

Chapter 955: DOGS

**Effective
Pre-May 22, 2012**

955.01 Registration of dogs.

(A)(1) Except as otherwise provided in this section or in sections [955.011](#), [955.012](#), and [955.16](#) of the Revised Code, every person who owns, keeps, or harbors a dog more than three months of age, shall file, on or after the first day of the preceding December but before the thirty-first day of January of each year, in the office of the county auditor of the county in which the dog is kept or harbored, an application for registration for the following year, beginning the thirty-first day of January of that year. The board of county commissioners, by resolution, may extend the period for filing the application. The application shall state the age, sex, color, character of hair, whether short or long, and breed, if known, of the dog and the name and address of the owner of the dog. A registration fee of two dollars for each dog shall accompany the application, unless a greater fee has been established under division (A)(2) of this section or under section [955.14](#) of the Revised Code.

(2) A board of county commissioners may establish a registration fee higher than the one provided for in division (A)(1) of this section for dogs more than nine months of age that have not been spayed or neutered, except that the higher registration fee permitted by this division shall not apply if a person registering a dog furnishes with the application either a certificate from a licensed veterinarian verifying that the dog should not be spayed or neutered because of its age or medical condition or because the dog is used or intended for use for show or breeding purposes or a certificate from the owner of the dog declaring that the owner holds a valid hunting license issued by the division of wildlife of the department of natural resources and that the dog is used or intended for use for hunting purposes. If the board establishes such a fee, the application for registration shall state whether the dog is spayed or neutered, and whether a licensed veterinarian has certified that the dog should not be spayed or neutered or the owner has stated that the dog is used or intended to be used for hunting purposes. The board may require a person who is registering a spayed or neutered dog to furnish with the application a certificate from a licensed veterinarian verifying that the dog is spayed or neutered. No person shall furnish a certificate under this division which the person knows to be false.

(B) If the application for registration is not filed and the registration fee paid, on or before the thirty-first day of January of each year or, if the board of county commissioners by resolution has extended the date to a date later than the thirty-first day of January, the date established by the board, the auditor shall assess a penalty in an amount equal to the registration fee upon the owner, keeper, or harborer, which must be paid with the registration fee.

(C) An animal shelter that keeps or harbors a dog more than three months of age is exempt from paying any fees imposed under division (A) or (B) of this section if it is a nonprofit organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 285, 261.

Effective Date: 06-01-1998

955.011 Registration for guide, leader, hearing or support dogs to be free and permanent.

(A) When an application is made for registration of an assistance dog and the owner can show proof by certificate or other means that the dog is an assistance dog, the owner of the dog shall be exempt from any fee for the registration. Registration for an assistance dog shall be permanent and not subject to annual renewal so long as the dog is an assistance dog. Certificates and tags stamped "Ohio Assistance Dog-Permanent Registration," with registration number, shall be issued upon registration of such a dog. Any certificate and tag stamped "Ohio Guide Dog-Permanent Registration" or "Ohio Hearing Dog-Permanent Registration," with registration number, that was issued for a dog in accordance with this section as it existed prior to July 4, 1984, any certificate and tag stamped "Ohio Handicapped Assistance Dog-Permanent Registration," with registration number, that was issued for a dog in accordance with this section as it existed on and after July 5, 1984, but prior to November 26, 2004, and any certificate and tag stamped "Ohio Service Dog-Permanent Registration," with registration number, that was issued for a dog in accordance with this section as it existed on and after November 26, 2004, but prior to June 30, 2006, shall remain in effect as valid proof of the registration of the dog on and after November 26, 2004. Duplicate certificates and tags for a dog registered in accordance with this section, upon proper proof of loss, shall be issued and no fee required. Each duplicate certificate and tag that is issued shall be stamped "Ohio Assistance Dog-Permanent Registration."

(B) As used in this section and in sections 955.16 and 955.43 of the Revised Code:

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

(2) "Blind" means either of the following:

(a) Vision twenty/two hundred or less in the better eye with proper correction;

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

(3) "Assistance dog" means a guide dog, hearing dog, or service dog that has been trained by a nonprofit special agency.

(4) "Guide dog" means a dog that has been trained or is in training to assist a blind person.

(5) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.

(6) "Service dog" means a dog that has been trained or is in training to assist a mobility impaired person.

Amended by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 9/29/2011.

Effective Date: 03-17-1989; 11-26-2004; 06-30-2006

955.012 Law enforcement canine registration.

(A) As used in this section:

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Law enforcement agency" means the state highway patrol, the office of a county sheriff, the police department of a municipal corporation or township, or a township or joint police district.

(3) "Law enforcement canine" means a dog regularly utilized by a law enforcement agency for general law enforcement purposes, tracking, or detecting the presence of a controlled substance or explosive.

(B) Instead of obtaining an annual registration under section 955.01 of the Revised Code, a law enforcement agency owning, keeping, or harboring a law enforcement canine may obtain an annual registration for the dog as a law enforcement canine under this section. The application for a law enforcement canine registration shall be submitted to the county auditor of the county in which the central office of the law enforcement agency that owns, keeps, or harbors the dog is located, except that for a dog owned, kept, or harbored by the state highway patrol, the application shall be submitted to the county auditor of the county in which is located the state highway patrol post to which the dog and its handler primarily are assigned. The application shall be submitted on or after the first day of December immediately preceding the beginning of the registration year and before the thirty-first day of January of that year. If the period for filing registration applications under division (A)(1) of section 955.01 of the Revised Code is extended in the county in which a law enforcement canine is to be registered, an application for registration under this section shall be submitted to the county auditor not later than the registration deadline for that year, as so extended.

The application for registration of a law enforcement canine shall state the age, sex, hair color, character of hair, whether short or long, and breed, if known, of the dog, the name and address of the owner of the dog, and, if the law enforcement agency keeping or harboring the dog is different from the owner, the name of that law enforcement agency. For a dog owned, kept, or harbored by the police department of a municipal corporation or township or by a township or joint police district, the application shall be signed by the chief of the police department or district. For a dog owned, kept, or harbored by the office of a county sheriff, the application shall be signed by the sheriff. For a dog owned, kept, or harbored by the state highway patrol, the application shall be signed by the officer in charge of the post of the state highway patrol to which the dog and its handler primarily are assigned. The application shall include a certification by the chief of the police department or district, sheriff, or officer of the state highway patrol post, as applicable, that the dog

described in the application has been properly trained to carry out one or more of the purposes described in division (A)(3) of this section and actually is used for one or more of those purposes by the law enforcement agency making the application.

No fee is required for issuance of a law enforcement canine registration. Upon proper proof of loss, a duplicate certificate and tag shall be issued for a dog registered under this section, and no fee shall be required.

If an application for registration of a law enforcement canine is not filed under this section on or before the thirty-first day of January of the registration year, or the extended registration deadline established under division (A)(1) of section 955.01 of the Revised Code, as applicable, the law enforcement canine shall be registered under that section, and the registration fee and late registration penalty applicable under divisions (A) and (B) of that section shall accompany the application.

(C) If a law enforcement agency becomes the owner, keeper, or harbinger of a law enforcement canine or brings a law enforcement canine into the state after the thirty-first day of January of a registration year or the extended registration deadline established under division (A)(1) of section 955.01 of the Revised Code, as applicable, the law enforcement agency, within thirty days after becoming the owner, keeper, or harbinger or bringing the dog into the state, may submit an application for registration of the dog under this section. Upon submission of the application, the law enforcement agency shall be issued such a registration in the manner provided in division (B) of this section. If such an application is not filed within the thirty-day period, the dog shall be registered under section 955.05 of the Revised Code, and the registration fee and late registration penalty applicable under that section or section 955.06 of the Revised Code shall accompany the application.

Amended by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 9/29/2011.

Effective Date: 06-01-1998

955.013 Registration of dogs and kennels via internet.

(A) As used in this section, "financial transaction device" has the same meaning as in section [301.28](#) of the Revised Code.

(B) A county auditor may establish procedures and take actions that are necessary to allow for either or both of the following:

(1) The registration of dogs and kennels under this chapter via the internet;

(2) The payment of dog and kennel registration fees under this chapter by financial transaction devices, including payment by financial transaction devices via the internet.

Effective Date: 04-09-2001; 11-05-2004

955.02 Definition of kennel owner.

A kennel owner is a person, partnership, firm, company, or corporation professionally engaged in the business of breeding dogs for hunting or for sale.

Effective Date: 10-01-1953

955.03 Dogs are personalty.

Any dog which has been registered under sections [955.01](#) and [955.04](#) of the Revised Code and any dog not required to be registered under such sections shall be considered as personal property and have all the rights and privileges and be subject to like restraints as other livestock.

Effective Date: 10-01-1953

955.04 Kennel registration.

Every owner of a kennel of dogs shall, in like manner as provided in section [955.01](#) of the Revised Code, make

application for the registration of such kennel, and pay to the county auditor a registration fee of ten dollars for each such kennel, unless a greater fee has been established under section [955.14](#) of the Revised Code. If such application is not filed and the fee paid, on or before the thirty-first day of January of each year, the auditor shall assess a penalty in an amount equal to the registration fee upon the owner of such kennel. The payment of such kennel registration fee shall entitle the licensee to not more than five tags, to bear consecutive numbers and to be issued in like manner and have like effect when worn by any dog owned in good faith by such licensee as the tags provided for in section [955.08](#) of the Revised Code. Upon application to the county auditor, additional tags, in excess of the five tags, may be issued upon payment of an additional fee of one dollar per tag.

Effective Date: 06-01-1998

955.05 Registration of dog or dog kennel during year.

After the thirty-first day of January of any year, except as otherwise provided in section [955.012](#) or [955.16](#) of the Revised Code, every person, immediately upon becoming the owner, keeper, or harbinger of any dog more than three months of age or brought from outside the state during any year, shall file like applications, with fees, as required by section [955.01](#) of the Revised Code, for registration for the current year. If such application is not filed and the fee paid, within thirty days after such dog is acquired, becomes three months of age, or is brought from outside the state, the auditor shall assess a penalty in an amount equal to the registration fee upon such owner, keeper, or harbinger, which must be paid with the registration fee.

Every person becoming the owner of a kennel of dogs after the thirty-first day of January of any year shall file like applications, with fees, as required by section [955.04](#) of the Revised Code, for the registration of such kennel for the current calendar year. If such application is not filed and the fee paid within thirty days after the person becomes the owner of such kennel, the auditor shall assess a penalty in an amount equal to the registration fee upon the owner of such kennel.

Effective Date: 06-01-1998

955.06 Registration fee for partial year.

The registration fee for any dog becoming three months of age after the first day of July of any year and the registration fee of any dog purchased from outside the state after the first day of July of any year shall be one half of the original fee.

