

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. Ch. 935

Driving animals upon roadway - see TRAF. 404.05, 412.05

Definitions generally - see GEN. OFF. 606.01

Assaulting police dog or horse or assistance dog - see GEN. OFF. 642.12

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

618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) 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)

(b) 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.

(c) 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.

(d) No person who has been convicted of or pleaded guilty to three or more violations of division (c) 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 (h) 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.

(e) 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 (e) of this section that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(f) 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 division (F) of Ohio R.C. 955.22 prohibits any person from doing any of the following:

A. Debarking or surgically silencing a dog that the person knows or has reason to believe is a 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 division (G) of Ohio R.C. 955.22 that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(g) It is an affirmative defense to a charge of a violation of division (e) 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 (f) of this section and that attests that the dog is not a vicious dog.

(h) (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 fifty dollars (\$50.00);

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 (h)(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)

(i) 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 (i). The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or

harborer resides.

(3) If the owner, keeper, or harborer 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 harborer, 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 harborer. 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 harborer 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 harborer or an attorney representing the owner, keeper, or harborer, 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 harborer 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 (d) 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 harborer 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 (i), or on appeal as described in this division (i), to be a vicious dog, Ohio R.C. 955.11(D) and divisions (d) to (h) of this section apply with respect to the dog and the owner, keeper, or harborer of the dog as if the dog were a dangerous dog, and Section 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 harborer in that manner. As part of the order, the court shall require the owner, keeper, or harborer to obtain the liability insurance required under division (d)(1) in an amount described in division (l)(5)B. of this section.

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

(ORC 955.222)

(j) Penalty.

(1) Whoever recklessly violates divisions (a) of this section is guilty of a misdemeanor of the fourth degree.

(ORC 951.99)

(2) A. Whoever violates division (b) of this section or commits a violation of division (c) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than twenty-five dollars (\$25.00) or 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) or more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than 30 days.

B. In addition to the penalties prescribed in division (j)(2)A. of this section, if the offender is guilty of a violation of division (c) of this section or a violation of division (c) 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.

(ORC 955.99(E))

(3) A. Whoever commits a violation of division (c) 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 (c) 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 (j)(2)A. of this section, if a violation of division (c) 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.

(ORC 955.99(F))

(4) Whoever commits a violation of division (c) of this section that involves a dangerous dog 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 (d) 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 (c) 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 Ohio R.C. 955.22(D) or at the county dog pound at the owner's expense.

(ORC 955.99(G))

(5) A. Whoever commits a violation of division (c) 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 (j)(5)A.2. of this section, the court shall issue an order that specifies that Ohio R.C. 955.11(D) and divisions (d) to (h) 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 Section 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 (d)(1) of this section in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand dollars (\$100,000). Until the court makes a final determination and during the pendency of any appeal of a violation of division (c) 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 Ohio R.C. 955.22(D) or at the county dog pound at the owner's expense.

(ORC 955.99(H))

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

(ORC 955.99(J))

(7) Whoever violates division (e)(1), (e)(2), or (e)(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 (e)(1), (e)(2), or (e)(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 Ohio R.C. 955.22(D) or at the county dog pound at the owner's expense.

(ORC 955.99(L))

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

(ORC 955.99(M))

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

(ORC 955.99(N))

(10) A. If a dog is confined at the county dog pound pursuant to division (j)(4), (j)(5), or (j)(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 one hundred dollars (\$100.00) 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 (j)(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 (j)(4), (j)(5), or (j)(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 (j)(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 (j)(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.

(ORC 955.99(P))

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

(ORC 955.99(Q))

618.015 DANGEROUS DOGS.

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

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

(2) Any dog which attacks a human being or domestic animal without provocation; or

(3) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

No dog shall be deemed dangerous if it bites, attacks or menaces a trespasser on the property of its owner or if it harms or menaces anyone who has tormented or abused it.

(b) No person owning, harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on the premises of such person. A dangerous dog is "unconfined," as the term is used in this section, if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or in a dog run area upon the premises of such person. Such pen or dog run area must have sides that are six feet high or a secure top. If the pen or structure has no bottom secured to the sides, or if a dog is a type which burrows, the sides must be imbedded into the ground not less than one foot. Such structure shall be clearly marked with the words "Dangerous Dog." Such pen or dog run area shall be not closer than six feet from any property line.

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

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

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

(f) If the Chief of Police has probable cause to believe that a dangerous dog is being harbored or cared for in violation of any of the provisions of this section, he or she may make an investigation and, if a violation is present, he or she may petition a court of competent jurisdiction to order the seizure and impoundment of such dog by the County Animal Warden or his or her deputy pending trial or final disposition of the matter.

