

CHAPTER 618
Animals

- 618.01 Dogs, cats and other animals running at large; nuisance, dangerous and vicious dogs; hearings.
- 618.02 Abandoning animals.
- 618.03 Killing or injuring animals.
- 618.04 Poisoning animals.
- 618.05 Cruelty to animals; cruelty to companion animals.
- 618.06 Coloring rabbits and baby poultry; sale or display of poultry.
- 618.07 Animal fights. (Repealed)
- 618.08 Registration of dogs required.
- 618.09 Hindering capture of unregistered dog.
- 618.095 Dogs required to wear tags.
- 618.10 Unlawful tags.
- 618.11 Animal bites; quarantine and reporting.
- 618.115 Rabies vaccination of dogs and cats required.
- 618.12 Dogs with blind, deaf or hearing impaired, or mobility impaired persons.
- 618.13 Impounding and disposition; records.
- 618.14 Nuisance conditions prohibited.
- 618.15 Barking or howling dogs.
- 618.16 Hunting prohibited.
- 618.17 Dangerous and vicious dogs. (Recodified)
- 618.18 Animal owner liable for damage to property.
- 618.19 Birds.
- 618.20 Bees.
- 618.21 Sale of animals.
- 618.22 Dangerous animals.
- 618.23 Control of dogs and cats to prevent nuisance.
- 618.24 Reporting escapes. (Repealed)
- 618.25 Harboring pigeons.
- 618.26 Teasing or striking dogs used by Police Department. (Repealed)
- 618.27 Injuring or killing dogs used by the Police Department. (Repealed)
- 618.28 Raising or harboring of game birds.
- 618.29 Restrictions on dog ownership for certain convicted felons.

CROSS REFERENCES

See section histories for similar State law

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

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

Driving animals upon roadway - see TRAF. 303.06

Definitions generally - see GEN. OFF. 606.01

Assaulting police dog or horse or assistance dog - see GEN. OFF. 642.24

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

618.01 DOGS, CATS AND OTHER ANIMALS RUNNING AT LARGE; NUISANCE, DANGEROUS AND VICIOUS DOGS; HEARINGS.

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

(1) "Dangerous dog."

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

1. Caused injury, other than killing or serious injury, to any person;

2. Killed another dog;

3. Been the subject of a third or subsequent violation of Ohio R.C. 955.22(C) or any substantially equivalent municipal ordinance.

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

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

(3) "Nuisance dog."

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

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

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

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

A. Any physical harm that carries a substantial risk of death;

B. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;

C. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

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

(6) "Vicious dog."

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

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

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

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

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

(ORC 955.11(A))

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

(ORC 951.02)

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

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

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

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

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

(1) While the dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a locked pen that has a top.

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

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

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

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

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

A. The dog is loose or unconfined.

B. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully

trespassing or committing a criminal act within the boundaries of that property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) It is an affirmative defense to a charge of a violation of division (g) 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 (h) of this section and that attests that the dog is not a dangerous dog.

(j) (1) The County Auditor shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is 18 years of age or older, and who provides the following to the County Auditor:

A. A fee of 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 (j)(3)B. of this section and, upon the expiration of the certificate issued in the

original county, shall renew the certificate in the new county.

(3) A. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the County Auditor within ten days of relocating to the new address.

B. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address:

1. Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the County Auditor of the new county;

2. Provide written notice of the new address to the County Auditor of the county where the owner previously resided.

(4) The owner of a dangerous dog shall present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing this section.

(ORC 955.22)

(k) Hearing.

(1) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harborer 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 harborer 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 harborer of the dog may request a hearing regarding the designation in accordance with this division (k). The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or 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 (e) that apply to dangerous dogs regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or 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 (k), or on appeal as described in this division (k), to be a vicious dog, Ohio R.C. 955.11(D) and divisions (e) to (j) 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 618.29 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 (f)(1) in an amount described in division (l)(5)B. of this section.

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

(ORC 955.222)

(l) Penalty.

