

## **CHAPTER 618**

### **ANIMALS**

<b>618.01</b>	<b>Definitions</b>
<b>618.02</b>	<b>Animals at large; abandoning animals</b>
<b>618.025</b>	<b>Dogs required to wear tags</b>
<b>618.03</b>	<b>Dogs; owner's obligations</b>
<b>618.035</b>	<b>Rabies vaccination of dogs and cats required</b>
<b>618.04</b>	<b>Injuring animals</b>
<b>618.05</b>	<b>Cruelty to animals</b>
<b>618.051</b>	<b>Cruelty to companion animals</b>
<b>618.06</b>	<b>Poisoning animals</b>
<b>618.07</b>	<b>Sale of baby fowl and rabbits</b>
<b>618.08</b>	<b>Permit to keep animals</b>
<b>618.09</b>	<b>Issuance of permit; conditions</b>
<b>618.10</b>	<b>Location of stables</b>
<b>618.11</b>	<b>Fenced lot required</b>
<b>618.12</b>	<b>Sanitation</b>
<b>618.13</b>	<b>Application of chapter</b>
<b>618.14</b>	<b>Costs of confinement borne by owner</b>
<b>618.15</b>	<b>Minimum fine where confinement necessary</b>
<b>618.16</b>	<b>Keeping wild, dangerous or undomesticated animals prohibited</b>
<b>618.17</b>	<b>Vicious dogs (Repealed)</b>
<b>618.18</b>	<b>Nuisance conditions prohibited</b>
<b>618.19</b>	<b>Removal, impoundment and destruction of vicious animals (Repealed)</b>
<b>618.20</b>	<b>Reporting escapes</b>
<b>618.21</b>	<b>Dangerous and vicious animals</b>
<b>618.22</b>	<b>Teasing or striking dogs used by Police Division</b>
<b>618.23</b>	<b>Injuring or killing dogs used by Police Division</b>

### **CROSS REFERENCES**

See section histories for similar State law

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

Animal Warden – See ADM. 127.13

Driving animals upon roadway – See TRAF. 404.04, 412.05

Offensive odors from places where animals are kept or fed – See GEN. OFF. 660.04

---

### **618.01 DEFINITIONS**

**As used in this chapter:**

- (a) “Horse” includes a pony, a donkey, mule, burro or any other equine animal.**
  - (b) “Cow” includes a steer, ox, or any other bovine animal.**
  - (c) “Stable” means any structure or building used for the keeping, lodging or feeding of horses or cows.**
- (Ord. 1971-122. Passed 12-14-71)**

### **618.02 ANIMALS AT LARGE; ABANDONING ANIMALS**

**(a) No person, being the owner or having charge of horses, mules, cattle, swing, sheep, goats, geese, ducks, turkeys, chickens or other fowl or animals shall permit the same to run at large on any public street or upon any unenclosed lands within the corporate limits.**

**(b) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01) (Ord. 1971-122. Passed 12-14-71)**

**(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.**

### **618.025 DOGS REQUIRED TO WEAR TAGS**

**(a) 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 a lack of registration and shall subject any dog found not wearing such tag to impoundment, sale or destruction. (ORC 955.10)**

**(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 955.99(B))**

### **618.03 DOGS; OWNERS OBLIGATIONS**

**(a) No owner, keeper, harbinger, or person having charge or control of any dog, licensed or unlicensed, in the Municipality, shall permit it to run at large in any street or upon any unenclosed land in the Municipality.**

**(b) No person shall keep or harbor any dog which howls or barks to the annoyance of the inhabitants of the Municipality and no person shall create, continue, contribute to or suffer such nuisance to exist.**

**(c) Any police officer or person appointed by the Mayor shall have the authority to impound any dog which, by loud and frequent or habitual barking, howling or yelping, shall cause annoyance or disturbance to the residents, or any dog found running at large contrary to the provisions of this section. Dogs so impounded, if licensed, shall be returned to their owners and if not licensed shall be delivered to the County Dog Warden.**

