

CHAPTER 90: ANIMALS

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Cross-reference:

Assaulting police dog, horse or assistance dog, see § 136.15

Dead animals, improper disposal as nuisance, see § 93.23

Hunting prohibited, see § 132.15

Statutory reference:

Hunting and fishing regulations, see R.C. Chapter 1533

Law enforcement canine registration, see R.C. § 955.012

Nuisance wild animal trapping, see O.A.C. § 1501:31-15-03

Rabies: report of dog bite, confinement of animal, report of suspected rabid animal, see O.A.C. §§ 3701-3-28 through 3701-3-30

ANIMALS RUNNING AT LARGE

§ 90.01 DOGS OR OTHER ANIMALS RUNNING AT LARGE; NUISANCE, DANGEROUS OR VICIOUS DOGS; HEARINGS.

(A) *Animals running at large.*

(1) 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.

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

(3) The owner or keeper of an animal described in division (A)(1) of this section who negligently permits it to run at large in violation of division (A)(1) of this section is liable for all damages resulting from injury, death, or loss to person or property caused by the animal in any of the places specified in division (A)(1) of this section or upon the premises of another without reference to the fence that may enclose the premises.

(4) The running at large of any animal specified in division (A)(1) of this section in or upon any of the places specified in division (A)(1) of this section is prima facie evidence in a civil action for damages under division (A)(3) of this section that the owner or keeper of the animal negligently permitted the animal to run at large in violation of division (A)(1) of this section.

(B) *Dogs running at large; dangerous dogs; debarked or surgically silenced dangerous dogs.*

(1) As used in this division (B), **DANGEROUS DOG** has the same meaning as in R.C. § 955.11.

(2) 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.

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

(a) 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; or

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

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

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

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

(5) No person who has been convicted of or pleaded guilty to three or more violations of division (B)(3) of this section involving the same dog and no owner, keeper, or harbinger of a dangerous dog shall fail to do the following:

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

(b) Obtain a dangerous dog registration certificate from the County Auditor pursuant to division (B)(9) of this section, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;

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

1. The dog is loose or unconfined.

2. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.

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

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

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

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

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

(c) Falsely attest on a waiver form provided by the veterinarian under division (B)(7) of this section that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

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

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

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

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

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

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

1. Debarking or surgically silencing a dog that the person knows or has reason to believe is a dangerous dog;
2. Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;
3. Falsely attesting on a waiver form provided by the veterinarian under R.C. § 955.22(G) that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(8) It is an affirmative defense to a charge of a violation of division (B)(6) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (B)(7) of this section and that attests that the dog is not a dangerous dog.

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

1. A fee of \$50;
2. The person's address, phone number, and other appropriate means for the local dog warden or County Auditor to contact the person;
3. With respect to the person and the dog for which the registration is sought, all of the following:
 - a. Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;
 - b. Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;
 - c. Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property;
 - d. Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

(b) Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the County Auditor shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure in division (B)(9)(c)2. of this section and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

(c) 1. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the County Auditor within ten days of relocating to the new address.

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

- a. Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the County Auditor of the new county;
- b. Provide written notice of the new address to the County Auditor of the county where the owner previously resided.

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

(C) *Hearing.*

(1) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

(2) If a person who is authorized to enforce this chapter has reasonable cause to believe that a dog in the person's jurisdiction is a

nuisance dog, dangerous dog, or vicious dog, the person shall notify the owner, keeper, or harbinger of that dog, by certified mail or in person, of both of the following:

(a) That the person has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable;

(b) That the owner, keeper, or harbinger of the dog may request a hearing regarding the designation in accordance with this division (C). The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or harbinger resides.

(3) If the owner, keeper, or harbinger of the dog disagrees with the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, as applicable, the owner, keeper, or harbinger, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the municipal court or county court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harbinger. At the hearing, the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog. The owner, keeper, or harbinger of the dog or the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog may appeal the court's final determination as in any other case filed in that court.

(4) A court, upon motion of an owner, keeper, or harbinger or an attorney representing the owner, keeper, or harbinger, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harbinger until the court makes a final determination under this section or during the pendency of an appeal, as applicable. Until the court makes a final determination and during the pendency of any appeal, the dog shall be confined or restrained in accordance with the provisions of division (B)(4) that apply to dangerous dogs regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or harbinger of the dog shall not be required to comply with any other requirements established in this Code or the Ohio Revised Code that concern a nuisance dog, dangerous dog, or vicious dog, as applicable, until the court makes a final determination and during the pendency of any appeal.

