

CHAPTER 618
Animals

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CROSS REFERENCES

See section histories for similar State law

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

Driving animals upon roadway - see TRAF. 404.05, 412.05

Definitions generally - see GEN. OFF. 606.01

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

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

618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person, being the owner or having charge of cattle, sheep, geese, ducks, turkeys, chickens, or other fowl, or dogs or domestic cats or other feline creatures, shall permit any such animals to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(Ord. 83-5. Passed 1-3-1983.)

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

(Ord. 2001-50. Passed 6-18-2001.)

(c) No owner, keeper or harbinger of any dog 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 escapes or under reasonable control of some person.

(ORC 955.22)

(d) 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)

(e) Whoever violates this division (a) hereof is guilty of a misdemeanor of the fourth degree.

(ORC 951.99)

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

(1982 Code, § 505.01) (ORC 955.99)

618.02 ABANDONING ANIMALS.

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

(ORC 959.01)

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

(ORC 959.99(E)(2))

618.03 KILLING OR INJURING ANIMALS.

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

(ORC 959.02)

(b) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, whoever violates division (a) of this section is guilty of a misdemeanor of the first degree.

(ORC 959.99(B))

618.04 POISONING ANIMALS.

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

(ORC 959.03)

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

(ORC 959.99(C))

618.05 CRUELTY TO ANIMALS; CRUELTY TO COMPANION ANIMALS.

(a) No person shall:

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

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

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

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

(5) Detain livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the stock to be so crowded as to overlie, crush, wound, or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty 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 Ohio R.C. 956.01.

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

C. "Companion animal." 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.

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 Ohio R.C. 956.06, a boarding kennel, or a training kennel.

F. "Federal Animal Welfare Act." 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." 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 Ohio R.C. 1717.01.

L. "Torture." Has the same meaning as in Ohio 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 Ohio 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 Ohio 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 Ohio R.C. 1717.06 or to provide additional training for humane agents.

(ORC 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 BARKING OR HOWLING DOGS.

(a) Any dog or other animal which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity, intermittance or duration as to disturb the peace and quiet of the community or as to annoy, disturb or endanger the comfort, repose or health of any person occupying property in the neighborhood, is hereby declared to be committing a nuisance. No owner or person having custody of such dog shall harbor or permit the dog to commit such nuisances.

(Ord. 72-10. Passed 2-7-72.)

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

(1982 Code, § 505.09)

618.08 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.

(1982 Code, § 505.03)

618.09 HINDERING CAPTURE OF UNREGISTERED DOG.

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

(ORC 955.24)

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

(ORC 955.99(B))

618.095 DOGS REQUIRED TO WEAR TAGS.

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

(ORC 955.10)

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

(ORC 955.99(B))

618.10 UNLAWFUL TAGS.

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

(ORC 955.25)

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

(ORC 955.99(B))

618.11 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 Chief of Police within twenty-four hours by the owner, caretaker or keeper of the dog or other animal. Any dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian, and results of such examination shall be reported to the Chief of Police by the owner, caretaker or keeper of the animal within twenty-four hours. At the direction of the Chief of Police and/or his or her designate, the dog or other animal shall be confined by its owner, caretaker or keeper to his premises away from the public at large. In the alternative, the Chief of Police or his or her designate may direct that the dog or other animal be placed under the supervision of a veterinarian at owner or harbinger's expense if any of the following apply: the dog or other animal inflicted serious injury; the owner or harbinger of the dog or other animal is unable to confine the dog or other animal; or the results of the veterinarian's report within twenty-four hours of the bite, as provided herein, indicate that the dog or other animal shows signs or symptoms of rabies or other disease requiring quarantine under the supervision and control of a veterinarian.

(1) The isolation or observation period shall not be less than ten days from the date the person was bitten, at which time report of the condition of the animal shall be made to the Chief of Police by the owner, caretaker or keeper of the animal.

(2) No person shall fail to comply with the requirements of this section, or with any order of the Chief of Police and/or his or her designate made pursuant thereto, nor fail to immediately report to the Chief of Police any symptom or behavior suggestive of rabies.

(b) Each day the owner, harborer or keeper fails to comply with an order of quarantine or the reporting requirements herein shall be deemed a separate violation.

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

(1982 Code, § 505.10) (Ord. 85-32. Passed 6-17-1985.)