(d) The owner or keeper of any dog which has bitten any person shall immediately cause such dog to be delivered and confined by a licensed veterinarian for a period of not less than ten days. In the event that the owner or keeper is unable to have such dog confined by a licensed veterinarian, he or she shall deliver such dog to any police officer or person appointed by the Mayor, which police officer or person shall cause the dog to be delivered to the County Dog Warden for the required confinement. Any costs involved in the confinement of the dog shall be paid by the owner or keeper of the dog. (Ord. 1971-122. Passed 12-14-71)

(e) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.

#### **618.035 RABIES VACCINATION OF DOGS AND CATS REQUIRED**

(a) No person, being the owner, keeper or harbinger of any dog or cat over the age of three months, shall fail to have such animal currently immunized against rabies by a licensed veterinarian.

(b) All owners or keepers, as described in division (a) of this section, shall maintain a record of such immunization as provided by a veterinarian. They shall provide said proof of immunization to the Animal Warden upon inquiry.

(c) Whoever violates this section is guilty of a minor misdemeanor. (Ord. 1998-9. Passed 2-24-98)

#### **618.04 INJURING ANIMALS**

(a) No person shall purposely or knowingly, and without the consent of the owner, kill or injure any domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity. (ORC 959.02; Ord. 1971-122. Passed 12-14-71)

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

#### **618.05 CRUELTY TO ANIMALS**

(a) No person shall:

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

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

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

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

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

**(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to 36 hours without penalty therefor. This section does not prevent the dehorning of cattle.**

**(c) All fines collected for violations of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the municipality; otherwise, all fines shall be paid to the general fund. (ORC 959.13)**

**(d) Whoever violates division (a) of this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. (ORC 959.99(D))**

#### **618.051 CRUELTY TO COMPANION ANIMALS**

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

**(1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.**

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

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

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

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

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

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

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

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

- (1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;**
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;**
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;**
- (4) Needlessly kill the companion animal;**
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment in any of those specified manners.**

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

- (1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;**
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;**
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;**
- (4) Needlessly kill the companion animal;**
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.**

- (e) Subsections (b), (c) and (d) of this section do not apply to any of the following:**
- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;**
  - (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;**
  - (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;**
  - (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;**
  - (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741. (ORC 959.131)**
- (f)**
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.**
  - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.**
  - (3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.**
  - (4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.**  
**B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.**
  - (5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)**

#### **618.06 POISONING ANIMALS**

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a dog, cat or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any such animal, either upon his or her own lands or the lands of another. (ORC 959.03) (Ord. 1971-122. Passed 12-14-71)

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

#### **618.07 SALE OF BABY FOWL AND RABBITS**

(a) No person shall sell, offer for sale, barter or give away living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than six.

(b) No person shall sell, offer for sale, barter, give away or display living baby chicks, rabbits, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color.

(c) This section shall not be construed to prohibit the sale or display of natural baby chicks, rabbits, ducklings or other fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them for commercial purposes. (Ord. 1971-122. Passed 12-14-71)

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

#### **618.08 PERMIT TO KEEP ANIMALS**

(a) No person shall keep or raise any horse, pony, cow, steer or sheep within the Municipality without having first obtained a written permit from the Building Division to keep such an animal. Registration and application for such permit shall be upon forms prescribed by the Director of Public Service and shall set forth the name, age, breed, description and any special markings peculiar to such animal and the name, address and telephone number of the owner and/or keeper of such animal. The fee for such permit shall be five dollars (\$5.00) for each animal so registered. The permit shall be valid for a period of one year and shall be renewable annually.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. (Ord. 1983-43. Passed 4-12-83)

#### **618.09 ISSUANCE OF PERMIT; CONDITIONS**

The Building Division shall issue a permit for keeping a horse, pony, cow, steer or sheep when all conditions conform to the zoning laws of the City. (Ord. 1983-43. Passed 4-12-83)