(5) If a dog is finally determined under this division (C), or on appeal as described in this division (C), to be a vicious dog, § 90.32(D) and divisions (B)(4) to (B)(9) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog, and § 90.42 applies with respect to the dog as if it were a dangerous dog, and the court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harbinger in that manner. As part of the order, the court shall require the owner, keeper, or harbinger to obtain the liability insurance required under division (B)(5)(a) in an amount described in division (D)(4)(b) of this section.

(6) The court may order the impoundment of the dog at the owner, keeper, or harbinger's expense in the city kennel pending the determination designation of a dog as a nuisance dog, dangerous dog, or vicious dog subject to the provisions of § 90.40.

(7) The court may order the City Dog Warden with the assistance of the City Police Department, and/or the County Dog Warden, to enter upon the property of an owner, keeper, or harbinger of a dog subject to a designation as a nuisance dog, dangerous dog, or vicious dog and to confine said dog to prevent further threat to the community from further release, running at large or unavoidable escapes and to allow for testing for rabies and other disease, if necessary.

(8) The court may order the destruction of any animal designated a nuisance dog, dangerous dog, or vicious dog. Such order shall be carried out only after an owner, keeper, or harbinger of a dog subject to a designation as a nuisance dog, dangerous dog, or vicious dog has exhausted all appeals of the designation decision. Costs of impoundment of the dog during the pendency of all appeals and any cost of destruction of the dog shall be at the owner, keeper, or harbinger's expense.

(9) As used in this division (C), **NUISANCE DOG**, **DANGEROUS DOG**, and **VICIOUS DOG** have the same meanings as in § 90.32.

(D) *Penalty.*

(1) (a) Whoever violates division (B)(2) of this section or commits a violation of division (B)(3) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than \$25 or more than \$100 on a first offense, and on each subsequent offense shall be fined not less than \$75 or more than \$250 and may be imprisoned for not more than 30 days.

(b) In addition to the penalties prescribed in division (D)(1)(a) of this section, if the offender is guilty of a violation of division (B)(2) of this section or a violation of division (B)(3) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(2) (a) Whoever commits a violation of division (B)(3) of this section that involves a nuisance dog is guilty of a minor

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

(b) In addition to the penalties prescribed in division (D)(2)(a) of this section, if a violation of division (B)(3) of this section involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(3) Whoever commits a violation of division (B)(3) of this section that involves a dangerous dog, or a violation of division (B)(4) of this section is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (B)(5) of this section. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. With respect to a violation of division (B)(3) of this section that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with division (B)(4) of this section or at the county dog pound at the owner's expense.

(4) (a) Whoever commits a violation of division (B)(3) of this section that involves a vicious dog is guilty of one of the following:

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

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

(b) If the court does not order the vicious dog to be destroyed under division (D)(4)(a)2. of this section, the court shall issue an order that specifies that § 90.32(D) and divisions (B)(4) to (B)(9) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that § 90.42 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 (B)(5)(a) of this section in an amount, exclusive of interest and costs, that equals or exceeds \$100,000. Until the court makes a final determination and during the pendency of any appeal of a violation of division (B)(3) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions described in division (B)(4) of this section or at the county dog pound at the owner's expense.

(5) Whoever violates division (B)(5)(b) of this section is guilty of a misdemeanor of the fourth degree.

(6) Whoever violates division (B)(6)(a), (B)(6)(b), or (B)(6)(c) of this section is guilty of a felony to be prosecuted under appropriate state law. Additionally, the court shall order that the dog involved in the violation be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (B)(6)(a), (B)(6)(b), or (B)(6)(c) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (B)(4) of this section or at the county dog pound at the owner's expense.

(7) Whoever violates division (B)(5)(a), (B)(5)(c), or (B)(5)(d) of this section is guilty of a minor misdemeanor.

(8) Whoever violates division (B)(9)(d) of this section is guilty of a minor misdemeanor.

(9) (a) If a dog is confined at the county dog pound pursuant to division (D)(3), (D)(4), or

(D)(6) of this section, the county dog warden shall give written notice of the confinement to the owner of the dog. If the county dog warden is unable to give the notice to the owner of the dog, the county dog warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of \$100 is due to the county dog warden within ten days to secure payment of all reasonable expenses, including medical care and boarding of the dog for 60 days, expected to be incurred by the county dog pound in caring for the dog pending the determination. The county dog warden may draw from the security any actual costs incurred in caring for the dog.

(b) If the person ordered to post security under division (D)(9)(a) of this section does not do so within ten days of the confinement of the animal, the dog is forfeited, and the county dog warden may determine the disposition of the dog unless the court issues an order that specifies otherwise.