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

(Ohio R.C. 951.99)

(2) A. Whoever violates division (c) of this section or commits a violation of division (d) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than 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 (l)(2)A. of this section, if the offender is guilty of a violation of division (c) of this section or a violation of division (d) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(ORC 955.99(E))

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

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

(ORC 955.99(F))

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

(ORC 955.99(G))

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

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

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

B. If the court does not order the vicious dog to be destroyed under division (l)(5)A.2. of this section, the court shall issue an order that specifies that Ohio R.C. 955.11(D) and divisions (e) to (j) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that Section 618.29 applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (f)(1) of this section in an amount, exclusive of interest and costs, that equals or exceeds 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 (d) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions described in division (e) of this section or at the county dog pound at the owner's expense.

(ORC 955.99(H))

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

(ORC 955.99(J))

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

(ORC 955.99(L))

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

(ORC 955.99(M))

(9) Whoever violates division (j)(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 (l)(4), (l)(5), or (l)(7) of this section, the county dog warden shall give written notice of the confinement to the owner of the dog. If the county dog warden is unable to give the notice to the owner of the dog, the county dog warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of 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 (l)(10)A. of this section does not do so within ten days of the confinement of the animal, the dog is forfeited, and the county dog warden may determine the disposition of the dog unless the court issues an order that specifies otherwise.

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

(ORC 955.99(P))

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

(ORC 955.99(Q))

618.02 ABANDONING ANIMALS.

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

(ORC 959.01) (Ord. 1972-1. Passed 1-24-72.)

(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)) (Ord. 1983-17. Passed 4-11-83.)

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 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) (Ord. 1972-1. Passed 1-24-72.)

(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 therefor. Division (a) of this section does not prevent the dehorning of cattle.

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

(ORC 959.13)

(d) Cruelty to Companion Animals.

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

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" has the same meaning as in Ohio 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. 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 Ohio 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 a 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. "Torment" has the same meaning as in R.C. § 1717.01.

L. "Torture" has the same meaning as in R.C. § 1717.01.

M. "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.

N. "Wild animal" has the same meaning as in Ohio 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 Ohio 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 division (d) to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The Treasurer 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 R.C. § 1717.06 or to provide additional training for humane agents.

(R.C. § 959.131)

(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.

(ORC 959.99(D))

(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 to be prosecuted under appropriate State law on each subsequent offense.

(2) Whoever violates division (d)(3) of this section is guilty of a felony to be prosecuted under appropriate state law.

(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 to be prosecuted under appropriate state law.

(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 Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

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

(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.

(ORC 959.99(E))

Statutory reference:

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

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 ANIMAL FIGHTS. (REPEALED)

(EDITOR'S NOTE: Section 618.07 was repealed as part of the 1986 updating and revision of these Codified Ordinances.)

618.08 REGISTRATION OF DOGS REQUIRED.

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

(ORC 955.21)

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

(ORC 955.99(E))

618.09 HINDERING CAPTURE OF UNREGISTERED DOG.

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

(ORC 955.24)

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

(ORC 955.99(B))

618.095 DOGS REQUIRED TO WEAR TAGS.

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

(ORC 955.10)

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

(ORC 955.99(B))

618.10 UNLAWFUL TAGS.

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

(ORC 955.25)

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

(ORC 955.99(B))

618.11 ANIMAL BITES; QUARANTINE AND REPORTING.

(a) Any person owning, keeping or harboring any animal known to have or suspected of having rabies or any animal subject to rabies, and known to have bitten a human being or other animal, shall immediately surrender such animal to the Department of Police or to a registered doctor of veterinary medicine upon demand of any officer of the Department of Police exhibiting a quarantine order of the Chief of Police, or when the Chief is not within the limits of the County or if such position is vacant, then of the next ranking officer of the Department of Police.

(b) Any animal surrendered as provided in this section shall remain under quarantine until released by a registered doctor of veterinary medicine. Any expense of the quarantine of such animal shall be borne by its owner.

(c) No person shall refuse, upon proper demand, to surrender any animal for quarantine or, without proper authority, to take from quarantine any animal placed therein.

(Ord. 1959-87. Passed 12-14-59.)

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.

618.115 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

(a) Any person owning, keeping or harboring any dog or cat over the age of three months shall be required to have such animal currently immunized against rabies by a licensed veterinarian.

