

Chapter 701 - ANIMALS, BIRDS, FOWL **[50]**

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Sec. 701-1. - Definitions.

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

(C.O. 720-16; renumbered to C.M.C. 701-1, eff. Jan. 1, 1972)

Sec. 701-1-A. - Animal.

"Animal" shall, for the purposes of Chapter 701, mean any nonhuman animate being which is endowed with the power of voluntary motion.

(C.O. 720-16; renumbered to C.M.C. 701-1-A, eff. Jan. 1, 1972; a. Ord. No. 422-1983, eff. Oct. 8, 1983)

Sec. 701-1-C. - Cruelty; Torture; Torment.

"Cruelty," "torture," and "torment" shall mean and include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

(C.O. 720-16; renumbered to C.M.C. 701-1-C, eff. Jan. 1, 1972)

Sec. 701-1-C-1. - Competent Adult.

"Competent adult" shall mean an individual over 18 years of age with both the physical and mental ability to control the dog that he/she is harboring.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-1-D. - Downed Animal.

"Downed Animal" means any live animal (including cattle, swine, sheep, goats, or equine species) which is unable to stand and walk without assistance.

(Ord. No. 206-1997, eff. July 18, 1997)

Sec. 701-1-D-1. - Dangerous Dog.

"Dangerous dog" shall mean a dog which has:

- (1) without provocation while off its owner's or harborer's premises, caused an individual to reasonably believe that the dog will cause physical harm to a person;
- (2) a propensity or disposition to unprovokedly attack or cause injury to humans or domestic animals off its owner's or harborer's premises.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-1-H. - Harbor.

"Harbor" shall mean control, possess, or oversee.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-1-H1. - Harmless Dog.

"Harmless Dog" shall mean a dog which is neither dangerous nor vicious.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-1-I. - Injury.

"Injury" shall mean any injury less than a severe injury.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-1-L. - Leash.

"Leash" shall mean a rope, leather strap, chain, or other type of tether of sufficient strength to bind a dog to the person harboring the dog.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-1-O. - Owner, Person, Corporation.

"Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity. The knowledge and actions of persons employed by or agents acting on behalf of corporations or principals shall be imputed to be the knowledge and acts of both the individuals, corporation, and principals. If the owner of a dog is a minor, then the minor's parent or legal guardian is deemed the owner for the purposes of this chapter.

(C.O. 720-16; renumbered to C.M.C. 701-1-O, eff. Jan. 1, 1972; a. Ord. No. 206-1997, eff. July 18, 1997; a. Ord. No. 460-1999, eff. Dec. 24, 1999; a. Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-1-P. - Premises.

"Premises" shall mean the structure and the real property which is immediately surrounding the structure titled to or controlled by the owner or harbinger of a dog. This shall include any place of residence, business or other property.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-1-S. - Severe Injury.

"Severe injury" shall mean a physical injury to a human being that results in a broken bone or muscle tear requiring corrective or cosmetic surgery or resulting in hospitalization; any physical injury to a child under the age of six years requiring treatment by a licensed physician.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-1-V. - Vicious Dog.

"Vicious dog" shall mean any dog which:

- (1) without provocation, has inflicted severe injury on a person; or
- (2) has been trained for dog fighting or is kept primarily or in part for the purpose of dog fighting; or
- (3) is a dog commonly defined as a pit bull; or
- (4) has been used in the commission of a crime.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-2. - Leash Required.

The owner or harbinger of a harmless dog, not on the premises or in a motor vehicle, shall keep said dog on a leash of such length to keep the dog from annoying others. A harmless dog may be unleashed if either of the following is applicable:

- a. The dog is in training, a competition, or show or
- b. The dog is on property with the permission of the property owner.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Cross reference— Penalty, § 701-99.

Sec. 701-3. - Transporting Downed Animal Prohibited.

- (1) No person shall transport or deliver any downed animal within the City of Cincinnati.
- (2) It shall be an affirmative defense that anyone charged with violating [Section 701-3](#)(1) was transporting or delivering a downed animal to a veterinarian for treatment.

(Ordained by Ord. No. 206-1997, eff. July 18, 1997)

Cross reference— Traffic code, tit. V.

Sec. 701-4. - Dangerous Dog to be Properly Confined or Leashed.

The owner or harbinger of a dangerous dog shall keep said dog:

- a. When outdoors and on the premises in a securely fenced area or on a leash controlled by a competent adult.
- b. When not on the premises, securely restrained with a leash, not exceeding six feet in length, and under the control of a competent adult.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Cross reference— Penalty, § 701-99.