Effective Date: 11-21-1973

955.07 Certificate of registration - record kept by county auditor.

Upon the filing of the application for registration required by sections [955.01](#) and [955.04](#) of the Revised Code and upon the payment of the registration fee and the administrative fee, if applicable, the county auditor shall assign a distinctive number to every dog or dog kennel described in the application and shall deliver a certificate of registration bearing the number to the owner of the dog or dog kennel. A record of all certificates of registration issued, together with the applications for registration, shall be kept by the auditor in a dog and kennel register for two years or until after an audit performed by the auditor of state, whichever is later. This record shall be open to the inspection of any person during reasonable business hours.

Effective Date: 04-09-2001

955.08 Tags.

In addition to the certificate of registration provided for by section [955.07](#) of the Revised Code, the county auditor shall issue to every person making application for the registration of a dog and paying the required fee therefor a metal tag for each dog so registered. The form, character, and lettering of the tag shall be prescribed by the county auditor. Each year the tag shall be a color distinctive from that of the previous year. If a tag is lost, a duplicate shall be furnished by the auditor upon proper proof of loss and the payment of twenty-five cents for each duplicate tag issued or payment of an alternate fee for a duplicate tag, which the board of county commissioners may establish in an amount not to exceed one dollar and fifty cents.

Effective Date: 06-01-1998

955.09 Period of validity.

Certificates of registration and registration tags shall be valid only during the calendar year in which they are issued, and during the first thirty-one days of the following calendar year.

Effective Date: 06-01-1998

955.10 Tags to be worn.

No owner of a dog, except a dog constantly confined to a registered kennel, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog's failure at any time to wear a valid tag shall be prima-facie evidence of lack of registration and shall subject any dog found not wearing such tag to impounding, sale, or destruction.

Effective Date: 12-12-1988

955.11 Transfer of ownership certificate.

(A) As used in this section:

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

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

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(4)(a) "Vicious dog" means a dog that, without provocation and subject to division (A)(4)(b) of this section, meets any of the following:

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

(ii) Has caused injury, other than killing or serious injury, to any person, or has killed another dog.

(iii) Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of such a breed of dog shall be prima-facie evidence of the ownership, keeping, or harboring of a vicious dog.

(b) "Vicious dog" does not include either of the following:

(i) A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

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

(5) "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(B) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of

the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the county auditor. A transfer of ownership shall be recorded by the auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of twenty-five cents.

(C) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

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

(1) The name and address of the buyer or other transferee of the dog;

(2) The age, sex, color, breed, and current registration number of the dog.

In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

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

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

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

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

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

Effective Date: 07-10-1987

955.12 Dog wardens.

The board of county commissioners shall appoint or employ a county dog warden and deputies in such number, for such periods of time, and at such compensation as the board considers necessary to enforce sections [955.01](#) to [955.27](#), [955.29](#) to [955.38](#), and [955.50](#) of the Revised Code.

The warden and deputies shall give bond in a sum not less than five hundred dollars and not more than two thousand dollars, as set by the board, conditioned for the faithful performance of their duties. The bond or bonds may, in the discretion of the board, be individual or blanket bonds. The bonds shall be filed with the county auditor of their respective counties.

The warden and deputies shall make a record of all dogs owned, kept, and harbored in their respective counties. They shall patrol their respective counties and seize and impound on sight all dogs found running at large and all dogs more than three months of age found not wearing a valid registration tag, except any dog that wears a valid registration tag and is: on the premises of its owner, keeper, or harbinger, under the reasonable control of its owner or some other person, hunting with its owner or its handler at a field trial, kept constantly confined in a registered dog kennel, or acquired by, and confined on the premises of, an institution or organization of the type described in section [955.16](#) of the Revised Code. A dog that wears a valid registration tag may be seized on the premises of its owner, keeper, or harbinger and impounded only in the event of a natural disaster.

If a dog warden has reason to believe that a dog is being treated inhumanely on the premises of its owner, keeper, or harbinger, the warden shall apply to the court of common pleas for the county in which the premises are located for an order to enter the premises, and if necessary, seize the dog. If the court finds probable cause to believe that the dog is being treated inhumanely, it shall issue such an order.

The warden and deputies shall also investigate all claims for damages to animals reported to them under section [955.29](#) of the Revised Code and assist claimants to fill out the claim form therefor. They shall make weekly reports, in writing, to

the board in their respective counties of all dogs seized, impounded, redeemed, and destroyed and of all claims for damage to animals inflicted by dogs.

The wardens and deputies shall have the same police powers as are conferred upon sheriffs and police officers in the performance of their duties as prescribed by sections [955.01](#) to [955.27](#), [955.29](#) to [955.38](#), and [955.50](#) of the Revised Code. They shall also have power to summon the assistance of bystanders in performing their duties and may serve writs and other legal processes issued by any court in their respective counties with reference to enforcing those sections. County auditors may deputize the wardens or deputies to issue dog licenses as provided in sections [955.01](#) and [955.14](#) of the Revised Code.

Whenever any person files an affidavit in a court of competent jurisdiction that there is a dog running at large that is not kept constantly confined either in a registered dog kennel or on the premises of an institution or organization of the type described in section [955.16](#) of the Revised Code or that a dog is kept or harbored in the warden's jurisdiction without being registered as required by law, the court shall immediately order the warden to seize and impound the dog. Thereupon the warden shall immediately seize and impound the dog complained of. The warden shall give immediate notice by certified mail to the owner, keeper, or harbinger of the dog seized and impounded by the warden, if the owner, keeper, or harbinger can be determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, that the dog has been impounded and that, unless the dog is redeemed within fourteen days of the date of the notice, it may thereafter be sold or destroyed according to law. If the owner, keeper, or harbinger cannot be determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, the officer shall post a notice in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that, unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law.

As used in this section, "animal" has the same meaning as in section [955.51](#) of the Revised Code.

Effective Date: 03-23-1981; 2008 HB281 08-22-2008

[955.13 \[Repealed\]](#)

Effective Date: 01-01-1974

[955.14 Increasing dog and kennel registration fees.](#)

(A) Notwithstanding section [955.01](#) of the Revised Code, a board of county commissioners by resolution may increase dog and kennel registration fees in the county. The amount of the fees shall not exceed an amount that the board, in its discretion, estimates is needed to pay all expenses for the administration of this chapter and to pay claims allowed for animals injured or destroyed by dogs. Such a resolution shall be adopted not earlier than the first day of February and not later than the thirty-first day of August of any year and shall apply to the registration period commencing on the first day of December of the current year and ending on the thirty-first day of January of the following year, unless the period is extended under section [955.01](#) of the Revised Code. Any increase in fees adopted under this division shall be in the ratio of two dollars for a dog registration fee and ten dollars for a kennel registration fee.

(B) Not later than the fifteenth day of October of each year, the board of county commissioners shall determine if there is sufficient money in the dog and kennel fund, after paying the expenses of administration incurred or estimated to be incurred for the remainder of the year, to pay the claims allowed for animals injured or destroyed by dogs. If the board determines there is not sufficient money in the dog and kennel fund to pay the claims allowed, the board shall provide by resolution that all claims remaining unpaid shall be paid from the general fund of the county. All money paid out of the general fund for those purposes may be replaced by the board from the dog and kennel fund at any time during the following year notwithstanding section [5705.14](#) of the Revised Code.

(C) Notwithstanding section [955.20](#) of the Revised Code, if dog and kennel registration fees in any county are increased above two and ten dollars, respectively, under authority of division (A) of this section, then on or before the first day of March following each year in which the increased fees are in effect, the county auditor shall draw on the dog and kennel fund a warrant payable to the college of veterinary medicine of the Ohio state university in an amount equal to ten cents for each dog and kennel registration fee received during the preceding year. The money received by the college of veterinary medicine of the Ohio state university under this division shall be applied for research and study of the diseases of dogs, particularly those transmittable to humans, and for research of other diseases of dogs that by their nature will

provide results applicable to the prevention and treatment of both human and canine illness.

(D) The Ohio state university college of veterinary medicine shall be responsible to report annually to the general assembly the progress of the research and study authorized and funded by division (C) of this section. The report shall briefly describe the research projects undertaken and assess the value of each. The report shall account for funds received pursuant to division (C) of this section and for the funds expended attributable to each research project and for other necessary expenses in conjunction with the research authorized by division (C) of this section. The report shall be filed with the general assembly by the first day of May of each year.

(E) The county auditor may authorize agents to receive applications for registration of dogs and kennels and to issue certificates of registration and tags. If authorized agents are employed in a county, each applicant for a dog or kennel registration shall pay to the agent an administrative fee of seventy-five cents in addition to the registration fee. The administrative fee shall be the compensation of the agent. The county auditor shall establish rules for reporting and accounting by the agents. No administrative or similar fee shall be charged in any county except as authorized by this division or division (F) of this section.

(F) For any county that accepts the payment of dog and kennel registration fees by financial transaction devices in accordance with section [955.013](#) of the Revised Code, in addition to those registration fees, the county auditor shall collect for each registration paid by a financial transaction device one of the following:

(1) An administrative fee of seventy-five cents or another amount necessary to cover actual costs designated by the county auditor;

(2) If the board of county commissioners adopts a surcharge or convenience fee for making payments by a financial transaction device under division (E) of section [301.28](#) of the Revised Code, that surcharge or convenience fee;

(3) If the county auditor contracts with a third party to provide services to enable registration via the internet as provided in section [955.013](#) of the Revised Code, a surcharge or convenience fee as agreed to between that third party and the county for those internet registration services. Any additional expenses incurred by the county auditor that result from a contract with a third party as provided in this section and section [955.013](#) of the Revised Code and that are not covered by a surcharge or convenience fee shall be paid out of the allowance provided to the county auditor under section [955.20](#) of the Revised Code.

(G) The county auditor shall post conspicuously the amount of the administrative fee, surcharge, or convenience fee that is permissible under this section on the web page where the auditor accepts payments for registrations made under division (B)(1) of section [955.013](#) of the Revised Code. If any person chooses to pay by financial transaction device, the administrative fee, surcharge, or convenience fee shall be considered voluntary and is not refundable.

(H) As used in this section, "animal" has the same meaning as in section [955.51](#) of the Revised Code.

Effective Date: 04-09-2001; 2008 HB281 08-22-2008

[955.15 Impounding dogs.](#)

The board of county commissioners shall provide nets and other suitable devices for the taking of dogs in a humane manner, provide a suitable place for impounding dogs, make proper provision for feeding and caring for the same, and provide humane devices and methods for destroying dogs. In any county in which there is a society for the prevention of cruelty to children and animals, having one or more agents and maintaining an animal shelter suitable for a dog pound and devices for humanely destroying dogs, the board need not furnish a dog pound, but the county dog warden shall deliver all dogs seized by him and his deputies to such society at its animal shelter, there to be dealt with in accordance with law. The board shall provide for the payment of reasonable compensation to such society for its services so performed out of the dog and kennel fund. The board may designate and appoint any officers regularly employed by any society organized under sections [1717.02](#) to [1717.05](#), inclusive, of the Revised Code, to act as county dog warden or deputies for the purpose of carrying out sections [955.01](#) to [955.27](#), inclusive, and [955.29](#) to [955.38](#), inclusive, of the Revised Code, if such society whose agents are so employed owns or controls a suitable place for keeping and destroying dogs.