#### **618.10 LOCATION OF STABLES**

Stables shall be located on a lot as an accessory structure and regulated in conformity with the building and zoning laws of the City. (Ord. 1971-122. Passed 12-14-71)

#### **618.11 FENCED LOT REQUIRED**

(a) No person shall keep a horse, pony, cow, steer or sheep on any lot within the City unless adequate fencing is provided so as to keep such animal securely confined. Such fencing shall conform to all building and zoning laws. (Ord. 1983-43. Passed 4-12-83)

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

#### **618.12 SANITATION**

(a) All stables, yards and corrals where a horse, pony, cow, steer or sheep is kept shall be maintained in a sanitary condition and shall be kept clean and in good repair so as to prevent the breeding of flies and the emission of deleterious and offensive odors. (Ord. 1983-43. Passed 4-12-83)

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

#### **618.13 APPLICATION OF CHAPTER**

The provisions of this chapter shall apply to all stables erected or constructed after the first adoption of this chapter (Ordinance 1970-69, passed June 9, 1970). The provisions of this chapter shall apply to all horses, ponies, cows, steers and sheep hereafter kept within the City except that those persons who presently maintain any number of horses or cows in excess of the amount allowed by this chapter, upon securing licenses for such horses or cows within 30 days of the effective date of this chapter (Ordinance 1971-122, passed December 14, 1971), shall have the right to continue to maintain such number of horses or cows. (Ord. 1983-43. Passed 4-12-83)

#### **618.14 COSTS OF CONFINEMENT BORNE BY OWNER**

Whenever it is necessary for the City to take charge of or confine any horse, cow, cat, dog, fowl or other animal, the City shall recover from the owner thereof the cost of such capture and confinement prior to the release of such fowl or animal. Such cost shall include ten dollars (\$10.00) for the first taking charge of or confinement, twenty-five dollars (\$25.00) for the second taking charge of or confinement and one hundred (\$100.00) for the third taking charge of or confinement and shall include boarding charges at the rate of three dollars (\$3.00) per day or any part thereof. (Ord. 1978-83. Passed 9-26-78)

#### **618.15 MINIMUM FINE WHERE CONFINEMENT NECESSARY**

If the City impounds any animal, pursuant to the provisions of this chapter, because of a violation of any of the provisions of this chapter, the minimum fine levied against the violator shall be twenty dollars (\$20.00) and no court shall suspend any part of such minimum fine.

**618.16 KEEPING WILD, DANGEROUS OR UNDOMESTICATED ANIMALS PROHIBITED**

(a) No person shall keep, maintain or have in his or her possession or under his or her control a wild, dangerous or undomesticated animal within City.

(b) As used in this section, a “wild, dangerous or undomesticated animal” means an animal which is not an ordinary household pet, but which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 1981-114. Passed 9-8-81)

**618.17 VICIOUS DOGS (REPEALED)**

(EDITOR’S NOTE: Section 618.17 was repealed by Ordinance 1990-56, passed May 8, 1990. See Section 618.21)

**618.18 NUISANCE CONDITIONS PROHIBITED**

(a) No person shall keep, harbor or feed any animal or fowl in the City so as to create offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public. (Ord. 2012-29. Passed 4-24-12)

(b) No person, whether the owner or person in charge or control of an animal, shall permit the animal to destroy or damage any lawn, tree, shrub, plant, building or other property, other than the property of such owner or person in charge or control, by scratching, digging, defecating, urinating or by other means.

(c) No person, whether the owner or person in charge or control of any dog or cat, shall permit the dog or cat to commit a nuisance by the discharge of such animal’s excreta upon any public or private property, other than on the property of such owner, within the City. Where the owner or person in charge or control of such animal immediately thereafter removes and disposes of such excreta in a sanitary manner, such nuisance shall be considered abated.