Sec. 701-5. - Vicious Dog to be Properly Confined or Leashed.

The owner or harbinger of a vicious dog shall:

- a. When the dog is indoors secure all means of egress so that the dog may not exit;
- b. When the dog is outside and on the premises of the owner or harbinger, confined at all times in a roofed, securely fenced, and locked, barricade designed so that the dog may not dig its way out. The barricade must be at least six feet in height measuring from the ground with an attached top, and posted with a sign stating vicious dog by both symbol and words, and constructed so that a child can not penetrate the barricade with his hand;
- c. When the dog is off the premises of the owner or harbinger, muzzled and securely restrained with a leash not exceeding three feet in length and under the control of a competent adult. In the alternative said vicious dog may be confined in a locked crate which is constructed of material of sufficient strength to prevent escape and posted with a sign stating vicious dog by both symbol and words, and constructed so that a child can not penetrate the barricade with his hand;
- d. When the dog is in a vehicle or is being transported in an open truck bed, or other conveyance, it shall be confined in a locked crate or cage which is constructed of material of sufficient strength to prevent escape and posted with a sign stating vicious dog by both symbol and words, and constructed so that a child can not penetrate the barricade with his hand.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Cross reference— Penalty, § 701-99.

Sec. 701-6. - Possession of a Dangerous or Vicious Dog Prohibited.

- (1) It shall be unlawful for any person to own or harbor a dangerous or vicious dog that is not a pit bull terrier unless said dog has been registered pursuant to this chapter. It shall be unlawful for any person to breed, sell or transfer ownership of a vicious dog. It shall not be a violation of this section for a person to transfer ownership of a vicious dog to an animal shelter.
- (2) It shall be unlawful for any person to own, keep, possess, control, harbor, breed, sell or transfer ownership of a pit bull terrier; as defined herein, within the municipal limits of Cincinnati.
 - (a) "Pit bull terrier" is hereby defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier, as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.
 - (b) Testimony by a veterinarian, zoologist, Cincinnati police officer trained in animal control, or animal control officer (SPCA) that a particular dog exhibits distinguishing physical characteristics of a pit bull shall establish a rebuttable presumption that the dog is a pit bull.
- (3) This section is a necessary control to eliminate the risk of attack by pit bulls on human beings in the City which has become a threat to the health, safety and welfare of the public in all areas of the City; and the

lack of knowledge or lack of intent is not a defense to any violation thereof.

- (4) It shall not be a violation of this section for animal shelters and veterinary clinics, as defined herein, to own, keep, possess, control, or harbor a pit bull terrier or vicious dog within the municipal limits of Cincinnati, as long as such entities comply with the requirements of [701-8](#) and [701-9](#) of the Cincinnati Municipal Code.
- (5) Animal shelter shall mean an incorporated humane society or a registered nonprofit foundation.
- (6) Veterinary clinic shall mean a legal entity with validly licensed veterinarian(s) under Chapter 4741 of the Ohio Revised Code, that maintains custody of the dog for the purpose of providing medical treatment.

The ban on pit bulls within the City of Cincinnati applies to all owners, harborers, and/or keepers of pit bulls, who have not registered their pit bull prior to November 1, 2003, under C.M.C. Sections [701-8](#) and [701-9](#). Those pit bulls that were registered prior to November 1, 2003, are permitted to remain within the City of Cincinnati as long as the owner, harbinger, and/or keeper continues to be in compliance with C.M.C. Sections [701-8](#) and [701-9](#).

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999; a. Ord. No. 273-2003, eff. Nov. 1, 2003; a. Ord. No. 370-2003, eff. Nov. 13, 2003; a. Ord. No. 187-2008, § 1, eff. June 29, 2008; a. Ord. No. 0080-2009, § 1, eff. April 25, 2009)

Cross reference— Penalty, § 701-99.

Sec. 701-7. - Possession of a Dangerous or Vicious Dog Limited.

It shall be unlawful for any person to own or harbor more than three dangerous dogs.

It shall be unlawful for any person to own or harbor more than one vicious dog, which is over the age of six months, at one time.

This provision shall not apply to any animal shelter or veterinary clinic as long as the dangerous and/or vicious dogs are registered and insured in accordance with [Chapter 701](#).