Effective Date: 10-01-1953

955.16 Disposing of impounded dogs.

(A) Dogs that have been seized by the county dog warden and impounded shall be kept, housed, and fed for three days for the purpose of redemption, as provided by section [955.18](#) of the Revised Code, unless any of the following applies:

(1) Immediate humane destruction of the dog is necessary because of obvious disease or injury. If the diseased or injured dog is registered, as determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, the necessity of destroying the dog shall be certified by a licensed veterinarian or a registered veterinary technician. If the dog is not registered, the decision to destroy it shall be made by the warden.

(2) The dog is currently registered on the registration list maintained by the warden and the auditor of the county where the dog is registered and the attempts to notify the owner, keeper, or harborer under section [955.12](#) of the Revised Code have failed, in which case the dog shall be kept, housed, and fed for fourteen days for the purpose of redemption.

(3) The warden has contacted the owner, keeper, or harborer under section [955.12](#) of the Revised Code, and the owner, keeper, or harborer has requested that the dog remain in the pound or animal shelter until the owner, harborer, or keeper redeems the dog. The time for such redemption shall be not more than forty-eight hours following the end of the appropriate redemption period.

At any time after such periods of redemption, any dog not redeemed shall be donated to any nonprofit special agency that is engaged in the training of any type of assistance dogs and that requests that the dog be donated to it. Any dog not redeemed that is not requested by such an agency may be sold, except that no dog sold to a person other than a nonprofit teaching or research institution or organization of the type described in division (B) of this section shall be discharged from the pound or animal shelter until the animal has been registered and furnished with a valid registration tag.

(B) Any dog that is not redeemed within the applicable period as specified in this section or section [955.12](#) of the Revised Code from the time notice is mailed to its owner, keeper, or harborer or is posted at the pound or animal shelter, as required by section [955.12](#) of the Revised Code, and that is not required to be donated to a nonprofit special agency engaged in the training of any type of assistance dogs may, upon payment to the dog warden or poundkeeper of the sum of three dollars, be sold to any nonprofit Ohio institution or organization that is certified by the Ohio public health council as being engaged in teaching or research concerning the prevention and treatment of diseases of human beings or animals. Any dog that is donated to a nonprofit special agency engaged in the training of any type of assistance dogs in accordance with division (A) of this section and any dog that is sold to any nonprofit teaching or research institution or organization shall be discharged from the pound or animal shelter without registration and may be kept by the agency or by the institution or organization without registration so long as the dog is being trained, or is being used for teaching and research purposes.

Any institution or organization certified by the Ohio public health council that obtains dogs for teaching and research purposes pursuant to this section shall, at all reasonable times, make the dogs available for inspection by agents of the Ohio humane society, appointed pursuant to section [1717.04](#) of the Revised Code, and agents of county humane societies, appointed pursuant to section [1717.06](#) of the Revised Code, in order that the agents may prevent the perpetration of any act of cruelty, as defined in section [1717.01](#) of the Revised Code, to the dogs.

(C) Any dog that the dog warden or poundkeeper is unable to dispose of, in the manner provided by this section and section [955.18](#) of the Revised Code, may be humanely destroyed, except that no dog shall be destroyed until twenty-four hours after it has been offered to a nonprofit teaching or research institution or organization, as provided in this section, that has made a request for dogs to the dog warden or poundkeeper.

(D) An owner of a dog that is wearing a valid registration tag who presents the dog to the dog warden or poundkeeper may specify in writing that the dog shall not be offered to a nonprofit teaching or research institution or organization, as provided in this section.

(E) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of costs assessed against the dogs shall be kept by the poundkeeper, and the poundkeeper shall furnish a transcript thereof to the county treasurer quarterly.

A record of all dogs received and the source that supplied them shall be kept, for a period of three years from the date of

acquiring the dogs, by all institutions or organizations engaged in teaching or research concerning the prevention and treatment of diseases of human beings or animals.

(F) No person shall destroy any dog by the use of a high altitude decompression chamber or by any method other than a method that immediately and painlessly renders the dog initially unconscious and subsequently dead.

Effective Date: 03-02-1992; 06-30-2006

955.17 Costs - fees.

(A) Except as otherwise provided in divisions (B), (C), and (D) of this section, costs shall be assessed against the owner, keeper, or harbinger of any dog seized and impounded under sections [955.12](#), [955.15](#), and [955.16](#) of the Revised Code as follows:

- (1) Filing affidavit and issuing order to seize dog \$1.00;
- (2) Seizing dog and delivering to pound 4.00;
- (3) Serving or posting of notice to owner 2.00;
- (4) Housing and feeding dog per day 1.50;
- (5) Selling or destroying dog 2.00.

(B) A board of county commissioners may adopt a resolution authorizing the county to perform or contract for the performance of a cost-analysis study to determine the costs to the county of providing the services required under sections [955.12](#), [955.15](#), and [955.16](#) of the Revised Code. The resolution shall define the scope of the study and shall itemize each cost to be analyzed. These costs shall include the direct costs to the county of performing the services required under sections [955.12](#), [955.15](#), and [955.16](#) of the Revised Code and, if the board so desires, may include any reasonable indirect costs determined by the board to be incurred by other county offices in helping the dog warden perform his duties under those sections.

(C) Upon completion of the study, the board shall hold a public hearing at a regular or special session of the board, after giving reasonable notice in a newspaper of general circulation in the county of the hearing's date, time, and place. At the hearing, the board shall consider any proposed fees that are suggested by the conclusions of the study.

(D) After conducting the hearing required by division (C) of this section, the board may, by resolution, establish fees to replace those specified in division (A) of this section for the services listed in that division. The fees so established may exceed those specified in that division by amounts sufficient to cover the direct cost of providing the service, the cost of conducting the cost-analysis study, and, if that study included an analysis of indirect costs, the indirect costs to other county agencies in assisting the dog warden. The board need not adopt the fees suggested by the conclusions of the study, if any. It may adopt fees that are lower than or equal to, but not higher than, any suggested by the study. Fees shall not be increased more often than once every year. Fee increases shall become effective only at the beginning of a calendar year.

(E) The board may establish by resolution, without conducting a cost-analysis study, reasonable fees to cover costs of providing miscellaneous services performed by the dog warden that are not otherwise expressly provided for in this chapter. As used in this division, "miscellaneous services" include, but are not limited to, disposing of dog carcasses, releasing dogs that are accidentally caught or found to be in a state of distress, and preventing dogs from engaging in fights or other objectionable behavior.

(F) The costs and fees authorized by this section shall be a valid claim in favor of the county against the owner, keeper, or harbinger of a dog seized and impounded under sections [955.12](#), [955.15](#), and [955.16](#) of the Revised Code and not redeemed or sold, or against the owner, keeper, or harbinger of a dog regarding which miscellaneous services described in division (E) of this section have been provided. The costs and fees shall be recovered by the county treasurer in a civil action against the owner, keeper, or harbinger.

Effective Date: 06-29-1994

955.18 Redemption of dog.

Any dog that is seized and impounded under sections [955.12](#), [955.15](#), and [955.17](#) of the Revised Code may be redeemed by its owner, keeper, or harbinger at any time prior to the expiration of the applicable redemption period as specified in sections [955.12](#) and [955.16](#) of the Revised Code, upon payment to the dog warden or poundkeeper of all costs assessed against the animal and upon providing the animal with a valid registration tag if it has none.

Effective Date: 03-23-1981

955.19 Funds.

All funds received by the county dog warden or poundkeeper in connection with the administration of sections [955.01](#) to [955.18](#), inclusive, of the Revised Code, shall be deposited in the county treasury and placed to the credit of the dog and kennel fund.

Effective Date: 10-01-1953

955.20 Dog and kennel fund.

The registration fees provided for in sections [955.01](#) to [955.14](#) of the Revised Code constitute a special fund known as "the dog and kennel fund." The fees shall be deposited by the county auditor in the county treasury daily as collected and shall be used for the purpose of defraying the cost of furnishing all blanks, records, tags, nets, and other equipment, for the purpose of paying the compensation of county dog wardens, deputies, poundkeepers, and other employees necessary to carry out and enforce sections [955.01](#) to [955.261](#) of the Revised Code, and for the payment of animal claims as provided in sections [955.29](#) to [955.38](#) of the Revised Code, and in accordance with section [955.27](#) of the Revised Code. The board of county commissioners, by resolution, shall appropriate sufficient funds out of the dog and kennel fund, not more than fifteen per cent of which shall be expended by the auditor for registration tags, blanks, records, and clerk hire, for the purpose of defraying the necessary expenses of registering, seizing, impounding, and destroying dogs in accordance with sections [955.01](#) to [955.27](#) of the Revised Code, and for the purpose of covering any additional expenses incurred by the county auditor as authorized by division (F)(3) of section [955.14](#) of the Revised Code.

If the funds so appropriated in any calendar year are found by the board to be insufficient to defray the necessary cost and expense of the county dog warden in enforcing sections [955.01](#) to [955.27](#) of the Revised Code, the board, by resolution so provided, after setting aside a sum equal to the total amount of animal claims filed in that calendar year, or an amount equal to the total amount of animal claims paid or allowed the preceding year, whichever amount is larger, may appropriate further funds for the use and purpose of the county dog warden in administering those sections.

Effective Date: 04-09-2001

955.201 Ohio pet fund - sterilization services.

(A) As used in this section and in section [955.202](#) of the Revised Code, "Ohio pet fund" means a nonprofit corporation organized by that name under Chapter 1702. of the Revised Code that consists of humane societies, veterinarians, animal shelters, companion animal breeders, dog wardens, or similar individuals and entities.

(B) The Ohio pet fund shall do all of the following:

(1) Establish eligibility criteria for organizations that may receive financial assistance from the Ohio pet fund. Those organizations may include any of the following:

(a) An animal shelter as defined in section [4729.01](#) of the Revised Code;

(b) A local nonprofit veterinary association that operates a program for the sterilization of dogs and cats;

(c) A charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code and a purpose of which is to support programs for the sterilization of dogs and cats and educational programs concerning the proper veterinary care of those animals.

(2) Establish procedures for applying for financial assistance from the Ohio pet fund. Application procedures shall require eligible organizations to submit detailed proposals that outline the intended uses of the moneys sought.

