



City Council Ordinance
Regular Meeting - September 23, 2019

Submitted by: Mark Wendling, City Manager
Submitting Department: City Manager's Office

Subject:

Amendment of the City's Animal Control Ordinance

Legislation Title:

Ordinance to amend Chapter 505, entitled Animals and Fowl, of Ordinance No. 166-84, the Codified Ordinances of Fairfield, Ohio.

Recommendation:

Due to recent court decisions and the need to provide for more effective enforcement animal control it has become necessary to update the City's animal control statutes. It is recommended that City Council have a first reading on this item at the September 9, 2019 meeting.

Background/Synopsis:

Financial Impact:

Emergency Provision Explanation:

Rule Suspension Requested:

No

Emergency Provision Needed:

No

Attachments:

1. Chapter 505-Ord
2. 2019-09-06 Chapter 505
3. 2019-09-09 Animal control ordinance Final

ORDINANCE NO. _____

ORDINANCE TO AMEND CHAPTER 505, ENTITLED ANIMALS AND FOWL, OF ORDINANCE NO. 166-84, THE CODIFIED ORDINANCES OF FAIRFIELD, OHIO.

BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1. Chapter 505, entitled Animals and Fowl, of Ordinance No. 166-84, The Codified Ordinances of Fairfield, Ohio is hereby amended to read as follows:

See attached Exhibit "A" which is incorporated herein by reference.

Section 2. This Ordinance shall take effect at the earliest period allowed by law.

Passed _____ Mayor's Approval _____

Posted _____

First Reading _____ Rules Suspended _____

Second Reading _____

Third Reading _____

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.

Clerk of Council

Active Clients\City of Fairfield\Ordinances\2019\Chapter 505-Ord

Attachment: Chapter 505-Ord (1344 : Amendment of the City's Animal Control Ordinance)

**CHAPTER 505
Animals and Fowl**

- 505.01 Dogs **AND OTHER ANIMALS** running at large and other animal prohibitions.
- 505.02 Impounding and disposition; records.
- 505.03 Dog collar and license.
- 505.04 Abandoning animals.
- ~~505.05 Killing or injuring animals.~~
- ~~505.06 Poisoning animals.~~
- ~~505.07 Cruelty to animals generally.~~
- ~~505.071 Cruelty to companion animals.~~
- ~~505.08 Nuisance conditions prohibited.~~
- ~~505.09 Disturbing noises prohibited.~~
- 505.10 Animal bites; reports and quarantine.
- 505.11 Hunting prohibited.
- ~~505.12 Coloring rabbits or baby poultry; sale or display of poultry.~~
- ~~505.13 Harming birds.~~
- 505.14 Dangerous animals.
- ~~505.15 Report of escape of exotic or dangerous animal.~~
- ~~505.16 Vicious Dogs~~
- 505.16 DEFINITIONS**
- 505.161 NUISANCE, DANGEROUS AND VICIOUS DOG CLASSIFICATION AND HEARING.**
- 505.162 CONTROL OF NUISANCE, DANGEROUS AND VICIOUS DOGS.**
- 505.163 DANGEROUS AND VICIOUS DOG OWNERSHIP RESTRICTIONS.**
- 505.164 EXEMPTIONS.**
- 505.165 STRICT LIABILITY.**
- ~~505.17 Pit bull dogs.~~
- ~~505.18 Public display or processing of animals.~~
- 505.19 ANIMAL CONTROL OFFICER**
- 505.20 INSURANCE COVERAGE FOR DOG LIABILITY**
- 505.99 Penalty.

CROSS REFERENCES

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

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE AND OTHER ANIMAL PROHIBITIONS.

(a) No person shall own, keep or harbor live cattle, sheep, geese, ducks, turkeys, chickens, pigs, goats or other farm-type animals within the municipal limits of the City of Fairfield, Ohio. This subsection shall not apply to the following:

- (1) Animals which are located on premises which are three acres or more in size under the same contiguous ownership and are located on such premises with the consent of the property owners.
- (2) Animals which are located on the premises of a public or non-public school which is chartered by the State of Ohio Department of Education and such animals are used in the instruction of students.

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(3) Animals which are caged and/or confined during actual transport by vehicle in the City.

~~(b) The owner or keeper of every dog shall at all times keep the dog either confined on the premises of the owner or firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises of the owner or keeper. At all other times, the dog shall be properly kept on a leash and under the full and complete care of the owner or keeper.~~

~~(c) No owner, keeper or harbinger of any female dog shall permit the female dog to go beyond the premises of the owner or keeper at any time the dog is in heat, unless the female dog is properly on leash.~~

~~(d) The running at large of any such animal in or upon any of the places mentioned in this section is prima facie evidence that it is running at large in violation of this section. (ORC 951.02)~~

~~(e) Whoever violates this section is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for each subsequent offense. In addition to any other sentence that it imposes upon the offender for a second or subsequent offense under this section, the court may order a dog either destroyed or permanently removed from the City when, in the court's judgment, such dog represents a continuing threat of serious harm to human beings or other domestic animals. The fact that a dog has chased or approached in a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person while that dog was off the premises of its owner, keeper or harbinger shall not control the court's discretion but shall be considered in favor of the destruction or permanent removal of the dog from the City. Any person found guilty of violating this section shall pay all expenses, including shelter, food, boarding and veterinary expenses necessitated by the seizure of the dog, and such other expenses as may be required for the destruction or permanent removal from the City of any such dog.~~

~~(Ord. 76-06. Passed 5-22-06.)~~

(B) NO OWNER, KEEPER OR HARBORER OF ANY ANIMALS OR FOWL OF ANY KIND IN THE CITY SHALL ALLOW OR PERMIT SUCH ANIMALS OR FOWL TO RUN AT LARGE WITHIN THE CITY OR UPON THE PREMISES OF ANOTHER.

(C) NO OWNER, KEEPER OR HARBORER OF ANY DOG OR CAT, WHETHER WEARING A REGISTRATION TAG OR NOT, SHALL PERMIT SUCH DOG OR CAT TO RUN AT LARGE WITHIN THE CITY. UNAUTHORIZED ENTRY BY SUCH DOG OR CAT, UPON THE PREMISES OF ANOTHER OR UPON ANY PUBLIC STREET OR GROUND SHALL CONSTITUTE "RUNNING AT LARGE" WITHIN THE MEANING OF THIS SECTION.

(D) NO OWNER, KEEPER OR HARBORER OF ANY DOG SHALL PERMIT SUCH DOG TO GO OR REMAIN UPON ANY PUBLIC STREET OR GROUND WITHIN THE CITY EXCEPT WHEN ACCOMPANIED BY A RESPONSIBLE PERSON, AND UPON A NON-RETRACTABLE LEASH OF NOT MORE THAN SIX FEET IN LENGTH SO AS TO PREVENT SUCH DOG FROM ENTERING PRIVATE PROPERTY AND FROM CHASING OR ATTACKING ANY PERSON, ANIMAL OR VEHICLE; OR SHALL FAIL TO KEEP THE DOG UNDER THE REASONABLE CONTROL OF SOME PERSON. ANY DOG NOT PROPERLY RESTRAINED ON A LEASH WILL BE CONSIDERED "AT LARGE" AND IN VIOLATION OF THIS SECTION.

(E) THE OWNER, KEEPER OR HARBORER OF A DOG OR OTHER ANIMAL OR FOWL WHO PERMITS IT TO RUN AT LARGE IN VIOLATION OF THIS SECTION SHALL, IN ADDITION TO THE PENALTY PROVIDED IN SUBSECTION (I) HEREOF, BE LIABLE FOR ALL DAMAGES CAUSED BY SUCH DOG OR OTHER ANIMAL OR FOWL UPON THE PREMISES OF ANOTHER.

