

FIRST READING: 7.23.18
SECOND READING: 7.30.18
THIRD READING: 11.26.18

2nd AMENDED ORDINANCE NO. 50-18

BY: THOMAS J. HUNT

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 505 ENTITLED ANIMALS AND FOWL OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS: it is the desire of the Administration and the Council of the City of Rocky River that various sections of the Codified Ordinances regarding both domestic and wild animals as contained in Chapter 505, entitled Animals and Fowl, be amended, as further described in the attached Exhibit "A"

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That various sections of Chapter 505 entitled Animals and Fowl of the Codified Ordinances of the City of Rocky River be amended as further described in the attached Exhibit "A".

PASSED: November 26th, 2018


JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: November 26th, 2018 APPROVED: November 26th, 2018

ATTEST:


SUSAN G. PEASE

Clerk of Council


PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 26th day of November, 2018.



Clerk of Council of the City of Rocky River, Ohio

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 50-18 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 26th DAY OF November, 2018, THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF ARE OF RECORD IN ORDINANCE RECORD NO. 50-18

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 26th DAY OF November, 2018.


CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

505.01 DEFINITIONS

As used in this chapter:

- (a) "Animal" means any animal, other than man, living and dead.
- (b) "At large" means any animal off the owner's property and not under the control of a competent person, that is, a person who is of suitable age, size and discretion to control the animal.
- (c) "Restraint" means the control of a dog or dogs by a leash, and under such control as to prevent such animal from entering the property of another or from chasing or attacking any person, animal or vehicle.
- (d) "Animal Control Officer" means the person or persons employed by the City as the enforcement officer for the purposes of this chapter.

(e) **"Dangerous dog" means a dog that, without provocation, has done any of the following:**

- (1) Caused injury, other than killing or serious injury, to any person;
- (2) Killed another dog;
- (3) Been the subject of a third or subsequent violation of division (C) of section 955.22 of the Ohio Revised Code.

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

(f) "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.

(g) "Nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

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

(h) "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.

(i) "Serious injury" means any of the following:

- (1) Any physical harm that carries a substantial risk of death;
- (2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
- (3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

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

(j) "Vicious dog" means a dog that, without provocation, has killed or caused serious injury to any person.

"Vicious dog" does not include either of the following:

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

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

(k) "Wild animal" has the same meaning as in Ohio Revised Code 1531.01.

(l) "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.

505.02 ENFORCEMENT BY ANIMAL CONTROL OFFICER; POWERS AND DUTIES.

The Mayor shall appoint an Animal Control Officer or other person to enforce the terms of this chapter and may designate other employees to assist the Animal Control Officer in this task. Such persons shall have the authority to enter onto public and private property to do all other things reasonable and necessary to enforce this chapter and applicable state statutes and regulations but shall not enter into any private structure without the owner's permission. Nothing contained herein shall prohibit the Animal Control Officer or other designated employee from destroying an animal when in his judgment such act is necessary and proper to protect life or property.

505.03 MAXIMUM NUMBER OF DOGS AND CATS PERMITTED.

- (a) Not more than two dogs or cats, or a combination of one each, except puppies and/or kittens not more than three months old, may be kept in any single-family dwelling, or any separate suite in a two-family dwelling, or in any dwelling unit contained within a multiple-family dwelling building within the City.
- (b) Whoever violates this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for a second offense and a misdemeanor of the third degree for the third and each subsequent offense.

505.035 UNSANITARY CONDITIONS.

- (a) No person shall keep or harbor any animal so as to create noxious, or offensive odors or unsanitary conditions. The City has the right to remove pets if a health hazard exists or in cases of extreme noise.
- ~~(b) No person shall provide food or other sustenance to Canada geese, ducks, gulls or pigeons, deer, wild turkeys or other wild animals such as feral cats/dogs etc.~~
- (eb) Whoever violates this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for a second offense and a misdemeanor of the third degree for the third and each subsequent offense.