(g) If a dog has been determined to be dangerous by a court of competent jurisdiction, the Chief of Police or his or her designee within the Police Division shall, upon the advice of the County Animal Warden or his or her deputy, issue a special permit for the keeping and maintenance of a dangerous dog upon a finding by the Chief of Police, as a result of his or her investigation and the advice of the County Animal Warden, that the following conditions will be met in the keeping and maintenance of the dangerous dog:

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

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

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

(4) The manner of keeping of the dangerous dog does not constitute a nuisance and will not disturb the tranquility of the surrounding neighborhood.

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

(6) The quarters in which the dangerous dog is kept are adequately constructed so that they may be kept in a clean and sanitary condition.

(7) The applicant for such special permit shall show his or her ability to respond in damages in a single limit amount of one hundred thousand dollars (\$100,000) for bodily injury to or death of any person or domestic animal, or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of the dangerous dog. Proof of liability to respond in damages may be given by filing with the County Dog Warden a certificate of insurance from an insurance company authorized to do business in the State stating that the applicant is, at the time of his or her application, and will be during the period of such special permit, insured against liability to respond in damages. Such certificate of insurance shall provide that no cancellation of the insurance will be made unless ten days notice is first given to the Chief of Police.

(h) The Chief of Police, in investigating any applicant for a permit under this section or in the enforcement of this section, shall consult with the County Animal Warden or his or her deputy and, further, may consult with and seek the advice of the County Health Department, the Humane Society or any other individual, agency, organization or society which may be able to provide information and advice concerning the keeping of dangerous dogs.

(i) Annually, the Chief of Police shall renew such permit only upon inspection of the subject's premises and upon finding, after consultation with the County Animal Warden, that all the conditions set forth in subsection (g) hereof are being met at the time of renewal and have not been violated during the permit period which is expiring. If the Chief of Police determines during any such inspection that any of the conditions set forth in subsection (g) hereof are being violated or have been repeatedly violated in the expiring permit period, or if any such violation is not corrected within a period of time as he or she directs, which time shall not be less than fourteen days, he or she shall refuse to renew any such permit. If there have been repeated violations in the expiring permit period or if violations at the time of the renewal application continue, the Chief of Police shall petition a court of competent jurisdiction for the removal of the dangerous dog to the custody of the County Animal Warden for further disposition according to law.

(j) A special permit is required for the keeping of each dangerous dog. No person shall keep or harbor a dangerous dog without obtaining a special permit as provided in this section. A fee of one hundred dollars (\$100.00) shall be paid to the City and collected by the Chief of Police for each special permit issued. A fee of fifty dollars (\$50.00) shall be paid to the City for each annual renewal of a special permit.

(k) No person shall violate any condition imposed by subsection (g) hereof in the issuance of a special permit for a dangerous dog.

(l) Whoever violates subsection (d) or (e) hereof is guilty of a misdemeanor of the first degree. Whoever violates subsection (b), (j) or (k) hereof is guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the first degree for each subsequent offense.

(Ord. 63-1987. Passed 9-14-87.)

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.

(ORC 959.99(C))

618.05 CRUELTY TO ANIMALS; CRUELTY TO COMPANION ANIMALS.

(a) No person shall:

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

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

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

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

(5) Detain livestock in railroad cars or compartments longer than 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 therefore. Division (a) of this section does not prevent the dehorning of cattle.

(c) All fines collected for violations of division (a) of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the municipality; otherwise, all fines shall be paid to the general fund.

(d) Cruelty to Companion Animals.

(1) As used in this section:

A. "Boarding kennel" has the same meaning as in R.C. 956.01.

B. "Captive white-tailed deer" has the same meaning as in R.C. 1531.01.

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

D. "Cruelty," "torment," and "torture" have the same meanings as in R.C. 1717.01.

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

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

G. "Livestock" means horses, mules, and other equidae, cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.

H. "Practice of veterinary medicine" has the same meaning as in R.C. 4741.01.

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

J. "Serious physical harm" means any of the following:

1. Physical harm that carries an unnecessary or unjustifiable substantial risk of death;
2. Physical harm that involves either partial or total permanent incapacity;
3. Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain;
4. Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.

K. "Training kennel" means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.

L. "Wild animal" has the same meaning as in R.C. 1531.01.

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

(3) No person shall knowingly cause serious physical harm to a companion animal.

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

A. Torture, torment, or commit an act of cruelty against the companion animal;

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

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

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

A. Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;

B. Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of the deprivation or confinement;

C. Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.