(F) EVERY OWNER, KEEPER OR HARBORER OF A FEMALE DOG SHALL, DURING ALL TIMES WHEN SUCH FEMALE DOG IS IN HEAT, EITHER CONFINE SUCH DOG INDOORS OR TREAT HER IN SUCH MANNER AS NOT TO ATTRACT OTHER DOGS.

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(G) ANY LAND WHICH IS ENCLOSED WITH INVISIBLE FENCING OR AN INVISIBLE CONTAINMENT SYSTEM IN WHICH A COLLAR PROVIDES AN ELECTRIC SHOCK WHICH PREVENTS AN ANIMAL FROM LEAVING THE PROPERTY OF ITS OWNER MUST HAVE ITS BOUNDARY NO LESS THAN SIX FEET FROM PUBLIC PROPERTY.

(H) THIS SECTION SHALL NOT APPLY TO PERSONS OPERATING UNDER THE GUIDELINES OF A PROGRAM APPROVED BY THE CITY MANAGER FOR PROVIDING FOR THE TRAPPING, SPAYING, OR NEUTERING, AND RELEASING OF CATS AND DOGS WITH THE PURPOSE OF REDUCING THE UNWANTED STRAY-ANIMAL POPULATION IN THE CITY.

- (I) (1) WHOEVER VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FOURTH DEGREE FOR A FIRST OFFENSE.
- (2) WHOEVER VIOLATES ANY PROVISION OF THIS SECTION IN A SECOND OR SUBSEQUENT OFFENSE SHALL BE GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE.
- (3) IN ADDITION TO ANY PENALTY PROVIDED UNDER LAW FOR A VIOLATION OF THIS SECTION, THE COURT SHALL ORDER THE OFFENDER TO NEUTER OR SPAY THE DOG WITHIN 14 CALENDAR DAYS OF THE DATE OF CONVICTION UNLESS A LICENSED VETERINARIAN PROVIDES EVIDENCE TO THE COURT'S SATISFACTION THAT NEUTERING OR SPAYING OF THE DOG IS MEDICALLY CONTRAINDICATED.
- (4) NOTWITHSTANDING THE FOREGOING PENALTIES, IF A DOMESTIC ANIMAL OR HUMAN IS AGGRESSIVELY BITTEN BY THE DOG WITHOUT PROVOCATION AS A RESULT OF A VIOLATION OF THIS SECTION, THEN WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. ADDITIONALLY, THE COURT MAY ORDER THE OFFENDER TO COMPLETE DOG OBEDIENCE TRAINING WITHIN A SPECIFIED PERIOD OF TIME AND PROVIDE WRITTEN PROOF THEREOF TO THE COURT.

505.02 IMPOUNDING AND DISPOSITION; RECORDS.

~~(a) The Dog Warden is authorized and ordered to sign a complaint against the owner or keeper of any dog running at large within the community, and the fact that the Dog Warden has captured the dog off the premises of the owner shall be prima facie evidence that the dog was permitted to run at large.~~

~~(b) Any dog, licensed or otherwise, found running at large, contrary to this chapter, shall be impounded and taken to the dog shelter operated by the Humane Association of Miami Valley. The dog so impounded shall be kept for a period of seventy two hours, after which it shall be disposed of. (Ord. 26-66. Passed 4-25-66.)~~

~~(c) The owner or keeper of any dog impounded under subsection (b) hereof may reclaim his dog at the dog shelter of the Humane Association of Miami Valley upon payment to the Association of the sum charged to such owner or keeper by the Humane Association. (Ord. 113-80. Passed 8-4-80.)~~

~~(d) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of any costs of receipts involving such dog shall be kept.~~

A POLICE OFFICER OR THE ANIMAL CONTROL OFFICER SHALL IMPOUND EVERY DOG OR CAT FOUND IN VIOLATION OF SECTION 505.01 OR SHALL IMPOUND SUCH ANIMALS OTHERWISE IN ACCORDANCE WITH THIS SECTION.

(A) IF THE IMPOUNDED DOG IS NOT WEARING A VALID REGISTRATION TAG, THE DOG SHALL FORTHWITH BE TURNED OVER TO AN OFFICER CHARGED BY LAW WITH THE CUSTODY AND DISPOSAL OF SUCH DOGS. IF THE DOG IS WEARING A VALID REGISTRATION TAG OR THE IDENTITY OF THE OWNER OR HARBORER IS OTHERWISE ESTABLISHED, NOTICE SHALL BE GIVEN PRIOR TO OR ON THE

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NEXT WORKING DAY TO SUCH OWNER OR HARBORER THAT THE DOG HAS BEEN IMPOUNDED. NOTICE MAY BE BY TELEPHONE, CERTIFIED MAIL OR BY RESIDENCE SERVICE TO THE LAST KNOWN ADDRESS OF SUCH OWNER OR HARBORER. THE DOG SHALL NOT BE RELEASED EXCEPT UPON THE PAYMENT TO THE ANIMAL CONTROL OFFICER OR POUNDKEEPER OF ALL COSTS ASSESSED FOR THE CARE OF THE ANIMAL AND UPON PROVIDING THE ANIMAL WITH A VALID REGISTRATION TAG IF IT HAS NONE. ANY DOG NOT REDEEMED WITHIN THE TIME PERIODS SPECIFIED IN ORC 955.12 MAY BE SOLD OR OTHERWISE DISPOSED OF AS PROVIDED IN OHIO R.C. 995.16.

(B) IF THE IMPOUNDED CAT IS WEARING AN IDENTIFICATION TAG OR THE IDENTITY OF THE OWNER OR HARBORER IS OTHERWISE ESTABLISHED, NOTICE SHALL BE GIVEN ON THE NEXT REGULAR BUSINESS DAY TO SUCH OWNER OR HARBORER THAT THE CAT HAS BEEN IMPOUNDED. NOTICE MAY BE BY TELEPHONE OR BY RESIDENCE SERVICE TO THE LAST KNOWN ADDRESS OF SUCH OWNER OR HARBORER. THE CAT SHALL NOT BE RELEASED EXCEPT UPON THE PAYMENT TO THE ANIMAL CONTROL OFFICER OR POUNDKEEPER OF ALL COSTS ASSESSED FOR THE CARE OF THE ANIMAL. ANY CAT NOT REDEEMED BY THE NEXT REGULAR BUSINESS DAY AFTER NOTICE IS GIVEN TO THE OWNER OR HARBORER AS PROVIDED HEREIN, OR THE NEXT REGULAR BUSINESS DAY FOLLOWING THE DATE SUCH CAT IS SEIZED OR IMPOUNDED, IF THE OWNER OR HARBORER CANNOT BE FOUND, MAY BE SOLD OR OTHERWISE DISPOSED OF IN A HUMANE MANNER AS SHALL BE DETERMINED BY THE ANIMAL CONTROL OFFICER OR THE POUNDKEEPER.