(c) Not more than ten days after the court makes a final determination under division (D)(3), (D)(4), or (D)(6) of this section, the county dog warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the county dog warden finds that the security provided under division (D)(9)(a) of this section is less than the actual cost of confinement of the dog, the owner shall remit the difference between the security provided and the actual cost to the county dog warden within 30 days after the court's determination. If the county dog warden finds that the security provided under division (D)(9)(a) of this section is greater than that actual cost, the county dog warden shall remit the difference between the security provided and the actual cost to the owner within 30 days after the court's determination.

(10) As used in this division (D), *NUISANCE DOG*, *DANGEROUS DOG*, and *VICIOUS DOG* have the same meanings as in § 90.32.

(Ord. 14-043, passed 7-1-14)

§ 90.02 CONFINING ANIMAL FOUND AT LARGE; PUBLICATION OF NOTICE; LIEN.

A person finding an animal at large in violation of § 90.01(A)(1) may, and a law enforcement officer of the municipality on view or information shall, take and confine that animal, promptly giving notice of the taking and confining of the animal to the owner or keeper, if known, and if not known, by publishing a notice describing the animal once in a newspaper of general circulation in the county or municipality where the animal was found. If the owner or keeper does not appear and claim the animal and pay the compensation prescribed in § 90.04 for so taking, advertising, and keeping it within ten days from the date of the notice, that person or the county shall have a lien for that compensation and the animal may be sold at public auction as provided in R.C. § 1311.49. The residue of the proceeds of sale shall be paid and deposited by the Treasurer in the General Funds of the county.

(R.C. § 951.11)

§ 90.03 UNAVOIDABLE ESCAPES.

If it is proven that an animal running at large in violation of § 90.01(A)(1) escaped from its owner or keeper without the owner's or keeper's knowledge or fault, the animal shall be returned to its owner or keeper upon payment of the compensation prescribed in § 90.04 for its taking, advertising and keeping.

(R.C. § 951.12)

§ 90.04 FEES.

(A) The person or municipality whose law enforcement officer takes an animal running at large in violation of § 90.01(A)(1) is entitled to receive from the owner or keeper of the animal the following compensation:

- (1) For taking and advertising each animal, \$5.00; and
- (2) Reasonable expenses actually incurred for keeping each animal.

(B) Compensation for taking, advertising, and keeping a single herd or flock shall not exceed \$50.00 when the flock or herd belongs to one person.

(R.C. § 951.13)

§ 90.05 RABIES QUARANTINE ORDERS OF MAYOR.

(A) Whenever, in the judgment of the Mayor or his or her designee, rabies is prevalent, he or she shall declare a quarantine of all dogs in the municipality or a part thereof. During the quarantine, the owner, keeper or harbinger of any dog shall keep it confined on the premises of the owner, keeper or harbinger or in a pound, kennel, or other suitable place, at the expense of the owner, keeper or harbinger, except that a dog may be permitted to leave the premises of its owner, keeper or harbinger if it is under leash or under the control of a responsible person. The quarantine order shall be considered an emergency and need not be published.

(B) When the quarantine has been declared, the Mayor or his or her designee may require the vaccination for rabies of all dogs

within the municipality or part thereof.

(R.C. § 955.26)

(C) No person shall violate a rabies quarantine order issued under this section or R.C. § 955.26.

(R.C. § 955.39)

(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor for a first offense; for each subsequent offense such person is guilty of a misdemeanor of the fourth degree.

(R.C. § 955.99(C))

§ 90.06 INTERFERING WITH ENFORCEMENT OF QUARANTINE ORDERS.

(A) No person shall hinder, obstruct, resist or interfere with any enforcing officer while engaged in enforcing an order issued under § 90.05.

(B) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.

§ 90.07 (REPEALED)

§ 90.08 DOGS MAY BE KILLED FOR CERTAIN ACTS.

Subject to R.C. § 955.261(A)(2) and (3), a dog that is chasing or approaching in a menacing fashion or apparent attitude of attack that attempts to bite or otherwise endanger, or that kills or injures a person, or a dog that chases, threatens, harasses, injures, or kills livestock, poultry, other domestic animal, or other animal that is the property of another person, can be killed at the time of that chasing, threatening, harassment, approaching, attempt, killing or injury. If, in attempting to kill such a dog, a person wounds it, the person is not liable to prosecution under the criminal laws or ordinances that punish cruelty to animals. Nothing in this section precludes a law enforcement officer from killing a dog that attacks a police dog as defined in R.C. § 2921.321.

(Ord. 14-043, passed 7-1-14)

OFFENSES RELATING TO DOMESTIC ANIMALS

§ 90.10 ABANDONING ANIMALS.

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

(R.C. § 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.

