

## **505.16 DANGEROUS AND VICIOUS ANIMALS.**

(a) As used in this section:

(1) "Animal control officer" means the person employed by or under contract with the City for animal control services.

(2) "Dangerous animal" means an animal that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has bitten or attempted to bite or otherwise endanger any person, or has bitten another animal, while the former animal 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. Further a "dangerous animal" means an animal that without provocation has bitten any person while on the premises of its owner, keeper or harbinger. "Dangerous animal" does not include a police canine unit.

(3) "Menacing fashion" means that an animal would cause any person being chased or approached to reasonably believe that the animal will cause physical injury to that person.

(4) "Police canine unit" means a dog that has been trained for law enforcement work and is used to assist one or more law enforcement officers or animal control officers in the performance of their official duties for the City.

(5) "Serious physical harm to persons" means any of the following:

A. Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;

B. Any physical harm which carries a substantial risk of death;

C. Any physical harm which involves some permanent incapacity, whether partial or total, or which involves some temporary, substantial incapacity;

D. Any physical harm which involves some permanent disfigurement, or which involves some temporary, serious disfigurement;

E. Any physical harm which involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged or intractable pain.

(6) "Vicious animal" means an animal that, without provocation, meets any of the following:

A. Has killed or caused serious physical harm to any person;

B. Has killed or caused serious physical harm to another domestic animal while the prior animal is running at large.

(7) "Vicious animal" does not include either of the following:

A. A police canine unit;

B. An animal that has killed or caused serious physical harm to any person while a person was committing or attempting to commit a criminal offense on the property of the owner, keeper or harbinger of the animal.

(8) "Without provocation" means that the animal was not teased, tormented or abused by a person, or that the animal was not coming to the aid of the defense of a member of its owner's household who was not engaged in illegal or criminal activity and who was not using the animal as a means of carrying out such activity.

(b) No owner, keeper or harbinger of a dangerous animal shall fail to do the following:

(1) Identify the dog by having the dog wear, at all times, a distinctive collar available upon payment of a fee of ten dollars (\$10.00) from the Police Department.

(2) Post on the premises, in a conspicuous place where the dog is kept, at least one City-issued warning sign, available upon payment of a fee of ten dollars (\$10.00) from the Police Department. The sign shall be visible and capable of being read from the public highway or street.

(3) Keep the dog secured at all times by one of the following means:

A. Inside a building with the consent of the owner of the building;

B. In a locked enclosure which has a top, and has a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches;

C. On a chain-link leash that is not more than six feet in length which is held in the hand of a person who is of suitable age and discretion and is outside with the dog. In addition, the dog shall be muzzled unless it is on the land of the owner or of a person who has consented to the presence of the dog.

(4) Annually license the dog, if the dog is more than three months of age, with the County Auditor. Failure of any dog at any time to wear a valid license tag shall be prima facie evidence of lack of licensing.

(5) Vaccinate the dog against rabies by a licensed veterinarian at least once every three years; a tag indicating that said dog has been vaccinated against rabies must be worn by the dog at all times. Failure of any dog at any time to wear the rabies vaccination tag issued by the licensed veterinarian who administered the vaccine shall be prima facie evidence of the dog's lack of vaccination against rabies.

(6) Annually, between January 2 and January 20, and whenever a dog is newly obtained, register the dog with the Police Department and pay a fee of twenty-five dollars (\$25.00), and at the time of registration, provide proof of liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and cost, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a person caused by the vicious dog. A certificate of insurance shall be provided to the Police Department at the time the collar required by this section is obtained.

(7) Provide two color photographs of the dog to the Police Department at the time the collar required by this section is obtained.

(c) No person shall sell, permanently transfer or change the location of a dangerous animal without first notifying in writing any person who will become the owner, keeper or harbinger of such animal that the animal is dangerous and also notifying the Humane Society in writing of the pending sale, transfer or change of location of that animal. Such notification to the Humane Society shall include the name, address and phone number of the person who will be the owner, keeper or harbinger of that animal and the location where it will be kept.

(d) No owner, keeper or harbinger of a dangerous animal shall allow it to run at large.

(e) No person shall possess, harbor or keep a vicious animal within the City.

(f) No person shall possess, harbor or keep an animal for the purpose of animal fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging the animal to attack human beings or domestic animals.

(g) Whoever violates division (b) or (c) of this section 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 dangerous animal to be removed from the City or be humanely destroyed by a licensed veterinarian.

(h) Whoever violates division (e) of this section is guilty of a misdemeanor of the first degree. Additionally, the Court shall order the vicious animal to be removed from the City or to be humanely destroyed by a licensed veterinarian.

(i) Whoever violates division (d) and (f) of this section is guilty of a misdemeanor of the first degree. Additionally, the Court may order the animal to be removed from the City or be humanely destroyed by a licensed veterinarian.

(Ord. 6165. Passed 9-25-89; Ord. 7128. Passed 10-22-01.)

**505.17 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.**

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his 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)