(3) Establish eligibility criteria for sterilization and educational programs for which moneys from the Ohio pet fund may

- be used and, consistent with division (C) of this section, establish eligibility criteria for individuals who seek sterilization for their dogs and cats from eligible organizations;
- (4) Establish procedures for the disbursement of moneys the Ohio pet fund receives from license plate contributions pursuant to division (C) of section [4503.551](#) of the Revised Code;
- (5) Advertise or otherwise provide notification of the availability of financial assistance from the Ohio pet fund for eligible organizations ;
- (6) Design markings to be inscribed on "pets" license plates under section [4503.551](#) of the Revised Code.
- (C)(1) The owner of a dog or cat is eligible for dog or cat sterilization services from an eligible organization when those services are subsidized in whole or in part by money from the Ohio pet fund if any of the following applies:
- (a) The income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline.
- (b) The owner, or any member of the owner's family who resides with the owner, is a recipient or beneficiary of one of the following government assistance programs:
- (i) Low-income housing assistance under the "United States Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the federal section 8 housing program;
- (ii) The Ohio works first program established by Chapter 5107. of the Revised Code;
- (iii) Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code;
- (iv) A program or law administered by the United States department of veterans' affairs or veterans' administration for any service-connected disability;
- (v) The supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) administered by the department of job and family services under section [5101.54](#) of the Revised Code;
- (vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered by the department of health under section [3701.132](#) of the Revised Code;
- (vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended;
- (viii) Social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended.
- (c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following:
- (i) A certificate of adoption showing that the dog or cat was adopted from a licensed animal shelter, a municipal, county, or regional pound, or a holding and impoundment facility that contracts with a municipal corporation;
- (ii) A certificate of adoption showing that the dog or cat was adopted through a nonprofit corporation operating an animal adoption referral service whose holding facility, if any, is licensed in accordance with state law or a municipal ordinance.
- (2) The Ohio pet fund shall determine the type of documentary evidence that must be presented by the owner of a dog or cat to show that the income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline or that the owner is eligible under division (C)(1)(b) of this section.
- (D) As used in division (C) of this section, "federal poverty guideline" means the official poverty guideline as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

Amended by 128th General Assembly File No. 9, HB 1, § 101.01, eff. 10/16/2009.

Amended by 128th General Assembly ch. 1, HB 2, § 101.01, eff. 7/1/2009.

Effective Date: 03-23-2005

955.202 [Repealed].

Repealed by 128th General Assembly ch. 1, HB 2, § 105.01, eff. 7/1/2009.

Effective Date: 03-23-2005; 2008 HB273 04-07-2009

955.21 Prohibition against failure to register dog kennel.

No owner, keeper, or harbinger of a dog more than three months of age, nor owner of a dog kennel, shall fail to file the application for registration required by section [955.01](#) of the Revised Code, nor shall he fail to pay the legal fee therefor.

Effective Date: 10-01-1953

955.22 Confining, restraining, debarking dogs.

(A) As used in this section, "dangerous dog" and "vicious dog" have the same meanings as in section [955.11](#) of the Revised Code.

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

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

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

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

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

(1) While that dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

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

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

(b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

(c) Muzzle that dog.

(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 one hundred thousand dollars because of damage or bodily injury to or death of a person caused by the vicious dog.

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

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

- (2) Possess a 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 division (G) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.
- (G) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a vicious dog. The written waiver form shall include all of the following:
- (1) The veterinarian's license number and current business address;
 - (2) The number of the license of the dog if the dog is licensed;
 - (3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;
 - (4) The signature of the owner of the dog attesting that the owner's dog is not a vicious dog;
 - (5) A statement that division (F) of section 955.22 of the Revised Code prohibits any person from doing any of the following:
 - (a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dog;
 - (b) Possessing a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;
 - (c) Falsely attesting on a waiver form provided by the veterinarian under division (G) of section 955.22 of the Revised Code that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.
 - (H) It is an affirmative defense to a charge of a violation of division (F) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (G) of this section and that attests that the dog is not a vicious dog.

Effective Date: 10-10-2000

955.221 Local ordinances or resolutions pertaining to dog control.

- (A) For the purposes of this section, ordinances or resolutions to control dogs include, but are not limited to, ordinances or resolutions concerned with the ownership, keeping, or harboring of dogs, the restraint of dogs, dogs as public nuisances, and dogs as a threat to public health, safety, and welfare, except that such ordinances or resolutions as permitted in division (B) of this section shall not prohibit the use of 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)(1) A board of county commissioners may adopt and enforce resolutions to control dogs within the unincorporated areas of the county that are not otherwise in conflict with any other provision of the Revised Code.
- (2) A board of township trustees may adopt and enforce resolutions to control dogs within the township that are not otherwise in conflict with any other provision of the Revised Code, if the township is located in a county where the board of county commissioners has not adopted resolutions to control dogs within the unincorporated areas of the county under this section. In the event that the board of county commissioners adopts resolutions to control dogs in the county after a board of township trustees has adopted resolutions to control dogs within the township, the resolutions adopted by the county board of commissioners prevail over the resolutions adopted by the board of township trustees.
- (3) A municipal corporation may adopt and enforce ordinances to control dogs within the municipal corporation that are not otherwise in conflict with any other provision of the Revised Code.
- (C) No person shall violate any resolution or ordinance adopted under this section.

Effective Date: 06-21-1990

955.23 Prohibition against failure of duty by dog warden.

No county dog warden shall willfully fail to perform his duties under section [955.12](#) of the Revised Code or other duties required of dog wardens.

Effective Date: 10-01-1953

955.24 Prohibition against hindering the capture of an unregistered dog.

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

Effective Date: 11-21-1973

955.25 Unlawful tag.

No person shall own, keep, or harbor a dog wearing a fictitious, altered, or invalid registration tag or a registration tag not issued by the county auditor in connection with the registration of such animal.

Effective Date: 10-01-1953

955.26 Rabies quarantine.

Whenever, in the judgment of the director of health, any city or general health district board of health, or persons performing the duties of a board of health, rabies is prevalent, the director of health, the board, or those persons shall declare a quarantine of all dogs in the health district or in a part of it. During the quarantine, the owner, keeper, or harbinger of any dog shall keep it confined on the premises of the owner, keeper, or harbinger, or in a suitable pound or kennel, at the expense of the owner, keeper, or harbinger, except that a dog may be permitted to leave the premises of its owner, keeper, or harbinger if it is under leash or under the control of a responsible person. The quarantine order shall be considered an emergency and need not be published.

When the quarantine has been declared, the director of health, the board, or those persons may require vaccination for rabies of all dogs within the health district or part of it. Proof of rabies vaccination within a satisfactory period shall be demonstrated to the county auditor before any registration is issued under section [955.01](#) of the Revised Code for any dog that is required to be vaccinated.

The public health council shall determine appropriate methods of rabies vaccination and satisfactory periods for purposes of quarantines under this section.

When a quarantine of dogs has been declared in any health district or part of a health district, the county dog warden and all other persons having the authority of police officers shall assist the health authorities in enforcing the quarantine order. When rabies vaccination has been declared compulsory in any health district or part of a health district, the dog warden shall assist the health authorities in enforcing the vaccination order.

Notwithstanding the provisions of this section, a city or general health district board of health may make orders pursuant to sections [3709.20](#) and [3709.21](#) of the Revised Code requiring the vaccination of dogs.

Effective Date: 07-10-1987

955.261 Duties after dog bites person.

(A)(1) No person shall remove a dog that has bitten any person from the county in which the bite occurred until a quarantine period as specified in division (B) of this section has been completed. No person shall transfer a dog that has bitten any person until a quarantine period as specified in division (B) of this section has been completed, except that a person may transfer the dog to the county dog warden or to any other animal control authority.

(2)(a) Subject to division (A)(2)(b) of this section, no person shall kill a dog that has bitten any person until a quarantine period as specified in division (B) of this section has been completed.

(b) Division (A)(2)(a) of this section does not apply to the killing of a dog in order to prevent further injury or death or if

the dog is diseased or seriously injured.

(3) No person who has killed a dog that has bitten any person in order to prevent further injury or death or if the dog is diseased or seriously injured shall fail to do both of the following:

(a) Immediately after the killing of the dog, notify the board of health for the district in which the bite occurred of the facts relative to the bite and the killing;

(b) Hold the body of the dog until that board of health claims it to perform tests for rabies.

(B) The quarantine period for a dog that has bitten any person shall be ten days or another period that the board of health for the district in which the bite occurred determines is necessary to observe the dog for rabies.

(C)(1) To enable persons to comply with the quarantine requirements specified in divisions (A) and (B) of this section, boards of health shall make provision for the quarantine of individual dogs under the circumstances described in those divisions.

(2) Upon the receipt of a notification pursuant to division (A)(3) of this section that a dog that has bitten any person has been killed, the board of health for the district in which the bite occurred shall claim the body of the dog from its killer and then perform tests on the body for rabies.

(D) This section does not apply to a police dog that has bitten a person while the police dog is under the care of a licensed veterinarian or has bitten a person while the police dog is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If, after biting a person, a police dog exhibits any abnormal behavior, the law enforcement agency and the law enforcement officer the police dog assists, within a reasonable time after the person is bitten, shall make the police dog available for the board of health for the district in which the bite occurred to perform tests for rabies.

(E) As used in this section, "police dog" has the same meaning as in section [2921.321](#) of the Revised Code.

Effective Date: 04-09-2001

955.27 Disposition of surplus fund.

After paying all necessary expenses of administering the sections of the Revised Code relating to the registration, seizing, impounding, and destroying of dogs, including the purchase, construction, and repair of vehicles and facilities necessary for the proper administration of such sections, making compensation for injuries to livestock inflicted by dogs, and after paying all animal claims, the board of county commissioners, at the December session, if there remains more than two thousand dollars in the dog and kennel fund for that year in a county in which there is a society for the prevention of cruelty to children and animals, incorporated and organized by law, and having one or more agents appointed pursuant to law, or any other society organized under Chapter 1717. of the Revised Code, that owns or controls a suitable dog kennel or a place for the keeping and destroying of dogs that has one or more agents appointed and employed pursuant to law, may pay to the treasurer of the society, upon warrant of the county auditor, all such excess as the board deems necessary for the uses and purposes of the society.

As used in this section, "animal" has the same meaning as in section [955.51](#) of the Revised Code.

Effective Date: 12-12-1988; 2008 HB281 08-22-2008

955.28 Dog may be killed for certain acts - owner liable for damages.

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

(B) The owner, keeper, or harbinger of a dog is liable in damages for any injury, death, or loss to person or property that is caused by the dog, unless the injury, death, or loss was caused to the person or property of an individual who, at the time, was committing or attempting to commit criminal trespass or another criminal offense other than a minor misdemeanor on the property of the owner, keeper, or harbinger, or was committing or attempting to commit a criminal offense other than a minor misdemeanor against any person, or was teasing, tormenting, or abusing the dog on the owner's, keeper's, or harbinger's property. Additionally, the owner, keeper, or harbinger of a dog is liable in damages for any injury, death, or loss to person or property that is caused by the dog if the injury, death, or loss was caused to the person or property of an individual who, at the time of the injury, death, or loss, was on the property of the owner, keeper, or harbinger solely for the purpose of engaging in door-to-door sales or other solicitations regardless of whether the individual was in compliance with any requirement to obtain a permit or license to engage in door-to-door sales or other solicitations established by the political subdivision in which the property of the owner, keeper, or harbinger is located, provided that the person was not committing a criminal offense other than a minor misdemeanor or was not teasing, tormenting, or abusing the dog.