(R.C. § 959.99(E)(2)) ('65 Code, § 505.04)

§ 90.11 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.

(R.C. § 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 \$300 or more, whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.

(R.C. § 959.99(B))

(C) This section does not apply to a person killing or injuring an animal or attempting to do so while endeavoring to prevent it from trespassing upon his or her enclosure, or while it is so trespassing, or while driving it away from his or her premises; provided within 15 days thereafter, payment is made for damages done to such animal by killing or injuring, less the actual amount of damage done by such animal while so trespassing, or a sufficient sum of money is deposited with the nearest judge of a county court or judge of a municipal court having jurisdiction within such time to cover the damages. The deposit shall remain in the custody of such judge until there is a determination of the damage resulting from such killing or injury and from the trespass. The judge and his or her bondsmen shall be responsible for the safekeeping of such money and for the payment thereof as for money collected upon a judgment.

(R.C. § 959.04)

('65 Code, § 505.05)

§ 90.12 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.

(R.C. § 959.03)

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

(R.C. § 959.99(C))

(C) This section does not apply to a person killing or injuring an animal or attempting to do so while endeavoring to prevent it from trespassing upon his or her enclosure, or while it is so trespassing, or while driving it away from his or her premises; provided that within 15 days thereafter, payment is made for damages done to such animal by killing or injuring, less the actual amount of damage done by such animal while so trespassing, or a sufficient sum of money is deposited with the nearest judge of a county court or judge of a municipal court having jurisdiction within such time to cover the damages. The deposit shall remain in the custody of such judge until there is a determination of the damage resulting from such killing or injury and from the trespass. The judge and his or her bondsmen shall be responsible for the safekeeping of such money and for the payment thereof as for money collected upon a judgment.

(R.C. § 959.04)

('65 Code, § 505.06)

§ 90.13 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.

(R.C. § 959.13)

(D) *Cruelty to companion animals.*

(1) As used in this section:

BOARDING KENNEL. Has the same meaning as in R.C. § 956.01.

CAPTIVE WHITE-TAILED DEER. Has the same meaning as in R.C. § 1531.01.

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

CRUELTY, TORMENT, and TORTURE. Have the same meanings as in R.C. § 1717.01.

DOG KENNEL. Means an animal rescue for dogs that is registered under R.C. § 956.06, a boarding kennel, or a training kennel.

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

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.

PRACTICE OF VETERINARY MEDICINE. Has the same meaning as in R.C. § 4741.01.

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.

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.

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.

WILD ANIMAL. Has the same meaning as in R.C. § 1531.01.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The administering of medicine to a companion animal that was properly prescribed by

a person who has been issued a license, temporary permit, or registration certificate under R.C. Chapter 4741.

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

(R.C. § 959.131)

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

(R.C. § 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 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 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.

(R.C. § 959.99(E))

Statutory reference:

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

§ 90.14 ANIMAL FIGHTS.

(A) No person shall knowingly do either of the following:

- (1) Engage in cockfighting, bearbaiting, or pitting an animal against another;
- (2) Use, train, or possess any animal for seizing, detaining, or maltreating a domestic animal.

(B) No person shall knowingly do either of the following:

- (1) Be employed at cockfighting, bearbaiting, or pitting an animal against another;
- (2) Do any of the following regarding an event involving cockfighting, bearbaiting, or pitting an animal against another:
 - (a) Wager money or anything else of value on the results of the event;
 - (b) Pay money or give anything else of value in exchange for admission to or being present at the event;
 - (c) Receive money or anything else of value in exchange for the admission of another person to the event or for another person to be present at the event;

(d) Use, possess, or permit or cause to be present at the event any device or substance intended to enhance an animal's ability to fight or to inflict injury on another animal;

(e) Permit or cause a minor to be present at the event if any person present at or involved with the event is conducting any of the activities described in division (B)(1) or (B)(2)(a), (B)(2)(b), (B)(2)(c), or (B)(2)(d) of this section.

(C) A person who knowingly witnesses cockfighting, bearbaiting, or an event in which one animal is pitted against another when a violation of division (B) of this section is occurring at the cockfighting, bearbaiting, or event is an aider and abettor and has committed a violation of this division. (R.C. § 959.15)

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

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

(R.C. § 959.99(C), (I))

Statutory reference:

Dogfighting, felony provisions, see R.C. § 959.16

§ 90.15 TRAPSHOOTING.

(A) Live birds or fowl shall not be used as targets in trapshooting.

(R.C. § 959.17)

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

(R.C. § 959.99(C))

§ 90.16 COLORING RABBITS OR BABY 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. (R.C. § 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. (R.C. § 925.99(B))

('65 Code, § 505.03)

§ 90.17 ANIMAL ENCLOSURE TO BE KEPT CLEAN.