618.12 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

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

618.125 QUARANTINE.

(a) Whenever it is established that any dog or other animal has rabies infection or shows signs of being infected with rabies, the owner or person having custody or possession of the animal, upon order of the Director of Public Safety and/or the Chief of Police, shall quarantine such animal in the County Dog Kennels or in a veterinarian's kennel for a period of ten days from the date of the order, at the cost and expense of the owner or person having custody or possession of such animal.

(b) In the event that the owner or person having custody or possession of such animal fails to comply with the order provided for in division (a) hereof within six hours after the order has been issued and served upon the owner or person having custody or possession, any police officer or the Dog Warden of the City may take such animal into custody and place the same in quarantine at the expense of the owner or person having custody or possession of such animal.

(1982 Code, § 505.15) (Ord. 44-46. Passed 12-4-1944.)

618.13 NUISANCE CONDITIONS PROHIBITED.

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

(b) Digging, urinating or defecating by any dog on any public or private property in the City is hereby declared to be a nuisance. No owner, keeper or person having custody or charge of any dog shall permit such dog to commit such nuisance on any public or private property other than the lot and land where such owner, keeper or person having custody or charge of such dog resides, provided that the foregoing restriction shall not apply to private property onto which such owner, keeper or person having custody or charge of any dog has permission of the owner or resident to walk such dog. The owner, keeper or person having custody, charge or control of such dog shall immediately remove all feces deposited by such dog and dispose of the same in a sanitary manner.

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

(1982 Code, § 505.08) (Ord. 72-10. Passed 2-7-1972.)

618.14 IMPOUNDING AND DISPOSITION; RECORDS.

(a) Animal Pound. The Dog Warden shall provide a suitable place; either within or outside the corporate limits, for the keeping of impounded dogs in a humane manner and the making of proper provision for the feeding and care of such dogs.

(b) Duty to Impound; Registry. The Dog Warden or any police officer shall apprehend any dog found running at large and shall impound or cause to be impounded such dog in the City pound or other suitable place. The Dog Warden, upon receiving any dog, shall make a complete registry, entering the breed, color and sex of the dog and whether licensed. If licensed he or she shall enter the name and address of the owner and the number of the license tag.

(Ord. 55-35. Passed 5-2-1955.)

(c) Notice to Owner and Redemption. Not later than two days after the impounding of any dog, the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for three days on the bulletin board in the main lobby of the Police Building in the City, describing the dog and the time and place of taking. The owner of any dog so impounded may reclaim such dog upon presentation of a dog license or tag if the dog was unlicensed or untagged, and upon the payment of an impounding fee of \$20.00 (\$50.00 on a subsequent impounding of the same dog) plus boarding charges at the rate of \$10.00 per day.

(Ord. 81-5. Passed 1-5-1981; Ord. 2009-03. Passed 1-5-2009.)

(d) Disposition of Dogs. Any dog which has been seized by the Dog Warden and impounded shall be kept, housed and fed for three days. At the expiration of such time, unless previously redeemed by the owner thereof, such animal shall be surrendered to the County Dog Pound.

(e) Records and Receipts. A record of all dogs impounded, the disposition of the same, the owner's name and address, where known, and a statement of impounding fees and costs assessed against such dogs shall be kept by the Dog Warden and he or she shall furnish a copy thereof to the Director of Finance of the City and shall turn over all moneys received by him or her to the Director of Finance.

(f) Confinement of Certain Dogs. Any dog of fierce, dangerous or vicious propensities found running at large shall be taken up and impounded and shall not be released except upon approval of the Mayor, after payment of the impounding fee and costs as provided in division (c) hereof. However, if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any police officer.

(1982 Code, § 505.02) (Ord. 55-35. Passed 5-2-1955.)

618.15 RESERVED.

618.16 ANIMAL FIGHTS.

(a) No person shall engage in or be employed at dogfighting, cockfighting, bearbaiting, pitting an animal against another, or cruelty to animals, nor receive money for the admission of another to a place kept for such purpose, nor use, train or possess a dog or other animal for seizing, detaining or maltreating a domestic animal. Any person who knowingly purchases a ticket of admission to such place, or is present thereat, or witnesses such spectacle, is an aider and abettor.

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

(1982 Code, § 505.13) (Ord. 77-27. Passed 5-2-1977.)

618.17 DOGS WITH BLIND PERSONS.

(a) When a blind person is accompanied by a dog which serves as a guide or leader for him or her, and he or she can show proof by certificate or other means that the dog leading him or her has been trained for that purpose by some special agency engaged in such work, the person 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.

(b) No person shall deprive a blind person of any of the advantages, facilities or privileges provided in division (a) hereof, nor charge the blind person a fee or charge for the dog.