(C) IN THE EVENT AN ANIMAL IS REMOVED FROM A RESIDENCE BY THE CITY BECAUSE ITS OWNER IS INCARCERATED, EVICTED, DECEASED, NOT FOUND OR OTHERWISE UNABLE TO CARE FOR THE ANIMAL ON A DAILY BASIS, THE ANIMAL MAY BE IMPOUNDED BY AN OFFICER CHARGED BY LAW WITH THE CUSTODY AND DISPOSAL OF SUCH ANIMALS FOR A PERIOD OF AT LEAST 72 HOURS, IN WHICH PERIOD THE OWNER MAY CLAIM THE ANIMAL. THE ANIMAL SHALL NOT BE RELEASED EXCEPT UPON THE PAYMENT TO THE ANIMAL CONTROL OFFICER OR POUNDKEEPER OF ALL COSTS ASSESSED FOR THE CARE OF THE ANIMAL AND UPON PROVIDING THE ANIMAL WITH A VALID REGISTRATION TAG IF IT HAS NONE. THE CITY SHALL LEAVE NOTICE AT THE RESIDENCE OF THE IMPOUNDING OF THE ANIMAL AND MAY MAKE OTHER REASONABLE ATTEMPTS TO PROVIDE SUCH NOTICE. IF THE OWNER OR OWNER'S DESIGNEE FAILS TO CLAIM THE ANIMAL WITHIN THE 72-HOUR PERIOD, THE ANIMAL WILL BE CONSIDERED ABANDONED AND THE CITY MAY SELL OR OTHERWISE DISPOSE OF THE ANIMAL IN A HUMANE MANNER AS DETERMINED BY AN THE ANIMAL CONTROL OFFICER, THE POUNDKEEPER OR ANY OTHER OFFICER CHARGED BY LAW WITH THE CUSTODY AND DISPOSAL OF SUCH ANIMAL.

(D) A RECORD OF ALL DOGS AND CATS IMPOUNDED, THE DISPOSITION OF THE SAME, THE OWNER'S NAME AND ADDRESS, IF KNOWN, AND A STATEMENT OF ANY COSTS OR RECEIPTS INVOLVING SUCH DOG OR CAT SHALL BE KEPT.

505.03 DOG COLLAR AND LICENSE.

(a) The owner of any dog within the City shall maintain and keep a collar or harness on his dog and the collar or harness shall contain the name and address of the owner and any required dog license. Any dog found to be running at large within the City without a name tag or a required dog license shall be considered a stray and shall be impounded by the ~~Dog Warden~~ **ANIMAL CONTROL OFFICER**. The ~~Dog Warden~~ **ANIMAL CONTROL OFFICER** is hereby authorized to humanely dispose of a stray animal after seventy-two hours have elapsed from the time the dog has been captured or taken custody by the ~~Dog Warden~~ **ANIMAL CONTROL OFFICER**.

(b) Whoever violates this section is guilty of a ~~minor misdemeanor~~. **MISDEMEANOR OF THE FOURTH DEGREE.**
(Ord. 113-80. Passed 8-4-80.)

505.04 ABANDONING ANIMALS.

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

(b) Whoever violates this section is guilty of a ~~(minor)~~ misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense. (Ord. 31-04. Passed 2-23-04.)

~~505.05 KILLING OR INJURING ANIMALS.~~

~~(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity. (ORC 959.02)~~

~~(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more such person is guilty of a misdemeanor of the first degree. (Ord. 24-83. Passed 3-1-83.)~~

~~505.06 POISONING ANIMALS.~~

~~(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. (ORC 959.03)~~

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

~~505.07 CRUELTY TO ANIMALS GENERALLY.~~

~~(a) No person shall:~~

- ~~(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;~~
- ~~(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;~~
- ~~(3) Carry or convey an animal in a cruel or inhuman manner;~~
- ~~(4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;~~
- ~~(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.~~

~~(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments~~

without food, water and attention, may be extended to thirty six hours without penalty therefor. This section does not prevent the dehorning of cattle. (ORC 959.13)

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

(Ord. 121-90. Passed 7-23-90.)

505.071 CRUELTY TO COMPANION ANIMALS.

~~(a) As used in this section:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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- ~~(1) Torture, torment, or commit an act of cruelty against the companion animal;~~
- ~~(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;~~
- ~~(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.~~
- ~~(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:~~
 - ~~(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;~~
 - ~~(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;~~
 - ~~(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;~~
 - ~~(4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;~~
 - ~~(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741. (ORC 959.131)~~
- ~~(f)~~
 - ~~(1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.~~
 - ~~(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.~~
 - ~~(3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.~~
 - ~~(4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.~~
~~B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.~~
 - ~~(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that~~

contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99; Ord. 101-16. Passed 12-5-16.)

505.08 NUISANCE CONDITIONS PROHIBITED.

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

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

505.09 DISTURBING NOISES PROHIBITED.

(a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

(b) No person shall own, harbor, or keep any animal or fowl, which, by loud, frequent, or habitual barking, howling, screeching, or bawling, shall cause annoyance or disturbances to the peace, quiet and good order of the City.

(c) This section shall not apply to the use of land for agricultural purposes, provided any animal or fowl maintained for this purpose shall be at least three hundred feet away from any property within the City not used and occupied for agricultural purposes. (Ord. 42-69. Passed 8-25-69.)

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

505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian and results of such examination shall be reported to the Health Commissioner within twenty-four hours. At the direction of the Health Commissioner, the dog or other animal shall either be confined by its owner or harborer to his premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten at which time report of the condition of the animal shall be made to the Health Commissioner.

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

(b) Whoever violates this section is guilty of a ~~minor misdemeanor~~ **MISDEMEANOR OF THE FOURTH DEGREE.**

505.11 HUNTING.

(a) Definitions. For purposes of this section, the following words and phrases shall have the following meanings ascribed to them respectively.

- (1) "Hunting" means pursuing, shooting, killing or capturing wild birds or wild quadrupeds, and all other acts such as placing, setting, drawing or employing any device commonly used to kill or capture wild birds or wild quadrupeds, whether they result in killing or capturing or not. It includes every attempt to kill or capture

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and every act of assistance to any other person in killing or capturing or attempting to capture wild birds or wild quadrupeds.

(2) "Person" means an individual, company, partnership, corporation, association or any combination of individuals, or any employee, agent or officer thereof. (Ord. 21-58. Passed 5-12-58.)

(b) Hunting Forbidden. No hunting shall be permitted within the corporate limits of the City, except anyone engaged in farming may destroy any wild animal that is doing damage to property or crops thereon or animals raised on the confines of the farm if such hunting takes place more than one thousand feet from any building or three hundred feet from any highway, road or lane. **NOTWITHSTANDING THE FOREGOING, THE CHIEF OF POLICE WITH THE CONSENT OF THE CITY MANAGER MAY DIRECT PERSONNEL EMPLOYED BY OR ASSOCIATED WITH A FEDERAL AGENCY, STATE AGENCY OR LOCAL LAW ENFORCEMENT AGENCY TO CULL DEER ON CITY OWNED PROPERTY PROVIDED SUCH CULLING HAS BEEN APPROVED BY THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE IF SUCH APPROVAL IS REQUIRED.**

(c) Dogs. No person shall run dogs on the land of another unless written permission has first been obtained from the property owner. All dogs must be accompanied by a handler. Accompanied means that the handler is within reasonable distance so that dogs can be commanded to return by a call from the handler.(Ord. 71-75. Passed 12-8-75.)

(d) Enforcement. Law enforcement officials of the City, police or conservation police shall have full authority to enforce this section.(Ord. 21-58. Passed 5-12-58.)

(e) This section shall not apply to killing or capturing nuisance or injured animals by law enforcement officials, including persons acting at the direction of law enforcement officials, in furtherance of their duty and in their official capacity.

(f) Penalty. Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. (Ord. 42-04. Passed 3-8-04.)

~~505.12 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.~~

~~(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times. (ORC 925.62)~~

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

~~505.13 HARMING BIRDS.~~

~~(a) No person shall kill, wound or attempt to kill or wound, by the use of firearms, bows and arrows, stones, or otherwise, any bird, except an english sparrow, nor shoot an arrow, nor throw a stone, club or other missile at any bird within any private grounds, public park or square.~~

~~(b) No person shall enter on any private enclosure or public grounds for the purpose of doing any act prohibited in this section. (Ord. 31-59. Passed 8-30-59.)~~

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

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505.14 DANGEROUS ANIMALS.