505.04 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

- (a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three (3) months of age without annually registering such dog with the County Auditor or Fiscal Officer as provided by Ohio R.C. 955.01. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impoundment and disposition as provided by Ohio R.C. 955.16.
- ~~(b) Dogs may be registered by the City of Rocky River Animal Control Officer who will collect the fees required by the county and forward them to the Rocky River Finance Director. After proper accounting, the Finance Director will release said funds to the Cuyahoga County Auditor.~~
- (c) (b) Whoever violates this section is guilty of a minor misdemeanor.

505.05 ANIMALS PROHIBITED.

- (a) No person shall own, harbor, or keep any farm animal within the City for any purpose or use, whether agricultural or produce based, grazing or otherwise, including but not limited to keeping any such animal as a pet, regardless of whether the pet is residentially maintained indoors or outdoors. Farm animals include, but are not limited to: chickens, ducks, geese or any other fowl, sheep, goats, horses, cattle, swine or any other hoofed animal, also dwarf or miniature subcategories of these animals, such as potbelly pigs, Nigerian dwarf goats, and Shetland ponies.

(b) No person shall own, harbor, or keep any wild, dangerous, or undomesticated animal within the City. A wild, dangerous or undomesticated animal is any animal whose natural habitat is the wilderness and which, when maintained in a human society, is usually confined in a zoological park and which includes, but is not limited to, any of the following:

- (1) Venomous creatures, including spiders and reptiles.
- (2) Constrictor snakes unless such animal is at all times kept in a structure, cage or other secure place separating such animal from the general public, customary invitees to the premises, and children who may be on the premises.
- (3) Any animal by reason of its size, strength or appetite, which would, if unrestrained and free in the City, cause peril to persons, household pets, buildings, landscape or shrubbery.
- (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 56-12. Passed 9-24-12.)

505.06 BARKING OR HOWLING ANIMALS; IMPOUNDING AUTHORIZED.

- (a) No owner, keeper or person in charge of any animal in the City shall permit such animal to bark, yelp, howl or bay ~~in such manner or to such extent as disturbs~~ **in excess of 15 minutes, which disturbs the peace and quiet of the City**, or any resident thereof. The Animal Control Officer or other designated employee may take up and impound any animal who is found disturbing the peace and quiet of any City resident in this manner. However, if at any time such animal howls, barks, screeches or bites in response to a trespass on the property of the owner, or in response to such trespasser's teasing, tormenting or abusing of such animal on the owner's property, no violation of this section exists.
- (b) Whoever violates this section is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for the second and each subsequent offense.

505.07 ANIMALS PROHIBITED IN STORES OR COVERED MALLS EXCEPT FOR TREATMENT.

- (a) Except as provided in Section **505.08** below, no person shall take, lead or have in his possession in any store, or covered mall in any shopping area within the City any animal, except to obtain treatment for such animal at a specific store or clinic for animals.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

505.08 DOGS WITH BLIND, DEAF OR MOBILITY IMPAIRED PERSONS.

- (a) When a blind, deaf or mobility impaired person is accompanied by a dog that serves as a guide, leader, listener or support dog for him or her, and he or she can show proof by certificate or other means that the dog leading him or her, listening for him or her or providing support or assistance for him or her, has been trained for that purpose by a nonprofit special agency engaged in such work, the person 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, 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.
- (b) No person shall deprive a blind, deaf or mobility impaired person of any of the advantages, facilities or privileges provided in subsection (a) hereof, nor charge the blind, deaf or mobility impaired person a fee or charge for the dog.
(ORC 955.43 (B))
- (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

505.09 ANIMAL NUISANCE ON PUBLIC OR PRIVATE PROPERTY. - REPEALED

~~(a) No person, being the owner or in charge or control of any animal, shall allow or permit such animal to commit a nuisance on any school grounds, City park or other public property, or upon any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of the property.~~

~~(b) In the case of defecation wherein the owner or person in charge or control of such animal shall remove all feces deposited by such animal and dispose of same in a sanitary manner, such nuisance shall be considered abated. Failure to abate the nuisance shall subject the person to the penalty for violation of this Section.~~

~~(c) No person being the owner or being in charge of any animal shall allow or permit such animal to enter a children's playground area within any City park, school ground or public area.~~

~~(d) Whoever violates this section is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for a second offense.~~

505.10 ANIMALS NOT UNDER CONTROL.

(a) No owner, keeper or person in charge of any animal shall permit such animal to run at large or shall fail to control such animal anywhere within the City. Testimony that an animal was not on the property of its owner, keeper or person in charge, or was not held securely in leash by a person accompanying such animal when found shall be prima-facie evidence that the animal was not under control.