(b) All owners or keepers of a dog or cat as set forth in division (a) of this section shall maintain a record of such immunization as provided by a veterinarian. Such persons shall provide proof of immunization to any person so requiring.

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

(Ord. 1997-44. Passed 10-27-97.)

618.12 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.

(ORC 955.43(A), (B))

(c) As used in 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; or

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.

(ORC 955.99(D))

618.13 IMPOUNDING AND DISPOSITION; RECORDS.

(a) The Police Department or 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 dogs. If such dog is wearing a valid dog license tag or 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 shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog remaining unclaimed within ten days of the mailing of written notice, or of actual notice thereof, shall be sold or otherwise disposed of as provided by law.

(b) A record of all dogs 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 shall be kept and furnished monthly to the Mayor.

(Ord. 1972-1. Passed 1-24-72.)

618.14 NUISANCE CONDITIONS PROHIBITED.

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

(Ord. 2012-25. Passed 6-11-12.)

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

618.15 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, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

(Ord. 1972-1. Passed 1-24-72.)

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

618.16 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 Police Chief or his or her designated representative may, in his or her sole discretion, issue a Municipal Deer 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 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; and

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.

(2) 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. 2016-17. Passed 6-27-16.)

618.17 DANGEROUS AND VICIOUS DOGS. (RECODIFIED)

(EDITOR'S NOTE: Former Section 618.17 was combined with Section 618.01 as part of the 2002 updating and revision of these Codified Ordinances. Please see Section 618.01 for any provisions regarding dangerous and vicious dogs.)

618.18 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY.

The owner, keeper or harbinger of any animal which damages or destroys public or private property shall be held liable for the full value of the property damaged or destroyed in addition to any penalty imposed for a violation of this chapter.

(Ord. 1972-1. Passed 1-24-72.)

618.19 BIRDS.

(a) No person shall kill or injure any wild bird or throw, fire or shoot a bullet, stone, arrow or other missile at a bird or break, tear down or destroy any birds' nests or the eggs or other contents of the nests or catch or capture any wild bird or set traps or spread nets or snares with intent to catch or capture the same or follow or pursue the same with intent to catch or injure a bird.

(Ord. 1956-75. Passed 10-22-56.)

(b) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.

618.20 BEES.

(a) No person shall keep or harbor bees which cause annoyance to other persons or damage to the property of others.

(b) Upon complaint being made, the Mayor is authorized and directed to notify the owner or keeper of the bees to abate the

nuisance and to remove the hives or other contrivances where the bees are kept or harbored, within ten days after being notified thereof. No person shall fail to comply with such an order of the Mayor within such period.

(Ord. 1956-75. Passed 10-22-56.)

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor, of the third degree.

618.21 SALE OF ANIMALS.

(a) No person shall display, sell, offer for sale, barter or give away any living baby chick, duckling, bird, dog, cat, rabbit or other animal which is kept or maintained in brooder facilities, a pen, cage or other housing which is not adequate to safeguard the health of the fowl or other animal and which is not approved by the County Health Officer.

(Ord. 1955-21. Passed 3-21-55.)

(b) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.

618.22 DANGEROUS ANIMALS.

(a) No person, being the owner of or having possession or charge of a dangerous animal, shall keep or maintain such dangerous animal within the City, unless he or she has first obtained a special animal permit issued by the Director of Public Service. As used in this section, "dangerous animal" means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, constitutes a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.

(b) A permit shall be issued for one year upon the payment of a fee of ten dollars (\$10.00) per residence where such animal or animals are kept and will be deemed to have expired one year from the date of issuance.

(c) The person to whom a permit is issued hereby consents to permit the Director of Public Service or his or her designate to inspect the premises, at his or her option. Failure to comply with any of the following requirements shall be grounds to revoke such permit by action of the Director:

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

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

(3) The health or well-being of the animal shall in no way be endangered by the manner of keeping or confinement.

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

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

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

(7) The applicant for such special permit shall prove his or her ability to respond in damages to and including the amount of one hundred thousand dollars (\$100,000), for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the Director of Public Service 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 such damages.

