

CHAPTER 618
City of Pepper Pike: Animals

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CROSS REFERENCES

- See section histories for similar State law
- Power to restrain and impound animals - see Ohio R.C. 715.23
- Driving animals upon roadway - see TRAF. [404.04](#), [412.05](#)
- Definitions generally - see GEN. OFF. [606.01](#)
- Assaulting police dog or horse or handicapped assistance dog - see GEN. OFF. [642.08](#)
- Offensive odors from places where animals are kept or fed - see GEN. OFF. [660.04](#)

618.001 DEFINITIONS.

As used in this chapter unless otherwise specifically provided herein:

- (a) (1) "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(2) hereof has done any of the following:
- A. Caused injury, other than killing or serious injury, to any person;
 - B. Killed another dog;
 - C. Been the subject of a third or subsequent violation of Section [618.01](#)(c).
- (2) "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.
- (b) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.
- (c) (1) Subject to subsection (c)(2) hereof, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.
- (2) "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.
- (d) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.
- (e) "Serious injury" means any of the following:
- (1) Any physical harm that carries a substantial risk of death;
 - (2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
 - (3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
 - (4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.
- (f) (1) "Vicious dog" means a dog that, without provocation and subject to subsection (f)(2) hereof has killed or caused serious injury to any person.
- (2) "Vicious dog" does not include either of the following:
- A. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
 - B. A dog that has killed or caused serious injury to any person while 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.
- (g) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. (ORC 955.11)

618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(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) 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.

(ORC 955.22)

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

(ORC 951.02)

(e) (1) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 951.99)

(2) A. Whoever violates subsection (b) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

B. In addition to the penalties prescribed in subsection (e)(2)A. hereof, if the offender is guilty of a violation of subsection (b) hereof, 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.

(3) A. 1. Whoever violates subsection (c) hereof that involves a dog that is not a nuisance dog, dangerous dog or vicious dog is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

2. In addition to the penalties prescribed above, if the offender is guilty of a violation of subsection (c) hereof, 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.

B. 1. Whoever commits a violation of subsection (c) hereof, 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 subsection (c) hereof, involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.

2. In addition to the penalties prescribed above, if a violation of subsection (c) hereof 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 obedience training, or to do both.

C. Whoever commits a violation of subsection (c) hereof 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 (E) of Ohio R.C. 955.22. 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 subsection (c) hereof 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 (D) of Ohio R.C. 955.22 or at the County Dog Pound at the owner's expense.

D. 1. Whoever commits a violation of subsection (c) hereof that involves a vicious dog is guilty of one or the following:

a. A felony, if the dog kills a person, and shall be prosecuted under appropriate State law. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the County Dog Warden or the County Humane Society at the owner's expense.

b. 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;

2. If the court does not order the vicious dog to be destroyed under subsection (e)(3)D.1.b. hereof, the court shall issue an order that specifies that division (D) of Ohio R.C. 955.11 and divisions (D) to (I) of Ohio R.C. 955.22 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 Ohio R.C. 955.54 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 (E)(1) of Ohio R.C. 955.22 in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand dollars. Until the court makes a final determination and during the pendency of any appeal of a violation of subsection (c) hereof and at the discretion of the Dog Warden, the dog shall be confined or restrained in accordance with the provisions described in division (D) of Ohio R.C. 955.22 or at the County Dog Pound at the owner's expense.

(ORC 955.99)

618.02 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.
(ORC 959.01)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
(ORC 959.99)

618.03 KILLING OR INJURING ANIMALS.

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

(ORC 959.02)

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

(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 any animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his or her own lands or the lands of another.

(ORC 959.03)

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

(ORC 959.99(C))

618.05 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

- (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;
- (2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak or sunshade or a 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, or feed cows on food that produces impure or unwholesome milk; or
- (5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such stock to be so crowded as to overlie, crush, wound or kill each other.

