

CHAPTER 505

City of Tallmadge: Animals and Fowl

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CROSS REFERENCES

- See sectional histories for similar State law
- Owner or keeper liable for damages - see Ohio R.C 951.10
- Dog registration - see Ohio R.C. 955.01
- Discharging firearms prohibited - see GEN. OFF. [549.10](#)

505.01 DOGS, CATS 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 or cat shall fail at any time to keep it either 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, or under reasonable control of some person. A person shall be considered a harbinger of any dog or cat if such person provides food, water, or shelter for such dog or cat without regard to actual ownership of such animal.

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

(f) (1) Whoever violates subsection (b) or (c) hereof 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 in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

(ORC 955.99; Ord. 69-1997. Passed 6-12-97.)

505.02 IMPOUNDING AND ASSESSMENT OF COSTS.

(a) The Animal Warden or other duly authorized person shall patrol the City and on view shall seize dogs running at large. The Animal Warden shall seize dogs, cats, and other animals which pose a threat to public safety. The Animal Warden shall use all reasonable means to ascertain the owner or harborer of seized animals.

(b) Costs shall be assessed against every animal seized, impounded, housed, fed, euthanized, and/or disposed. Costs shall be the actual amount billed to the City by the county responsible for the animal control services plus all city administration costs. For purposes of this section, administration costs shall mean all costs and expenses incurred by the Police Department, the Director of Public Service and the Director of Law in identifying, capturing, and/or removing animals at large.

(c) Such costs shall be a valid claim in favor of the City against the owner or harborer of the animal seized. The Chief of Police shall send an invoice for payment of costs to the owner or harborer. If payment is not made within thirty days, the claim shall be referred to the Director of Law.
(Ord. 97-2004. Passed 1-13-05.)

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.
(ORC 955.99(D)).

505.04 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)

505.05 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or 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) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), 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, such person is guilty of a misdemeanor of the first degree.

(ORC 959.99(B))

505.06 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 farm animal, dog, cat, poultry or 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 of such animals, either upon his own lands or the lands of another. (ORC 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(ORC 959.99(C))

505.07 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 (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made 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 twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock 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 such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(ORC 959.13)

(c) Whoever violates 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 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))

505.071 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. "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.
- (8) "Tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(b) 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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment in any of those specified manners.
- (6) Confine a companion animal in a motor vehicle under any conditions that may endanger the well-being of the companion animal.
- (7) No person who shelters companion animals from the elements by means of an animal shelter, a cage, or a pen shall fail to conform it to the following requirements:
 - (i) The shelter, cage or pen shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position;
 - (ii) The shelter, case or pen shall provide sufficient shade to allow the animal to escape excessive direct rays of the sun;
 - (iii) The shelter, cage or pen shall be regularly cleaned and sanitized.
- (8) No person shall tether an animal in any of the following circumstances:
 - (i) For more than ten (10) hours total in a twenty-four (24) hour period;
 - (ii) If a heat or cold advisory has been issued by a local or state authority or the National Weather Service;
 - (iii) If a severe weather warning has been issued by a local or state authority or the National Weather Service;
 - (iv) If the tether is less than twenty (20) feet in length;

- (v) If the tether allows the animal to cross the property line or cross onto public property;
- (vi) If the tether may cause injury or entanglement;
- (vii) If the tether is made of a material that is unsuitable for the animal's size and weight.

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

- (1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.

(e) 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.

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

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

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

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

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

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

(Ord. 51-2015. Passed 7-9-15.)

505.08 NUISANCE CONDITIONS PROHIBITED.

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

(b) Whoever violates this section is guilty of a minor misdemeanor. Each day on which a violation occurs shall be a separate offense.

505.09 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 shall allow 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.

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

505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Animal Warden within twenty-four hours. Whenever it is reported to the Animal Warden that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Animal Warden. The dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Animal Warden and shall be at the expense of the owner or harbinger. Quarantine shall continue until the Animal Warden determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Animal Warden requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Animal Warden the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harbinger. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

No person shall fail to comply with the requirements of this section or with any order of the Animal Warden made pursuant thereto, nor fail to immediately report to the Animal Warden any symptoms or behavior suggestive of rabies.

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

505.11 HUNTING PROHIBITED.

(a) The hunting of game, animals or fowl within the Municipality is prohibited.