(A) The owner or person in charge of any wild or domestic fowl or animals shall at all times keep the enclosure within which the same are kept or confined, and the place of deposit of manure therefrom, in a neat, clean and sanitary condition and at a distance of not less than 100 feet from any inhabited dwelling.

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

('65 Code, § 505.02) (Ord. 5-74, passed 2-19-74)

§ 90.18 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.

('65 Code, § 505.08)

§ 90.19 KEEPING OF ANIMALS, FISH, FOWL AND REPTILES.

(A) No person shall keep, maintain or have in his possession or under his control within the city any of the following:

- (1) Any poisonous animal, fish or reptile;
- (2) Apes: chimpanzees, gibbons, gorillas, orangutans and siamangs;
- (3) Baboons;
- (4) Bears;
- (5) Bison;
- (6) Cheetahs;
- (7) Crocodilians;
- (8) Constrictor snakes;
- (9) Deer;
- (10) Elephants;
- (11) Game cocks and other fighting birds;
- (12) Hippopotami;
- (13) Hyenas;
- (14) Jaguars;
- (15) Leopards;
- (16) Lions;
- (17) Lynxes;
- (18) Ostriches;
- (19) Piranha fish;
- (20) Pumas, also known as cougars, mountain lions and panthers;
- (21) Rhinoceroses;
- (22) Sharks;
- (23) Snow leopards;
- (24) Tigers;

(B) No person shall keep, maintain or have in his possession or under his control within the city any cattle, chickens, donkeys, ducks, goats, horses, mules, pigeons, ponies, sheep, swine or turkeys. The ownership or other entitlement to possession of five or more contiguous acres of land shall be an affirmative defense to a violation of this division if the animal or fowl is kept on such land. This division shall not prohibit the keeping of animals or fowl provided the keeper was keeping an equal or lesser number of the same type of animal or fowl on either the date of passage of this section, or the date of annexation, if annexed after the date of this section. This division shall not prohibit the possession of donkeys, horses, mules or ponies in the city for participation in a parade.

(C) No person shall keep, maintain or have in his possession or under his control within the city any animal which is normally considered potentially dangerous due to its temperament or size unless it is maintained in such a way as to minimize danger to the

general public. Animals considered to be potentially dangerous shall include, but not be limited to, wolves, coyotes, or cross-breeds of these and dogs, foxes and bobcats. Such animals shall be restrained at all times. Such cage or pen shall be constructed so as to assure that the animal will not escape nor will unauthorized persons be able to enter. A cage or pen containing such animal shall be enclosed on all sides and the top, with a gate locked with a padlock or other locking device requiring a key to open. The bottom of the cage or pen shall be constructed of concrete, blacktop or other material sufficient to prevent the animal from digging out.

(D) This section does not apply to any circus or to any person while transporting any animal, fish, fowl or reptile through the city, provided that the animal, fish, fowl or reptile is adequately restrained to avoid injury to persons or damage to property.

(E) Whoever violates any provision of this section is guilty of a minor misdemeanor, unless such person has previously been convicted of a violation of this section or such violation results in injury to any person, in which cases a violation of this section shall constitute a misdemeanor of the first degree.

('65 Code, § 505.09) (Ord. 6-81, passed 1-27-81)

§ 90.20 ANIMAL BITES.

(A) Whenever any person is bitten by a dog or other mammal, report of such bite shall be made within 24 hours to the Health Commissioner. The report herein required shall be made in conformance with O.A.C. § 3701-3-28 by any health care provider or by any licensed doctor of veterinary medicine with knowledge of the bite or by the person bitten.

(B) All requirements of O.A.C. §§ 3701-3-29 and 3701-3-30 and all orders of the Health Commissioner regarding a dog or other mammal that has bitten an individual shall be promptly complied with.

(C) All violations of this section shall be prosecuted as provided in R.C. § 3701.57.

('65 Code, § 505.10) (Ord. 13-087, passed 12-3-13)

§ 90.21 DEFECATION AS A NUISANCE.

(A) No person being the owner or in charge or control of any animal shall permit such animal to defecate upon any public land or any private land other than the land where the owner or person in charge of such animals resides.

(B) The owner or person in charge or control of any animal which defecates on any such prohibited land shall immediately clean such and cause its removal to a proper receptacle.

(C) The owner or person in charge of any animal shall keep the property where he resides in a clean and sanitary condition by regularly removing the defecation of his animal to prevent accumulations.