(a) No person shall permit any dangerous animal **OTHER THAN A DOG** to run at large, nor lead any animal **OTHER THAN A DOG** with a chain or rope or other appliance, whether the animal is muzzled or unmuzzled, in any street or public place. (Ord. 31-59. Passed 8-30-59.)

(b) Whoever violates this section is guilty of a ~~minor misdemeanor~~ **MISDEMEANOR OF THE FOURTH DEGREE.**

~~**505.15 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.**~~

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

~~(1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and~~

~~(2) The Clerk of the Municipal Legislative Authority.~~

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

~~(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 38-88. Passed 2-22-88.)~~

505.16 VICIOUS DOG.

(a) "Vicious dog" means a dog that, without provocation, meets any of the following:

(1) Has killed or caused serious injury to any person;

(2) Has caused injury, other than killing or serious injury, to any person, or has killed another dog or domestic animal;

(3) Belongs to a breed that is commonly known as a pit bull dog or pit bull terrier which includes any Staffordshire bull terrier or American Staffordshire terrier breed of dog or which is identifiable as partially of such breed.

(b) "Vicious dog" does not include dogs identified in Ohio R.C. 955.11(A)(4)(b).

(c) No owner, keeper or harbinger of a vicious dog shall do either of the following:

(1) Suffer or permit the vicious dog to go unconfined on the premises of such owner, keeper or harbinger;

(2) Suffer or permit the vicious dog to go beyond the premises of such owner, keeper, or harbinger unless such dog is securely leashed or otherwise securely restrained by a person who is of suitable age and discretion.

(d) A vicious dog is "unconfined" as used in this section if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of the owner, keeper or harbinger. Such pen or dog run area must also have either sides six feet high or a secure top.

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

(f) Whoever violates this section shall be guilty of a misdemeanor of the third degree on the first offense and a misdemeanor of the first degree for each subsequent offense under this section. In addition to any other sentence that it imposes upon the offender under this section, the court may order a dog either destroyed or permanently removed from the City when, in the court's judgment, such dog represents a continuing threat of serious harm to human beings or other domestic animals. The fact that

~~a dog has chased or approached in a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person while that dog was off the premises of its owner, keeper or harbinger shall not control the court's discretion but shall be considered in favor of the destruction or permanent removal of the dog from the City. Any person found guilty of violating this section shall pay all expenses, including shelter, food, boarding and veterinary expenses necessitated by the seizure of the dog, and such other expenses as may be required for the destruction or permanent removal from the City of any such dog. (Ord. 104-96. Passed 7-22-96.)~~

505.16 DEFINITIONS.

(A) "DANGEROUS DOG" MEANS A DOG THAT, WITHOUT PROVOCATION, 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 SECTION 505.01 OF THE CODE.**

"DANGEROUS DOG" DOES NOT INCLUDE A POLICE DOG THAT HAS CAUSED INJURY, OTHER THAN KILLING OR SERIOUS INJURY, TO ANY PERSON OR HAS KILLED ANOTHER DOG WHILE THE POLICE DOG IS BEING USED TO ASSIST ONE OR MORE LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

(B) "MENACING FASHION" MEANS THAT A DOG WOULD CAUSE ANY PERSON BEING CHASED OR APPROACHED TO REASONABLY BELIEVE THAT THE DOG WILL CAUSE PHYSICAL INJURY TO THAT PERSON.

(C) "NUISANCE DOG" MEANS A DOG THAT WITHOUT PROVOCATION AND WHILE OFF THE PREMISES OF ITS OWNER, KEEPER, OR HARBORER, INCLUDING WITHIN COMMON AREAS OF MULTIPLE-UNIT PROPERTIES, 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. "NUISANCE DOG" DOES NOT INCLUDE A POLICE DOG THAT WHILE BEING USED TO ASSIST ONE OR MORE LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF OFFICIAL DUTIES HAS CHASED OR APPROACHED A PERSON IN EITHER A MENACING FASHION OR AN APPARENT ATTITUDE OF ATTACK OR HAS ATTEMPTED TO BITE OR OTHERWISE ENDANGER ANY PERSON.

(D) "POLICE DOG" MEANS A DOG THAT HAS BEEN TRAINED, AND MAY BE USED, TO ASSIST ONE OR MORE LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

(E) "SERIOUS INJURY" MEANS ANY OF THE FOLLOWING:

- (1) ANY PHYSICAL HARM THAT CARRIES A SUBSTANTIAL RISK OF DEATH;**
- (2) ANY PHYSICAL HARM THAT INVOLVES A PERMANENT INCAPACITY, WHETHER PARTIAL OR TOTAL, OR A TEMPORARY, SUBSTANTIAL INCAPACITY;**
- (3) ANY PHYSICAL HARM THAT INVOLVES A PERMANENT DISFIGUREMENT OR A TEMPORARY, SERIOUS DISFIGUREMENT;**
- (4) ANY PHYSICAL HARM THAT INVOLVES ACUTE PAIN OF A DURATION THAT RESULTS IN SUBSTANTIAL SUFFERING OR ANY DEGREE OF PROLONGED OR INTRACTABLE PAIN.**

(F) "VICIOUS DOG" MEANS A DOG THAT, WITHOUT PROVOCATION, HAS KILLED OR CAUSED SERIOUS INJURY TO ANY PERSON. "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;**

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(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 HARBORER OF THE DOG.

(G) "WITHOUT PROVOCATION" MEANS THAT A DOG WAS NOT TEASED BY A PERSON OR ANIMAL, TORMENTED BY A PERSON OR ANIMAL, OR ABUSED BY A PERSON, OR THAT THE DOG WAS NOT COMING TO THE AID OR THE DEFENSE OF A PERSON WHO WAS NOT ENGAGED IN ILLEGAL OR CRIMINAL ACTIVITY AND WHO WAS NOT USING THE DOG AS A MEANS OF CARRYING OUT SUCH ACTIVITY.

505.161 NUISANCE, DANGEROUS AND VICIOUS DOG CLASSIFICATION AND HEARING.

(A) IF AN ANIMAL CONTROL OFFICER OR PEACE OFFICER 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 HARBORER OF THAT DOG, BY CERTIFIED MAIL OR IN PERSON, OF BOTH OF THE FOLLOWING:

- (1) THAT THE PERSON HAS DESIGNATED THE DOG A NUISANCE DOG, DANGEROUS DOG, OR VICIOUS DOG, AS APPLICABLE;
- (2) THAT THE OWNER, KEEPER, OR HARBORER OF THE DOG MAY REQUEST A HEARING REGARDING THE DESIGNATION IN ACCORDANCE WITH THIS SECTION. THE NOTICE SHALL INCLUDE INSTRUCTIONS FOR FILING A REQUEST FOR A HEARING IN THE COUNTY IN WHICH THE DOG'S OWNER, KEEPER, OR HARBORER RESIDES.

(B) IF THE OWNER, KEEPER, OR HARBORER 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 HARBORER, 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 THAT HAS TERRITORIAL JURISDICTION OVER THE RESIDENCE OF THE DOG'S OWNER, KEEPER, OR HARBORER. 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 HARBORER 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.

(C) A COURT, UPON MOTION OF AN OWNER, KEEPER, OR HARBORER OR AN ATTORNEY REPRESENTING THE OWNER, KEEPER, OR HARBORER, 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 HARBORER 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 (D) OF SECTION 955.22 OF THE REVISED CODE 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 HARBORER OF THE DOG SHALL NOT BE REQUIRED TO COMPLY WITH ANY OTHER REQUIREMENTS ESTABLISHED IN THE 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.