Effective Date: 07-10-1987; 2008 HB71 09-30-2008

955.29 Claim of owner.

Any owner of an animal that the owner believes has a fair market value of ten dollars or more and that has been injured or killed by a dog not belonging to the owner or harbored on the owner's premises, in order to be eligible to receive compensation from the dog and kennel fund, shall notify a member of the board of county commissioners or dog warden within three days after the loss or injury has been discovered. A commissioner who is notified shall immediately notify the dog warden of the loss or injury. The warden shall investigate or have the loss or injury investigated promptly, and the person making the investigation shall provide the owner with duplicate copies of the claim form authorized by section [955.36](#) of the Revised Code and assist the owner in filling it out.

The owner shall set forth the kind, grade, quality, and fair market value of the animal, as estimated by the owner, the nature and amount of the loss or injury, the place where the loss or injury occurred, and all other facts in the possession of the claimant that will enable the warden to fix responsibility for the loss or injury. The owner shall also sign a statement that the information set forth is a true account of the loss or injury and that, on the date the loss or injury occurred, the claimant did not own or harbor an unregistered dog required to be registered under section [955.01](#) of the Revised Code. No claimant who owned or harbored an unregistered dog on that date may recover from the dog and kennel fund.

If the warden finds all the statements that the owner made on the form to be correct and agrees with the owner as to the fair market value of the animal, the warden shall promptly so certify and send both copies of the form, together with whatever other documents, testimony, or information the warden has received relating to the loss or injury, to the board of county commissioners.

If the warden does not find all the statements to be correct or does not agree with the owner as to the fair market value, the owner may appeal to the board of county commissioners for a determination as provided in section [955.35](#) of the Revised Code. In that case the owner shall secure statements as to the nature and amount of the loss or injury from at least two witnesses who viewed the results of the killing or injury and who can testify thereto and submit both copies of the form to the board of county commissioners or a member thereof not later than ten days after the warden finds that not all of the owner's statements are correct or disagrees with the owner's estimated fair market value, whichever is applicable. The warden shall submit to the board of county commissioners whatever documents, testimony, or other information the warden has received relating to the loss or injury.

As used in this section and sections [955.32](#) to [955.38](#) of the Revised Code:

(A) "Animal" and "grade animal" have the same meanings as in section [955.51](#) of the Revised Code.

(B) "Fair market value" means the average price that is paid for a healthy grade animal at a livestock auction licensed under Chapter 943. of the Revised Code and selected by the applicable board of county commissioners.

Effective Date: 03-23-1981; 2008 HB281 08-22-2008

955.30 Action to recover for loss or injury.

If the owner of the dog causing the loss or injury described in section [955.29](#) of the Revised Code is known, the county prosecutor shall bring an action to recover from the owner of the dog whatever compensation is paid from the dog and kennel fund for the loss or injury if in the prosecutor's judgment the damage can be collected.

Effective Date: 03-23-1981

955.31 [Repealed].

Effective Date: 03-23-1981; 2008 HB281 08-22-2008

955.32 Registered stock.

If the animal that has been killed or injured as described in section [955.29](#) of the Revised Code is registered in any accepted association of registry, the owner, or the owner's employee or tenant, shall submit with the claim form the registration papers showing the animal's lines of breeding, age, and other matters. If the animal is the offspring of registered stock and is eligible for registration, the registration papers showing the breeding of the offspring shall be submitted.

Effective Date: 11-28-1975; 2008 HB281 08-22-2008

955.33 [Repealed].

Effective Date: 11-01-1985; 2008 HB281 08-22-2008

955.34 Amended and Renumbered RC 955.351.

Effective Date: 11-28-1975; 2008 HB281 08-22-2008

955.35 Payment of claims.

The board of county commissioners, at the next regular meeting after claims in accordance with section 955.29 of the Revised Code have been submitted, shall examine the same and may hear additional testimony or receive additional affidavits in regard thereto and may allow the amount previously certified by the dog warden, or a part thereof, or any amount in addition thereto, as it may find to be just, but in no event shall the amount allowed exceed the lesser of five hundred dollars per animal or the uninsured amount of the loss or injury. The board shall make the final determination of the fair market value of an animal that is the subject of a claim.

If the animal that is the subject of a claim dies as a result of the injuries that it received from a dog, the amount of indemnity is the fair market value of the animal on the date of its death subject to the limit established in this section. If the animal that is the subject of a claim does not die as a result of the injuries that it received from a dog, the amount of indemnity is the fair market value of the animal on the date on which it received its injuries subject to the limit established in this section. If the animal that is the subject of a claim is registered or eligible for registration as described in section 955.32 of the Revised Code, the amount of indemnity is one hundred twenty-five per cent of the fair market value of the animal on the date on which the animal was killed or injured subject to the limit established in this section. If the date of death or injury of an animal cannot be determined, the amount of indemnity shall be based on the fair market value of the animal on the date on which the death or injury was discovered by its owner. A fetus that is aborted by an animal because of stress inflicted by a dog and that does not, on that account, survive shall be considered to have been killed by the dog regardless of the stage of pregnancy at which the abortion occurs. In the case of any such alleged cause of death, the warden, as part of the warden's investigation, may request the chief of the division of animal health in the department of agriculture to have a state veterinarian certify the cause of death. The chief shall promptly comply, and the veterinarian shall send the certification to the board of county commissioners.

The claims shall be paid out of the dog and kennel fund or out of the general fund of the county, as provided in section 955.14 of the Revised Code. Such claims as are allowed in whole or in part shall be paid by voucher issued by the county auditor five days after the approval of the board of county commissioners has been entered. If the claim is to be paid out of the dog and kennel fund and the funds therein are insufficient to pay the claims, they shall be paid in the order allowed at the close of the next calendar month in which sufficient funds are available in the fund.

Amended by 129th General Assembly File No. 42, HB 229, § 1, eff. 10/17/2011.

Effective Date: 06-01-1998; 2008 HB281 08-22-2008

955.351 Witnesses.

Witnesses not exceeding four in number, who give testimony under section [955.35](#) of the Revised Code at a meeting of the board of county commissioners, shall be allowed six dollars each and mileage at the rate of ten cents per mile, going and returning, in each case. The board shall administer an oath or affirmation to each claimant or witness.

If the animal that has been killed or injured is in the care of an employee or tenant of the owner thereof, the affidavit provided for in section [955.29](#) of the Revised Code may be made by that employee or tenant, whose testimony may be received in regard to all relative matters to which the owner would be competent to testify.

Effective Date: 11-28-1975; 2008 HB281 08-22-2008

955.36 Blanks.

All accounts against the dog and kennel fund and all accompanying statements and testimony shall be upon blanks prepared by the secretary of state and furnished by the board of county commissioners. Each blank shall contain a space in which the claimant shall indicate whether or not he is insured against the loss or injury. If the claimant is so insured, he shall submit a copy of his insurance policy or policies with the blank. The blanks shall not require an affidavit but shall contain, immediately above the lines for the signatures of the claimant and witnesses, "this statement is made subject to the criminal penalties for falsification provided for in section [2921.13](#) of the Revised Code."

Effective Date: 11-01-1985

955.37 Appeal.

An owner of an animal that has been killed or injured by a dog may, if the fair market value is ten dollars or more, appeal from a final allowance made by the board of county commissioners, within thirty days after the allowance. The appeal shall be made to the probate court by filing, as party plaintiff, a petition with the court setting out the facts in the case as contended by the owner. Proceedings shall be as provided by law in civil cases, and the board shall be made party defendant.

Effective Date: 03-23-1981; 2008 HB281 08-22-2008

955.38 Appeal hearing.

The probate court shall hear the appeals provided for in section [955.37](#) of the Revised Code as in equity and shall determine the fair market value of the animal that has been killed or injured. Not more than three witnesses shall be called by each party. The amount found by the court shall not exceed the lesser of five hundred dollars per animal or the uninsured amount of the loss or injury. The amount found shall be final, and the judge shall certify it to the board of county commissioners. Like proceedings shall be had as to payment thereof, as if the amount had been found by the board in the first instance.

If an increased allowance is made by the court, the costs shall be paid equally by the parties; if no increase is made, the plaintiff shall pay all the costs.

Effective Date: 11-01-1985; 2008 HB281 08-22-2008

955.39 Prohibition against violating a rabies quarantine.

No person shall violate a rabies quarantine order issued under section [955.26](#) of the Revised Code.

Effective Date: 10-01-1953

955.40 Forfeiture.

Any corporation which violates section [955.39](#) of the Revised Code shall forfeit and pay to the municipal corporation a sum not to exceed three hundred dollars, to be collected in a civil action brought in the name of the municipal

corporation.

The judgment authorized in this section being in the nature of a penalty, or exemplary damages, no proof of actual damages shall be required, but the court or jury, finding other facts to justify recovery, shall determine the amount by reference to all the facts, culpatory, exculpatory, or extenuating, adduced at the trial.

Effective Date: 10-01-1953

955.41 Examination of claim.

The board of county commissioners, not later than the third regular meeting after it is presented with the account provided for by section [955.42](#) of the Revised Code, shall examine the account and, if it is found in whole or part correct and just, may order a payment in whole or in part to either the patient, the representative of the patient referred to in that section, or the physician who rendered the patient's medical or surgical treatment, in accordance with their respective claims, provided that a payment is made only for an account with respect to which the board determines the patient, the patient's estate, or the patient's parent or guardian, as applicable, is unable, without deprivation of basic needs, to further provide for the payment of the expenses incurred for the medical or surgical treatment. A person shall not receive for one bite or injury a sum exceeding one thousand five hundred dollars.

Effective Date: 10-13-2000

955.42 Reimbursement for rabies bite.

A person bitten or injured by an animal afflicted with rabies, if the bite or injury has caused the person to employ medical or surgical treatment, may present, within four months after the bite or injury and at a regular meeting of the board of county commissioners of the county where the bite or injury was received, an itemized account of the expenses incurred and amount paid by the person for medical and surgical treatment, verified by the person's own affidavit and that of the person's attending physician. The administrator or executor of the estate of a deceased person may present such an account, execute such an affidavit on behalf of the deceased person, and present that affidavit and the attending physician's affidavit to the board within that four-month period. If the person so bitten or injured is a minor, the person's parent or guardian may present such an account, execute such an affidavit on behalf of the person, and present that affidavit and the attending physician's affidavit to the board within that four-month period. The person, the administrator or executor, or the parent or guardian, as applicable, shall present, with the account and affidavits, documentation establishing that the person, the person's estate, or the parent or guardian, as applicable, is unable, without deprivation of basic needs, to further provide for the payment of the expenses incurred for the medical or surgical treatment.

Effective Date: 10-13-2000

955.43 Dogs with blind, deaf or mobility impaired person.

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

- (1) The dog shall not occupy a seat in any public conveyance.
- (2) The dog shall be upon a leash while using the facilities of a common carrier.
- (3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

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

(C) As used in this section, "institutions of education" means:

- (1) Any state university or college as defined in section [3345.32](#) of the Revised Code;
- (2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;
- (3) Any elementary or secondary school operated by a board of education;
- (4) Any chartered or nonchartered nonpublic elementary or secondary school;
- (5) Any school issued a certificate of registration by the state board of career colleges and schools.