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

(1982 Code, § 505.16) (Ord. 77-27. Passed 5-2-1977.)

618.18 NUMBER OF ANIMALS LIMITED.

(a) No person shall keep, harbor or maintain more than a total of two animals of any kind or nature except puppies, kittens or other domestic animals not over three months old in any single-family dwelling, or in any separate suite in a two-family dwelling, multi-family dwelling or apartment within the City. The terms "dwelling" and "suite", as used in this section, include the lot or parcel of land on which the house or building containing the suite is located and also all out-buildings located on such lot or parcel.

(Ord. 44-46. Passed 12-4-1944.)

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

(1982 Code, § 505.18) (Ord. 77-27. Passed 5-2-1977.)

618.19 DOMESTIC ANIMALS PROHIBITED IN STORES.

(a) No person owning, keeping or having custody of any animal shall take, lead or carry such animal into any store or place of business or permit or allow the same to enter any store or place of business.

(Ord. 44-46. Passed 12-4-1944.)

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

(1982 Code, § 505.19) (Ord. 77-27. Passed 5-2-1977.)

618.20 PROXIMITY TO DWELLINGS.

(a) No person shall keep, harbor or maintain any horse, mule, cattle, sheep, goat, swine, rabbit, chicken, goose or other fowl or animal, except a dog or a cat, within 500 feet of the inhabited dwelling of any other person.

(Ord. 44-46. Passed 12-4-1944.)

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

(1982 Code, § 505.20) (Ord. 77-27. Passed 5-2-1977.)

618.21 PIGEONS.

(a) Common Pigeons a 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 and Properties.

(b) Harboring Pigeons Prohibited. No person shall harbor or keep any live pigeons within the City, except homing pigeons, and then only if the requirements of this section are complied with.

(c) License for Homing Pigeons. No person shall harbor or keep any live homing pigeons within the City without first obtaining a license therefor from the Building Commissioner. Such license, when issued in the manner hereinafter provided, shall entitle the holder thereof to keep not more than 25 homing pigeons under the terms and conditions set forth in this section.

(d) Application for License. The Building Commissioner 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. Each application shall be submitted to the Safety Committee of Council. The application shall then be presented to Council, with the recommendation of the Safety Committee, for its consideration. No license shall be issued unless it has been approved by a majority vote of Council.

(e) Period of License. Upon approval by Council, the Building Commissioner shall issue a homing pigeon license for a period of one year, which may be renewed annually upon payment of the fees herein set forth. However, a new license shall not issue as a matter of right to one whose license has been revoked until he or she has complied with all the provisions of this section and has given Council satisfactory assurance of future compliance.

(f) License Fees. The fee for a homing pigeon license shall be \$5.00 per year, per loft of pigeons, not to exceed 25 in number. Such fee shall be tendered with the application for a license or for the renewal thereof. If no license is issued after 60 days from the receipt of such application or renewal thereof, the fee shall be returned to the applicant.

(g) Revocation of License.

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

(2) The Building Commissioner 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 Commissioner, 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.

(h) Appeals. Any person aggrieved by any order of revocation by the Building Commissioner may, within 20 days from the issuance of the order of revocation, appeal to Council by serving a notice of such appeal upon the Clerk of Council and the Commissioner. Such appeal may be heard at a time to be set by the Clerk of Council not more than 30 nor less than five days after service of the notice of appeal. All interested parties shall be notified of the time and place of the hearing at least 48 hours before the time set therefor. Council may affirm, alter or set aside any portion of the revocation order of the Commissioner.

(i) Conditions for 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 or operated or be permitted to exist within a distance of 100 feet of 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 (6) hereof.

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

(7) Homing pigeons shall not be permitted to fly at large but may be released for not more than one hour for exercise.

(8) 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.

(Ord. 57-55. Passed 10-7-1957.)

(j) Shooting and Trapping Homing Pigeons. No person, not being the owner thereof, shall shoot, kill or maim an Antwerp or homing pigeon, commonly known as a carrier pigeon, or entrap, catch or detain a carrier pigeon if it has the name of the owner stamped upon its wing or tail, or has a band with the owner's name, initials or a number on its leg.

(Ord. 44-46. Passed 12-4-1944.)

(k) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.

(1982 Code, § 505.21)

618.22 WILD, DANGEROUS OR UNDOMESTICATED ANIMALS PROHIBITED.

(a) No person shall harbor, maintain or control a wild, dangerous or undomesticated animal within the City.