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999; a. Ord. No. 370-2003, eff. Nov. 13, 2003)

Cross reference— Penalty, § 701-99; peddlers and itinerant vendors, ch. 839.

Sec. 701-8. - Dangerous and Vicious Dogs to be Registered.

The owner or harbinger of a dangerous and/or vicious dog shall, within seven days of possession, comply with subsections a through c of this section; and with all other subsections as indicated herein.

- a. Have the dangerous dog identified using a micro chip inserted between the top of the dog's shoulder blades at the withers, by an individual licensed to practice veterinary medicine in the state of Ohio.
- b. Have the vicious dog tattooed on an inside thigh and have an identifying micro chip inserted between the top of the dog's shoulder blades at the withers, by an individual licensed to practice veterinary medicine in the state of Ohio. The tattoo shall be a number provided by the Cincinnati Police Department.
- c. Provide the Cincinnati Police Department with:
 1. Documentation from the veterinarian describing the tattoo and microchip number;
 2. Current color photographs of the dog showing the front face, side head, and whole body of the dog, and any other identifying characteristic such as color marking or scars; and
 3. The name, address, and phone number of the owner or harbinger.
- d. If the owner or harbinger has registered a dangerous or vicious dog he/she shall notify within 24 hours, the Cincinnati Police Department of a change of his address and/or phone number;
- e. If the owner or harbinger of a dangerous or vicious dog has sold, given away, or if control of said dog has in any other manner been transferred for more than 48 consecutive hours, he shall notify the Cincinnati Police Department within 24 hours of the name and address of the individual harboring the dog.
- f. Within 72 hours of taking possession of a dog registered under this chapter, register the dog with the Cincinnati Police Department, if the dog is harbored in the city of Cincinnati.
- g. The owner or harbinger of a dangerous or vicious dog shall re-register the dog with the Cincinnati Police Department annually.
- h. The owner or harbinger of a vicious dog shall immediately notify the Cincinnati Police Department when the dog is loose or has attacked a person.
- i. This section does not apply to those pit bulls, which are not permitted to be owned, possessed, harbored, or controlled within the city limits of Cincinnati per C.M.C. [section 701-6](#)

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999; a. Ord. No. 272-2003, eff. Nov. 1, 2003)

Cross reference— Penalty, § 701-99.

Sec. 701-9. - Liability Insurance Required.

The owner or harbinger of a vicious dog, or in event the owner is a minor, the owner's parent or guardian shall obtain and keep in force liability insurance, in an amount of not less than \$100,000, protecting against injury or death caused by such vicious dog. The owner or harbinger, or in the event the owner or harbinger is a minor, the owner's or harbinger's parent or guardian shall provide the Cincinnati Police Division with proof of the insurance required herein.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999; a. Ord. No. 0080-2009, § 3, eff. April 25, 2009)

Cross reference— Penalty, § 701-99.

Sec. 701-10. - Pit Bull Identification.

A pit bull may be identified by veterinarian licensed by the State of Ohio, the Hamilton County Dog Warden, a Cincinnati Police Officer trained in animal control, or a deputy Hamilton County Dog Warden.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999; a. Ord. No. 187-2008, § 3, eff. June 29, 2008)

Cross reference— Penalty, § 701-99.

Sec. 701-11. - Mistreatment of Animals.

No person shall overdrive, overload or drive when overloaded, or shall overwork, or deprive of necessary sustenance, torture, torment or cruelly beat, mutilate, or cause or procure to be so overdriven, overloaded, overworked, deprived of necessary sustenance, tortured, tormented or cruelly beaten, or mutilated, any animal, either as owner or otherwise, or shall permit any such animal to be without proper protection from the weather.

(C.O. 720-14; renumbered to C.M.C. 701-11, eff. Jan. 1, 1972)

Cross reference— Penalty, § 701-99-D.

Sec. 701-12. - Rules, Regulations, and Fees.

That the safety director is authorized to establish rules, regulations, and fees necessary for the enforcement of the provisions of this chapter dealing with dogs, including the removal of the dangerous dog designation.

The safety director is authorized to charge an annual fee, not to exceed \$50, for the registration of a dangerous or vicious dog.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999)

Cross reference— Penalty, § 701-99.

Sec. 701-13. - Cruel Treatment or Abandonment of Animals.

No person, being the owner or having charge or custody of any animal, shall cruelly drive or work the same when unfit for labor, or cruelly abandon the same, or cause the same to be dragged or carried along in an unnecessarily cruel or inhuman manner, or shall knowingly and willfully authorize or permit the same to be subjected to unnecessary torture, suffering or cruelty of any kind.

