

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

Driving animals upon roadway - see TRAF. 404.04, 412.05

Definitions generally - see GEN. OFF. 606.01

Noise disturbances by animals - see GEN. OFF. 634.04

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

618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

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

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

(c) No owner, keeper or harbinger of any dog shall fail at any time to keep the dog physically confined or restrained upon the premises of the owner, keeper or harbinger by voice and/or signal command, leash, tether, adequate fence, or secure enclosure to prevent escape. "Electronic" (invisible) fences are not acceptable as providing sufficient control to meet the requirements for confinement.

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

(Ord. 12-86. Passed 5-15-12.)

618.02 ABANDONING ANIMALS.

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

(ORC 959.01)

(b) Whoever violates 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 and shall be subject to the penalty provided in Section 698.02.

(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 any animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity.

(ORC 959.02)

(b) Whoever owns any animal that kills or injures other animals, causing loss to owners, shall be in violation of this section.

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

(ORC 959.99(B); Ord. 1983-46. Passed 4-6-83.)

618.04 POISONING ANIMALS.

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

(ORC 959.03)

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

(ORC 959.99(C))

618.05 ANIMAL CARE STANDARDS; CRUELTY TO ANIMALS.

(a) Proper Food. All animals shall be provided with wholesome and appropriate food, which is free from contamination, of adequate nutritive value and in sufficient quantity to maintain good health. All food receptacles shall be kept clean and sanitary. Receptacles shall be used to store food and be kept securely covered. The owner or custodian shall ensure that each animal receives sufficient food.

(b) Proper Drink. All animals shall have available clean, drinkable water. Animals which are being worked or transported shall be provided water as often as necessary for their health and comfort. All water receptacles shall be kept clean and sanitary, be of appropriate design and size for the animal and be positioned or affixed to prevent spillage.

(c) Proper Space.

(1) Animals shall be able to stand to their full height, stretch out, turn around and lie down in areas which are sanitary and which allow for a free flow of fresh air.

(2) Animals shall be allowed to exercise and have freedom of movement as necessary to reduce stress and maintain good physical condition. Said space shall be kept free of standing water, mud, accumulated waste and debris.

(3) Dogs and cats shall not be caged, except for transport, temporary confinement or as prescribed by a veterinarian. Dogs and cats kept in cages for the aforementioned reasons shall be removed and exercised so as to maintain proper health. Cats shall be provided with litter pans and litter material which shall be changed as necessary to prevent odor and accumulation of urine and fecal matter.

(4) Small caged mammals and rodents, such as guinea pigs, rabbits and hamsters, shall be maintained in cages that are of a size sufficient to permit burrowing or nesting, and which allow necessary space for the animal to exercise.

(5) Dogs maintained in a pen shall be socially compatible, and no more than four compatible dogs shall be housed within any one single pen. The minimum pen size shall be in accordance with the following schedule:

<u>Minimum Pen Size (ft.) and Area (sq. ft.)</u>			
No. of dogs	<u>Size of dogs (lbs.)</u>		
	<u>Small (Up to 25 lbs.)</u>	<u>Medium (25-50 lbs.)</u>	<u>Large (Over 50 lbs.)</u>
1	3 x 7; 21 sq. ft.	6 x 10; 60 sq. ft.	8 x 10; 80 sq. ft.
2	4 x 8; 32 sq. ft.	8 x 10; 80 sq. ft.	8 x 12; 96 sq. ft.
3	5 x 9; 45 sq. ft.	8 x 12; 96 sq. ft.	10 x 14; 140 sq. ft.
4	8 x 10; 80 sq. ft.	10 x 12; 120 sq. ft.	12 x 16; 192 sq. ft.

(6) Dogs continuously maintained on a restrictive chain, rope or other kind of tether shall be deemed to be improperly confined. However, tethering may be acceptable in certain cases where adequate daily socialization and exercise off the tether have been afforded and verified. If a dog is confined on a tether, excepting periods of time that are brief and incidental, the tether shall be at least fifteen feet in length and positioned to prevent tangling and hanging. The tether must be of proper weight for the dog's size to allow for the provisions set forth in paragraph (c)(1) hereof. Logging chains are prohibited for any dog. The tethered dog shall wear a properly fitted harness or buckle-type collar and be released from the tether at least twice daily for adequate exercise. A choker-chain on the neck of a tethered dog is prohibited. No other animals shall be tethered unless under the supervision of a custodian capable of handling the animal. Collars, harnesses, halters and the like shall be properly fitted to prevent discomfort or injury.