(d) No person shall own, keep or harbor any dog or other animal in the City that repeatedly bites other persons or animals, or habitually barks or howls, or repeatedly violates division (a), (b) or (c) of this section, or Section 618.17, all of which are a menace to the health, comfort or safety of the public. A violation of this subsection is hereby declared to be a nuisance.

(e) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (Ord. 1982-167. Passed 2-22-83)

**618.19 REMOVAL, IMPOUNDMENT AND DESTRUCTION OF VICIOUS ANIMALS (REPEALED)**

**(EDITOR'S NOTE: Section 618.19 was repealed by Ordinance 1990-56, passed May 8, 1990. See Section 618.21)**

**618.20 REPORTING ESCAPES**

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

- (1) A law enforcement officer of the Municipality and the County Sheriff; and**
- (2) The Clerk of Council**

**(b) If the office of the Clerk of Council is closed to the public at the time a report is required by division (a) of this section, then it is sufficient compliance with division (a)(2) of this section if the owner or keeper makes the report within one hour after the office is next open to the public.**

**(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 2927.21)**

**618.21 DANGEROUS AND VICIOUS ANIMALS**

**(a) Keeping Dangerous or Vicious Animals. No person shall keep, harbor or own any dangerous or vicious animal within the City, except in accordance with this section.**

**(b) Keeping Animals for Fighting. No person shall keep, harbor or own any animal for the purpose of fighting, or train any animal for the purpose of causing or encouraging such animal to make unprovoked attacks, cause injury or otherwise threaten the safety of human beings or domestic animals.**

**(c) Selling, Breeding or Buying Vicious Animals. No person shall possess with intent to sell, offer for sale, breed, buy or attempt to buy a vicious animal within the City.**

**(d) Dangerous Animals and Vicious Animals Defined**

**(1) An animal is deemed to be a dangerous animal when:**

- A. It has, without provocation, caused serious injury to a human being or domestic animal, or**
- B. It has a known propensity, tendency or disposition, without provocation, to cause serious injury to a human being or domestic animal, or**
- C. It has been designated to be a dangerous animal after a hearing by the Director of Service, and**
- D. The public safety can be protected by the owner or custodian of the animal exercising reasonable control over the animal.**

- (2) An animal is deemed to be a vicious animal when:**
- A. It has, without provocation, caused serious injury to a human being or domestic animal, or**
  - B. It has a known propensity, tendency or disposition, without provocation, to cause serious injury to a human being or domestic animal, or**
  - C. It has been designated to be a vicious animal after a hearing by the Director of Service, and**
  - D. The public safety cannot be protected by the owner or custodian of the animal exercising reasonable control over the animal.**

**(e) Impoundment of Animals**

**(1) Any police officer or health officer of the City, including the Animal Warden, shall have the authority but not the duty to summarily and immediately impound any animal which:**

- A. Has attacked, bitten or otherwise injured any human being or domestic animal; or**
- B. Has a known propensity, tendency or disposition, without provocation to attack, cause injury to or otherwise threaten the safety of human beings or domestic animals.**

**(2) When damage is imminent, any such officer may enter and inspect private property to enforce the provisions of this section.**

**(3) Any person keeping or harboring an animal sought to be impounded shall surrender such animal to the police officer or health officer upon demand.**

**(4) If the animal cannot be safely taken up and impounded, it may be slain forthwith by the police officer or health officer.**

**(f) Alternative Confinement**

**(1) In lieu of such animal being impounded, the animal warden may direct that the animal be confined at the owner's or custodian's expense either in an approved veterinary facility, or at the owner's or custodian's residence, or outside the City.**

**In such case, the owner or custodian:**

- A. Shall not remove the animal from the veterinary facility or residence or bring the animal into the City without the prior written approval of the animal warden, and**
- B. Shall make the animal available for observation and inspection by police officers and health officers of the City, including the Animal Warden.**

**(2) The Animal Warden may have such impounded or confined animal permanently identified by photo and other identification.**

**(g) Hearing by Director of Service.** Within ten days of such animal being impounded or confined, the Director of Service shall conduct a hearing to determine whether the animal is a dangerous animal or a vicious animal. The City shall make residential service of notice of the time, place and purpose of the hearing, at least three days before the hearing, upon the owner or custodian of the animal, any persons requesting notice, and any persons known to have relevant knowledge or information regarding the animal.

