

CHAPTER 618
Animals

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CROSS REFERENCES

See section histories for similar State law

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

Possession of dangerous wild animals and restricted snakes, requirements and licensing, see Ohio R.C. Chapter 935

Driving animals upon roadway - see TRAF. 404.04, 412.05

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

VICIOUS DOGS; HEARINGS.

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

(1) "Dangerous dog."

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

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

B. "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

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

(3) "Nuisance dog."

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

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

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

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

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

(6) "Vicious dog."

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

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

1. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

2. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

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

(ORC 955.11(A))

(b) No person, who is the owner or keeper of horses, mules, cattle, bison, sheep, goats, swine, llamas, alpacas, or geese, shall permit them to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or cause the animals to be herded, kept, or detained for the purpose of grazing on premises other than those owned or lawfully occupied by the owner or keeper of the animals.

(ORC 951.02)

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

(d) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

(2) Keep the dog under the reasonable control of some person.

(e) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of a dangerous or vicious dog shall fail to do either of the following:

(1) While the dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained.

(2) While the dog is off the premises of the owner, keeper, or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following: keep the dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top; have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station a person in close enough proximity to that dog so as to prevent it from causing injury to any person; or muzzle that dog.

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

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

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

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

A. The dog is loose or unconfined.

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

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

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

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

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

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

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

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

- (1) The veterinarian's license number and current business address;
 - (2) The number of the license of the dog if the dog is licensed;
 - (3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;
 - (4) The signature of the owner of the dog attesting that the owner's dog is not a dangerous dog;
 - (5) A statement that Ohio R.C. 955.22(F) prohibits any person from doing any of the following:
 - A. Debarking or surgically silencing a dog that the person knows or has reason to believe is a dangerous dog;
 - B. Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;
 - C. Falsely attesting on a waiver form provided by the veterinarian under Ohio R.C. 955.22(G) that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.
 - (i) It is an affirmative defense to a charge of a violation of division (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 dangerous dog.
 - (j) (1) The County Auditor shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is 18 years of age or older, and who provides the following to the County Auditor:
 - A. A fee of \$50;
 - B. The person's address, phone number, and other appropriate means for the local dog warden or County Auditor to contact the person;
 - C. With respect to the person and the dog for which the registration is sought, all of the following:
 1. Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;
 2. Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;
 3. Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property;
 4. Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.
- (2) Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the County Auditor shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure in division (j)(3)B. of this section and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.
- (3) A. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the County Auditor within ten days of relocating to the new address.
 - B. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address:
 1. Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the County Auditor of the new county;
 2. Provide written notice of the new address to the County Auditor of the county where the owner previously resided.
- (4) The owner of a dangerous dog shall present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing this section.

(ORC 955.22)

(k) Hearing.

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

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

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

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

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

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

(5) If a dog is finally determined under this division (k), or on appeal as described in this division (k), to be a vicious dog, R.C. § 955.11(D) and divisions (e) to (j) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog, and § 618.18 applies with respect to the dog as if it were a dangerous dog, and the court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harbinger in that manner. As part of the order, the court shall require the owner, keeper, or harbinger to obtain the liability insurance required under division (f)(1) in an amount described in division (l)(5)B. of this section.

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

(l) Penalty.

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

(Ord. 2005-O-13. Passed 2-22-05.)

(2) A. Whoever violates division (c) of this section or commits a violation of division (d) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than \$25 or more than \$100 on a first offense, and on each subsequent offense shall be fined not less than \$75 or more than \$250 and may be imprisoned for not more than 30 days.

B. In addition to the penalties prescribed in division (l)(2)A. of this section, if the offender is guilty of a violation of division (c) of this section or a violation of division (d) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(R.C. § 955.99(E))

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

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

(R.C. § 955.99(F))

(4) Whoever commits a violation of division (d) of this section that involves a dangerous dog, or a violation of division (e) of this section is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (f) of this section. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. With respect to a violation of division (d) of this section that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with division (e) of this section or at the county dog pound at the owner's expense.