(d) Proper Light. Animals shall have at least ten hours of light a day, except if in hibernation or pursuant to veterinarian advice. Animals shall not be subjected to excessive amounts of illumination which result in conditions detrimental to the health of the animals.

(e) Proper Shelter.

(1) Indoor facilities shall be adequately ventilated by natural or mechanical means to prevent extreme temperatures, provide fresh air and minimize drafts, odors and moisture condensation.

(2) Animals kept outdoors shall have access to shelter that provides protection from inclement weather conditions and which shall be appropriately constructed given the species of the animal, its age and its physical condition.

(3) Animals shall have access to shade from the sun during hot weather.

(4) Proper outdoor shelter for horses, cows and other hoofed animals shall have a roof and face away from prevailing winds. Said shelter may be without a floor and have three sides.

(5) Proper outdoor shelter for a dog shall have a roof, enclosed sides, a doorway and a solid, level floor raised at least two inches from the ground.

(f) Necessary Veterinary Care. Owners or caretakers of domestic animals which exhibit signs of disease or severe parasitic infestation, infection, orificial discharge, loss of appetite, weight loss, abnormal skin conditions or hair loss, tremors, temperature fluctuation, inability to bear weight on a limb, lameness or any other such sign of illness or injury, shall provide veterinary care.

(g) Unnecessary Suffering or Cruelty. No animal shall be subjected to unnecessary suffering or cruelty. Unnecessary suffering or cruelty may be defined, but is not limited to, failing to provide an animal with any of the aforementioned care standards.

(h) Penalty. Whoever is found guilty of causing an animal unnecessary suffering or cruelty 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 shall first 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. 97-36. Passed 7-1-97.)

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 minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

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

618.08 REGISTRATION OF DOGS REQUIRED.

(a) Except for guide, leader or listener dogs, or dogs in training to become guide, leader or listener dogs, registered under Ohio R.C. 955.011, and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no owner, keeper

or harborer of a dog more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by Ohio R.C. 955.01, nor shall he or she fail to pay the legal fee therefor.

(ORC 955.21)

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

(ORC 955.99(E)(1))

618.09 HINDERING CAPTURE OF UNREGISTERED DOG.

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

(ORC 955.24)

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

(ORC 955.99(A))

618.10 UNLAWFUL TAGS.

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

(ORC 955.25)

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

(ORC 955.99(A))

618.105 RABIES VACCINATIONS OF DOGS AND CATS REQUIRED.

(a) No person who is the owner, keeper or harbinger of any dog or cat over the age of three months shall fail to have such animal currently immunized against rabies by a licensed veterinarian.

(b) All owners, keepers or harborers as set forth in subsection (a) hereof shall maintain a record of such immunization as provided by a veterinarian and shall provide said proof of immunization to any person inquiring.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (b) hereof is guilty of a minor misdemeanor. The penalty shall be as provided in Section 698.02.

(Ord. 97-115. Passed 6-17-97.)

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

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, except as follows:

(1) The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the city under the following terms and conditions:

A. The Chief of Police or his designated representative may, in his sole discretion, issue a Municipal Deer Damage Control Permit to a qualified archer applicant.

B. As a corollary to and following the issuance by the ODNR of its own Deer Damage Control Permit or license to allow only bow-hunting (long bow and crossbow) of white-tailed deer.

C. In areas of not less than five (5) contiguous acres by a qualified archer, on such forms and subject to such rules and regulations as the Chief may prescribe.

D. Hunting shall be conducted from an elevated platform only.

E. Written permission from the property owner(s) has been obtained.

F. Qualified archer shall be defined as an individual having obtained an approval/certification from approved archery proficiency test site, a valid Ohio hunting license, if applicable, and all other state requirements.

G. Compliance with all laws, rules and regulations of the city and state.

H. All applicants shall agree, in writing, to defend and indemnify the city for any negligent acts or damages committed by the applicant.

I. Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police.

J. Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulations necessary to insure public health and safety.

K. 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 misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 06-129. Passed 9-5-06; Ord. 08-135. Passed 6-17-08; Ord. 16-83. Passed 6-7-16.)

618.125 RULES AND REGULATIONS FOR THE ISSUANCE OF A MUNICIPAL DEER DAMAGE CONTROL PERMIT.

Pursuant to NRO, 618.12, the Chief of Police hereby establishes the following Rules and Regulations for the issuance of a Municipal Deer Damage Control Permit.

(a) Preapproval process.

(1) Application must be completed and submitted as follows:

A. Municipal Deer Damage Control Permit application shall be submitted within 15 days of receiving the ODNR Deer Damage Control Permit.

B. Municipal Deer Damage Control Permit application shall be submitted no later than August 15 for the state bow hunting

season (September-February).

(2) Applicant must demonstrate to the satisfaction of the Chief of Police or his designated representative the following.

A. Applicant is a qualified archer;

B. Applicant and/or landowner has been issued either a deer damage control permit and/or hunting license and deer permit as required by ODNR;

C. Applicant's acknowledgement of bow-hunting only (long bow and crossbow) of white-tailed deer;

D. Provide written permission (affidavit) from the property owners (minimum five (5) contiguous acres) for a limited period of time as set forth in the permit;

(3) Hunting shall be conducted from an elevated platform only. The platform and its location shall be inspected and approved by the Chief of Police or his designee prior to the permit issuance;

(4) Applicant shall provide a map, with boundaries outlined on the map of the property or properties and the global positioning system ("GPS") coordinates of the approved site/platform;

(5) Approval/certification from an approved archery proficiency test site, a valid Ohio hunting license, or successful completion of Ohio Hunter safety course, if applicable, and all other state requirements;

(6) Compliance with all laws, rules and regulations of the city and state of Ohio;

(7) All applicants shall agree, in writing, to defend and indemnify the city for any negligent or other acts committed by the applicant;

(8) Any person obtaining a permit under this chapter and any property owner giving written permission for deer hunting on the owner's property shall have consented to the entry upon the property by police officers and/or other persons designated by the Chief of Police to enforce the provisions of this chapter;

(9) Payment of the registration fee.

(b) Issuance of permit/post approval requirements.

(1) After the Chief of Police or his designee has visited the property and determined that hunting with archery equipment can be safely conducted on the property and that the applicant is a qualified archer, the Chief of Police may issue a permit or may impose any other requirements, conditions or restrictions as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police.

(2) The Chief of Police's decision to grant or deny a permit application in a final decision which is not appealable.

(3) Prior to the issuance of a permit, the applicant shall personally notify or notify by ordinary mail the occupants of the properties that share a common boundary with any portion of the shooting property, that an application for permits has been received, unless the Chief of Police determines that such notification is unnecessary or impractical.

(4) Permit holder shall post "caution archery hunting" signs if deemed necessary by the Chief of Police.

(5) Deer permit shall be used only by the named permit holder.

(6) Deer permit shall be valid only during the dates specified on the permit and only during daylight hours.

(7) Deer permit shall be an antlerless permit only; subsequent permit(s) may be issued for antler or antlerless, unless otherwise noted on the permit.

(8) Permit holder shall remove all deer carcasses and deer remains from the hunting site.

(9) All harvested deer must be timely reported to the ODNR, website at wildlife.ohiodnr.gov or by calling 1-877-TAGITOH (1-877-824-4864).

(10) All hunters must complete and submit a North Royalton Check Form to the Police Department within 24 hours of harvesting.

(11) Chief may terminate/cancel the permit within his sole discretion and without the obligation to give any reason therefor.

(Ord. 16-83. Passed 6-7-16.)

618.13 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep, harbor, or feed any animal or fowl in the Municipality so as to create noxious or offensive odors or create conditions which are a menace to the health, comfort or safety of the public.

(b) No person who is responsible for any animal shall fail to immediately remove the animal's excrement from public lands or from the property of another, excepting a blind person working with a guide dog.

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

(Ord. 97-117. Passed 7-1-97; Ord. 12-69. Passed 4-17-12.)