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(D) IF A DOG IS FINALLY DETERMINED UNDER THIS SECTION, OR ON APPEAL AS DESCRIBED IN THIS SECTION, TO BE A VICIOUS DOG, DIVISION (D) OF SECTION 955.11 AND DIVISIONS (D) TO (I) OF SECTION 955.22 OF THE REVISED CODE APPLY WITH RESPECT TO THE DOG AND THE OWNER, KEEPER, OR HARBORER OF THE DOG AS IF THE DOG WERE A DANGEROUS DOG, AND SECTION 955.54 OF THE REVISED CODE 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 HARBORER IN THAT MANNER. AS PART OF THE ORDER, THE COURT SHALL REQUIRE THE OWNER, KEEPER, OR HARBORER TO OBTAIN THE LIABILITY INSURANCE REQUIRED UNDER DIVISION (E)(1) OF SECTION 955.22 OF THE REVISED CODE IN AN AMOUNT DESCRIBED IN DIVISION (H)(2) OF SECTION 955.99 OF THE REVISED CODE.

505.162 CONTROL OF NUISANCE, DANGEROUS AND VICIOUS DOGS.

(A) NO OWNER, KEEPER, OR HARBORER OF A NUISANCE DOG SHALL FAIL TO DO THE FOLLOWING:

- (1) WHILE THE DOG IS ON THE PREMISES OF THE OWNER, KEEPER, OR HARBORER, SO AS TO PREVENT IT FROM CAUSING INJURY TO ANY PERSON OR DOMESTIC ANIMAL:
 - A. SECURELY CONFINE THE DOG INDOORS;
 - B. SECURELY CONFINE THE DOG IN A LOCKED PEN WHICH HAS A SECURED TOP AND KEEP THE DOG UNDER DIRECT SUPERVISION BY A PERSON WHO IS OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG;
 - C. SECURELY CONFINE THE DOG IN A LOCKED FENCED YARD, WHICH FENCE IS AT LEAST SIX FEET TALL, AND KEEP THE DOG UNDER DIRECT SUPERVISION BY A PERSON WHO IS OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG; OR
 - D. KEEP THE DOG RESTRAINED BY A NON-RETRACTABLE TETHER OR A LEASH NO LONGER THAN SIX FEET IN LENGTH AND HAVE THE LEASH OR TETHER CONTROLLED BY A PERSON WHO IS OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG 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 SUCH PERSON IN CLOSE PROXIMITY.
- (2) WHILE THE DOG IS OFF THE PREMISES OF THE OWNER, KEEPER, OR HARBORER, INCLUDING WITHIN COMMON AREAS OF MULTIPLE-UNIT PROPERTIES, SO AS TO PREVENT IT FROM CAUSING INJURY TO ANY PERSON OR DOMESTIC ANIMAL:
 - A. KEEP THE DOG RESTRAINED BY A NON-RETRACTABLE TETHER OR A LEASH NO LONGER THAN SIX FEET IN LENGTH AND HAVE THE LEASH OR TETHER CONTROLLED BY A PERSON WHO IS OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG 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 SUCH PERSON IN CLOSE PROXIMITY; AND
 - B. IDENTIFY THE DOG WITH A LEASH, COLLAR, HARNESS, VEST, OR OTHER GARMENT THAT IS COLORED NEON YELLOW, WITHOUT PATTERNS OR OTHER ADORNMENTS EXCEPT DESIGNS INTENDED TO INCREASE VISIBILITY OF THE DOG AT NIGHT. THE IDENTIFYING GARMENT SHALL BE VISIBLE AND IDENTIFIABLE TO AN ORDINARY PERSON FROM AT

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LEAST 15 FEET AWAY SO AS TO PROVIDE REASONABLE WARNING TO THAT PERSON ABOUT THE DOG'S CLASSIFICATION.

- (3) WITHIN TEN CALENDAR DAYS OF THE NOTICE OF CLASSIFICATION, PROVIDE THE POLICE DEPARTMENT WITH AN IDENTIFYING COLOR PHOTOGRAPH OF THE DOG AND MICROCHIP INFORMATION IF THE DOG IS MICROCHIPPED.
- (4) NOTIFY THE POLICE DEPARTMENT IMMEDIATELY IF THE DOG IS LOOSE OR UNCONFINED OR HAS AGGRESSIVELY BITTEN A HUMAN OR A DOMESTIC ANIMAL.
- (5) NOTIFY THE POLICE DEPARTMENT IN WRITING WITHIN FIVE CALENDAR DAYS IF THE DOG IS TRANSFERRED TO ANOTHER OWNER OR KEEPER OR DIES. IF THE DOG IS TRANSFERRED TO ANOTHER OWNER, THE WRITTEN NOTICE SHALL INCLUDE THE NAME, ADDRESS, AND PHONE NUMBER OF THE TRANSFEREE.
- (6) NOTIFY VETERINARIANS, VETERINARY STAFF, GROOMERS, AND OTHER MEMBERS OF THE PUBLIC WHO COME INTO DIRECT CONTACT WITH THE DESIGNATED DOG THAT THE DOG HAS BEEN DESIGNATED AS A NUISANCE DOG PRIOR TO SUCH CONTACT.
- (7) NEUTER OR SPAY THE DOG WITHIN 14 CALENDAR DAYS OF THE FINAL DETERMINATION OF THE DOG AS A NUISANCE DOG, UNLESS A LICENSED VETERINARIAN DETERMINES THAT NEUTERING OR SPAYING OF THE DOG IS MEDICALLY CONTRAINDICATED AND PROVIDE PROOF OF ALTERATION OR EXEMPTION TO THE POLICE DEPARTMENT UPON DEMAND.

(B) NO OWNER, KEEPER, OR HARBORER OF A DANGEROUS OR VICIOUS DOG SHALL FAIL TO DO THE FOLLOWING:

- (1) WHILE THE DOG IS ON THE PREMISES OF THE OWNER, KEEPER, OR HARBORER, SO AS TO PREVENT IT FROM CAUSING INJURY TO ANY PERSON OR DOMESTIC ANIMAL, SECURELY CONFINED IT AT ALL TIMES:
 - A. IN A LOCKED PEN THAT HAS A SECURED TOP, UNDER THE DIRECT SUPERVISION OF A PERSON WHO IS AT LEAST 18 YEARS OF AGE AND OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG;
 - B. IN A LOCKED, FENCED YARD, WHICH FENCE IS LOCATED IN THE REAR YARD WITH SELF-CLOSING AND SELF-LATCHING GATES ON ANY OPENINGS OF THE FENCED YARD, AT LEAST SIX FEET TALL, AND RESTRAINED BY A LEASH OR TETHER NO LONGER THAN TEN FEET IN LENGTH CONTROLLED BY A PERSON WHO IS AT LEAST 18 YEARS OF AGE AND OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG 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 SUCH PERSON IN CLOSE PROXIMITY; OR
 - C. IN ANY OTHER LOCKED ENCLOSURE THAT HAS A SECURED TOP, INCLUDING A HOUSE. IF THE DOG IS CONFINED IN ANY OTHER LOCKED ENCLOSURE THAT HAS A TOP OUTDOORS, KEEP THE DOG UNDER THE DIRECT SUPERVISION OF A PERSON WHO IS AT LEAST 18 YEARS OF AGE AND OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG.
- (2) WHILE THAT DOG IS OFF THE PREMISES OF THE OWNER, KEEPER, OR HARBORER, INCLUDING WITHIN COMMON AREAS OF MULTIPLE-UNIT PROPERTIES, SO AS TO PREVENT IT FROM CAUSING INJURY TO ANY PERSON OR DOMESTIC ANIMAL:

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- A. MUZZLE THE DOG WITH A MUZZLE MADE IN A MANNER THAT WILL NOT CAUSE INJURY TO THE DOG OR INTERFERE WITH ITS VISION OR RESPIRATION, BUT ALLOWS THE DOG TO EAT AND DRINK AND PREVENTS IT FROM BITING ANY PERSON OR ANIMAL, AND ALSO KEEP THE DOG RESTRAINED BY A LEASH OR TETHER NO LONGER THAN SIX FEET IN LENGTH CONTROLLED BY A PERSON WHO IS AT LEAST 18 YEARS OF AGE AND OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG 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 SUCH PERSON IN CLOSE PROXIMITY;
- B. KEEP THE DOG IN A LOCKED FENCED YARD, WHICH FENCE IS LOCATED IN THE REAR YARD WITH SELF-CLOSING AND SELF-LATCHING GATES ON ANY OPENINGS OF THE FENCED YARD, AT LEAST SIX FEET TALL, AND RESTRAINED BY A LEASH OR TETHER NO LONGER THAN TEN FEET IN LENGTH AND HAVE THE LEASH OR TETHER CONTROLLED BY A PERSON WHO IS AT LEAST 18 YEARS OF AGE AND OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG 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 SUCH PERSON IN CLOSE PROXIMITY;
- C. KEEP THE DOG IN A LOCKED PEN THAT HAS A SECURE TOP, UNDER THE DIRECT SUPERVISION OF A PERSON WHO IS AT LEAST 18 YEARS OF AGE AND OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG; OR
- D. KEEP THE DOG IN ANOTHER LOCKED ENCLOSURE THAT HAS A SECURE TOP, INCLUDING A HOUSE. IF THE DOG IS CONFINED IN ANOTHER LOCKED ENCLOSURE THAT HAS A TOP OUTDOORS, KEEP THE DOG UNDER THE DIRECT SUPERVISION OF A PERSON WHO IS AT LEAST 18 YEARS OF AGE AND OF SUFFICIENT SIZE AND STRENGTH TO CONTROL THE DOG.

(C) NO OWNER, KEEPER, OR HARBORER OF A DANGEROUS OR VICIOUS DOG SHALL FAIL TO IDENTIFY THE DOG AT ALL TIMES WITH A LEASH, COLLAR, HARNESS, VEST, OR OTHER GARMENT THAT IS COLORED NEON YELLOW, WITHOUT PATTERNS OR OTHER ADORNMENTS EXCEPT DESIGNS INTENDED TO INCREASE VISIBILITY OF THE DOG AT NIGHT. WHILE THE DOG IS OFF THE PREMISES OF THE OWNER, KEEPER, OR HARBORER, INCLUDING WITHIN COMMON AREAS OF MULTIPLE-UNIT PROPERTIES, THE IDENTIFYING GARMENT SHALL BE VISIBLE AND IDENTIFIABLE TO AN ORDINARY PERSON FROM AT LEAST 15 FEET AWAY SO AS TO PROVIDE REASONABLE WARNING TO THAT PERSON ABOUT THE DOG'S CLASSIFICATION AND TO PREVENT THE DOG FROM CAUSING INJURY TO ANY PERSON OR DOMESTIC ANIMAL.

(D) NO OWNER, KEEPER, OR HARBORER OF A DANGEROUS OR VICIOUS DOG SHALL FAIL TO DO THE FOLLOWING:

- (1) MAINTAIN A POLICY OF LIABILITY INSURANCE WITH AN INSURER AUTHORIZED TO WRITE LIABILITY INSURANCE IN THIS STATE PROVIDING COVERAGE IN EACH OCCURRENCE, SUBJECT TO A LIMIT, EXCLUSIVE OF INTEREST AND COSTS, OF NOT LESS THAN ONE HUNDRED THOUSAND DOLLARS (\$100,000) FOR A DANGEROUS OR VICIOUS DOG BECAUSE OF DAMAGE OR BODILY INJURY TO OR DEATH OF A PERSON OR ANIMAL CAUSED BY THE DOG. SUCH INSURANCE MUST BE OBTAINED WITHIN 14 CALENDAR DAYS OF THE FINAL DETERMINATION OF

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THE DOG AS A DANGEROUS OR VICIOUS DOG. THE OWNER OR KEEPER OF ANY DANGEROUS OR VICIOUS DOG SHALL PROVIDE A COPY OF THE POLICY FOR LIABILITY INSURANCE TO THE CHIEF OF POLICE ON A YEARLY BASIS 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.

- (2) OBTAIN A DANGEROUS DOG REGISTRATION CERTIFICATE FROM THE COUNTY FISCAL OFFICER PURSUANT TO SECTION 955.22(I) OF THE REVISED CODE WITHIN 14 CALENDAR DAYS OF THE FINAL DETERMINATION OF THE DOG AS A DANGEROUS OR VICIOUS DOG, AFFIX A TAG THAT IDENTIFIES THE DOG AS A DANGEROUS OR VICIOUS DOG TO THE DOG'S COLLAR, ENSURE THAT THE DOG WEARS THE COLLAR AND TAG AT ALL TIMES, AND PRESENT THE DANGEROUS DOG REGISTRATION CERTIFICATE UPON BEING REQUESTED TO DO SO BY ANY LAW ENFORCEMENT OFFICER, DOG WARDEN, ANIMAL WARDEN OR CONTROL OFFICER, OR PUBLIC HEALTH OFFICIAL, INCLUDING EVIDENCE THAT THE DOG HAS BEEN MICROCHIPPED, RABIES VACCINATED, AND NEUTERED OR SPAYED, UNLESS A LICENSED VETERINARIAN DETERMINES THAT NEUTERING OR SPAYING OF THE DOG IS MEDICALLY CONTRAINDICATED.
- (3) NOTIFY THE POLICE DEPARTMENT IMMEDIATELY IF ANY OF THE FOLLOWING OCCURS:
 - A. THE DOG IS LOOSE OR UNCONFINED.
 - B. 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.
 - C. THE DOG ATTACKS ANOTHER ANIMAL WHILE THE DOG IS OFF THE PROPERTY OF THE OWNER OF THE DOG.
 - D. THE DOG IS SOLD, GIVEN TO ANOTHER PERSON, OR DIES, WITHIN TEN CALENDAR DAYS OF THE SALE, TRANSFER, OR DEATH, AND ALSO NOTIFY THE COUNTY FISCAL OFFICER.
- (4) WITHIN TEN CALENDAR DAYS OF THE NOTICE OF CLASSIFICATION, PROVIDE THE POLICE DEPARTMENT WITH AN IDENTIFYING COLOR PHOTOGRAPH OF THE DOG.
- (5) NOTIFY VETERINARIANS, VETERINARY STAFF, GROOMERS, AND OTHER MEMBERS OF THE PUBLIC WHO COME INTO DIRECT CONTACT WITH THE DESIGNATED DOG THAT THE DOG HAS BEEN DESIGNED AS A DANGEROUS OR VICIOUS DOG PRIOR TO SUCH CONTACT.
- (6) SUCCESSFULLY COMPLETE A DOG OBEDIENCE OR BEHAVIOR MODIFICATION COURSE THAT INCLUDES A MINIMUM OF SIX HOURS OF IN-PERSON PROFESSIONAL TRAINING OR BEHAVIOR MODIFICATION WITHIN 90 CALENDAR DAYS OF THE FINAL DETERMINATION OF THE DOG AS A DANGEROUS OR VICIOUS DOG AND PROVIDE PROOF OF COMPLETION TO THE POLICE CHIEF.
- (7) CONSENT TO AN INSPECTION OF THE PROPERTY WHERE THE DOG IS KEPT, OTHER THAN WITHIN ANY PRIVATE STRUCTURE UNLESS OTHERWISE AUTHORIZED BY LAW, BY THE POLICE CHIEF FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