Effective Date: 04-03-2003; 06-30-2006

955.44 Fines credited to dog and kennel fund.

All fines collected for violations of sections [955.11](#), [955.21](#), [955.22](#), [955.23](#), [955.25](#), and [955.261](#) of the Revised Code shall be deposited in the county treasury to the credit of the dog and kennel fund.

Effective Date: 07-10-1987

955.50 Sale and transportation of dogs.

(A) No person shall sell, offer to sell, or expose for sale, for the purpose of resale or receive for delivery within this state, or ship from any point within this state to any point outside this state, for sale to the general public at retail, any dog under the age of eight weeks.

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

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

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

Effective Date: 06-04-1976

955.51 Claims for value of animals injured or killed by coyote.

(A) As used in sections 955.51 to [955.53](#) of the Revised Code:

- (1) "Animal" means a horse, mule, sheep, head of cattle, swine, goat, domestic rabbit, or domestic fowl or poultry .
- (2) "Fair market value" means the average price that is paid for a healthy grade animal at a livestock auction selected by the director of agriculture and licensed under Chapter 943. of the Revised Code.
- (3) "Grade animal" means an animal that is not eligible for registration by a breed association or in a registry.
- (4) "Predator" means a coyote or a black vulture.

(B) An owner of an animal that has been injured or killed by a predator and that the owner believes has a fair market value of more than twenty-five dollars shall do both of the following within seventy-two hours after the loss or injury has been discovered:

- (1) Notify the dog warden by telephone;

(2) Document by photograph the wounds sustained by the animal.

If the owner chooses to file a claim under sections 955.51 to [955.53](#) of the Revised Code, the owner shall complete a claim form for indemnification in quadruplicate as prescribed by the director in section [955.53](#) of the Revised Code and provided by the dog warden. The owner may request, and the dog warden shall provide, assistance in filling out the form. For the purposes of section [955.52](#) of the Revised Code, the owner shall send to the department of agriculture, within thirty days after discovery of the animal, the original copy of the claim form, all photographs documenting the wounds of the animal, and any other pertinent facts in the possession of the owner.

If the animal that is killed or injured is registered by an accepted association or in an accepted registry, the owner shall submit with the claim form that is filed with the department the registration papers showing the animal's lines of breeding, age, and other relevant information. If the animal is the offspring of registered stock and is eligible for registration, the registration papers showing the lines of breeding of the offspring shall be submitted as well.

The owner shall retain a copy of the claim form and provide a copy of the form to both the dog warden and the wildlife officer who investigates the claim, if applicable.

(C) Following notification from the owner of an animal under division (B) of this section, the dog warden promptly shall investigate the loss or injury and shall determine whether or not the loss or injury was made by a predator. If the dog warden determines that the loss or injury was not made by a predator, the owner has no claim under sections 955.51 to [955.53](#) of the Revised Code. If the dog warden determines that the loss or injury was made by a predator, the dog warden promptly shall notify by telephone the wildlife officer of that determination. For the purposes of section [955.52](#) of the Revised Code, the dog warden shall send to the department the dog warden's determination of whether the animal was killed or injured by a predator and any other documents, testimony, or information that the dog warden has received relating to the loss or injury of the animal.

(D) Following notification from the dog warden under division (C) of this section, the wildlife officer shall confirm the determination of the dog warden on the claim, disaffirm it, or state that the wildlife officer is uncertain about the determination. If the wildlife officer disaffirms the determination of the dog warden, the owner has no claim under sections 955.51 to [955.53](#) of the Revised Code. If the wildlife officer affirms the determination of the dog warden or states that the wildlife officer is uncertain about that determination, the wildlife officer shall so notify in writing the department for the purposes of section [955.52](#) of the Revised Code.

Effective Date: 09-26-2003; 04-15-2005

[955.52 Hearing on claims for value of animals injured or killed by coyote.](#)

(A)(1) The department of agriculture shall hear claims that are approved by the dog warden and supported by the wildlife officer pursuant to section [955.51](#) of the Revised Code in the order of their filing and may allow the claims in full or in part, or may disallow any claim, as the testimony and information submitted under that section show to be just. The department shall make the final determination of the fair market value of any animal that is the subject of a claim.

If the animal that is the subject of a claim dies as a result of the injuries that it received from a predator, the amount of indemnity is the fair market value of the animal on the date of its death. If the animal that is the subject of a claim does not die as a result of the injuries that it received from a predator, the amount of indemnity is the fair market value of the animal on the date that it received its injuries. If the animal that is the subject of a claim is registered or eligible for registration as described in division (B) of section [955.51](#) of the Revised Code, the amount of indemnity is one hundred twenty-five per cent of the fair market value of the animal on the date that the animal was killed or injured. If the date of death or injury of an animal cannot be determined, the amount of indemnity shall be based on the fair market value of the animal on the date that the animal was discovered by its owner.

(2) If the owner of an animal does not agree with the department's determination of the animal's fair market value, the owner may appeal the determination in accordance with Chapter 119. of the Revised Code.

(3) The department shall certify any claim or part of a claim that has been found to be valid under division (A)(1) of this section. Claims certified in accordance with this section shall be paid out of money that has been appropriated from the general revenue fund for the purposes of sections [955.51](#) to [955.53](#) of the Revised Code, except that no claim shall be paid from that money if either of the following applies:

(a) A claim for the same loss or injury has been paid or is payable under a policy or policies of insurance. However, a claim may be paid for the amount of any deductible paid or payable by the claimant under such insurance.

(b) The owner of an animal who otherwise would receive indemnity under a claim has been paid more than five hundred dollars within the immediately preceding calendar year from money so appropriated. However, that owner may be paid if the owner has implemented a voluntary animal damage control plan that meets the requirements established in rules adopted under division (D) of this section.

(B) If at any time the money that has been appropriated from the general revenue fund for the purposes of sections [955.51](#) to [955.53](#) of the Revised Code for a fiscal year is not sufficient to pay certified claims, the department shall disapprove those claims. Any claim that has been disapproved due to lack of money shall not be resubmitted.

(C) The department either may assist owners in developing and implementing a voluntary animal damage control plan to prevent and minimize loss or injury to animals by predators or may enter into an agreement with another state agency, a federal agency, or a person to provide such assistance. The department may use no more than fifty per cent or twenty-five thousand dollars, whichever is less, of the money that is appropriated for the purposes of sections [955.51](#) to [955.53](#) of the Revised Code to pay the costs incurred by the department for either providing assistance under this division or entering into an agreement under this division to provide that assistance.

(D) The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer sections [955.51](#) to [955.53](#) of the Revised Code, including rules that establish requirements governing voluntary animal damage control plans.

Effective Date: 02-27-1987; 04-15-2005

[955.53 Claim forms for value of animals injured or killed by coyote.](#)

All claims against the money appropriated from the general revenue fund for the purposes of sections [955.51](#) to [955.53](#) of the Revised Code and all accompanying statements and testimony shall be upon claim forms prepared by the director of agriculture and furnished by the dog warden. The forms shall not require an affidavit, but shall contain lines for the signatures of the claimant and witnesses and, immediately above those lines, the sentence, "This statement is made subject to the criminal penalties for falsification provided for in section [2921.13](#) of the Revised Code.

Effective Date: 04-19-1988; 04-15-2005

[955.99 Penalty.](#)

(A)(1) Whoever violates division (E) of section [955.11](#) of the Revised Code because of a failure to comply with division (B) of that section is guilty of a minor misdemeanor.

(2) Whoever violates division (E) of section [955.11](#) of the Revised Code because of a failure to comply with division (C) or (D) of that section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(B) Whoever violates section [955.10](#), [955.23](#), [955.24](#), or [955.25](#) of the Revised Code is guilty of a minor misdemeanor.

(C) Whoever violates section [955.261](#), [955.39](#), or [955.50](#) of the Revised Code is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(D) Whoever violates division (F) of section [955.16](#) or division (B) of section [955.43](#) of the Revised Code is guilty of a misdemeanor of the fourth degree.

(E)(1) Whoever violates section [955.21](#) or division (B) or (C) of section [955.22](#) of the Revised Code shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(2) In addition to the penalties prescribed in division (E)(1) of this section, if the offender is guilty of a violation of division (B) or (C) of section [955.22](#) of the Revised Code, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(F) If a violation of division (D) of section [955.22](#) of the Revised Code involves a dangerous dog, whoever violates that division is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (E) of section [955.22](#) of the Revised Code. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(G) If a violation of division (D) of section [955.22](#) of the Revised Code involves a vicious dog, whoever violates that division is guilty of one of the following:

(1) A felony of the fourth degree on a first or subsequent offense if the dog kills or seriously injures a person. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(2) A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

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

(H) Whoever violates division (A)(2) of section [955.01](#) or division (E) of section [955.22](#) of the Revised Code is guilty of a misdemeanor of the first degree.

(I) Whoever violates division (C) of section [955.221](#) of the Revised Code is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. Fines levied and collected for violations of that division shall be distributed by the mayor or clerk of the municipal or county court in accordance with section [733.40](#), division (F) of section [1901.31](#), or division (C) of section [1907.20](#) of the Revised Code to the treasury of the county, township, or municipal corporation whose resolution or ordinance was violated.

(J) Whoever violates division (F)(1), (2), or (3) of section [955.22](#) of the Revised Code is guilty of a felony of the fourth degree. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

Effective Date: 10-10-2000

955.22 Confining, restraining, debarking dogs.

(A) As used in this section, "dangerous dog" and "vicious dog" have the same meanings as in section [955.11](#) of the Revised Code.

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

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

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

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

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

(1) While that dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

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

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

(b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

(c) Muzzle that dog.

(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 one hundred thousand dollars because of damage or bodily injury to or death of a person caused by the vicious dog.

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

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

(2) Possess a 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 division (G) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

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

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

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

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

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

(5) A statement that division (F) of section 955.22 of the Revised Code prohibits any person from doing any of the

following:

- (a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dog;
- (b) Possessing a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;
- (c) Falsely attesting on a waiver form provided by the veterinarian under division (G) of section 955.22 of the Revised Code that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.
- (H) It is an affirmative defense to a charge of a violation of division (F) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (G) of this section and that attests that the dog is not a vicious dog.

Effective Date: 10-10-2000

OHIO

SENATE

JOURNAL

TUESDAY, JANUARY 31, 2012

BILLS FOR THIRD CONSIDERATION**Sub. H. B. No. 14**-Representative Sears.

Cosponsors: Representatives Winburn, Garland, Bulp, Duffey, Gardner, Lundy, Szollosi, Wachtmann, Speaker Batchelder. Senators Wagoner, LaRose.

To amend sections 955.08, 955.11, 955.22, 955.99, 1901.18, and 1907.031 and to enact sections 955.222 and 955.54 of the Revised Code to remove pit bulls from the definition of "vicious dog" in state law, to establish a process by which owners, keepers, or harborers of dogs that have been designated as nuisance, dangerous, or vicious may appeal that designation, to define a "nuisance dog," to change the definitions of a "dangerous dog" and a "vicious dog," to require the owner of a dangerous dog to obtain a dangerous dog registration certificate, to prohibit certain felons from owning dogs under certain conditions, and to change the penalties involving ownership of nuisance, dangerous, and vicious dogs, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 14**, pass?"