(d) This section shall not apply to the keeping of dangerous animals in the following situations:

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

(2) The keeping of such animals for exhibit to the public by an exhibit or show;

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

(4) The keeping of dangerous or poisonous reptiles by bona fide educational or medical institutions for the purpose of instruction or study, provided that such reptiles are securely confined.

(e) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 1981-39. Passed 9-14-81.)

618.23 CONTROL OF DOGS AND CATS TO PREVENT NUISANCE.

(a) No owner, keeper or person having custody or control of any dog or cat shall allow or permit such dog or cat to commit a nuisance on any public property or upon any private property, other than that of the owner, keeper or person who has accepted the custody or control of such dog or cat. "Nuisance," as used in this section, means defecation.

(b) Where the owner or person in charge or control of such dog or cat immediately removes all feces deposited by such dog or cat and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

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

(Ord. 1982-36. Passed 7-19-82.)

618.24 REPORTING ESCAPES. (REPEALED)

(EDITOR'S NOTE: Section 618.24 was repealed as part of the 2013 updating and revision of these Codified Ordinances because a violation of substantially identical State law (Ohio R.C. 2927.21) was repealed by the Ohio General Assembly.)

618.25 HARBORING OF PIGEONS.

(a) Declaration of Nuisance. The common pigeon is hereby declared to be a menace to the public health and welfare and a source of damage to persons and property, and shall, therefore, be considered a public nuisance to be disposed of at the discretion of the Department of Public Service.

(b) Compliance Required. No person shall harbor or keep any live pigeon within the City. Notwithstanding this prohibition, any person harboring or keeping fancy, utility, high-flying and/or racing domestic breeds of pigeons on the effective date of this section (Ordinance 1987-10, passed February 23, 1987) shall be permitted to harbor or keep such pigeons, but only if such person complies with this section.

(c) License Required. No person shall harbor or keep any live domestic breed of pigeon within the City without first obtaining a license therefor from the Director of Public Service. Such license, when issued in the manner hereinafter provided, shall entitle the holder thereof to keep not more than one pair of domestic pigeons per 2.25 square feet of loft space under the terms and conditions set forth in this section.

(d) License Application. The Director shall prescribe the form of application, which shall include the name of the applicant, the name of the person to be custodian of the pigeons, the location and type of structure wherein the pigeons are to be kept and any other pertinent information which may be necessary for the enforcement of this section.

(e) License Renewals. The Director shall issue a pigeon license for a period of one year. Such license may be renewed annually upon payment of the fee set forth in division (f) of this section. However, a new license shall not be issued as a matter of right to a person whose license has been revoked until he or she has complied with this section and has given the Director satisfactory assurance of future compliance.

(f) License Fee. The fee for a domestic pigeon license shall be five dollars (\$5.00) per year, per loft of pigeons. The number of pigeons shall not exceed one pair per 2.25 square feet of loft space.

(g) Care of Pigeons. No breeder shall permit lofts to become dirty and/or smelly or allow birds to wander uncontrolled about the neighborhood.

(h) Revocation of License.

(1) If any licensee, personally, or any agent or custodian of his or her pigeons, violates any provision of this section, the Director may revoke the license in addition to any fines and forfeitures that may be imposed by any court upon such person for a violation of this Section.

(2) The Director may also revoke any license for any period less than the full one-year period. However, no such license shall be revoked unless the licensee first has a hearing before the Director, at which time any complaint respecting the alleged violation shall be presented. The licensee shall be given at least ten days notice, in writing, of the time and place of such hearing.

(i) Appeals. Any person aggrieved by any order of revocation by the Director may, within 20 days from the issuance of the order of revocation, appeal to the Board of Zoning Appeals. All interested parties shall be notified of the time and place of the hearing at least 48 hours before the time set therefor.

(j) Maintenance of Homing Pigeons. No person shall harbor or maintain any homing pigeon except under the following conditions:

(1) No loft, coop or other place for keeping or confining homing pigeons shall be maintained, operated or permitted to exist within a distance of 25 feet from any building used as a residence, garage, playhouse, permanent swimming pool or patio.

(2) No loft, coop or other place for keeping or confining homing pigeons shall be more than 15 feet above the established grade of the premises upon which it is located.