(b) No person, being the owner or in charge or control of any dog, cat, or other animal, shall permit or allow by any means or in any manner, such dog, cat, or other animal, to go or remain on any City park property without reasonable restraint and leashed and under control. Reasonable restraint and under control is defined here as restraint which conforms to the animal's weight, size and strength, being controlled by a person who is of suitable age, size and discretion to control the animal.

(c) While on the property of its owner, it shall be unlawful to allow any animal outdoors unless the animal is leashed, or contained within a fence, or under the control of a responsible individual. It shall be unlawful for any owner to allow his or her animal to cross outside the property line of its owner to any extent, including reaching over, under or through a fence. Any method of electronic pet containment is not considered **a reasonable restraint** valid during a period of time when failure or lack of maintenance renders it non-effective. Visible signage to an electronic pet containment system must be posted.

(d) An animal found at large will be impounded by the Animal Control Officer unless the owner is present.

(e) In the case of defecation wherein the owner or person in charge or control of such animal shall remove all feces deposited by such animal and dispose of same in a sanitary manner, such nuisance shall be considered abated. Failure to abate the nuisance shall subject the person to the penalty for violation of this Section.

~~(e) (f) Whoever violates or fails to comply with this section is guilty of a minor misdemeanor and is subject to incremental increases in misdemeanor degrees with repeated offenses that occur within the first twelve (12) months of the first offense.~~

505.11 DANGEROUS AND VICIOUS DOGS; DEFINITIONS. - REPEALED

~~(a) "Police dog" means a dog that has been trained, and may be used, to assist law enforcement officers in the performance of their duties. Police dogs are exempt from all sections of Chapter 505 herein.~~

~~(b) "Dangerous dog" means (1) a dog that, without provocation, 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, or bites or causes physical harm to another dog or kills another companion animal (as defined in Ohio R.C. 959.131) 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 or (2) 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 dangerous dog.~~

~~(c) "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.~~

~~(d) "Vicious dog" means (1) a dog that, without provocation, has killed or caused serious injury to any person or has caused injury, other than killing or serious injury, to any person, or has killed another dog (2) "Vicious dog" does not include a dog that has killed or caused serious injury to any person while such person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harborer of the dog.~~

~~(e) "Without provocation" means the 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.~~

505.12 INVESTIGATION OF COMPLAINT OF NUISANCE, DANGEROUS AND VICIOUS DOGS.

(a) Whenever a complaint is made to the Police Department or the Animal Control Office of the presence of a nuisance, dangerous or vicious dog within the City, the Chief of Police, or designee, shall promptly inspect or cause an inspection of the premises on which it is alleged that such animal is being kept. **The Chief of Police, Animal Control Officer or their designee may designate a dog to be a nuisance, dangerous, or vicious dog.**

(b) ~~If the Chief, or designee, determines~~ **it is determined** that a nuisance, dangerous/vicious dog is being kept within the City, the Chief, or designee, shall determine the individual, firm or corporation who from the records in the ~~Auditor's Office of Cuyahoga County Office of the Fiscal Officer~~ appears to be the owner of the dog, or if such information is not available, the titled owner of the property upon which the dog is kept, and shall, within five days, cause written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Chief of Police shall cause a copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon mailing and also left with the individual, if any, in possession of the premises on which the dog is kept, or if there are no individuals in possession of the premises, he shall cause a copy of the notice to be posted on the premises.

(c) The notice required by this section hereof shall state, in brief, the findings with respect made to the nuisance, dangerous or vicious nature of the dog. The notice shall further state that the owner must comply with the requirements of this chapter within seven days after service of the notice.

(d) **Once a dog is deemed to be a nuisance, dangerous or vicious, the Chief of Police or designee shall report the designation to the Cuyahoga County Animal Warden.**

505.13 APPEAL PROCEDURE IN CASES OF DANGEROUS AND VICIOUS DOGS.

(a) The owner of a dog who has been served with a notice pursuant to Section **505.12** (b) may, within seven ten (10) days after receipt of such notice, make a written demand to the ~~Director of Public Safety Service~~ for a hearing on the question of whether the dog is dangerous or vicious as defined in Section **505.11**~~505.01~~.