**(h) Evidence of Dangerous Animal or Vicious Animal**

**(1)** The Director of Service may hear and consider any relevant evidence offered by any person desiring to provide such evidence at the hearing.

**(2)** In making a determination as to whether the impounded or confined animal is a dangerous animal or a vicious animal, the following evidence may be considered:

- A.** Any previous history of the animal attacking, biting or causing injury to human beings or domestic animals;
- B.** The nature and extent of all injuries inflicted and the number of victims involved;
- C.** The place where the bite, attack or injury occurred;
- D.** The presence or absence of any provocation for the bite, attack or injury;
- E.** The extent to which clothing or other property was damaged or destroyed;
- F.** Whether the animal exhibits any characteristics of being trained for fighting or attack, or other evidence to show such training or fighting;
- G.** Whether the animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or domestic animals;
- H.** The manner in which the animal has been trained, handled and maintained by its owner or custodian;
- I.** Any other relevant evidence concerning the animal; and
- J.** Any other relevant evidence regarding the ability of the owner or custodian or the City to protect the public safety if the animal is permitted to remain in the City.

**(3)** Within three days of such hearing, the Director of Service shall issue a written decision based upon all of the facts known to the Animal Warden.

**(i) Decision of Director of Service**

**(1)** If it is determined by the Director of Service that the animal represents a continuing threat of serious harm to human beings or domestic animals, but that the public safety can be protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the Director of Service shall be to designate the animal to be a “dangerous animal.”

**(2)** If it is determined by the Director of Service that the animal represents a continued threat of serious harm to human beings or domestic animals, and that the public safety cannot be protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the Director of Service shall be to designate the animal to be a “vicious animal.”

**(3) If it is determined by the Director of Service that the animal does not represent a continued threat of serious harm to human beings or domestic animals, the decision of the Director of Service shall be to make no designation of the animal, and it shall be released to its owner or custodian. Such determination, however, shall not be deemed to preclude a later determination that such animal is a dangerous animal or a vicious animal under division (d) of this section.**

**(j) Disposition of Vicious Animals**

**(1) It shall be unlawful for any person to own, possess, harbor or keep any animal designated by the Director of Service, after a hearing to be a vicious animal.**

**(2) Any animal designated by the Director of Service, after a hearing, to be a vicious animal, if not already impounded by the City, shall be immediately surrendered to the Director of Service or a police officer.**

**(3) Any animal declared by the Director of Service, after a hearing, to be a vicious animal shall be humanely destroyed.**

**(4) The Director of Service shall issue an order authorizing the destruction of the vicious animal to take place no earlier than five days following the written decision by the Director of Service designating the animal to be a vicious animal. If the owner or custodian of the vicious animal, within such period, files a notice of appeal of the Director of Service's decision with a court of competent jurisdiction, and serves the Director of Service with a copy of the notice of appeal, and removes the animal from the City pending such appeal, the City shall stay the order of destruction pending the appeal.**

**(k) Disposition of Dangerous Animals**

**(1) The Animal Warden, after a hearing by the Director of Service, may issue an order for the owner or custodian to remove any dangerous animal from the City, or in the alternative, may impose reasonable terms, conditions and restrictions for the training, handling and maintenance of such dangerous animal, which terms, conditions and restrictions the Animal Warden determines are necessary to protect the public health, safety and welfare, including, but not limited to the following:**

**A. To keep the animal, while on the premises of its owner or custodian, confined indoors or in a securely enclosed pen or "dog run" area which shall have six feet high or a secure top, and shall have its bottom secured to its sides or imbedded at least one foot into the ground.**