The yeas and nays were taken and resulted - yeas 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|-----------|---------|-----------|-------------|
| Balderson | Brown | Burke | Cafaro |
| Coley | Eklund | Faber | Gentile |
| Hite | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Sawyer | Schiavoni | Seitz |
| Skindell | Smith | Tavares | Turner |
| Wagoner | Widener | | Niehaus-27. |

Senators Bacon, Beagle, Hughes, Patton, and Schaffer voted in the negative-5.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Wagoner moved to amend the title as follows:

Add the names: "Coley, Jordan, Seitz."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

H. B. No. 185-Representatives Carey, O'Brien.

Cosponsors: Representatives Johnson, Rosenberger, Grossman, Landis, Thompson, Antonio, Martin, Buchy, Adams, J., Hottinger, Adams, R., Fende, Schuring, Letson, Mecklenborg, Anielski, Beck, Boose, Brenner, Bulp, Clyde, Combs, Dovilla, Fedor, Garland, Gentile, Gerberry, Hackett, Hall, Heard, Lundy, Mallory, McClain, McGregor, Milkovich, Newbold, Peterson,



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Animal-rights PAC behind Ohio legislation to remove requirement that dangerous pit bulls be insured

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Ohio residents have the right to expect that Ohio law is written by Ohio legislators, with the best interests of their constituents in mind. Not so with **proposed House Bill 14**. A Freedom of Information Act request for **State Rep. Barbara Sears'** records tells us that HB 14 was written by Best Friends Animal Society, a multimillion-dollar animal-rights PAC headquartered in Kanab, Utah. Under the guise of granting "due process" to owners of dogs involved in violent incidents, HB 14 would remove the insurance requirement for dogs commonly known as pit bulls, per the Ohio Supreme Court. That decision (**State of Ohio v. Anderson**) clearly defines exactly what a pit bull is and why it should be insured.

The last time an animal-rights organization attempted to change Ohio law, the Humane Society of the United States was bold and open about its intent. The voters of Ohio were not pleased by HSUS interference, and HSUS was handed a resounding defeat.

Best Friends has made a stealth move in the Ohio legislature, and Ohio residents will be the losers. Without insurance, future victims of pit bull attacks will suffer the injuries and pay the bills. Pit bull maulings are a daily affair across the United States; human deaths from these attacks are not rare. In December 2011 alone, five Americans were killed by pit bulls, and the pit bull death total for the year was 23 -- 24 if you count the unborn child of the vocal pit bull advocate **Darla Napora** who was killed by her own pit bull.

The expected passage of HB 14 will sacrifice a proactive law to the whims of an out-of-state animal-rights PAC. Ohio legislators should have told Best Friends that the safety of Ohio families is not for sale, but they have not.

Carol Miller *Olmsted Falls*

Related topics: [Best Friends Animal Society](#), [dog liability insurance](#), [House Bill 14](#), [Humane Society of the United States](#), [Kanab](#), [ohio supreme court](#), [pit bulls](#), [State of Ohio v. Anderson](#), [State Rep. Barbara Sears](#), [Utah](#)

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(129th General Assembly)
(Substitute House Bill Number 14)

AN ACT

To amend sections 955.08, 955.11, 955.22, 955.99, 1901.18, and 1907.031 and to enact sections 955.222 and 955.54 of the Revised Code to remove pit bulls from the definition of "vicious dog" in state law, to establish a process by which owners, keepers, or harborers of dogs that have been designated as nuisance, dangerous, or vicious may appeal that designation define a "nuisance dog," to change the definitions of a "dangerous dog" and a "vicious dog," to require the owner of a dangerous dog to obtain a dangerous dog registration certificate, to prohibit certain felons from owning dogs under certain conditions, and to change the penalties involving ownership of nuisance, dangerous, and vicious dogs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 955.08, 955.11, 955.22, 955.99, 1901.18, and 1907.031 be amended and sections 955.222 and 955.54 of the Revised Code be enacted to read as follows:

Sec. 955.08. In addition to the certificate of registration provided for by section 955.07 of the Revised Code, the county auditor shall require every person making application for the registration of a dog and paying the required fee therefor a metal tag for each dog so registered. The character, and lettering of the tag shall be prescribed by the county auditor. Each year the tag shall be a color distinctive from that of the previous year. If a tag is lost, a duplicate shall be furnished by the auditor upon proper proof of loss and the payment of ~~twenty-five cents~~ **five dollars** for each tag issued or ~~payment of an alternate fee for a duplicate tag, which the board of county commissioners may establish in an amount not to exceed one dollar and fifty cents.~~

Sec. 955.11. (A) As used in this section:

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

(i) ~~Caused injury, other than killing or serious injury, to any person;~~

(ii) ~~Killed another dog;~~

(iii) ~~Been the subject of a third or subsequent violation of division (C) of section 955.22 of the Revised Code.~~

(b) "Dangerous dog" does not include a police dog that has ~~chased or approached in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person~~ caused injury, other than killing or serious injury, to any person or has killed another person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3)(a) ~~Subject to division (A)(3)(b) of this section, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harborer 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.~~

(b) ~~"Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of their 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.~~

(4) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

~~(4)(5) "Serious injury" means any of the following:~~

(a) ~~Any physical harm that carries a substantial risk of death;~~

(b) ~~Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;~~

(c) ~~Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;~~

(d) ~~Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.~~

(6)(a) "Vicious dog" means a dog that, without provocation and subject to division (A)(4)(6)(b) of this section, ~~meets any of the following:~~

(i) ~~Has~~ **has** killed or caused serious injury to any person;

(ii) ~~Has~~ **has** caused injury, other than killing or serious injury, to any person, or has killed another dog.

(iii) ~~Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of such a breed of dog shall constitute prima facie evidence of the ownership, keeping, or harboring of a vicious dog.~~

(b) "Vicious dog" does not include either of the following:

(i) A police dog that has killed or caused serious injury to any person ~~or that has caused injury, other than killing or serious injury, to~~ while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

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

~~(5)(7)~~ "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to 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 act

(B) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank the certificate may be obtained from the county auditor. A transfer of ownership shall be recorded by the auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of ~~twenty five cents~~ five dollars.

(C) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

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

- (1) The name and address of the buyer or other transferee of the dog;
- (2) The age, sex, color, breed, and current registration number of the dog.

In addition, the seller shall answer the following questions, which shall be specifically stated on the form as follows:

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

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

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

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

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

Sec. 955.22. (A) As used in this section, "dangerous dog" ~~and "vicious dog" have~~ has the same ~~meanings~~ meaning as in section 955.21 Revised Code.

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

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

- (1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate supervision, or secure enclosure to prevent escape;
- (2) Keep the dog under the reasonable control of some person.

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

(1) While that dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top fenced yard, or other locked enclosure that has a top, ~~except that a dangerous dog may, in the alternative, be tied with a leash or tether so that it is adequately restrained;~~

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

- (a) Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;
- (b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to the dog to prevent it from causing injury to any person;
- (c) Muzzle that dog.

(E) No ~~person who has been convicted of or pleaded guilty to three or more violations of division (C) of this section involving the sale of~~ owner, keeper, or harbinger of a ~~vicious dangerous~~ dog shall fail to ~~obtain~~ do the following:

(1) Obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence of not less than one hundred thousand dollars because of damage or bodily injury to or death of a person by the vicious dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, dog warden, or public health official charged with enforcing this section;

(2) Obtain a dangerous dog registration certificate from the county auditor pursuant to division (I) of this section, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;

(3) Notify the local dog warden 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 on the property.
- (c) The dog attacks another animal while the dog is off the property of the owner of the dog.

(4) If the dog is sold, given to another person, or dies, notify the county auditor within ten days of the sale, transfer, or death.

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

- (1) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dangerous dog;
- (2) Possess a vicious dangerous 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 division (G) of this section that the person's dog is not a vicious dangerous dog or otherwise provide false information on that written waiver form.

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

that the dog is not a vicious dangerous dog. The written waiver form shall include all of the following:

- (1) The veterinarian's license number and current business address;
- (2) The number of the license of the dog if the dog is licensed;
- (3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;
- (4) The signature of the owner of the dog attesting that the owner's dog is not a vicious dangerous dog;
- (5) A statement that division (F) of section 955.22 of the Revised Code prohibits any person from doing any of the following:
 - (a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dangerous dog;
 - (b) Possessing a vicious dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silencing;
 - (c) Falsely attesting on a waiver form provided by the veterinarian under division (G) of section 955.22 of the Revised Code that the dog is not a vicious dangerous dog or otherwise provide false information on that written waiver form.
 - (H) It is an affirmative defense to a charge of a violation of division (F) of this section that the veterinarian who is charged with the obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (G) of this section and that attests that the dog is not a vicious dangerous dog.

(I)(1) The county auditor shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is eighteen or older, and who provides the following to the county auditor:

- (a) A fee of fifty dollars;
- (b) The person's address, phone number, and other appropriate means for the local dog warden or county auditor to contact the person;
- (c) With respect to the person and the dog for which the registration is sought, all of the following:
 - (i) Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccine is medically contraindicated for the dog;
 - (ii) Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that the dog is medically contraindicated;
 - (iii) Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence both minors and adults of the presence of a dangerous dog on the property;
 - (iv) Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number;

(2) Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the county auditor shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure in (I)(3)(b) of this section and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

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

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

- (i) Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the county auditor of the new county;
- (ii) Provide written notice of the new address to the county auditor of the county where the owner previously resided.

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

(5) The fees collected pursuant to this division shall be deposited in the dog and kennel fund of the county.

Sec. 955.222. (A) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harborer of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

(B) If a person who is authorized to enforce this chapter has reasonable cause to believe that a dog in the person's jurisdiction is a nuisance dog, dangerous dog, or vicious dog, the person shall notify the owner, keeper, or 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.

(C) 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, the owner, keeper, or harborer, not later than ten days after receiving notification of the designation, may request a hearing regarding the designation. The request for a hearing shall be in writing and shall be filed with the municipal court or county court that has territorial jurisdiction over the residence of the dog's owner, keeper, or 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.

(D) A court, upon motion of an owner, keeper, or harborer or an attorney representing the owner, keeper, or harborer, may order that a 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 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.

(E) 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 955.22 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 it 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 order 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 the amount described in division (H)(2) of section 955.99 of the Revised Code.

(F) As used in this section, "nuisance dog," "dangerous dog," and "vicious dog" have the same meanings as in section 955.11 of the Revised Code.

Sec. 955.54. (A) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after the effective date of this section or a violation of any provision of Chapter 955. of the Revised Code committed on or after the effective date of this section shall be eligible for a pardon or commutation of sentence.

section or a felony violation of any provision of Chapter 999, 2923, or 2925, or the Revised Code committed on or after the effective date of shall knowingly own, possess, have custody of, or reside in a residence with either of the following for a period of three years commencing on the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for or violation, upon the date of the person's final release from the other sanctions imposed for the offense or violation:

(1) An unspayed or unneutered dog older than twelve weeks of age;

(2) Any dog that has been determined to be a dangerous dog under Chapter 955. of the Revised Code.