(C.O. 720-15; renumbered to C.M.C. 701-13, eff. Jan. 1, 1972)

Cross reference— Penalty, § 701-99-D.

Sec. 701-14. - Seizure and Impoundment of Dog.

- a. A police officer shall cause to be removed from the premises any vicious dog not properly confined.
- b. A police officer shall cause to be removed from the premises any dog that has attacked and severely injured a human.
- c. The police officer who removes a dog pursuant to this section shall file the appropriate complaint in municipal court within 14 days of the seizure of the dog, and shall hold the dog until final adjudication of the charge, unless the police officer is ordered to release the dog to its owner or harbinger as a result of an administrative hearing pursuant to CMC 701-14A.

(Ordained by Ord. No. 460-1999, eff. Dec. 24, 1999; a. Ord. No. 359-2004, eff. 12-16-04; a. Ord. No. 187-2008, § 5, eff. June

Sec. 701-14A. - Administrative Hearing Regarding Impoundment.

- a. The police chief or his designee or an individual as identified in [Section 701-10](#) shall have the authority to make a determination that a dog is dangerous or vicious, as defined in CMC §§ [701-1-D-1](#) and [701-1-V](#) of this chapter. The police chief or his designee shall make such determination after a hearing and written notice has been provided to the owner and to any complainant in accordance with CMC [§ 701-14B](#).
- b. The hearing shall be held no less than seven days after such notice is personally delivered or mailed to the owner of the dog.
- c. The police chief or his designee may impound the dog, at the owner's expense, pending the administrative hearing.
- d. At the hearing, all interested persons shall have the opportunity to present evidence on the issue of the dog's dangerousness or viciousness. Failure of the dog owner to appear at the hearing in conjunction with the police chief's prior identification of the dangerousness or viciousness of the dog, as described in subsection (a) above, shall be considered prima facie evidence that the dog is a vicious or dangerous dog and may be held pending the outcome of the criminal charges.
- e. If, after the administrative hearing, the police chief or his designee determines that the dog is neither dangerous nor vicious as defined in CMC §§ [701-1-D-1](#) and [701-1-V](#) of this chapter, the dog shall be released to the owner without expense.
- f. If, after the administrative hearing, it is determined that the dog is dangerous or vicious as defined in CMC §§ [701-1-D-1](#) and [701-1-V](#) of this chapter, a designee of the police chief shall hold the dog until final adjudication of the charge at the owner's expense. Following the hearing, the owner may voluntarily forfeit the dog to the City of Cincinnati by execution of a written consent form. The owner shall still be responsible for any expenses incurred for the holding of the dog during the pendency of the hearing.
- g. Failure to obtain release of the dog within 14 days after final adjudication of the criminal charge or upon the owner's failure to timely respond to either the administrative hearing pursuant to this section or to appear at any of the scheduled appearances or hearings for the criminal complaint will result in the forfeiture of the dog to the City of Cincinnati.

(Ordained by Ord. No. 359-2004, eff. 12-16-04; a. Ord. No. 187-2008, § 7, eff. June 29, 2008)

Sec. 701-14B. - Notice of Impoundment and Hearing.

As soon as practicable, but no later than three days, after the impoundment of any dog under the provisions of CMC [Chapter 701](#), the chief of police or his designee shall provide written notice of impoundment and hearing to the owner of the dog, personally or by certified mail to the last known address of the owner. Such notice shall state:

- (1) That the dog has been taken into custody;
- (2) The location where the dog is being held;
- (3) The reason for impoundment;
- (4) The basic charges for impoundment and boarding;
- (5) That the person claiming the dog can challenge the validity of the impoundment at hearing before the police chief or his designee;
- (6) The date and location of the hearing; and
- (7) That failure to obtain release of the dog within 14 days after final adjudication of the criminal charge or upon the owner's failure to timely respond to either the administrative hearing pursuant to [§ 701-14A](#) or to appear at any of the scheduled appearances or hearings for the criminal complaint will result in the forfeiture of the dog to the City of Cincinnati.

(Ordained by Ord. No. 359-2004, eff. 12-16-04; a. Ord. No. 187-2008, § 9, eff. June 29, 2008)

Sec. 701-15. - Injuring Birds.