**B. To keep the animal, while off the premises of its owner or custodian, securely muzzled, leashed with a chain no longer than three feet and having tensile strength of no less than 300 pounds, and under the control of a person eighteen years of age or older who is physically capable of restraining the animal.**

**C. To immediately inform any government or utility company employees and anyone else who comes on the property with implied consent or peaceably and lawfully, of the animal's dangerousness and to inform applicable public agencies again if the animal is moved to another location.**

**D. To obtain liability insurance with an insurer authorized to write liability insurance in the State of Ohio providing coverage for each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a human being caused by the animal.**

**(2) If the owner or custodian of the dangerous animal files a notice of appeal of the Director of Service's decision with a court of competent jurisdiction, the order of the Animal Warden to remove the dangerous animal from the City or to impose reasonable terms, conditions and restrictions which the Animal Warden deems are necessary to protect the public health, safety and welfare shall not be stayed pending the appeal.**

**(3) If the owner or custodian of an impounded or confined dangerous animal wishes to reclaim and remove it from the City, the Animal Warden shall release it, provided that the animal is taken to its new location outside the City immediately and directly upon its release. No person to whom such animal is released shall fail to remove the animal immediately and directly from the City.**

**(l) Pit Bull Dogs Deemed to be Dangerous Animals**

**(1) All pit bull dogs are deemed to be dangerous animals even in the absence of a hearing by the Director of Service, and such animals' owners or custodians are subject to the terms, conditions and restrictions of division (k) of this section.**

**(2) "Pit bull dog," as used herein, is hereby defined as any Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier breed of dog; any dog of mixed breed which has the appearance and characteristics of being predominantly of such breeds; any dog commonly known as a pit bull, pit bull dog or pit bull terrier; or a combination of any of these breeds.**

**(3) In the event of a dispute as to whether a dog is a pit bull dog, the Director of Service shall make the determination with or without a hearing, and the burden of proof that such dog is not a pit bull dog shall be upon the owner or custodian.**

**(m) Police Dogs Exempt. The terms "dangerous animal" and "vicious animal," as used in this section, do not include police dogs that have been trained and may be used to assist law enforcement officers in the performance of their official duties.**

**(n) Penalties**

**(1) Whoever violates this section is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.**

**(2) If a violation of this section involves an animal designated by the Director of Service, after a hearing, to be a dangerous animal, whoever violates this section is guilty of a misdemeanor of the third degree.**

**(3) If a violation of this section involves an animal designated by the Director of Service, after a hearing to be a vicious animal, whoever violates this section is guilty of a misdemeanor of the second degree.**

**(4) If a violation of this section involves an animal designated by the Director of Service, after a hearing, either to be a dangerous animal or a vicious animal, and if the animal kills or seriously injures a human being, whoever violates this section is guilty of a misdemeanor in the first degree. (Ord. 1990-50. Passed 5-8-90)**

**618.22 TEASING OR STRIKING DOGS USED BY POLICE DIVISION**

**(a) No person shall maliciously or willfully tease or strike dogs used by the Police Division.**

**(b) A person commits the offense of teasing or striking dogs used by the Police Division if he or she willfully and maliciously taunts, torments, teases, beats or strikes any dog used by the Police Division in the performance of the functions or duties of such Division, or interferes with or meddles with any such dog used by such Division or any member thereof in the performance of the functions or duties of such Division or of such officer or member.**

**(c) Whoever violates this section is guilty of a misdemeanor of the third degree. (Ord. 1990-131. Passed 9-11-90)**

**618.23 INJURING OR KILLING DOGS USED BY POLICE DIVISION**

**(a) No person shall maliciously or willfully, and without the consent of the owner, injure or kill any dog used by the Police Division.**

**(b) A person commits the offense of injuring or killing a dog used by the Police Division if he or she willfully or maliciously tortures, mutilates, injures or kills any dog used by the Police Division in the performance of the functions or duties of such Division.**

**(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 1990-131. Passed 9-11-90)**