(E) NO PERSON SHALL DO ANY OF THE FOLLOWING:

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- (1) DEBARK OR SURGICALLY SILENCE A DOG THAT THE PERSON KNOWS OR HAS REASON TO BELIEVE IS A DANGEROUS OR VICIOUS DOG;
- (2) POSSESS A DANGEROUS OR VICIOUS DOG IF THE PERSON KNOWS OR HAS REASON TO BELIEVE THAT THE DOG HAS BEEN DEBARKED OR SURGICALLY SILENCED;
- (3) FALSELY ATTEST ON A WAIVER FORM PROVIDED BY THE VETERINARIAN UNDER SECTION 955.22(F) OF THE REVISED CODE THAT THE PERSON'S DOG IS NOT A DANGEROUS OR VICIOUS DOG OR OTHERWISE PROVIDE FALSE INFORMATION ON THAT WRITTEN WAIVER FORM. IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE OF A VIOLATION OF THIS SUBSECTION 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 SECTION 955.22(F) OF THE REVISED CODE AND THAT ATTESTS THAT THE DOG IS NOT A DANGEROUS OR VICIOUS DOG.

(F) PENALTIES.

- (1) WHOEVER VIOLATES THIS SECTION WHEN THE VIOLATION INVOLVES A NUISANCE DOG IS GUILTY OF A MISDEMEANOR OF THE FOURTH DEGREE ON THE FIRST OFFENSE, A MISDEMEANOR OF THE THIRD DEGREE ON THE SECOND OFFENSE, AND A MISDEMEANOR OF THE FIRST DEGREE ON THE THIRD OR ANY SUBSEQUENT OFFENSE.

NOTWITHSTANDING THE FOREGOING PENALTIES, IF THE DOG AGGRESSIVELY BITES A DOMESTIC ANIMAL OR HUMAN WITHOUT PROVOCATION AS A RESULT OF A VIOLATION OF THIS SECTION, THEN WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. ADDITIONALLY, THE COURT SHALL ORDER THE OFFENDER TO COMPLETE DOG OBEDIENCE TRAINING WITHIN A SPECIFIED PERIOD OF TIME AND PROVIDE WRITTEN PROOF THEREOF TO THE POLICE CHIEF.

- (2) WHOEVER VIOLATES THIS SECTION WHEN THE VIOLATION INVOLVES A DANGEROUS DOG IS GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE ON THE FIRST OFFENSE, A MISDEMEANOR OF THE SECOND DEGREE ON THE SECOND OFFENSE, AND A MISDEMEANOR OF THE FIRST DEGREE ON THE THIRD OR ANY SUBSEQUENT OFFENSE.

NOTWITHSTANDING THE FOREGOING PENALTIES, IF THE DOG AGGRESSIVELY BITES A DOMESTIC ANIMAL OR HUMAN WITHOUT PROVOCATION AS A RESULT OF A VIOLATION OF THIS SECTION, THEN WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. ADDITIONALLY, THE COURT SHALL ORDER THE OFFENDER TO COMPLETE DOG OBEDIENCE TRAINING WITHIN A SPECIFIED PERIOD OF TIME AND PROVIDE WRITTEN PROOF THEREOF TO THE POLICE CHIEF. THE COURT MAY FURTHER IMPOSE REASONABLE TERMS, CONDITIONS AND RESTRICTIONS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

NOTWITHSTANDING THE FOREGOING PENALTIES, IF THE DOG KILLS A DOMESTIC ANIMAL OR CAUSES SERIOUS INJURY TO A HUMAN AS A RESULT OF A VIOLATION OF THIS SECTION, THEN WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. THE COURT MAY IMPOSE REASONABLE TERMS, CONDITIONS AND RESTRICTIONS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING IMPOSING ADDITIONAL KEEPING REQUIREMENTS ON THE DOG WHILE IT IS KEPT OR

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HARBORED WITHIN THE CITY, REQUIRING THE OWNER, KEEPER, OR HARBORER OF THE DOG TO TEMPORARILY OR PERMANENTLY REMOVE THE DOG FROM BEING KEPT OR HARBORED IN THE CITY, OR REQUIRING HUMANE EUTHANASIA OF THE DOG BY A LICENSED VETERINARIAN.

- (3) WHOEVER VIOLATES THIS SECTION WHEN THE VIOLATION INVOLVES A VICIOUS DOG IS GUILTY OF A MISDEMEANOR OF THE SECOND DEGREE ON THE FIRST OFFENSE, A MISDEMEANOR OF THE FIRST DEGREE ON THE SECOND OFFENSE OR ANY SUBSEQUENT OFFENSE.

NOTWITHSTANDING THE FOREGOING PENALTIES, IF THE DOG AGGRESSIVELY BITES A DOMESTIC ANIMAL OR HUMAN WITHOUT PROVOCATION AS A RESULT OF A VIOLATION OF THIS SECTION, THEN WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. ADDITIONALLY, THE COURT SHALL ORDER THE OFFENDER TO COMPLETE DOG OBEDIENCE TRAINING WITHIN A SPECIFIED PERIOD OF TIME AND PROVIDE WRITTEN PROOF THEREOF TO THE POLICE CHIEF. THE COURT MAY FURTHER IMPOSE REASONABLE TERMS, CONDITIONS AND RESTRICTIONS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

NOTWITHSTANDING THE FOREGOING PENALTIES, IF THE DOG KILLS A DOMESTIC ANIMAL OR CAUSES SERIOUS INJURY TO A HUMAN AS A RESULT OF A VIOLATION OF THIS SECTION, THEN WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE. THE COURT MAY IMPOSE REASONABLE TERMS, CONDITIONS AND RESTRICTIONS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING HUMANE EUTHANASIA OF THE DOG BY A LICENSED VETERINARIAN.

NOTWITHSTANDING THE FOREGOING PENALTIES, IT IS A FELONY TO BE PROSECUTED UNDER APPROPRIATE STATE LAW IF THE DOG KILLS A PERSON AS A RESULT OF A VIOLATION OF SECTION 955.22(C) OF THE REVISED CODE. THE PENALTIES IN THIS SECTION SHALL NOT APPLY WHENEVER THE CONDUCT PROSCRIBED IN THIS SECTION CONSTITUTES A FELONY UNDER SECTION 955.99 OF THE REVISED CODE.

505.163 DANGEROUS AND VICIOUS DOG OWNERSHIP RESTRICTIONS.

- (A) NO PERSON SHALL OWN, KEEP, MAINTAIN, ALLOW, HARBOR, OR PERMIT MORE THAN ONE DANGEROUS OR VICIOUS DOG AT ANY ONE RESIDENCE THAT HAS AGGRESSIVELY BITTEN AND KILLED A DOG OR AGGRESSIVELY BITTEN AND CAUSED SERIOUS INJURY OR DEATH TO A PERSON.
- (B) THE PROVISIONS AS SET FORTH IN SECTION 955.54 OF THE REVISED CODE SHALL APPLY INSIDE THE CITY, WITH THE EXCEPTION OF DIVISION (A)(2) OF THAT SECTION, WHICH SHALL BE CONSTRUED TO INCLUDE VICIOUS DOGS IN ADDITION TO DANGEROUS DOGS. NO PERSON SHALL FAIL TO ABIDE BY THE PROVISIONS OF SECTION 955.54 OF THE REVISED CODE AS MODIFIED BY THIS SECTION OF THE CODE.
- (C)
 - (1) WHOEVER VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF A SECOND-DEGREE MISDEMEANOR.
 - (2) WHOEVER VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A FIRST-DEGREE MISDEMEANOR.