No person shall kill, wound, maim or injure, in any manner whatever, any bird, or shall throw, fire or shoot with any gun, pistol or other deadly weapon, or any stone, arrow, or other missile, at such bird, or shall break, tear down, or destroy any bird's nest or the eggs or other contents of such nests; nor shall any person catch or capture any bird in any manner whatever, or set traps, or spread nets or snares, with intent to catch or capture any bird, or follow or pursue any bird with intent to catch or injure such bird (except tame birds actually in possession of, or owned by any person).

Nothing herein shall apply to any officer or employee of the City of Cincinnati acting in accordance with the provisions of [Section 701-17](#).

(C.O. 720-19; renumbered to C.M.C. 701-15, eff. Jan. 1, 1972)

Cross reference— Penalty, § 701-99-E.

Sec. 701-17. - Birds and Animals Creating Nuisance.

Whenever it shall appear, on complaint of residents or otherwise, that starlings, sparrows, pigeons, rodents, or other birds or animals constitute a nuisance in any part of the city, the city manager shall be authorized to use all necessary means to destroy such nuisance-creating birds and animals.

(C.O. 720-20; renumbered to C.M.C. 701-17, eff. Jan. 1, 1972)

Sec. 701-19. - Order to Muzzle Dogs.

Whenever the city manager determines it necessary for the protection of the public, an order shall be issued prohibiting for a certain time therein specified, any or all dogs from running at large in any public streets or place within the city, unless such dogs are securely muzzled, or led by a line or chain, so as to effectually prevent them from biting any person or animal. Such order shall be published in a newspaper published in the city, for such time as the city manager may determine necessary.

No person shall molest or interfere in any way with any officer while engaged in carrying out such order.

(C.O. 720-23; renumbered to C.M.C. 701-19, eff. Jan. 1, 1972)

Cross reference— Penalty, § 701-99-C.

Sec. 701-21. - Enticing Dog.

No person shall entice any animal of the dog kind away from the premises of the person owning or harboring the animal, with intent to deprive the owner of the possession of such animal.

(C.O. 720-24; renumbered to C.M.C. 701-21, eff. Jan. 1, 1972)

Cross reference— Penalty, § 701-99.

Sec. 701-23. - Abusing Dog.

No person shall beat, abuse or injure any animal of the dog kind in an immoderate, cruel or unnecessary manner, and no person shall open or keep a dog pen or dog pit for the purpose of causing or permitting dogs to fight, or to cause or set dogs to fight.

(C.O. 720-25; renumbered to C.M.C. 701-23, eff. Jan. 1, 1972)

Cross reference— Penalty, § 701-99.

Sec. 701-24. - Repealed.

(Ordained by Ord. No. 194-1986, eff. June 20, 1986; a. Ord. No. 43-1987, eff. Jan. 28, 1987; a. Ord. No. 321-1996, eff. Oct. 16, 1996; a. Ord. No. 95-1997, eff. May 9, 1997; r. Ord. No. 460-1999, eff. Dec. 24, 1999)

Cross reference— Penalty, § 701-99-A.

Sec. 701-25. - Repealed.

(C.O. 720-27; renumbered to C.M.C. 701-25, eff. Jan. 1, 1972; a. Ord. No. 548-1981, eff. Dec. 23, 1981; a. Ord. No. 508-1983, eff. Nov. 2, 1983; a. Ord. No. 322-1996, eff. Oct. 16, 1996; r. Ord. No. 460-1999, eff. Dec. 24, 1999)

Cross reference— Penalty, § 701-99.

Sec. 701-27. - Loud Dog.

No person shall harbor or keep any animal of the dog kind which by loud and frequent or habitual barking or yelping shall cause serious annoyance or disturbance to the neighborhood.

(C.O. 720-28; renumbered to C.M.C. 701-27, eff. Jan. 1, 1972)

Cross reference— Penalty, §§ 902-1, 902-5

Sec. 701-29. - Repealed.

(Sec. 720-30; ordained by Ord. No. 271-1963, eff. Sept. 6, 1963; a. Ord. No. 294-1963, eff. Sept. 5, 1963; renumbered to C.M.C. 701-29, eff. Jan. 1, 1972; a. Ord. No. 544-1972, eff. Jan. 5, 1973; a. Ord. No. 460-1999, eff. Dec. 24, 1999)

Cross reference— Penalty, § 701-99.

Sec. 701-30. - Dog Excrement Removal.

No person shall allow a dog under his or her control to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device for the removal and containment of such dog's excrement; nor shall any person fail to remove any excrement deposited by any dog under his or her control on public or private property.