(3) No loft, coop or other place for keeping or confining homing pigeons shall be located in any structure not constructed in accordance with the Zoning and Building Codes of the City.

(4) All runways in which such pigeons are kept and maintained shall, at all times, be kept clean and free from filth, garbage or any substance which emits a noxious odor or which can attract rats.

(5) All pigeons shall be fed within the confines of the loft or coop, and all unused food shall be collected promptly and disposed of in a manner as required in division (j)(6) of this section.

(6) All grain and food stored for the use of such pigeons shall be kept in rat- proof metal containers with tight covers.

(7) All runways shall be completely enclosed with chicken wire, netting or other equivalent material that will prevent pigeons from escaping the confines of the loft or coop.

(8) No person shall fly domestic pigeons unless he or she complies with the following rules:

A. 1. Such person must be a member in good standing of an organized racing homer club, which club has a body of rules that will preserve the peace and tranquility of the neighborhood, such as a local club in the Cleveland center, under American Union (A.U.) or a comparable organization.

2. Birds will not be released or exercised which have been fed that day and not more than 20 birds in one day shall be flown. Young birds in numbers greater than 20 may be flown, provided they do not fly outside the boundaries of the owner's yard.

B. 1. Such person must be a member in good standing of an organized high-flying club, which club has a body of rules that will preserve the peace and tranquility of the neighborhood, such as a club organized under the National Pigeon Association (N.P.A.) or a comparable organization.

2. Birds will not be released or exercised which have been fed that day, and not more than 20 birds in one day shall be flown. Young birds in numbers greater than 20 may be flown, provided they do not fly outside the boundaries of the owner's yard.

C. The owner or agent will not permit his or her birds to land, set, light or gather on the property of another, be it public or private property.

D. The owner or agent will band all his or her flying birds with a brightly colored plastic or metal band. All birds flown together will have the same color band.

E. The owner or agent will maintain a log book on the birds, which log book shall contain the following information:

1. Pigeon band number;
2. Pigeon plastic band color;
3. Time out or released;

4. Time bird returned; and

5. Type of domestic pigeon.

F. Utility and fancy pigeons shall not be released for exercise outside the loft unless they also comply with the rules for racing and/or high-flying domestic pigeons set forth in this division.

(k) Shooting and Trapping Homing Pigeons. No person, not being the owner thereof, shall shoot, kill, maim or entrap a domestic pigeon if it has the name of the owner stamped upon its wing or tail, or has a band with the owner's name or initials or a number on its leg.

(l) Definitions. As used in this section:

(1) "Fancy pigeons" means pigeons that are raised primarily to be shown in competition during pigeon shows and fairs.

(2) "High-flying pigeons" means pigeons that are raised primarily to be flown in high-flying competition.

(3) "Racing pigeons" means pigeons that are raised primarily to be flown in long distance flying competition (in organized club competition).

(4) "Utility pigeons" means pigeons that are raised primarily for food.

(m) Penalty. Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.

(Ord. 1987-10. Passed 2-23-87.)

618.26 TEASING OR STRIKING DOGS USED BY POLICE DEPARTMENT. (REPEALED)

(EDITOR'S NOTE: Section 618.26, based on Ordinance No. 1990-42, passed November 26, 1990, was repealed as part of the 2002 updating and revision of these Codified Ordinances. See Section 642.24)

618.27 INJURING OR KILLING DOGS USED BY THE POLICE DEPARTMENT. (REPEALED)

(EDITOR'S NOTE: Section 618.27, based on Ordinance No. 1990-42, passed November 26, 1990, was repealed as part of the 2002 updating and revision of these Codified Ordinances. See Section 642.24)

618.28 RAISING OR HARBORING OF GAME BIRDS.

There is imposed a moratorium for the raising or harboring of all game birds, including but not limited to, water fowl, chickens, roosters, ducks, geese, turkeys, common pigeons (other than homing pigeons) in the City. The moratorium shall expire not later than December 30, 2013, or upon the passage of regulations regarding the raising or harboring such animals, whichever shall sooner occur.

(Ord. 2013-25. Passed 5-28-13.)

618.29 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 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))