~~(b) Every effort should be made to hold a hearing no later than ten days following receipt of written demand to the Director of Public Safety Service and at least three days' notice of the hearing shall be given to the individual who made the demand for the hearing.~~ request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the municipal court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harborer. At the hearing, the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog.

The owner or keeper 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.

(b) A court, upon motion of an owner or keeper or an attorney representing the owner or keeper may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner or keeper 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 Section 505.16 of this 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 keeper 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.

505.14 DISPOSITION OF VICIOUS DOGS.

~~(a) No person shall own, possess, harbor or keep any dog designated by the Director of Public Safety. Service to be a vicious dog.~~

~~(b) Any dog designated vicious according to the authority provided in Code Sections 505.12 or 505.13 shall be immediately surrendered to the Animal Control Officer of the City of Rocky River, who shall implement his own order or the order of court for destruction of said vicious dog. by the Director of Public Safety. Service City of Rocky River shall be immediately surrendered to the Animal Control Officer or Patrol Officer.~~

~~(c) The Director of Public Safety Service shall issue an order authorizing the destruction of the vicious dog to take place not earlier than five days following the written decision by him designating the dog vicious. If the owner or custodian of the vicious dog, within such period, files a notice of appeal of the Director of Public Safety Service's decision with a Court of competent jurisdiction, serves the Director of Public Safety 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.~~

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

505.15 INSURANCE FOR DANGEROUS DOGS.

(a) No owner of a dangerous 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 (\$100,000) because of damage to property or bodily injury to or death of a person caused by a dangerous dog.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree for the first offense, a misdemeanor of the third degree for the second offense, and a misdemeanor of the second degree for the third offense and each subsequent offense. Each and every day during such period of noncompliance with this section may be deemed a separate offense.

505.16 RESTRAINT OF DANGEROUS DOGS.

(a) No owner or person in charge of a dangerous dog shall fail to do one of the following:

(1) Keep the dog securely inside of the owner's home or transport vehicle.

(2) Keep the dog in a locked enclosure at least five feet by ten feet, which has a secure top and sides.

It must have either a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches or the sides must be embedded into the ground no less than two feet. All fencing must conform to the City of Rocky River building codes. **If the animal is not in a contained area, then the animal must be under control at all times with owner or owner's agent who is capable of controlling the dog by use of collar(s), leash and muzzle.**

(3) While a dangerous dog is off the premises of the owner, keeper, or harborer, it must be fitted with a

proper collar that will prevent the dog from slipping out of it or breaking through it, and have a substantial chain link leash or tether attached to the collar that conforms to the dog's weight, size, and strength. The leash should be not more than six feet in length and should be controlled by a person who is of suitable age, size, and discretion to control the dog. Alternatively, the leash may be securely attached, tied or affixed to the ground or a stationary fixture so that the dog is adequately restrained. In this case, a person who is of suitable size, strength and discretion must be stationed in close enough proximity to the dog so as to prevent it from causing injury to any person or domestic animal. Additionally, dangerous dogs off the premises of the owner must be muzzled in such a manner that the muzzle does not interfere with the dog's breathing.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree, a misdemeanor of the third degree for the second offense, and a misdemeanor of the second degree for the third offense and each subsequent offense.

505.17 INSPECTION OBSTRUCTION IN CASES OF DANGEROUS DOGS.

(a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dangerous dog shall be deemed to have given consent to an inspection of the property, other than within any private structure unless otherwise authorized by law, by any law enforcement officer or the Animal Control Officer for the purpose of determining compliance with the requirements of this chapter.

(b) No person shall purposefully prevent, obstruct or delay the performance of any authorized act by a law enforcement officer or the Animal Control Officer within his official capacity. Whoever violates this section is guilty of a misdemeanor of the fourth degree on the first and each subsequent offense.