This section shall not apply to guide dogs under the control of a blind person.

(Ordained by Ord. No. 123-1982, eff. May 7, 1982)

Cross reference— Penalty, § 701-99-I.

Sec. 701-33. - Animals or Fowl Damaging Gardens and Lawns.

No person owning or harboring one or more cats, dogs, other animals or fowl shall permit such cats, dogs, other animals or fowl to run at large so as to do damage to gardens, lawns, shrubbery or other private property.

(C.O. 720-38; renumbered to C.M.C. 701-33, eff. Jan. 1, 1972)

Cross reference— Penalty, § 701-99-F.

Sec. 701-35. - Care of Fowl Confined in Crates.

No person shall confine any fowl in a crate, box, or other receptacle in a cramped or unnatural position or shall overcrowd any crate, box or other receptacle with fowl or fail to provide proper food, water, shelter or sanitation for fowl confined in any receptacle.

(C.O. 720-39; renumbered to C.M.C. 701-35, eff. Jan. 1, 1972)

Cross reference— Penalty, § 701-99-H.

Sec. 701-37. - Use of Small Fowl as Toys; Mishandling or Dyeing Prohibited.

No person shall use any live, newly hatched fowl or bird as a toy or pet, subject it to mistreatment or careless handling or dye it.

No person shall sell or give away such fowl to any person in lots of less than six.

(C.O. 720-40; renumbered to C.M.C. 701-37, eff. Jan. 1, 1972)

Cross reference— Penalty, § 701-99-H.

Sec. 701-39. - Administering Poison to Domestic Animals.

No person shall maliciously or wilfully, and without the consent of the owner, administer poison, except as it is administered by a state licensed veterinarian acting in such capacity, to a horse, mare, foal, filly, jack, mule, sheep, goat, cow, steer, mole, heifer, ass, ox, swine, dog, cat, poultry or any other domestic animal, the property of another, nor shall any person wilfully and without the consent of the owner place any poisoned food about where it may be easily found and eaten by any of the above named animals, either upon such person's own land or the lands of another.

(C.O. 720-43; renumbered to C.M.C. 701-39, eff. Jan. 1, 1972)

Cross reference— Penalty, § 701-99-G.

Sec. 701-41. - Endangered Species, Possession and Sale of.

No person shall possess with intent to sell, sell or offer for sale, or buy or attempt to buy within the city any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family Felidae, polar bear (*Thalarctos maritimus*), red wolf (*Canis niger*), vicuna (*Vicugna vicugna*), or alligator, caiman or crocodile of the order of Crocodylia, gray or timber wolf (*Canis Lupus*), sea otter (*Enhydra lutris*), Pacific Ridley Turtle (*Lepidochelys Olivacea*), Atlantic Green Turtle (*Chelonia Mydas*), Mexican Ridley Turtle (*Lepidochelys Kempfi*).

No person shall buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the Endangered Species List designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).

No person shall import or cause to be imported into this city any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body, or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

This section does not prevent the importation, possession, purchase or sale of any species by the Cincinnati Museum of Natural History, institutes of higher learning, persons holding federal permits, the Cincinnati Zoological Gardens, or by a person holding a Scientific Collectors Permit issued by the Director of the Department of Natural Resources of the State of Ohio, or to any person or organization licensed to present a circus under [Chapter 825](#) of the Cincinnati Municipal Code.

Any product being offered for sale in violation of this ordinance may be seized by any police officer acting pursuant to the orders of the city manager and upon seizure and a hearing which shall be promptly held before the city manager or person designated by the city manager may be destroyed or in appropriate circumstances be disposed of through zoological, educational or conservation institutions by order of the city manager.

Whoever violates this ordinance shall be guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the third degree for each subsequent offense.

(C.M.C. 701-41; ordained by Ord. No. 523-1973, eff. Jan. 1, 1974)

Analogous to C.M.C. 901-E3; ordained by Ord. No. 233-1972, eff. July 1, 1972; r. Ord. No. 523-1973, eff. Jan. 1, 1974.

Sec. 701-42. - Possession or Sale of Wild or Potentially Dangerous Animals; Prohibitions.