(R.C. § 955.99(G))

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

1. A felony to be prosecuted under appropriate state law if the dog kills or seriously injures a person. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

2. A misdemeanor of the first degree if the dog causes serious injury to a person. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

B. If the court does not order the vicious dog to be destroyed under division (l)(5)A.2. of this section, the court shall issue an order that specifies that R.C. § 955.11(D) and divisions (e) to (j) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that § 618.18 applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (f)(1) of this section in an amount, exclusive of interest and costs, that equals or exceeds \$100,000. Until the court makes a final determination and during the pendency of any appeal of a violation of division (d) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions described in division (e) of this section or at the county dog pound at the owner's expense.

(R.C. § 955.99(H))

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

(R.C. § 955.99(J))

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

(R.C. § 955.99(L))

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

(R.C. § 955.99(M))

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

(R.C. § 955.99(N))

(10) A. If a dog is confined at the county dog pound pursuant to division (l)(4), (l)(5), or (l)(7) of this section, the county dog

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

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

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

(R.C. § 955.99(P))

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

(R.C. § 955.99(Q))

618.02 ABANDONING ANIMALS.

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

(ORC 959.01)

(b) Whoever violates division (a) of this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(ORC 959.99(E)(2))

618.03 KILLING OR INJURING ANIMALS.

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

(ORC 959.02)

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

(ORC 959.99(B))

618.04 POISONING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a dog, cat, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any such animal, either upon his or her own lands or the lands of another.

(ORC 959.03)

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

618.05 CRUELTY TO ANIMALS.

(a) No person shall:

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

(2) Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, or excessive direct sunlight. 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. The shelter shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position;

(3) Keep any animal in a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation;

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

(5) 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;

(6) Detain livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the stock to be so crowded as to overlie, crush, wound, or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. Division (a) of this section does not prevent the dehorning of cattle.

(c) All fines collected for violations of division (a) of this section shall be paid to the general fund.

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

(Ord. 98-O-23. Passed 12-8-98; Ord. 2015-O-25. Passed 11-24-15.)

Statutory reference:

Cruelty to animals, see Ohio R.C. 959.13

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

618.051 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

(1) "Companion animal" is any dog, cat, or other domesticated animal that is cared for or maintained by any person.

(2) "Cruelty", "torment", and "torture" as defined in Ohio R.C. 1717.01.

(3) "Residential dwelling" is a structure or any part of a structure that is used for human habitation.

(4) "Practice of veterinary medicine" as defined in Ohio R.C. 4741.01.

(5) "Wild animal" as defined in Ohio R.C. 1531.01.

(6) "Federal Animal Welfare Act" as defined in Ohio R.C. 959.131.

(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; including confining an animal in a motor vehicle under any conditions that endanger the safety or well being of the animal.

(c) No person who owns or keeps a companion animal shall fail to provide the animal all of the following needs:

(1) Clean, potable drinking water at all times, and suitable food of sufficient quality and quantity as to ensure normal growth and the maintenance of normal body weight;

(2) Food and water receptacles that are kept clean and disinfected, and located so as to avoid contamination by feces or other wastes;

(3) Regular exercise sufficient to maintain the animal's good health;

(4) Necessary veterinary care;

(5) Shelter from the elements, including heat, cold, wind, rain, snow or excessive direct sunlight. If the animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species age, condition, size, and type of that animal. The structure must be completely enclosed, having a single entrance/exit secured with a flap or door or similar device. The structure shall be moisture-resistant, wind-resistant, and of suitable size and type to allow the animal to stand, turn about freely, lie in a normal position, and regulate proper body temperature. The structure shall be made of a durable material with a solid, moisture-proof floor and a floor raised at least two inches from the ground. Suitable drainage shall be provided so that water cannot be reasonably expected to gather and stand within ten feet of the structure, and so the animal has access to a dry area at all times. Proper bedding of straw or similar material, that remains dry, must be utilized inside the structure. All structures required by this section shall be subject to all building and zoning regulations.

