section involves a vicious dog, whoever violates that division (g) is guilty of one of the following:

A. On a first offense, a misdemeanor of the first degree if the dog causes injury other than killing or serious injury to any person. The person shall be guilty of a felony on each subsequent offense and shall be prosecuted under appropriate state law. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

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

prosecuted under appropriate state law. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

(p) Whoever violates division (h) of this section is guilty of a misdemeanor of the first degree.

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

Additionally, the court shall order that the vicious dog be humanely destroyed by as licensed veterinarian, the County Dog Warden, or the County Humane Society. (Ord. 2007-11. Passed 3-5-07.)

618.011 DETERMINATION OF DANGEROUS OR VICIOUS DOG.

(a) Whenever a complaint is made to the Police Department of the presence of a dangerous or vicious dog within the City, the Police Department shall promptly inspect or cause an inspection to be made of the premises on which it is alleged that such animal is being kept.

(b) The Police Department shall determine that a dog is dangerous pursuant to this chapter upon proof by a preponderance of the evidence that such dog meets the definition of a dangerous dog as provided for in Section [618.01](#)(a)(1) of this chapter.

(c) The Police Department shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence that such dog meets the definition of a vicious dog as provided for in Section [618.01](#)(a)(4) of this chapter.

(d) If the Police Department determines that a dangerous or vicious dog is being kept within the City, the Police Department shall then determine the individual, firm or corporation who from the records in the Auditor's Office of Cuyahoga County, appears to be the owner of the dog, or if such information is not available, the titled owner of the property upon which the dog is kept, and shall, within five days, cause a written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested or by personal service. If service of such written notice is unable to be perfected, then the Police Department shall cause a copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises on which the dog is kept, or if there is no individual in possession of the premises, he or she shall cause a copy of the notice to be posted on the premises.

(e) The notice required by subsection (d) hereof shall state, in brief, the findings with respect to the dangerous or vicious nature of the dog. The notice shall further state that the owner must comply with the requirements of this chapter within thirty (30) days after service of the notice.

(Ord. 2007-12. Passed 3-5-07.)

618.012 APPEAL OF DESIGNATION.

Any person aggrieved by the order of the Police Department, hereunder may appeal such order in writing to the Safety Director, which decision shall be the final decision of the City. Such appeal shall be filed within five (5) working days of the date of notice, and heard within twenty (20) working days of the date the appeal is filed. The filing of a notice of appeal hereunder shall stay the requirements of Section [618.01](#), but shall not preclude the Police Department or the Cuyahoga County Board of Health from impounding the dog if otherwise permitted by this chapter or other provision of law and shall not in any way relieve the owner or other person harboring or having care or control of the dog from civil or criminal liability for injury or damage caused by the dog or for violations of this chapter. (Ord. 2007-12. Passed 3-5-07.)

618.013 REGISTRATION OF VICIOUS DOGS REQUIRED; FEE AND INSURANCE.

(a) Any person having the custody, ownership, or control of any vicious dog as defined in this Chapter must register such dog with the City of Lyndhurst Police Department on a form to be provided by the City. Said form shall require the following information: name, address, and telephone number of the dog's owner; the address where such dog is harbored, if different from the owner's address; the dog's sex and color; rabies certificate and tag number (license) and other distinguishing physical characteristics of the dog; and proof of public liability insurance as required by the City.

(b) The registration required by subsection (a) hereof shall be made annually by the person so required and such registration shall be made each year not less than thirty days from the date of the initial registration. The fee for registration shall be fifty dollars (\$50.00) per year for each person required to register any dog irrespective of the number of dogs registered by such person.

(c) Whoever violates the provisions of this section is guilty of a first degree misdemeanor punishable by a fine or not more than one thousand dollars (\$1,000) or imprisonment of no more than six months, or both. Each day shall have constituted a separate offense.

(Ord. 2007-12. Passed 3-5-07.)

618.02 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon the animal. An animal shall be considered to be abandoned if it is permitted to remain overnight on a vacant, unoccupied or abandoned commercial or residential premises.

(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.
(Ord. 2012-33. Passed 6-4-12.)

618.021 TETHERING ANIMALS.

(a) No person shall tether an animal in any of the following circumstances:

- (1) For more than 6 hours total in a 24-hour period and not more than 2 consecutive hours with no less than a one-half hour period between tetherings;
- (2) If a severe weather warning has been issued by a local or state authority or the National Weather Service;
- (3) If the tether is less than 10 feet in length;
- (4) If the tether allows the animal to touch the fence or cross the property line or cross onto public property;
- (5) If the tether is attached by means of a pinch-type, prong type, or choke-type collar or if the collar is unsafe or is not properly fitted;
- (6) If the tether may cause injury or entanglement;
- (7) If the animal is not provided with its needs as identified in Section 618.05;
- (8) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal; or
- (9) If no owner or occupant is present at the premises.