- (a) No person shall keep, own, harbor, have charge of, maintain or have control of within the city a wild or potentially dangerous animal.
- (b) No person shall possess with intent to sell, sell or offer for sale, or buy or attempt to buy within the city a wild or potentially dangerous animal.
- (c) For purposes of this section, a wild or potentially dangerous animal is defined as an animal which is wild by nature and not customarily domesticated in the City of Cincinnati and which because of its size, disposition, or other characteristics inherently constitutes a danger to human life or property. A wild and potentially dangerous animal shall include but not be limited to:
 - (1) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
 - (2) Baboons (*Papoi*, *Mandrillus*).
 - (3) Bears (*Ursidae*).
 - (4) Cheetahs (*Acinonyx jubatus*).
 - (5) Coyotes (*Canis latrans*) and coyote-dog hybrids.
 - (6) Elephants (*Elephas* and *Loxodonta*).
 - (7) Hyenas (*Hyaenidae*).
 - (8) Jaguars (*Panthera onca*).
 - (9) Leopards (*Panthera pardus*).
 - (10) Lions (*Panthera leo*).
 - (11) Lynxes (*Lynx*).
 - (12) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
 - (13) Tigers (*Panthera tigris*).
 - (14) Wolves (*Canis lupus*) and wolf-dog hybrids.
 - (15) Wild cats (jungle cat, ocelot, margay, serval, caracal, leopard cat) and wildcat-domestic cat hybrids.As used in this section, "Wild or Potentially Dangerous Animal" does not include an animal that is in the

possession or control of any of the following agencies, organizations, its employees or agents:

- (1) The Division of Wildlife in the Department of Natural Resources;
- (2) The Ohio Department of Agriculture;
- (3) An incorporated humane society;
- (4) A veterinarian holding a valid license under Chapter 4741 of the Ohio Revised Code, who has custody of the animal for the purpose of providing medical treatment of the animal;
- (5) Any organization that is an accredited member of the American Association of Zoological Parks and Aquariums;
- (6) An agency or official of the United States government acting in its official capacity;
- (7) Any research facility within the meaning of the "Animal Welfare Act," 80 STAT 359 (1966) 7 USCA 2131, as amended;
- (8) A common carrier with possession of the animal for the purpose of transportation;
- (9) Any person who is not currently dwelling in the city, who is traveling through the City of Cincinnati with any "wild or potentially dangerous animal," and who is in the City of Cincinnati for no more than twenty-four hours and the "wild or potentially dangerous animal" is maintained in quarters so constructed which are humane and will prevent escape;
- (10) The International Society for the Preservation of Wild Animals;
- (11) Research facilities of the International Society for Endangered Cats; or
- (12) Any circus, exhibitor or professional entertainer, holding a valid license issued by the Secretary of Agriculture of the United States in accordance with the "Animal Welfare Act", 7 U.S.C. § 2134, and the Code of Federal Regulations, 9 C.F.R. § 2.1, present within the City of Cincinnati for the purpose of entertainment to the general public provided the wild or potentially dangerous animal is maintained in quarters so constructed which are humane and will prevent escape.

Whoever violates this section is guilty of a misdemeanor of the second degree for the first offense and a misdemeanor of the first degree for each subsequent offense.

When any person is found guilty of a second offense of [Section 701-42](#), such person shall be fined not less than \$300.00, which fine shall not be remitted.

In addition, any person found guilty of violating [§ 701-42](#) shall be liable to the city for all expenses, whether incurred by the city or advanced by the city, for the shelter, food, veterinary expenses, boarding and transportation of the seized wild or dangerous animal, and such other expenses as may be required in the relocation or destruction of any such wild or dangerous animal.

(Ord. 205-1994, eff. 7-8-94; a. Ord. No. 188-1995, eff. June 16, 1995; a. Ord. No. 106-2008, § 1, eff. April 26, 2008)

Sec. 701-43. - Use of Leghold Traps Forbidden.

It shall be unlawful for any person to set, place, draw, maintain or otherwise use a leghold trap.

Any person violating this ordinance shall be fined not more than \$100, or imprisoned for not more than 60 days, or both.

(C.M.C. 701-43; ordained by Ord. No. 77-1976, eff. March 26, 1976; a. Ord. No. 36-1978, eff. Mar. 2, 1978)

Sec. 701-45. - Repealed.

(Ordained by Ord. No. 509-1983, eff. Nov. 2, 1983; r. Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-99. - Penalties.