505.18 PHYSICAL HARM BY DANGEROUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous dog within the City, shall allow such dog to cause physical harm or serious physical harm to any person, ~~except in defense of such owner's person or property.~~ **without provocation.**

(b) Lack of intent on the part of such person to allow such dog to **menace or** injure another, or the lack of knowledge of the violent propensities of such dog, is not a defense to the violation of this section.

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

505.19 IMPOUNDMENT; DESTRUCTION OF DANGEROUS AND VICIOUS DOGS.

(a) When any person, being the owner or having custody or control of a dog, is charged with a violation of this chapter, the court may, upon motion of any party or its own motion, order the seizure and impoundment of the dog pending trial.

(b) Nothing in this section shall be construed to prevent a Law Enforcement Officer or Animal Control Officer from seizing or destroying any animal which presents an immediate risk of physical harm to any person or property.

(c) Any dog that attacks and injures any person, or companion animal, **as defined in ORC Section 959.131(A)(1)** shall be humanely destroyed when, in the court's judgment, such dog represents a continuing threat of serious harm to persons or companion animals. The Director of Public Safety-Service or designee, may petition the court of competent jurisdiction for an order to humanely destroy any dog impounded pursuant to this chapter which represents a threat of harm to any person caring for such animal. The court may order any dog that kills or causes serious physical harm to any person, other than a person committing a criminal trespass or other crime of violence upon the premises of the owner of such dog, humanely destroyed.

(d) **Once the dog is designated dangerous or vicious and is reported to the County, the Cuyahoga County Animal Warden will be charged with enforcing State regulations regarding a dog that has been moved out of the City to another jurisdiction. The Animal Control Officer has the authority to retrieve a dog from any municipality to be impounded pending appeals and to coordinate efforts with any other**

municipality to retrieve the dog.

505.20 BANNED DOGS.

- (a) No person shall own, keep, possess, harbor, maintain or have the care, custody or control of a dog within the City when such dog has been banned, **deemed vicious** by order of court of competent jurisdiction from any municipality, county, township or other political subdivision.
- (b) Compliance with the requirements of this chapter is not a defense for a violation of this section.
- (c) Whoever violates this section is guilty of a misdemeanor of the first degree. Each and every day during such period may be deemed a separate offense.

NEW 505.21 NEGLECT TO ANIMALS

- (a) No owner or keeper of a dog, cat, or other domestic animal shall cause any condition that may lead to permanent injury, death, or harm to such animal, including confining an animal in a motor vehicle under any conditions that may endanger the well being of the domestic animal.
- (b) No person shall keep any animal in a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation.
- (c) No person who owns or keeps an animal shall fail to provide the animal all of the following needs:
 - (1) Clean, potable drinking water at all times, and suitable food, of sufficient quality and quantity as to ensure normal growth and the maintenance of normal body weight;
 - (2) Food and water receptacles that are kept clean and disinfected, and located so as to avoid contamination by feces or other wastes;
 - (3) Regular exercise sufficient to maintain the animal's good health;
 - (4) Necessary veterinary care;
 - (5) Shelter from the elements, including heat, cold, wind, rain, snow or excessive direct sunlight. If the animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species, age, condition, size, and type of that animal. The structure must be completely enclosed and insulated, having a single entrance/exit secured with a flap or door or similar device. The structure shall be moisture-resistant, wind-resistant, and of suitable size and type to allow the animal to stand, turn about freely, lie in a normal position, and regulate proper body temperature. The structure shall be made of a durable material with a solid, moisture-proof floor and a floor raised at least two (2) inches from the ground. Suitable drainage shall be provided so that water cannot be reasonably expected to gather and stand within ten (10) feet of the structure, and so the animal has access to a dry area at all times. Proper bedding of straw or similar material, that remains dry, must be utilized inside the structure. All structures required by this section shall be subject to all building and zoning regulations.
- (d) No person who shelters an animal from the elements by means of an animal shelter, a cage, or a pen shall fail to conform it to the following requirements:
 - (1) The shelter, cage or pen shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position;
 - (2) The shelter, cage or pen shall provide sufficient shade to allow the animal to escape the direct rays of the sun at all times;
 - (3) The shelter, cage or pen shall be regularly cleaned and sanitized.
- (e) Whoever violates this section is guilty of neglect of animals, a misdemeanor of the first degree.