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

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

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

Sec. 955.99. (A)(1) Whoever violates division (E) of section 955.11 of the Revised Code because of a failure to comply with divisi that section is guilty of a minor misdemeanor.

(2) Whoever violates division (E) of section 955.11 of the Revised Code because of a failure to comply with division (C) or (D) of th guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(B) Whoever violates section 955.10, 955.23, 955.24, or 955.25 of the Revised Code is guilty of a minor misdemeanor.

(C) Whoever violates section 955.261, 955.39, or 955.50 of the Revised Code is guilty of a minor misdemeanor on a first offense an misdemeanor of the fourth degree on each subsequent offense.

(D) Whoever violates division (F) of section 955.16 or division (B) of section 955.43 of the Revised Code is guilty of a misdemeanor fourth degree.

(E)(1) Whoever violates section 955.21 ~~of the Revised Code~~, violates division (B) of section 955.22 of the Revised Code, or comr violation of division (C) of section 955.22 of the Revised Code that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog sl not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less tl seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(2) In addition to the penalties prescribed in division (E)(1) of this section, if the offender is guilty of a violation of division (B) of s 955.22 of the Revised Code or a violation of division (C) of section 955.22 of the Revised Code that involves a dog that is not a nuisance dog, dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that complete dog obedience training, or to do both.

(F) ~~¶~~ (1) Whoever commits a violation of division (C) of section 955.22 of the Revised Code that involves a nuisance dog is guilty c misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a per convicted of or pleading guilty to a third violation of division (C) of section 955.22 of the Revised Code involving the same dog, the court sha offender to register the involved dog as a dangerous dog.

(2) In addition to the penalties prescribed in division (F)(1) of this section, if a violation of division (C) of section 955.22 of the Rev involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, that dog to complete dog obedience training, or to do both.

(G) Whoever commits a violation of division ~~(D)~~(C) of section 955.22 of the Revised Code that involves a dangerous dog, ~~whoever~~ division or a violation of division (D) of that section is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offende keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liabilit pursuant to division (E) of section 955.22 of the Revised Code. The court, in the alternative, may order the dangerous dog to be humanely de licensed veterinarian, the county dog warden, or the county humane society at the owner's expense. With respect to a violation of division (C) 955.22 of the Revised Code that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal violation of that division and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with division (D) of se of the Revised Code or at the county dog pound at the owner's expense.

~~(G) ~~¶~~ (H)(1) Whoever commits a violation of division ~~(D)~~(C) of section 955.22 of the Revised Code that involves a vicious dog, wh violates that division is guilty of one of the following:~~

~~(1)(a) A felony of the fourth degree on a first or subsequent offense if the dog kills or seriously injures a person. Additionally, the c order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owr expense.~~

~~(2)(b) A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense if the dog serious injury to a person. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county c or the county humane society:-~~

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

~~(H) at the owner's expense.~~

(2) If the court does not order the vicious dog to be destroyed under division (H)(1)(b) of this section, the court shall issue an order specifies that 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 t keeper, or harbinger of the dog as if the dog were a dangerous dog and that section 955.54 of the Revised Code applies with respect to the dog were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (E)(1) of 955.22 of the Revised Code in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand dollars. Until the cour final determination and during the pendency of any appeal of a violation of division (C) of section 955.22 of the Revised Code and at the disci dog warden, the dog shall be confined or restrained in accordance with the provisions described in division (D) of section 955.22 of the Revise the county dog pound at the owner's expense.

~~(I) Whoever violates division (A)(2) of section 955.01 or division (E) of section 955.22 of the Revised Code is guilty of a misdemea first degree.~~

~~(J) Whoever violates division (E)(2) of section 955.22 of the Revised Code is guilty of a misdemeanor of the fourth degree.~~

(K) Whoever violates division (C) of section 955.221 of the Revised Code is guilty of a minor misdemeanor. Each day of continued v constitutes a separate offense. Fines levied and collected for violations of that division shall be distributed by the mayor or clerk of the munic county court in accordance with section 733.40, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code to the l the county, township, or municipal corporation whose resolution or ordinance was violated.

~~(L) Whoever violates division (F)(1), (2), or (3) of section 955.22 of the Revised Code is guilty of a felony of the fourth degree. Additionally, the court shall order that the vicious dog involved in the violation be humanely destroyed by a licensed veterinarian, the county c or the county humane society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (F) (3) of section 955.22 of the Revised Code and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with l provisions of division (D) of section 955.22 of the Revised Code or at the county dog pound at the owner's expense.~~

~~(M) Whoever violates division (E)(1), (2), or (4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor.~~

(M) Whoever violates division (E)(1), (2), or (4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor.

(N) Whoever violates division (I)(4) of section 955.22 of the Revised Code is guilty of a minor misdemeanor.

(O) Whoever violates division (A) or (B) of section 955.54 of the Revised Code is guilty of a misdemeanor of the first degree.

(P)(1) If a dog is confined at the county dog pound pursuant to division (G), (H), or (L) of this section, the county dog warden shall written notice of the confinement to the owner of the dog. If the county dog warden is unable to give the notice to the owner of the dog, the warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of one hundred dollars is due to the county dog warden within ten days of the seizure of the dog pending the determination. The county dog warden may draw from the security any actual costs incurred in caring for the dog pending the determination.

(2) If the person ordered to post security under division (P)(1) of this section does not do so within ten days of the confinement of the dog, the dog is forfeited, and the county dog warden may determine the disposition of the dog unless the court issues an order that specifies otherwise.

(3) Not more than ten days after the court makes a final determination under division (G), (H), or (L) of this section, the county dog warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the county dog warden finds that the security provided under division (P)(1) of this section is less than the actual cost of confinement of the dog, the owner shall remit the difference between the security provided and the actual cost to the county dog warden within thirty days after the court's determination. If the county dog warden finds that the security provided under division (P)(1) of this section is greater than the actual cost, the county dog warden shall remit the difference between the security provided and the actual cost to the owner within thirty days after the court's determination.

(O) As used in this section, "nuisance dog," "dangerous dog," and "vicious dog" have the same meanings as in section 955.11 of the Revised Code.

Sec. 1901.18. (A) Except as otherwise provided in this division or section 1901.181 of the Revised Code, subject to the monetary jurisdiction of municipal courts as set forth in section 1901.17 of the Revised Code, a municipal court has original jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

- (1) In any civil action, of whatever nature or remedy, of which judges of county courts have jurisdiction;
- (2) In any action or proceeding at law for the recovery of money or personal property of which the court of common pleas has jurisdiction;
- (3) In any action at law based on contract, to determine, preserve, and enforce all legal and equitable rights involved in the contract, including an accounting, reformation, or cancellation of the contract, and to hear and determine all legal and equitable remedies necessary or proper for the determination of the rights of the parties to the contract;
- (4) In any action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the marshalling of liens on personal property of that nature, and for the rendering of personal judgment in the action or proceeding;
- (5) In any action or proceeding to enforce the collection of its own judgments or the judgments rendered by any court within the territory in which the municipal court has succeeded, and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the municipal court;
- (6) In any action or proceeding in the nature of interpleader;
- (7) In any action of replevin;
- (8) In any action of forcible entry and detainer;
- (9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or the enforcement of protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, in section 2919.27 of the Revised Code;
- (10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction;
- (11) In any action brought pursuant to division (I) of section 3733.11 of the Revised Code, if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court;
- (12) In any civil action as described in division (B)(1) of section 3767.41 of the Revised Code that relates to a public nuisance, and, to the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in the action;
- (13) In a proceeding brought pursuant to section 955.222 of the Revised Code by the owner of a dog that has been designated as a nuisance dog, dangerous dog, or vicious dog.

(B) The Cleveland municipal court also shall have jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

- (1) In all actions and proceedings for the sale of real property under lien of a judgment of the municipal court or a lien for machinery or fuel furnished or labor performed, irrespective of amount, and, in those actions and proceedings, the court may proceed to foreclose and may appoint a receiver, and to render personal judgment irrespective of amount in favor of any party.
- (2) In all actions for the foreclosure of a mortgage on real property given to secure the payment of money or the enforcement of a lien on real property for money or other encumbrance or charge on real property, when the amount claimed by the plaintiff does not exceed fifteen thousand dollars, and, in those actions, the court may proceed to foreclose all liens and all vested and contingent interests and to render judgments and make findings and orders between the parties in the same manner and to the same extent as in similar actions in the court of common pleas.
- (3) In all actions for the recovery of real property situated within the territory to the same extent as courts of common pleas have jurisdiction.
- (4) In all actions for injunction to prevent or terminate violations of the ordinances and regulations of the city of Cleveland enacted or promulgated under the police power of the city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio Constitution, over which the court of common pleas has or may have jurisdiction, and, in those actions, the court may proceed to render judgments and make findings and orders in the same manner and to the same extent as in similar actions in the court of common pleas.

Sec. 1907.031. (A) Except as otherwise provided in section 1907.03 of the Revised Code and in addition to the jurisdiction authorized by sections of this chapter and in section 1909.11 of the Revised Code, a county court has original jurisdiction within its district in all of the following actions or proceedings and to perform all of the following functions:

- (1) In an action or proceeding at law for the recovery of money or personal property of which the court of common pleas has jurisdiction;
- (2) In an action at law based on contract, to determine, preserve, and enforce all legal and equitable rights involved in the contract, including an accounting, reformation, or cancellation of the contract, and to hear and determine all legal and equitable remedies necessary or proper for the determination of the rights of the parties to the contract;
- (3) In an action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the marshalling of liens on the personal property, and for the rendering of personal judgment in the action or proceeding;
- (4) In an action or proceeding to enforce the collection of its own judgments and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the county court;

(5) In an action or proceeding in the nature of interpleader;

(6) In an action of forcible entry and detainer;

(7) In a proceeding brought pursuant to section 955.222 of the Revised Code by the owner of a dog that has been designated as a dangerous dog, or vicious dog.

(B) A county court has original jurisdiction in civil actions as described in division (B)(1) of section 3767.41 of the Revised Code that public nuisance. To the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall be inoperative to the extent of the conflict. To the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall be inoperative to the extent of the conflict.

SECTION 2. That existing sections 955.08, 955.11, 955.22, 955.99, 1901.18, and 1907.031 of the Revised Code are hereby repealed

SECTION 3. (A) Except as provided in division (B) of this section, an owner, keeper, or harbinger of a dog who was required to comply with the requirements pertaining to a vicious dog prior to the effective date of this act shall be required to comply with the requirements pertaining to a dog on or after the effective date of this act.

(B) Division (A) of this section does not apply to an owner, harbinger, or keeper of a dog who was required, with respect to that dog, with the requirements pertaining to a vicious dog prior to the effective date of this act solely because the dog belongs to a breed that is commonly known as a pit bull dog.

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