- a. Whoever violates [701-4](#) or [701-9](#) shall be guilty of a second degree misdemeanor.
- b. Whoever violates [section 701-5](#), [701-6](#), [701-7](#), [701-8](#) or [701-23](#) shall be guilty of a first degree misdemeanor.
- c. In addition to a and b, any vicious dog which attacks a human being or domestic animal may be ordered destroyed when, in the court's judgment, such vicious dog represents a continuing threat of severe harm to human beings or domestic animals.
- d. In addition, any person found guilty of violating [section 701-5](#) shall pay all expenses including shelter, food, and transportation of the dog, expenses for identification of the breed of animal and veterinary expenses necessitated by the seizure of any dog for the protection of the public.

(C.O. 720-32; renumbered to C.M.C. 701-99, eff. Jan. 1, 1972; a. Ord. No. 548-1981, eff. Dec. 23, 1981; a. Ord. No. 508-1983, eff. Nov. 2, 1983; a. Ord. No. 460-1999, eff. Dec. 24, 1999; a. Ord. No. 0080-2009, § 5, eff. April 25, 2009)

Sec. 701-99-A. - Repealed.

(Ordained by Ord. No. 194-1986, eff. June 20, 1986; r. Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-99-A-1. - Violation of Section 701-3.

Whoever violates [Section 701-3](#) is guilty of a misdemeanor of the second degree.

(Ordained by Ord. 206-199, eff. July 18, 1997)

Sec. 701-99-B. - Repealed.

(Ordained by Ord. No. 509-1983, eff. Nov. 2, 1983; r. Ord. No. 460-1999, eff. Dec. 24, 1999)

Sec. 701-99-C. - Violation of Section 701-19.

Whoever violates any provision of [Section 701-19](#) shall be fined not more than \$100.

(C.O. 720-23; renumbered to C.M.C. 701-99-C, eff. Jan. 1, 1972)

Sec. 701-99-D. - Violation of Section 701-11 or 701-13.

Whoever violates any provision of [Section 701-11](#) or [701-13](#) shall be fined not more than \$100, or imprisoned not more than 60 days, or both.

(C.O. 720-14, 720-15; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 701-99-D, eff. Jan. 1972)

Sec. 701-99-E. - Violation of Section 701-15.

Whoever violates any provision of [Section 701-15](#) shall be fined not more than \$10.

(C.O. 720-19; renumbered to C.M.C. 701-99-E, eff. Jan. 1, 1972)

Sec. 701-99-F. - Violation of Section 701-33.

Whoever violates any provision of [Section 701-33](#), upon complaint of any owner of property damaged by any cat, dog, or other animal or fowl, shall be fined not more than \$25.

(C.O. 720-38; renumbered to C.M.C. 701-99-F, eff. Jan. 1, 1972)

Sec. 701-99-G. - Violation of Section 701-39.

Whoever violates any provision of [Section 701-39](#) shall be fined not more than \$200, or imprisoned not more than 30 days, or both.

(C.O. 720-43; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 701-99-G, eff. Jan. 1, 1972)

Sec. 701-99-H. - Violation of Sections Dealing with Fowl.

Whoever violates any provision of this chapter dealing with the mishandling of fowl shall be fined not more than \$100. Each day's violation shall constitute a separate offense.

(C.O. 720-42; renumbered to C.M.C. 701-99-H, eff. Jan. 1, 1972)

Sec. 701-99-I. - Violation of Section 701-30.

Whoever violates [Section 701-30](#) shall be fined not more than \$50.

(Ordained by Ord. No. 123-1982, eff. May 7, 1982)

Sec. 701-99-J. - Impoundment Fees.

In addition to any penalty that is provided pursuant to Chapter 955 of the Ohio Revised Code or Chapter 701 of the Cincinnati Municipal Code, when a dog has been confiscated by the Cincinnati Police Department, due to a violation of the Cincinnati Municipal Code or the Ohio Revised Code, the owner shall reimburse the City for the impoundment fees charged by the SPCA .

The owner shall reimburse the City regardless of the outcome of any criminal charge. The City shall be paid prior to the release of the dog from the SPCA. Upon written request of the dog owner, the fee may be reviewed and/or waived if the owner was acquitted of the charge.

(Ordained by Ord. No. 274-2003, eff. Aug. 6, 2003)

FOOTNOTE(S):

⁽⁵⁰⁾ **Cross reference**— *Rates of fare for limousines, pedicabs, tour vehicles and animal-drawn carriages, § 407-55; litter control for animal-drawn carriages, § 407-137; droves of animals, § 511-8; horses or cattle on highway, § 511-9; removal of dead animals, § 729-27. [\(Back\)](#)*