(D) The defecation of any animal is hereby declared to be a nuisance, creating an unsanitary and unhealthful condition, causing an accumulation of insects and bacteria, and in violation of the regulations of this section, is hereby declared to be unlawful and a misdemeanor.

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

('65 Code, § 505.13)

§ 90.22 SEXUAL CONDUCT WITH AN ANIMAL.

(A) As used in this section:

ANIMAL. Means a nonhuman mammal, bird, reptile, or amphibian, either dead or alive.

OFFENSE. Means a violation of this section or an attempt, in violation of R.C. § 2923.02, to violate this section.

OFFICER. Has the same meaning as in R.C. § 959.132.

SEXUAL CONDUCT. Means either of the following committed for the purpose of sexual gratification:

(a) Any act done between a person and animal that involves contact of the penis of one and the vulva of the other, the penis of one and the penis of the other, the penis of one and the anus of the other, the mouth of one and the penis of the other, the mouth of one and the anus of the other, the vulva of one and the vulva of the other, the mouth of one and the vulva of the other, any other contact between a reproductive organ of one and a reproductive organ of the other, or any other insertion of a reproductive organ of one into an orifice of the other;

(b) Without a bona fide veterinary or animal husbandry purpose to do so, the insertion, however slight, of any part of a person's body or any instrument, apparatus, or other object into the vaginal, anal, or reproductive opening of an animal.

(B) No person shall knowingly engage in sexual conduct with an animal or knowingly possess, sell, or purchase an animal with the intent that it be subjected to sexual conduct.

(C) No person shall knowingly organize, promote, aid, or abet in the conduct of an act involving any sexual conduct with an animal.

(D) An officer may seize and cause to be impounded at an impounding agency an animal that the officer has probable cause to believe is the subject of an offense. With respect to an animal so seized and impounded, all procedures and requirements that are established in R.C. § 959.132, and all other provisions of that section, apply to the seizure, impoundment, and disposition of the animal. References in R.C. § 959.132 to "section 959.131 of the Revised Code", "companion animal", and "offense" shall be construed, respectively, as being references to "§ 90.22 of this Code" and to "animal" and "offense" as defined in this section, for purposes of application under this section only.

(R.C. § 959.21)

(E) (1) 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 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.

(R.C. § 959.99(D))

(2) 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.

(R.C. § 959.99(E)(6))

PROVISIONS CONCERNING DOGS

§ 90.30 LOUD DOG.

No owner, keeper, or harbinger of a dog shall permit or allow such dog to annoy or disturb any person by frequent or habitual howling, yelping, barking, or making of other noises by such dog. Any person who shall allow any animal habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure owned or occupied by such person shall be considered as keeping or harboring such animal.

('65 Code, § 511.04) (Ord. 98-76, passed 9-25-76)

Cross-reference:

Nuisances generally, see Chapter 93

§ 90.31 DOG 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.

(R.C. § 955.10)

(B) Whoever violates division (A) of this section shall be guilty of a minor misdemeanor.

(R.C. § 955.99(B))

§ 90.32 NUISANCE, DANGEROUS AND VICIOUS DOG DEFINED; TRANSFER OF OWNERSHIP CERTIFICATE; FORM STATING DOG'S PRIOR BEHAVIOR.

(A) As used in this section:

DANGEROUS DOG.

(a) A dog that, without provocation, and subject to division (b) of this definition, has done any of the following:

1. Caused injury, other than killing or serious injury, to any person;
2. Killed another dog;
3. Been the subject of a third or subsequent violation of R.C. § 955.22(C) or any substantially equivalent municipal ordinance.
4. The dog attacks another animal while the dog is off the property of the owner of the dog.

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

MENACING FASHION. A dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

NUISANCE DOG.

(a) Subject to division (b) of this definition, ***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 or another animal in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person or any other animal.

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

POLICE DOG. A dog that has been trained and may be used to assist one or more law enforcement officers in the performance of their official duties.

SERIOUS INJURY. Any of the following:

- (a) Any physical harm that carries a substantial risk of death;
- (b) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
- (c) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
- (d) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

VICIOUS DOG.

(a) A dog that, without provocation and subject to division (b) of this definition, has attacked, killed, or caused serious injury to any person or to another animal.

(b) ***VICIOUS DOG*** does not include either of the following:

1. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more

law enforcement officers in the performance of their official duties;

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

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

(B) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the County Auditor. A transfer of ownership shall be recorded by the Auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of \$5.

(C) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of

the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(D) Within ten days after the transfer of ownership or possession of any dog, if the seller or transferor of the dog has knowledge that the dog is a dangerous dog, the seller or other transferor shall give to the buyer or transferee, the Board of Health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides a completed copy of a written form on which the seller shall furnish the following information:

- (1) The name and address of the buyer or other transferee of the dog;
- (2) The age, sex, color, breed and current registration number of the dog;
- (3) In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred.

Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred.

Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred.

- (4) The dog warden of the county in which the seller resides furnishes the form to the seller at no cost.

(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section.

(F) (1) Whoever violates division (E) of this section because failure to comply with division (B) of this section is guilty of a minor misdemeanor.

(2) Whoever violates division (E) of this section because of a failure to comply with division (C) or (D) of this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(Ord. 14-043, passed 7-1-14)

Cross-reference:

Animal bites, see § 90.20

§ 90.33 FAILURE TO REGISTER DOG OR DOG KENNEL.

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

(R.C. § 955.21)

(B) Whoever violates this section shall be fined not less than \$25 nor more than \$100 on a first offense, and on each subsequent offense shall be fined not less than \$75 nor more than \$250 and may be imprisoned for not more than 30 days.

(R.C. § 955.99(E))

§ 90.34 HINDERING THE 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.

(R.C. § 955.24)

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

(R.C. § 955.99(B))

(C) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.

§ 90.35 UNLAWFUL TAG.

(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.

(R.C. § 955.25)

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

(R.C. § 955.99(B))

§ 90.36 RIGHTS OF BLIND, DEAF OR HEARING IMPAIRED, OR MOBILITY IMPAIRED PERSON, OR TRAINER WITH ASSISTANCE DOG.

(A) When either a blind, deaf or hearing impaired, or mobility impaired person, or a trainer of an assistance dog is accompanied by an assistance dog, the person or the trainer, as applicable, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, and lodging places, all places of public accommodation, amusement, or resort, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

(1) The dog shall not occupy a seat in any public conveyance; and

(2) The dog shall be leashed while using the facilities of a common carrier.

(3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(B) No person shall deprive a blind, deaf or hearing impaired, or mobility impaired person, or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division (A) of this section, nor charge the person or trainer a fee or charge for the dog.

(R.C. § 955.43(A), (B))

(C) As used in this section:

ASSISTANCE DOG. Means a guide dog, hearing dog, or service dog that has been trained by a nonprofit special agency.

BLIND. Means either of the following:

(a) Vision 20/200 or less in the better eye with proper correction;

(b) Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees.

GUIDE DOG. Means a dog that has been trained or is in training to assist a blind person.

HEARING DOG. Means a dog that has been trained or is in training to assist a deaf or hearing- impaired person.

INSTITUTIONS OF EDUCATION. Means:

(a) Any state university or college as defined in R.C. § 3345.32;

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

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

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

(e) Any school issued a certificate of registration by the state Board of Career Colleges and Schools.

MOBILITY IMPAIRED PERSON. Means any person, regardless of age, who is subject to a physiological defect or deficiency regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. **MOBILITY IMPAIRED PERSON** includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function, and also includes a person with a seizure disorder and a person who is diagnosed with autism.

SERVICE DOG. Means a dog that has been trained or is in training to assist a mobility impaired person.

(R.C. §§ 955.011(B), 955.43(C))

(D) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree.

(R.C. § 955.99(D))

Cross-reference:

Assaulting assistance dog, see § 136.15

§ 90.37 RETAIL SALE AND TRANSPORTATION OF DOGS.

(A) No person shall sell, offer to sell, or expose for sale to the general public at retail any dog under the age of eight weeks.

(B) No person shall receive or ship, for sale to the general public at retail, any dog that is not accompanied by a certificate, issued by a licensed veterinarian who is accredited by the United States Department of Agriculture and authorized to issue health certificates for animals in interstate commerce, certifying that the dog is sufficiently sound and healthy to be reasonably expected to withstand the intended transportation without adverse effect.

(C) This section does not apply to the transportation of dogs in interstate commerce by common carrier, provided that neither the point of shipment nor the point of receiving is within this state.

(D) No person responsible for the transportation of a pregnant dog shall be liable in damages for any injury or illness of, or the death of, the dog or any puppies, whenever the injuries, illness or death results from the birth of such puppies during the time the dog is being transported.

(R.C. § 955.50)

(E) Whoever violates this section is guilty of a minor misdemeanor for a first offense; each subsequent offense is a misdemeanor of the fourth degree. (R.C. § 955.99(C))

§ 90.38 DOG WARDEN; INTERFERING WITH PROHIBITED.

(A) There is hereby established the position of City Dog Warden whose duties and responsibilities shall be the enforcement of this subchapter and the general laws of the city, county and state pertaining to dogs.