618.14 IMPOUNDING AND DISPOSITION; FEES; RECORDS.

(a) The Police Department or the Dog Warden may impound every animal or dog found in violation of Section 618.01. If such dog is found not wearing a valid dog license tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dog. If such dog is wearing a valid dog license tag, or if the identity of the owner or custodian is otherwise established, notice shall immediately be given to the licensee, owner or custodian that the dog has been impounded. Such notice may be by telephone or by ordinary mail to the last known address of such licensee, owner or custodian. The dog or animal shall not be released except upon the payment of an impounding fee as set forth in Chapter 214 of the Administration Code, plus an expense fee as set forth in Chapter 214 of the Administration Code for keeping the impounded animal. Any dog or animal remaining unclaimed six days after the mailing of written notice, or of actual notice thereof, shall be sold or otherwise disposed of as provided by law. (Adopting Ordinance)

(b) A record of all dogs or animals impounded, the disposition of the same, the owner's name and address, where known, and a statement of any costs or receipts against such dog or animal, shall be kept and furnished monthly to the Mayor and the Finance Director.

(Ord. 1980-180. Passed 11-19-80.)

618.15 REPORTING ESCAPES. (REPEALED)

(EDITOR'S NOTE: Section 618.15 was repealed as part of the 2013 updating and revision of these Codified Ordinances because substantially identical State law (Ohio R.C. 2927.21) was repealed by the Ohio General Assembly.)

618.16 ANIMALS KILLING, BITING, OR INJURING PEOPLE OR ANIMALS; IMPOUNDING AND DISPOSITION.

Any animal that kills, bites, or injures a person or another animal may be impounded by the Police Department or Dog Warden. The owner of such animal, by order of the Court, may be ordered to permanently remove the animal from the confines of the City. If the owner fails to remove the animal as ordered, or fails to pay the expense of the impounding fee, the animal shall be sold or otherwise disposed of as provided by law. (Ord. 1981-26. Passed 3-18-81; Ord. 12-85. Passed 5-15-12.)

618.17 PROHIBITED ANIMALS.

(a) Except as provided in subsection (e) hereof, no person shall keep, maintain or have in his or her possession any dangerous or undomesticated or domesticated wild animal within the City.

(b) As used in this section, "dangerous or undomesticated or domesticated wild animal" means any animal that is not commonly considered to be a household pet and that would ordinarily be confined to a zoo or farm or found in the wilderness, or that otherwise causes fear or offensive odors or noises to the general public.

(c) Household pets shall be as defined in the Zoning Code.

(d) The provisions of subsections (a), (b) and (c) hereof shall not apply to licensed pet shops, menageries, zoological gardens and circuses, if:

(1) Their location conforms to the provisions of the Zoning Code.

(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.

(3) Animals are maintained in quarters so constructed as to prevent their escape.

(4) No person lives or resides within 100 feet of the quarters in which the animals are kept.

(5) The business places set forth herein comply with regulations of the Ohio Department of Wildlife and the United States Department of Agriculture, regarding the housing of animals.

All business places set forth herein shall maintain proper permits as required by both the Ohio Department of Wild Life and the United States Department of Agriculture.

(e) The foregoing provisions notwithstanding, upon payment of fees established in the General Fees Schedule Section 214, the Animal Warden may grant a specific exemption, on a temporary or permanent basis, from any of the provisions of this section to any person with a legitimate purpose for maintaining a prohibited animal, in accordance with the following:

(1) Written application for an exemption shall be filed with the Animal Warden stating the applicant's name and address, the type and number of animals desired to be kept, the general purpose for which the animals will be kept and a general description of the provisions which will be made for the safe, sanitary and secure maintenance of such animals.

(2) The Animal Warden may grant, deny or restrict the terms of an application for an exemption, provided, however, that he or she shall take some official action on the application within 120 days of its filing.

(3) In considering the merits of an application for an exemption, the Animal Warden may cause one or more inspections of the applicant's premises to be made by himself or herself or by the appropriate representative of the City and may also refer the application, for an advisory opinion, to persons who are technically knowledgeable about the animals involved.