(ORC 959.13)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree, and shall be subject to the penalty provided in Section [698.02](#). In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. (ORC 959.99(D))

618.051 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

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

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

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

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

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

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

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

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

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

(1) Torture, torment or commit an act of cruelty against the companion animal;

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

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

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

(1) Torture, torment, or commit an act of cruelty against the companion animal;

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

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

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:

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

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

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

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

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

(ORC 959.131)

(f) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.

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

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

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section

suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

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

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(ORC 925.62)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree for a first offense and a misdemeanor of the third degree for any subsequent offense. The penalty shall be as provided in Section [698.02](#).

(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 misdemeanor of the fourth degree and shall be subject to the penalty provided in Section [698.02](#).

618.08 REGISTRATION OF DOGS REQUIRED.

(a) Except for guide, leader or listener dogs, or dogs in training to become guide, leader or listener dogs, registered under Ohio R.C. 965.011, and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, 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) for a first offense. For each subsequent offense, such person shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than thirty days. (ORC 955.99(E)(1))

618.09 HINDERING CAPTURE OF UNREGISTERED DOG.

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

(ORC 955.24)

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

Section **698.02**.

(ORC 955.99(A))

618.095 DOGS REQUIRED TO WEAR TAGS.

(a) No owner of a dog, except a dog constantly confined to a registered kennel, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog's failure at any time to wear a valid tag shall be prima-facie evidence of lack of registration and shall subject such dog to impounding, sale or destruction.
(ORC 955.10)

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

Section **698.02**.

(ORC 955.99(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 such animal.

(ORC 955.25)

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

Section **698.02**.

(ORC 955.99(A))

618.11 ANIMAL BITES; QUARANTINE; RABIES.

(a) Whenever any animal has bitten any person, the Chief of Police shall order such animal quarantined in the Cuyahoga County Dog Kennels or in a veterinarian's kennels for a period extending not longer than ten days from the date of the biting. Any person who is the owner or has custody or possession of such animal who fails to cause such animal to be quarantined in conformity with such order shall be deemed to be in violation of this section.

(b) Any owner of any animal known to have or suspected of having rabies or having been exposed to rabies, shall immediately notify the Chief of Police of such fact and immediately surrender such animal to any health officer or police officer upon demand of such officer. No owner knowing or suspecting that an animal has rabies shall allow such animal to be taken off his or her premises without the permission of a health officer or police officer. Any health or police officer, upon ascertaining that a dog is rabid, shall immediately remove the dog to the pound or summarily destroy it.

(Ord. 1970-6. Passed 1-21-70.)

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

(Ord. 1972-59. Passed 9-20-72.)

618.12 HUNTING AND LEGHOLD TRAPS PROHIBITED.

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

(1) A police officer or animal warden in the discharge of his or her duties.

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

(3) A State of Ohio licensed nuisance animal trapper operating under the authority of an Ohio Division of Wildlife Deer Damage Control Permit and utilizing trapping in accordance with rules and regulations established by the Police Chief.

(b) No person shall set or maintain any trap within the Municipality except for nuisance animals in accordance with the following conditions:

(1) The trapping is conducted under the authority of the owner or lawful occupant of the premises upon which such trap is set or maintained.

(2) The trapping is conducted in accordance with all applicable State laws and the rules and regulations of the Ohio Division of Wildlife.

(3) The trapping of deer shall be conducted by licensed nuisance animal trappers operating under the authority of Ohio Division of Wildlife Deer Damage Control Permits and utilizing trapping in accordance with rules and regulations established by the Chief of Police.

(4) Steel jawed leg-hold traps are prohibited except that steel jawed leg-hold traps that have padded or rubberized coating on the jaws or multi-stranded cable snares may be used by licensed nuisance animal trappers for the trapping of coyotes on property within the Municipality on the condition that the contiguous property owners shall be informed of the presence of such traps.

(5) Except as otherwise specifically provided herein only cage type live traps employed for the control of nuisance animals shall be permitted.

(6) The provisions of this section do not apply to the use of any trap specifically designed to kill rats, mice, or moles.

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

(Ord. 2007-48. Passed 6-20-07.)

618.13 NUISANCE CONDITIONS PROHIBITED.

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

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

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.

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