~~505.21~~ 505.22 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 such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick, or in some other way suffer. All areas must be regularly cleaned, and accumulated feces must be removed. For purpose of this Section, "shelter" means a manmade 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 inhumane manner.
- (b) Necessary veterinary medical care must be provided when the animal exhibits pain or suffering.
- (c) Whoever violates this Section is guilty of a misdemeanor of the second degree for the first offense, and of a misdemeanor of the first degree for a second offense and each subsequent offense.

NEW 505.23 TETHERING ANIMALS

(a) No person shall tether an animal in any of the following circumstances:

- (1) For more than six (6) hours, daily. Dogs being tethered must have evidence of adequate provisions for water;
- (2) Between the hours of 10:00 p.m. and 6:00 a.m.;
- (3) If a heat or cold advisory has been issued by a local or state authority or the National Weather Service;
- (4) If a severe weather warning has been issued by a local or state authority or the National Weather Service;
- (5) If the tether is less than ten (10) feet in length;
- (6) If the tether allows the animal to touch the fence or cross the property line or cross onto public property;
- (7) If the tether is attached by means of a pinch-type, prong-type, or choke-type collar or if the collar is unsafe or is not properly fitted;
- (8) If the tether may cause injury or entanglement;
- (9) If the animal is not provided with its needs as identified in division (b) of Section 505.21;
- (10) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal;

(11) If no owner or occupant is present at the premises.

(b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(c) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

~~505.22~~ 505.24 ABANDONING ANIMALS.

- (a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal (ORC 959.01.)
- (b) Whoever violates this Section is guilty of a misdemeanor of the fourth degree.

~~505.23~~ 505.25 GENERAL RABIES QUARANTINE.

Whenever, in the judgment of the Director of Public Safety-Service, it is determined that rabies is or may be prevalent in the City, all animals in the City shall be quarantined. During such quarantine, no owner, keeper or person in charge of any animal shall, with knowledge of such quarantine, permit an animal to leave the premises where such animal lives. Such a quarantine order shall be considered an emergency. Animals found

at large in violation of such quarantine order may be impounded or destroyed within the discretion of the Director of Public Safety-Service.

~~505.24~~ **505.26 QUARANTINE PROCEDURE AND COMPLIANCE.**

(a) Whenever it is shown that an animal has bitten any person, the owner, keeper or person having custody or possession of such animal, shall, within 24 hours following the biting incident, contact the Director of Public Safety-Service or designee. On the tenth day following the bite incident, the animal must be examined by a licensed veterinarian at the owner's expense. During the ten day quarantine period following the bite incident, the animal shall be confined in either an animal clinic, kennel or animal hospital, or secured at the home of the owner, keeper or person having custody or possession of the animal, in an area inaccessible to the public at large. The owner, keeper or person having custody or possession of such animal shall then submit to the Director of Public Safety-Service, or designee, within 24 hours following the post quarantine examination, a written report signed by the examining veterinarian, setting forth therein the dates of examination of such animal and the results thereof. If the animal dies prior to the tenth day of the quarantine period, as herein before provided, the owner, keeper or person having custody or possession of such animal shall immediately contact the Director of Public Safety-Service or designee, who shall arrange for the removal of the animal to a qualified laboratory for examination. Under no circumstances shall the owner or keeper of the animal purposely destroy the animal prior to compliance with the requirements of this section. No owner, keeper or person having custody or possession of such an animal shall fail or refuse to remove and take such animal for the examinations required herein, or fail to comply with the submission of the report as required, or fail to notify the Director of Public Safety-Service or designee immediately upon the death of the animal, or purposely destroy such animal prior to compliance with the requirements of this Section.

(b) If the owner or person having custody or possession of such animal fails to comply with such order of the Director of Public Safety-Service or designee within 24 hours of the notification that such order has been issued and served upon such owner or person having custody or possession, the Director of Public Safety-Service or designee may take such animal into custody and place the same in quarantine, at the expense of the owner or person having custody or possession of such animal.