(4) In evaluating an application for an exemption, the Animal Warden shall give consideration to the following criteria:

A. The experience and knowledge of the applicant relative to the animals involved;

B. Whether or not the applicant has obtained a Federal or State permit relative to the animals involved;

C. The relative danger or safety and health risks to the general public, to persons residing or passing near the applicant's premises and to the applicant in connection with the animals involved;

D. The provisions which have been or will be made with regard to paragraph (e)(4)C. hereof;

E. The provisions which have been or will be made to ensure the health and safety of the animals involved; and

F. Any other logically relevant information.

(5) An application for an exemption under this section shall be denied unless the Animal Warden determines that, in view of all relevant criteria and restrictions which he or she may provide, appropriate measures commensurate with the degree of risk associated with the animals involved have been or will be taken to ensure an acceptable level of protection from danger to the health and safety of the general public, persons residing or passing near the applicant's premises and the applicant.

(6) An exemption granted pursuant to this section may be withdrawn by action of the Animal Warden if the Animal Warden determines that there has been a change in the conditions or assumptions under which such exemption was originally granted or if the applicant fails to comply with restrictions originally placed on the exemption.

(Ord. 1984-2. Passed 3-7-84; Ord. 98-38. Passed 3-3-98.)

(f) Whoever violates this section is guilty of a misdemeanor of the fourth degree for a first offense. For a second offense within one year after the first offense, such person is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02.

(g) In addition to the penalty provided for in subsection (f) hereof, upon a determination by the Court that any animal defined is a serious threat to the health and safety of the community, the Court may order the owner or person in possession of such animal to forthwith remove such animal from the City. No person shall fail to comply with such order. If such animal is not so removed in compliance with such order, the Court may order the Chief of Police to cause such animal to be impounded or destroyed.

(Ord. 1984-130. Passed 8-13-84.)

618.18 DOGS WITH BLIND, DEAF OR HEARING IMPAIRED, OR MOBILITY IMPAIRED PERSONS.

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

- (1) The dog shall not occupy a seat in any public conveyance.
- (2) The dog shall be upon a leash while using the facilities of a common carrier.

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

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

(ORC955.43(A), (B))

(c) As used in this this section:

(1) "Assistance dog." Means a guide dog, hearing dog, or service dog that has been trained by a nonprofit special agency.

(2) "Blind." Means either of the following:

A. Vision 20/200 or less in the better eye with proper correction;

B. Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees.

(3) "Guide dog." Means a dog that has been trained or is in training to assist a blind person.

(4) "Hearing dog." Means a dog that has been trained or is in training to assist a deaf or hearing- impaired person.

(5) "Institutions of education" means:

A. Any state university or college, as defined in Ohio R.C. 3345.32;

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

C. Any elementary or secondary school operated by a board of education;

D. Any chartered or nonchartered nonpublic elementary or secondary school;

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

(6) "Mobility impaired person." Means any person, regardless of age, who is subject to a physiological defect or deficiency regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. "Mobility impaired person" includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function, and also includes a person with a seizure disorder and a person who is diagnosed with autism.

(7) "Service dog." Means a dog that has been trained or is in training to assist a mobility impaired person.

(ORC 955.011(B), 955.43(C))

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

(ORC 955.99(D))

618.19 DANGEROUS AND VICIOUS DOGS.

(a) (1) As used in this Section:

A. 1. "Dangerous dog" means a dog that, without provocation, and subject to division (a)(1)A.2. of this Section, has done any of the following:

- a. Caused injury, other than killing or serious injury, to any person;
- b. Killed another dog;
- c. Been the subject of a third or subsequent violation of Section 618.01 of this code.

2. "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.

B. "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

C. 1. Subject to division (a)(1)C.2. of this Section, "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.

2. "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.

D. "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.

E. "Serious injury" means any of the following:

1. Any physical harm that carries a substantial risk of death;
2. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
3. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

4. Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

F. 1. "Vicious dog" means a dog that, without provocation and subject to division (a)(1)F.2. of this Section has killed or caused serious injury to any person;

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

a. 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;

b. A dog that has killed or caused serious injury 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.

G. "Without provocation" means that a dog was not teased, tormented, or abused by the person killed or injured, 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.