(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) Commit any act or failure to act against the companion animal, which would reasonably cause unnecessary or unjustifiable pain or suffering when there is a reasonable remedy or relief;

(2) Needlessly kill the companion animal;

(3) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment or confinement in any of those specified manners.

(e) Divisions (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.

(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.

(Ord. 2015-O-25. Passed 11-24-15.)

Statutory reference:

Prohibitions concerning companion animals, see Ohio R.C. 959.131

Related penalties, see Ohio R.C. 959.99

618.052 TETHERING ANIMALS.

(a) "Tethering" 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.

(b) The tethered animal shall be:

(1) Provided a house or shelter that will provide shade, protection from snow, rain, or other inclement weather.

(2) Provided adequate water and food on a daily basis. Water shall be provided on an "as needed" basis.

(3) Attached by a tether that is a minimum of 20 feet in length.

(4) Provided access to a surface of grass, properly drained, with enough area to permit the animal to freely move about without risk of entanglement or to cause injury.

(c) The tethered animal shall not:

(1) Be allowed to continuously bark or make other noise that can be heard on the surrounding property.

(2) Enter the property of another.

(3) Have a tether attached with a prong type, pinch type, or choke type collar, or a collar that will cause injury to the animal.

(d) No animal will be tethered if a law enforcement officer requests that the tether not be used as a result of this section.

(e) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first 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. 2015-O-25. Passed 11-24-15.)

618.06 COLORING RABBITS AND BABY POULTRY; SALE OR DISPLAY OF POULTRY.

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

shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(ORC 925.62)

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

(ORC 925.99(B))

618.07 BARKING OR HOWLING DOGS.

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

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

618.08 REGISTRATION OF DOGS REQUIRED.

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

(ORC 955.21)

(b) Whoever violates this section shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than 30 days.

(ORC 955.99(E))

618.09 HINDERING CAPTURE OF UNREGISTERED DOG.

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

(ORC 955.24)

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

(ORC 955.99(B))

618.095 DOGS REQUIRED TO WEAR TAGS.

(a) No owner of a dog, except a dog constantly confined to a dog kennel registered under Ohio R.C. Chapter 955 or one licensed under Ohio R.C. Chapter 956, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog found not wearing at any time a valid tag shall be prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction.

(ORC 955.10)

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

(ORC 955.99(B))

618.10 UNLAWFUL TAGS.

(a) No person shall own, keep, or harbor a dog wearing a fictitious, altered, or invalid registration tag or a registration tag not issued by the County Auditor in connection with the registration of that animal.

(ORC 955.25)

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

(ORC 955.99(B))

618.11 RABIES QUARANTINE.

(a) No person having knowledge of the existence of rabies in an animal, or knowledge that an animal has exhibited symptoms or behavior suggestive of rabies, or knowledge that an animal has bitten any person, shall fail to immediately report such information to the Mayor or the Chief of Police.

(b) Whenever it is established by the Mayor or Chief of Police that any animal has bitten any person or exhibits symptoms or behavior suggestive of rabies, the person who owns, harbors or otherwise cares for such animal shall confine it in close quarantine and isolation or shall place such animal in the establishment of a veterinarian until, in either case, it is determined by the County Board of Health that the animal is not afflicted with rabies. The isolation and quarantine period hereby required shall be not less than ten days from the date the person was bitten. If the animal has, or develops, any symptoms suspicious of rabies during the ten-day period, the County Board of Health shall be notified immediately. All expenses incurred for the keeping of such animal, or the necessary tests to determine whether rabies exists, shall be borne exclusively by the person who owns, harbors or otherwise cares for such animal.

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

618.12 HUNTING PROHIBITED.

(a) The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means. However, nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief.