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

~~505.25~~ **505.27 IMPOUNDING PROCEDURE; REDEMPTION OR DISPOSITION.**

In addition to other procedures and penalties applicable to violations of this chapter, the Animal Control Officer may take up and impound any animal found in violation thereof. If such animal is not wearing a registration tag, the Animal Control Officer, ~~shall~~ **may**, within seven days after taking up such animal, turn such animal over to an officer charged by law with the custody and disposal of such animals. If the animal is wearing a **current** registration tag or some other type of identification showing the name and address of its owner, the Animal Control Officer shall immediately give such person notice that the animal has been found and taken up. The animal shall not be released to its owner except upon payment to the City of ~~twenty dollars-(\$20.00)~~ **forty dollars (\$40.00)** for the first day or any part thereof and ~~ten dollars-(\$10.00)~~ **twenty (\$20.00)** for each additional day or part thereof. Any animal not reclaimed within the respective time period ~~shall~~ **may** be turned over to an officer charged by law with the custody and disposal of such animals. **Animals become City's property after applicable legal holding period has been fulfilled.**

~~505.26~~ **505.28 COURT ORDER TO REMOVE OR DESTROY ANIMAL.**

In addition to any penalty provided herein, if the court determined that any animal, on one or more occasions has bitten or attacked any person or domestic animal without provocation, or if the court determined that the owner of the animal has habitually permitted such animal to run at large, or violated this chapter on one or more occasions, the court may, in order to protect the health, welfare, safety and property of the City's inhabitants, order that such animal be destroyed.

~~505.27~~ **505.29 ADMINISTERING POISON.**

- (a) No person, except a professional exterminator, for the purpose of pest control, shall administer poison to any animal, except as provided (b) below.
- (b) Pest control within the dwelling ~~or on the real property of the owner as administered by the owner or~~ resident shall be exempt from this section.
- (c) Whoever violates this section is guilty of a misdemeanor of the first degree.

~~505.28~~ **505.30 HUNTING OR KILLING ANIMALS.**

- (a) Except as otherwise specifically provided in this chapter, no person shall hunt, kill or attempt to kill any animals within the City.
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree.

~~505.29~~ **505.31 PROTECTION OF WILD LIFE ON PUBLIC PROPERTY.**

- (a) No person shall, on any public property, molest, take, chase, shoot or throw any object at any animal, or remove or have in his possession any animal or the eggs or young of any such animal.
- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

~~505.30~~ **505.32 TRAPPING.**

- (a) No person shall trap any animal by the use of a clam-type trap or other similar device. Nothing in this Section shall be deemed to prevent the trapping and killing of mice, rats or other undesirable rodents.
- (b) For purposes of this section, a domestic animal is an animal that is living with human beings and/or under their care. If in an attempt to discourage or eliminate a pest, any person shall entrap any domestic animal in a trap other than those traps prohibited above, such animal shall be turned over to the City's Animal Control Officer. ~~Entrapped wildlife shall also be turned over to the City's Animal Control Officer.~~
- (c) Whoever violates subsection (a) or (b) hereof is guilty of a misdemeanor of the fourth degree.

~~505.31~~ **505.33 RABIES VACCINATION OF CATS AND DOGS.**

- (a) Any person owning, keeping or harboring any cat or dog over the age of three (3) months, shall be required to have such animal currently immunized against rabies by a licensed veterinarian.
- (b) All owner or keepers as described in part (a) of this section shall maintain a record of such immunization as provided by a veterinarian. They shall provide said proof of immunization to any person so inquiring.
- (c) Whoever violates subsection (a) or (b) hereof is guilty of a minor misdemeanor.
(Ord. No. 47-05. Passed 5-23-05.

NEW 505.34 WILDLIFE FEEDING.

- (a) No person shall provide food or other sustenance to wild animals including but not limited to Canada geese, ducks, gulls or pigeons, birds, deer, wild turkeys, raccoons, coyotes, other wild animals such as feral cats/dogs etc, and other vermin, except appropriate avian food may be provided in suitable containers elevated at least seventy-two inches above the ground level.
- (b) Whoever violates this Section is guilty of a minor misdemeanor for the first offense, and of a misdemeanor of the second fourth degree for a second offense and each subsequent offense.

505.99 PENALTY.

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