(2) 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 (\$5.00).

(3) 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.

(4) A. 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.

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

1. "Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."
2. "Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."
3. "Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

C. The Dog Warden of the county in which the seller resides shall furnish the form to the seller at no cost.

(5) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (a)(2) to (a)(4) of this Section.

(6) Whoever violates any provision set forth in division (a) of this section is guilty of a third degree misdemeanor and shall be subject to the penalties set forth in Section 698.02.

(b) (1) No owner, keeper, or harbinger of a dangerous dog shall fail to do either of the following:

A. While that 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;

B. While that 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:

1. Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;
2. 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 such a person in close

enough proximity to that dog so as to prevent it from causing injury to any person;

3. Muzzle that dog.

(2) No person who has been convicted of or pleaded guilty to three or more violations of Section 618.01 of this code involving the same dog and no owner, keeper, or harbinger of a dangerous dog shall fail to do the following:

A. 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;

B. Obtain a dangerous dog registration certificate from the County Auditor pursuant to division (b)(6) 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;

C. Notify the local dog warden immediately if any of the following occurs:

1. The dog is loose or unconfined.

2. 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.

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

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

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

A. Debark or surgically silence a dog that the person knows or has reason to believe is a dangerous dog;

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

C. Falsely attest on a waiver form provided by the veterinarian under division (b)(4) of this Section that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(4) 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:

A. The veterinarian's license number and current business address;

B. The number of the license of the dog if the dog is licensed;

C. A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

D. The signature of the owner of the dog attesting that the owner's dog is not a dangerous dog;

E. A statement that division (b)(3) of this Section prohibits any person from doing any of the following:

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

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

3. Falsely attesting on a waiver form provided by the veterinarian under division (b)(4) of this Section that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(5) It is an affirmative defense to a charge of a violation of division (b)(3) 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 (b)(4) of this Section and that attests that the dog is not a dangerous dog.

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

1. A fee of fifty dollars (\$50.00);

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

the person;

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

- a. 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;
- b. 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;
- c. 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;
- d. Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

B. 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 (b)(6)C.2. of this Section and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

C. 1. 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.

2. 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:

- a. 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;
- b. Provide written notice of the new address to the county auditor of the county where the owner previously resided.

D. 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.

E. The fees collected pursuant to this division shall be deposited in the dog and kennel fund of the county.

(c) (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 Section. 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) A. 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.

B. 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 (b)(1) of this Section 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 the 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 Section, or on appeal as described in this Section, to be a vicious dog, division (a)(4)A. of this Section and divisions (b)(1) to (b)(6) 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 Ohio R.C. 955.54 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 (b)(2)A. of this Section in an amount described in Ohio R.C. 955.99(H)(2).

(6) As used in this division (c), "nuisance dog," "dangerous dog," and "vicious dog" have the same meanings as in division (a)(1) of this Section.

(7) Whoever violates any provision set forth in divisions (b) and/or (c) of this Section is guilty of a first degree misdemeanor and shall be subject to the penalties set forth in Section 698.02 of this code.

(Ord. 12-87. Passed 6-5-12.)

618.20 ANIMAL FIGHTS.

(a) No person shall knowingly engage in or be employed at cockfighting, bearbaiting or pitting an animal against another. No person shall receive money for the admission of another to a place kept for such purpose. No person shall use, train or possess any animal for seizing, detaining or maltreating a domestic animal. Any person who knowingly purchases a ticket of admission to such a place, or is present, thereat, or witnesses such a spectacle, is an aider and abettor.

(ORC 959.15)

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

(ORC 959.99(C))

618.21 PETS IN CITY RECREATIONAL AREAS.

(a) No pets shall be permitted in any City recreational area where signs prohibiting pets are posted.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). For each subsequent offense, an offender is guilty of a misdemeanor of the fourth degree and shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00), or imprisoned not more than thirty days, or both.

(Ord. 93-207. Passed 9-21-93.)

618.22 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 Ohio R.C. Chapter 959, Ohio R.C. Chapter 2923 or Ohio 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 twelve weeks of age;

(2) Any dog that has been determined to be a dangerous dog under Ohio 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.

(ORC 955.54)

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

(ORC 955.99(O))