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

A. Torture, torment, or commit an act of cruelty against the companion animal;

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

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

(7) Divisions (d)(2),(d)(3), (d)(4), (d)(5) and (d)(6) of this section do not apply to any of the following:

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

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

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

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

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

(8) Notwithstanding any section of the Revised Code that otherwise provides for the distribution of fine moneys, the clerk of court shall forward all fines the clerk collects that are so imposed for any violation of this section to the treasurer of the political subdivision or the state, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The treasurer to whom the fines are forwarded shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys either to provide the training that is required for humane agents under section 1717.06 of the Revised Code or to provide additional training for humane agents.

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

(f) (1) Whoever violates division (d)(2) of this section is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense.

(2) Whoever violates division (d)(7) of this section is guilty of a felony of the fifth degree.

(3) Whoever violates division (d)(4) of this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(4) Whoever violates division (d)(5) of this section is guilty of a felony of the fifth degree.

(5) Whoever violates division (d)(6) of this section is guilty of a misdemeanor of the first degree.

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

B. A court may order a person who is convicted of or pleads guilty to a violation of division (d) of the 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 R.C. 959.132.

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

(Ord. 69-2016. Passed 9-12-16.)

Statutory reference:

Cruelty to animals, see Ohio R.C. 959.13

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

Statutory penalty, see Ohio R.C. 959.99(D)

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.

(Ord. 57-1994. Passed 6-13-94.)

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 R.C. Chapter 955 or one licensed under R.C. Chapter 956, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog found not wearing at any time a valid tag shall be prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction.

(ORC 955.10)

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

(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 DOGS WITH BLIND, DEAF OR HEARING IMPAIRED OR MOBILITY IMPAIRED PERSONS OR TRAINER OF ASSISTANCE DOG.

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, lodging places, all places of public accommodation, amusement or resort, all institutions of education, 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 subsection (a) of this section, nor charge the person or trainer a fee or charge for the dog.

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

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

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

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

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

(5) Any school issued a certificate of registration by the state board of career colleges and schools.

(ORC 955.43)

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

(ORC 955.99(D))

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

(ORC 955.99(C))

618.13 NUISANCE CONDITIONS PROHIBITED.

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

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

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 REPORTING ESCAPES. (REPEALED)

(EDITOR'S NOTE: Section 618.15 was repealed as part of the 2012 updating and revision of these Codified Ordinances because substantially equivalent State law (Ohio R.C. 2927.21) was repealed by the Ohio General Assembly.)

618.16 DOGS IN PARKS. (REPEALED)

(EDITOR'S NOTE: Section 618.16 was repealed by Ordinance 109-2004, passed October 12, 2004. See Section 1066.04 for current provisions.)

618.17 KEEPING OR SELLING WILD AND EXOTIC ANIMALS.

(a) As used in this section, "wild and exotic animals" means and specifically includes the following:

(1) All poisonous snakes; badgers, bears and beavers; canids (e.g. wolves, foxes, coyotes, jackals, dingos); civet cats, constrictor snakes exceeding six feet in length; crocodilians (e.g. alligators, crocodiles, caimans, cavials); falconiformes (e.g. eagles, hawks, owls); felids (e.g. lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots); hyenas, marsupials (e.g. opossums, tasmanian wolves, kangaroos, koalas, wombats); muskrats; ostriches; porcupines; primates (nonhuman, e.g. apes, monkeys of a species whose average adult weight is twenty pounds or more, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs); procyonids (e.g. raccoons, coatis, kinkajous, ring-tailed cats, pandas); sharks; elephants; zebras; tapirs; rhinoceroses; camels; llamas; caribous; antelope; bison; reindeer; deer; giraffes; hippopotamuses; wild boars; gazelles; gnus; water buffalos; wart hogs; weasels; and wolverines; and

(2) Any other wild or exotic animal that is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property if it escaped from secure quarters.

(b) No person shall keep or permit to be kept on property owned, leased or controlled by him or her any wild or exotic animal.

(c) Division (b) of this section shall not apply to medical or educational institutions, nor to zoological parks conforming to all applicable State and Municipal regulations, including, without limitation, the following:

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

(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.

(d) Any person keeping a wild or exotic animal in violation of this section shall forfeit the animal. A forfeited animal shall be disposed of by either removal of the animal to a location suitable to the animal's survival, where the animal will not pose a threat to humans, and where such removal will not violate applicable law; by giving the animal to a zoological park; or by releasing the animal to the County Dog Warden for further disposition.

(e) Whoever violates this section is guilty of a misdemeanor of the third degree.

(Ord. 79-1984. Passed 1-28-85.)

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 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 unsprayed or unneutered dog older than 12 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))