505.164 EXEMPTIONS.

THE FOLLOWING SHALL BE EXEMPTED FROM THE PROVISIONS OF THIS CHAPTER:

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(A) ANY DOG WHICH IS LAWFULLY ENGAGED IN HUNTING OR TRAINING FOR THE PURPOSE OF HUNTING WHILE ACCOMPANIED BY A LICENSED HUNTER. HOWEVER, SUCH DOGS AT ALL OTHER TIMES AND IN ALL OTHER RESPECTS SHALL BE SUBJECT TO THE ORDINANCE OR RESOLUTION PERMITTED BY THIS SECTION, UNLESS ACTUALLY IN THE FIELD AND ENGAGED IN HUNTING OR IN LEGITIMATE TRAINING FOR SUCH PURPOSE;

(B) A SERVICE ANIMAL, AS DEFINED BY THE AMERICANS WITH DISABILITIES ACT AND THE REGULATIONS PROMULGATED PURSUANT THERETO, THAT HAS CAUSED INJURY OR SERIOUS INJURY TO ANY PERSON OR HAS KILLED A PERSON OR A DOMESTIC ANIMAL WHILE THE SERVICE ANIMAL IS ACTUALLY BEING USED TO ASSIST A PERSON IN THE PERFORMANCE OF THAT ANIMAL'S TRAINED DUTIES; AND

(C) A POLICE DOG THAT HAS CAUSED INJURY OR SERIOUS INJURY TO ANY PERSON OR HAS KILLED A PERSON OR A DOMESTIC ANIMAL WHILE THE POLICE DOG IS ACTUALLY BEING USED TO ASSIST ONE OR MORE LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. (ORD. 1-18. PASSED 4-2-2018.)

505.165 STRICT LIABILITY.

STRICT LIABILITY IS IMPOSED FOR THE VIOLATION OF ANY PROVISION OF SECTIONS 505.16 OR 505.162.

505.17 PIT BULL DOGS.

~~(a) No person shall own, keep or harborer a pit bull dog as hereinafter defined within the Municipal limits of the City of Fairfield, Ohio.~~

~~(b) "Pit bull dog" as used in this section means a dog that belongs to a breed that is commonly known as a pit bull dog or pit bull terrier which includes any Staffordshire bull terrier, American Staffordshire terrier or American pit bull breed of dog or which has the appearance and characteristics of being predominantly of any such breed or which is identifiable as partially of such a breed.~~

~~(c) Whoever violates this section shall be guilty of a misdemeanor of the third degree on the first offense and a misdemeanor of the first degree for each subsequent offense under this section. In addition to any other sentence that it imposes on the offender, the court shall order the pit bull dog either destroyed or permanently removed from the City. Any person found guilty of violating this section shall pay all expenses, including shelter, food, boarding and veterinary expenses necessitated by the seizure of the dog, and such other expense as may be required for the destruction or permanent removal from the City of any such pit bull dog. (Ord. 63-06. Passed 4-24-06.)~~

505.18 PUBLIC DISPLAY OR PROCESSING OF ANIMALS.

~~(a) As used in this section:~~

~~(1) "Animal" means, but is not limited to, dogs, cats, cattle, deer, rabbits, squirrels, skunks, groundhogs, opossum, raccoons, beavers, muskrats, foxes, coyotes and bears, whether dead or alive.~~

~~(2) "Enclosure" means a shed, building or other structure in which the activity sought to be regulated by this section cannot be seen by ordinarily observant persons outside the enclosure while such activity is being carried out.~~

~~(b) No person shall dismember, display, eviscerate, hang, skin or slaughter any animal or part of an animal except in an enclosure that will prevent such activity from being viewed by persons outside the enclosure.~~

~~(c) Whoever violates this section is guilty of improper display or processing of an animal, a minor misdemeanor, unless the violator has previously been convicted of improper display or processing~~

~~of an animal or continues on a separate day to violate this section after being previously cited for a violation of this section on a separate day; in which case improper display or processing of an animal is a misdemeanor of the fourth degree.
(Ord. 21-00. Passed 2-28-00.)~~

505.19 ANIMAL CONTROL OFFICER.

(A) THE ANIMAL CONTROL OFFICER SHALL HOLD THE POSITION AS ESTABLISHED BY ORDINANCE.

(B) IN ADDITION TO SUCH DUTIES AS MAY BE ASSIGNED TO THE ANIMAL CONTROL OFFICER, IT SHALL BE THE DUTY OF THE ANIMAL CONTROL OFFICER, TO ASSIST IN THE ENFORCEMENT OF THE PROVISIONS OF THE CODIFIED ORDINANCES OF THE CITY AND LAWS OF THE STATE, RELATIVE TO THE LICENSING, IMPOUNDING, BOARDING AND DISPOSITION OF ANIMALS, LIVESTOCK OR POULTRY WITHIN THE CORPORATE LIMITS; HOWEVER, NO POLICE OR OTHER OFFICER OF THIS CITY, CHARGED WITH THE RESPONSIBILITY OF ENFORCING THE ORDINANCES OF THIS CITY AND THE LAWS OF THIS STATE, SHALL BE RELIEVED OF SUCH RESPONSIBILITY.

(C) THE ANIMAL CONTROL OFFICER SHALL BE PROVIDED WITH A BADGE DESIGNATING HIS OFFICE, AND SUCH OTHER UNIFORM, VEHICLES AND EQUIPMENT NECESSARY TO CARRY OUT HIS DUTIES; HOWEVER, ANY VEHICLES USED FOR PICKING UP AND IMPOUNDING ANIMALS, LIVESTOCK OR POULTRY SHALL BE CLEARLY MARKED ON BOTH SIDES WITH THE FOLLOWING: "ANIMAL CONTROL".

505.20 INSURANCE COVERAGE FOR DOG LIABILITY.

(A) NO OWNER, KEEPER OR HARBORER OF A DOG IN THE CITY SHALL FAIL TO DO ALL THE FOLLOWING:

- (1) MAINTAIN PUBLIC LIABILITY INSURANCE, WITH AN INSURER AUTHORIZED TO WRITE LIABILITY INSURANCE IN THIS STATE, SUBJECT TO A LIMIT, EXCLUSIVE OF INTEREST AND COSTS, IN A SINGLE INCIDENT AMOUNT OF NO LESS THAN \$10,000.00 FOR BODILY INJURY TO OR DEATH OF ANY PERSON OR PERSONS FOR DAMAGE TO PROPERTY OWNED BY ANY PERSON OR PERSONS WHICH MAY RESULT FROM THE OWNERSHIP, KEEPING OR MAINTAINING OF SUCH ANIMAL; AN EFFECTIVE INSURANCE POLICY WITH THE COVERAGE AND IN THE AMOUNTS SPECIFIED HEREIN MUST BE MAINTAINED BY THE OWNER, KEEPER OR HARBORER AT ALL TIMES; AND
- (2) FURNISH EVIDENCE OF THE POLICY OF INSURANCE REQUIRED UNDER THIS SECTION TO THE CITY LAW ENFORCEMENT OFFICIAL UPON DEMAND.

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF A MINOR MISDEMEANOR ON THE FIRST OFFENSE, A MISDEMEANOR OF THE FOURTH DEGREE ON THE SECOND OFFENSE, AND A MISDEMEANOR OF THE THIRD DEGREE ON THE THIRD OR ANY SUBSEQUENT OFFENSE.

505.99 PENALTY.

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

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