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

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) No person shall keep or harbor any animal or fowl within the Municipality which, by frequent and habitual crowing, cock-a-doodling, 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 animal or fowl 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 fowl.

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

(Ord. 2013-O-14. Passed 6-11-13.)

618.14 IMPOUNDING AND DISPOSITION; RECORDS.

(a) A police officer or animal warden may impound every dog or other animal found in violation of Section 618.01. If the

impounded dog is not wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs. If the dog is wearing a valid registration tag or the identity of the owner or harbinger is otherwise established, notice shall immediately be given to such owner or harbinger that the dog has been impounded. Notice may be by telephone or by ordinary mail to the last known address of such owner or harbinger. The dog shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog not redeemed within three days of the time it is seized or impounded may be sold or otherwise disposed of as provided by Ohio R.C. 955.16.

(b) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of any costs or receipts involving such dog shall be kept.

618.15 KEEPING HORSES, MULES, COWS, SHEEP, ETC., PROHIBITED.

(a) No person shall keep any horse, pony, mule, burro, jack, cow, bull, sheep, goat or other hoofed animal in the City or keep or maintain any barn, stable, enclosed or unenclosed premises of any kind or nature, for the purpose of housing, keeping or maintaining any horse, pony, mule, burro, jack, cow, sheep, goat or other hoofed animal.

(Ord. 1184. Passed 10-21-57.)

(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.

618.16 CONTROL OF VICIOUS DOGS.

(a) No person owning, harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(b) No person owning, harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person, unless such dog is securely leashed and muzzled or otherwise securely restrained.

(c) A vicious dog is "unconfined," as the term is used in this section, if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in division (a) of this section. Such pen or structure must have secure sides. If the structure does not have a secure top, the sides shall extend to a height of six feet above the ground. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground not less than two feet. The fence must be made of adequate material to restrain the dog.

(d) As used in this section, "vicious dog" means:

(1) Any dog with a propensity, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or other domestic animals;

(2) Any dog which attacks a human being or another domestic animal one or more times without provocation, which attack results in any substantial injury to such human being or domestic animal; or

(3) Any pit bull terrier, which means any Staffordshire Bull Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier so as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier by a qualified veterinarian duly licensed as such by the State.

(e) Division (a) and (b) of this section are necessary controls on the unrestrained activity of vicious animals which threaten the safety of streets, parks, sidewalks, yards and all areas of the City. Lack of knowledge or lack of intent is not a defense to a violation of this section.

(f) (1) Whoever violates division (a) or (b) of this section shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than 60 days, or both.

(2) In addition, any vicious dog which attacks a human being or another domestic animal may be ordered destroyed when, in the Court's judgment, such vicious dog represents a continuing threat of serious harm to human beings or other animals. Any person found guilty of a violation of division (a) or (b) of this section shall pay all expenses, including shelter, food, veterinary expenses for the identification or certification of the breed of the animal, boarding 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 any such dog.

(Ord. 84-O-16. Passed 6-12-84.)

618.17 REGISTRATION OF VICIOUS DOGS; FEE.

(a) Any person having the custody, ownership or control of any vicious dog, as defined in Section 618.16(d), must register such dog with the Police Department on a form to be provided by the City. Such form shall require the following information: the 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; the Lake County rabies certificate and tag number; other distinguishing physical characteristics of the dog; and proof of public liability insurance of not less than fifty thousand dollars (\$50,000).

(Adopting Ordinance)

(b) The registration required by subsection (a) hereof shall be made annually, 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 any of the provisions of this section is guilty of a minor misdemeanor.

(Ord. 84-O-16. Passed 6-12-84.)

618.18 RESTRICTIONS ON DOG OWNERSHIP FOR CERTAIN CONVICTED FELONS.

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

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

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

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

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

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

(R.C. § 955.54)

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

(R.C. § 955.99(O))