(B) The Dog Warden is authorized to file criminal complaints before the Mayor and other magistrates to enforce compliance with this subchapter and all laws in general pertaining to dogs.

(C) The Dog Warden is empowered to apprehend and incarcerate all unlicensed stray dogs, dogs running at large, or dogs violating the provisions of this chapter or the general laws of the county or state pertaining to dogs.

(D) The Dog Warden is granted any and all other powers for the proper enforcement of this subchapter and for the general regulation of dogs within the city. He is authorized to exercise and use reasonable force to apprehend and control dogs, with the right of reasonable entry on private property for pursuit or seizure of dogs thereon, and shall have the power of a police officer in such matters.

('65 Code, § 511.01)

(E) No person shall hinder, impede or interfere with the Dog Warden in his duties and responsibilities in apprehending and incarcerating dogs within the city.

('65 Code, § 511.02)

(F) It is a defense to prosecution under this section that the hindrance, obstruction, or interference alleged consisted of constitutionally protected speech only.

(Ord. 2728, passed 4-10-62)

§ 90.39 DOGS TO BE SECURED ON OWNER'S PROPERTY.

Dogs located on the property of the owner, keeper or harbinger thereof shall be leashed, tied or otherwise secured in such a manner or form so that such dogs will not attack, annoy, bite or worry any mailman, milkman, paper boy, or other invitee or licensee entering such property.

('65 Code, § 511.06) (Ord. 2728, passed 4-10-62)

§ 90.40 IMPOUNDING OF DOGS.

(A) All dogs found running or roaming at large shall be apprehended and impounded in the city or county dog pound until properly released or otherwise disposed of by the Dog Warden, or other responsible public official. There shall be charged the sum of \$5 per day for the care and keep of each dog impounded in the city dog pound, which sum shall be paid prior to the release of such dog to the owner. In cases of hardship, the Dog Warden may reduce upkeep charges to a sum of not less than \$10.

(B) All sums received for apprehension and care of such impounded dogs shall be paid into the office of the City Treasurer and deposited in the General Fund.

(C) Any dog apprehended without a license tag and impounded in the city dog pound for at least five continuous days after notification of the owner may be sold, disposed of or destroyed according to methods and means prescribed by the Society for the Prevention of Cruelty to Animals.

(D) The Director of Public Service shall establish prices for the sale of impounded dogs, subject to competitive bidding if a dog appears to have a value such as to make competitive bidding necessary under state law.

(E) Upon impounding a licensed dog, the Dog Warden shall forthwith send a written notice of such impoundment to the owner by regular mail to his address as shown on the registration application, setting forth the fact that unless the dog is redeemed it shall be sold or destroyed. Diseased or injured dogs may be destroyed by the Dog Warden without prior notice or time limitation.

('65 Code, § 511.07) (Ord. 54-79, passed 4-17-79)

§ 90.41 DOG OWNER LIABLE FOR DAMAGE TO PUBLIC PROPERTY.

The owner, keeper or harbinger of any dog which damages or destroys park or public 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.

('65 Code, § 511.08) Penalty, see § 90.99

§ 90.42 RESTRICTIONS ON DOG OWNERSHIP FOR CERTAIN CONVICTED FELONS.

(A) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after May 22, 2012 or a felony violation of any provision of R.C. Chapter 959, R.C. Chapter 2923 or R.C. Chapter 2925 committed on or after May 22, 2012 shall knowingly own, possess, have custody of, or reside in a residence with either of the following for a period of three years commencing either upon the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for the offense or

violation, upon the date of the person's final release from the other sanctions imposed for the offense or violation:

- (1) An unspayed or unneutered dog older than 12 weeks of age;
- (2) Any dog that has been determined to be a dangerous dog under R.C. Chapter 955 or any substantially equivalent municipal ordinance.

(B) A person described in division (A) of this section shall microchip for permanent identification any dog owned, possessed by, or in the custody of the person.

(C) (1) Division (A) of this section does not apply to any person who is confined in a correctional institution of the Department of Rehabilitation and Correction.

(2) Division (A) of this section does not apply to any person with respect to any dog that the person owned, possessed, had custody of, or resided in a residence with prior to May 22, 2012.

(R.C. § 955.54)

(D) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the first degree.

(R.C. § 955.99(O))

§ 90.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the penalty as provided in § 10.99.

(B) Whoever violates any provision of §§ 90.38 through 90.41 is guilty of a minor misdemeanor for a first offense; for a second or subsequent offense within one year of the first offense, such person is guilty of a misdemeanor of the first degree for each offense.

('65 Code, § 511.99)

Cross-reference:

For misdemeanor classifications, see § 130.99