(b) For the purpose of this section, hunting means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether such acts result in such killing or wounding or not. It includes every attempt to kill or wound and every act of assistance to any other person killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.

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

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

(ORC 925.62)

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

505.13 OBSTRUCTING ANIMAL WARDEN.

- (a) No person shall obstruct, hinder or interfere with the Animal Warden when lawfully engaged in the performance of his duties.
- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

505.14 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 corporate limits of the City unless he has first obtained a special animal permit issued by the Animal Warden.
- (b) No person who has such permit shall have possession or charge of more than one dangerous animal at any single location.
- (c) A permit shall be issued for one year upon payment of a fee of fifty dollars (\$50.00) to the Police Department and will be deemed to have expired one year from date of issuance.
- (d) The person to whom a permit is issued hereby consents to permit the Animal Warden to inspect the premises prior to the expiration of the permit if renewal is desired and to inspect the premises not more than three months after such permit is issued and to pay for each such inspection the sum of fifteen dollars (\$15.00); and failure to comply with any of the following requirements shall be grounds to revoke such permit by action of the Animal Warden:
- (1) The animal shall be kept or maintained in a safe manner and at all times 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 they may be kept in a clean and sanitary condition.
 - (7) The applicant for such special permit shall prove his 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 Animal Warden a certificate of insurance from an insurance company authorized to do business in the State stating that the applicant is, at the time of his application, and will be during the period of such special permit, insured against liability to respond in such damages, or by posting with the Animal Warden a surety bond conditioned upon the payment of such damages during the period of such special permit. Such certificate of insurance or bond will be made unless ten days written notice is first given to the Animal Warden.
- (e) The provisions of subsections (a), (b) and (c) hereof shall not apply to keeping of dangerous animals in the following situations:
- (1) The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public view, or for the purpose of instruction or study.
 - (2) The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show.
 - (3) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.
 - (4) Dangerous or poisonous reptiles may be maintained by bona fide educational or medical institutions for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the Animal Warden.
- (f) Whoever violates subsection (a) or (b) hereof shall be guilty of a misdemeanor of the third degree. Each day that such violation occurs shall constitute a separate offense.
(Ord. 42-1978. Passed 4-13-78.)

505.15 LIABILITY 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.

505.16 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

- (a) "Whoever" includes owner, keeper, handler or harborer.
 - (b) "Owner" includes keeper, handler or harborer.
 - (c) "Registration tag" means the metal tag issued annually by the County Auditor evidencing a registered dog.
 - (d) "Registered dog" means a dog registered in compliance with Ohio R.C. Chapter 955.
 - (e) "Run-at-large" means running at will, away from the premises of the owner, acting on its own initiative and not on leash or under the immediate control of the owner.
 - (f) "Impound" means to seize summarily, confine and retain in custody of law.
 - (g) "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 would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.
- (Ord. 42-1978. Passed 4-13-78.)

505.17 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

- (1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and
- (2) The Clerk of the Municipal Legislative Authority.

(b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with subsection (a) hereof if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 2927.21)

505.18 DANGEROUS DOGS.

(a) Definitions.

(1) "Dangerous dog" as used in this section and subsections means and includes:

- A. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- B. Any dog which attacks a human being or domestic animal without provocation; or
- C. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- D. No dog shall be deemed dangerous if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.

(2) "Person" means any individual, firm, association or corporation.

(3) "Domestic animal" means any live vertebrate creature.

(b) Prohibitions.

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

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

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

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

(5) In the event that the Summit County Animal Warden, or Deputy Warden has probable cause to believe that a dangerous dog is being harbored or cared for in violation of subsections (b)(1) to (4) hereof, the Animal Warden or Deputy Warden may make an investigation of such complaint and if a violation is present, the Animal Warden, or Deputy Warden, may petition a court of competent jurisdiction to order the seizure and impoundment of the dangerous dog, pending trial.

(6) In the event a dog has been determined dangerous by a court of competent jurisdiction, the Animal Warden, or Deputy Warden, shall issue a special permit for the keeping or maintenance of a dangerous animal if after inspection and investigation by the Animal Warden, or Deputy Warden, it is found that:

A. The animal is at all times kept or maintained in a safe manner, that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life, domestic animals, or the property of others.