(b) A "wild, dangerous or undomesticated animal" is an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:

- (1) Is a poisonous or venomous animal or snake, or a snake that is a constrictor; or
- (2) Is an omnivorous or carnivorous animal weighing more than twenty pounds and which is a predator in its natural habitat;
- (3) Is an animal which, by reason of its size, strength or appetite, if unrestrained and free in the City, could cause peril to children, adults, pets or other domesticated animals, buildings, landscaping or personal property;
- (4) Is an animal which makes noise with sufficient frequency and volume to constitute a nuisance to persons in the vicinity of such animal;
- (5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- (6) Is, by way of illustration and without limitation, one of the following: an ape: chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papio or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodilia), coyote (Cams Latrans), deer (Cervidae - includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose), elephant (Elephas or Loxodonta), game cocks and other fighting birds, hippopotamus (Hippopotarnidae), hyena (Hyaenidae), jaguar (Panthers Onca), leopard (Panthers Pardus), lion (Panthers Leo), lynx (Lynx), monkey (Cercopithecidae - old world), ostrich (Struthio), piranha fish (Charactdae), puma (Felis Concolor - also known as cougar, mountain lion and panther), rhinoceros (Rhinocerotidae), shark (Class Chondrichthyes), snow leopard (Panthers Uncia), tiger (Panthers Tigris) and wolf (Canis Lupus).

(c) If any part of division (b) hereof, or the application thereof to any person shall be held to be invalid, such invalidity shall not affect the validity or application of the remaining parts of division (b) which shall be given effect without the invalid provisions or application and, to that end, the divisions of this section are declared to be severable.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day during which such violation shall continue shall constitute a separate offense.

(1982 Code, § 505.22) (Ord. 84-57. Passed 10-15-1984.)

618.23 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

(a) Any person owning, keeping or harboring any dog or cat age one year or older, shall be required to have such animal currently immunized against rabies by a licensed veterinarian.

(b) All owners or keepers as described in division (a) hereof shall maintain a record of such immunization as provided by a veterinarian. They shall provide said proof of immunization to any person so inquiring.

(c) Whoever violates division (a) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates division (b) hereof is guilty of a minor misdemeanor. Punishment shall be provided in Section 501.99.

(1982 Code, § 505.24) (Ord. 97-69. Passed 11-3-1997.)

618.24 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(1) "Dangerous dog" is defined as follows:

A. "Dangerous dog" means a dog that, without provocation, and subject to paragraph (a)(1)B hereof, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top.

B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger, 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) "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.

(3) "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.

(4) "Vicious dog" is defined as follows:

A. "Vicious dog" means a dog that, without provocation, and subject to paragraph (a)(4)B. hereof, meets any of the following requirements

1. Has killed or caused serious injury to any person;
2. Has caused injury, other than killing or serious injury, to any person, or has killed another dog; or
3. Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping or harboring of such a breed of dog shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog.

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

1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or 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; or
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.

(5) "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.

(b) Except when a dangerous or vicious 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 or vicious 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 building, in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

(2) While that dog is off the premises of the owner, keeper or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

A. Keep that dog in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top;

B. 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 stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

C. Muzzle that dog.

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusively of interest and costs, of not less than one hundred thousand dollars, (\$100,000.00) because of damage or bodily injury to or death of a person caused by the vicious dog.

(Ord. 2001-50. Passed 6-18-2001.)

(d) If a violation of division (b) hereof involves a dangerous dog, whoever violates that division is guilty of a misdemeanor of the second degree. The court may order the offender to personally supervise the dangerous dog that he or she 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 (c) hereof. 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.

(Ord. 2001-50. Passed 6-18-2001; Ord. 2001-69. Passed 9-4-2001.)

(e) If a violation of division (b) hereof involves a vicious dog, whoever violates that division is guilty of one of the following:

(1) A felony of the fourth degree on a first or subsequent offense if the dog kills or seriously injures a person. Prosecution shall be made under Ohio R. C. 955.22(D) and the penalty shall be as provided in Ohio R. C. 2929.11. 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.

(2) A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense. Prosecution for the misdemeanor shall be under this section. Prosecution for the felony shall be under Ohio R.C. 955.22(D) and the penalty shall be as provided in Ohio R.C. 2929.11. 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.

(3) A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to any person.

(f) Whoever violates division (c) hereof is guilty of a misdemeanor of the first degree.

(1982 Code, § 505.25) (Ord. 2001-50. Passed 6-18-2001.)