(b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the second degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 2012-37. Passed 11-19-12.)

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 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)

618.051 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

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

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

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

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

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

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

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

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

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

(1) Torture, torment or commit an act 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.

(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)

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 DOGS; AUTHORITY OF POLICE AND ANIMAL WARDEN.

(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) Unattended dogs barking, howling, yelping or creating unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality, may be impounded.

(c) City police officers and the Animal Warden shall have the authority to enforce this section.

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

(Ord. 82-34. Passed 7-6-82.)

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 is guilty of a misdemeanor of the fourth degree.

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 misdemeanor of the fourth degree.

(ORC 955.99(B))

618.095 DOGS REQUIRED TO WEAR TAGS.

(a) No owner of a dog, except a dog constantly confined to a registered kennel, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog's failure at any time to wear a valid tag shall be prima facie evidence of a lack of registration and shall subject any dog found not wearing such tag to impoundment, sale, or destruction.

(ORC 955.10)

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

(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 misdemeanor of the fourth degree.

(ORC 955.99(B))

618.11 RABIES QUARANTINE AND PROCEDURE.

(a) Whenever it is shown that any animal has bitten any person or shows signs of being infected with rabies, the owner, keeper or person having custody or possession of such animal shall, within twenty-four hours following the biting incident or upon direction from the Animal Warden, for any reason stated in this section, take and remove such animal to a qualified veterinarian for examination and, subsequently, on the tenth day following such original examination by the veterinarian, permit reexamination of such animal by the veterinarian. After such animal is first examined, it shall be confined during the ten-day period until the second examination is completed in either the animal clinic, kennel or hospital where examined, or secured at the home of the owner, keeper or person having custody or possession of the animal, in an area inaccessible to the public at large. The owner, keeper or person having custody or possession of such animal shall then submit to the Animal Warden, within twenty-four hours following the last examination, a written report signed by the examining veterinarian, setting forth therein the dates of examination of such animal and the results thereof. If the animal dies prior to the tenth day of examination, as hereinbefore provided, the owner, keeper or person having custody or possession of such animal shall immediately contact the Animal Warden, who shall arrange for the removal of the animal to a qualified laboratory for examination. Under no circumstances shall the owner or keeper of the animal purposely destroy the animal prior to compliance with the requirements of this section.

No owner, keeper or person having custody or possession of such an animal shall fail or refuse to remove and take such animal for the examinations required herein, or fail to comply with the submission of the report as required, or fail to notify the Animal Warden immediately upon the death of the animal, or purposely destroy such animal prior to compliance with the requirements of this section.

If the owner or person having custody or possession of such animal fails to comply with any such order of the Animal Warden within twenty-four hours of the notification that such order has been issued and served upon such owner or person having custody or possession, the Animal Warden or any police officer may take such animal into custody and place the same in quarantine, at the expense of the owner or person having custody or possession of such animal.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 88-33. Passed 4-18-88.)

618.12 HUNTING AND TRAPPING REGULATED.

(a) The hunting of animals or birds within the territorial limits of the City is regulated. No person shall hunt, kill or attempt to kill any animal or birds by use of firearm, bow and arrow, cross bow, or any other means that may endanger the life or safety of persons or cause injury or destruction of property, except as follows:

(1) A law enforcement officer or animal warden in discharge of his or her duties;

(2) Any person authorized by the Chief of Police while participating in a City authorized animal control program;

(3) A State of Ohio licensed nuisance animal trapper or property owner operating under the authority of an Ohio Division of Wildlife damage control permit and utilizing methods in accordance with rules and regulations established by the Police Chief; or

(4) Any person participating in a City approved nuisance animal management program.

(b) No person shall set or maintain any trap within the Municipality, except under the authority of the owner or lawful occupant of the premises upon which such trap is set or maintained and with the approval of the Chief of Police.

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

(Ord. 2015-69. Passed 9-8-15.)

618.125 SPECIAL PERMITS FOR REMOVAL OF EXCESSIVE NUISANCE ANIMALS.

(a) Notwithstanding Section [618.12](#), special permits may be issued by the Chief of Police with the approval of the Mayor for removing excessive nuisance animals, as defined below, on public property, provided that the property is at least ten (10) acres in size, and further provided that the removal of the nuisance animals is to be done by a City approved agent or by a licensed nuisance animal trapper, and provided further that a necessary and appropriate permit has already been obtained from the State of Ohio, Division of Wildlife, and there is compliance with all federal, state and local regulations.

(b) "Nuisance animal" is an individual animal whose actions create special wildlife management problems, usually on a repetitive basis. Examples of animals from which nuisance cases may arise include deer, raccoons, skunks, coyotes, beavers, bears and poisonous snakes.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 2015-69. Passed 9-8-15.)

618.13 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 misdemeanor of the fourth degree.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.

System Message

Unable to retrieve document

The document you requested could not be retrieved.

Please contact the site administrator to report this problem.