B. Adequate safeguards are made to prevent unauthorized access to such animal by members of the public.

C. The health or well being of this animal is not in any way endangered by the manner of keeping or confinement.

D. The keeping of such animal does not constitute a nuisance and will not disturb the tranquility of the surrounding neighborhood.

E. The keeping of such animal will not create or cause offensive odors or constitute a danger to public health.

F. The quarters in which such animal is kept are adequately constructed that they may be kept in a clean and sanitary condition.

G. The applicant for such special permit proves his ability to respond in damages in a single limit amount of one hundred thousand dollars (\$100,000) for bodily injury to, or death of, any person, domestic animal, 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 Summit County Animal Warden a certificate of insurance from an insurance company authorized to do business in the State stating that the applicant is, at the time of his application, and will be during the period of such special permit, insured against liability to respond in such damages. Such certificate of insurance shall provide that no cancellation of the insurance will be made unless ten days notice is given to the Summit County Animal Warden.

H. The Summit County Animal Warden, in investigating any applicant for a permit under this section or in the enforcement of this section, is authorized to consult with and seek the advice of the local Police Department, Health Department, Humane Society or any other individual, agency, organization or society which may be able to provide information and advice concerning the keeping of dangerous dogs.

I. Every three months, the Summit County Animal Warden shall renew such permit only upon an inspection of the subject premises and a finding that all criteria are met. Should the Animal Warden determine during any such inspection that any of the conditions therein specified are being violated, he shall refuse to renew any such permit, or he shall revoke any such permit in the event that such violation is not corrected within such period of time as he directs and the Summit County Animal Warden shall petition a court of competent jurisdiction for the removal of such dangerous dog.

J. A separate permit is required for the keeping of each dangerous dog.

(c) Penalty.

(1) Whoever violates subsections (a) or (b) hereof shall be guilty of a misdemeanor of the first degree. Whoever is found guilty of second offense of violating this section shall be guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000), which fine shall be mandatory and shall not be suspended or remitted, and may be imprisoned for a term not to exceed six months.

(2) Any dangerous dog which attacks a human being or another domestic animal may be ordered destroyed when in the court's judgment, such dangerous dog represents a continuing threat of serious harm to human beings or other domestic animals. The Summit County Animal Warden shall be authorized by the court to humanely euthanize such dog.

(3) Any person found guilty of violating this section shall pay all expenses including, but not limited to, the following:

A. Shelter, food, veterinary expenses necessitated by the seizure of any dog for the protection of the public.

B. Medical treatment for persons or domestic animals necessitated by injuries resulting from an attack by such dangerous dog.

C. Other expenses as may be required for the destruction of such dog.

(Ord. 161-1986. Passed 11-13-86.)

505.19 STABLING OF HORSES.

(a) Definitions. As used in this section:

(1) "Horses" shall mean horses, ponies, donkeys, and/or jackasses.

(2) "Stable" shall mean any barn, building, or other structure used for the keeping, housing, or feeding of horses.

(b) Stable and Fenced Lot Required.

(1) A stable and fenced lot shall be required on any premises where horses are kept, permitted, allowed, boarded, or harbored.

(2) Stables shall be located not less than:

A. 125 feet from any neighbor's dwelling;

B. 35 feet from any lot line;

C. 50 feet from a drilled water well.

(c) Land and Area Required.

(1) No person shall keep any horse on a lot or within the Municipality unless such person has a minimum property area of two acres; and two or more such animals shall be kept upon property containing not less than five acres, except for any such animal under six months of age.

(d) Non-conforming Uses.

(1) Any horse owned, kept, maintained, or boarded within the City on property or conditions which do not comply with the minimum requirements of this section shall be deemed a non-conforming use.

(2) Each person having such a non-conforming use shall register with the Building Department within 180 days of the effective date of this section the name, age, breed, and markings of such horse(s) and the name of the harborer or owner, address of property where animal is kept, address of owner, and the telephone number of owner and harborer.

(3) Upon the death or permanent removal of any horse, the owner or harborer shall not thereafter be permitted to acquire any other horse unless in compliance with the requirements of this section.

(e) Penalty. Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day a violation occurs or continues. A violation of this section shall constitute a nuisance and the penalty herein shall be in addition to any other remedy available.

(Ord. 39-2005. Passed 5-12-05.)

505.99 PENALTY.

(EDITOR'S NOTE: See Section [501.99](#) for penalties applicable to any misdemeanor classification.)