

RECORD OF ORDINANCES

Ordinance No. 2018- 15

Passed May 29 20 18

AN ORDINANCE AMENDING SECTION 618 (ANIMALS) OF THE CODIFIED ORDINANCES

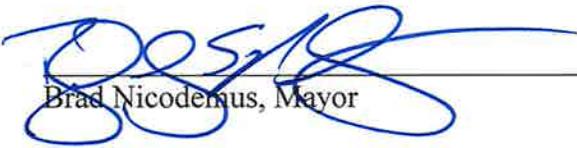
WHEREAS, the Village desires to update its Animals provisions of the codified ordinances;
and,

WHEREAS, Rules Committee has reviewed the matter and recommends adoption of the
updates;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:

SECTION 1: That Chapter 618 (Animals) of the codified ordinances, is hereby amended
by substitution. The newly amended Chapter 618 is attached hereto in its entirety as "Exhibit A."

SECTION 2: This ordinance shall become effective at the earliest period authorized by law.



Brad Nicodemus, Mayor

DATE OF PASSAGE: 5-29-2018

EFFECTIVE DATE: 6-29-2018

ATTEST: 

Brian Bibler, Fiscal Officer

SPONSOR: Keller

APPROVED AS TO FORM: 

Jeffrey Feyko, Village Solicitor

**CHAPTER
618
Animals**

618.01	Dogs and other animals running at large; nuisance, dangerous and vicious dogs; hearings.	618.09	Hindering capture of unregistered dog.
618.02	Abandoning animals.	618.095	Dogs required to wear tags.
618.03	Killing or injuring animals.	618.10	Unlawful tags.
618.04	Poisoning animals.	618.11	Rabies quarantine.
618.05	Cruelty to animals; cruelty to companion animals.	618.12	Hunting prohibited.
618.06	Coloring rabbits and baby poultry; sale or display of poultry.	618.13	Nuisance conditions prohibited.
618.07	Barking or howling dogs.	618.14	Impounding and disposition; records.
618.08	Registration of dogs required.	618.15	Reserved.
		618.16	Housing or keeping livestock.
		618.17	Prohibited or dangerous animals.
		618.18	Removal of dog feces.
		618.19	Restrictions on dog ownership for certain convicted felons.

CROSS REFERENCES

See section histories for similar State law

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

Possession of dangerous wild animals and restricted snakes, requirements and licensing, see R.C. Chapter 935

Driving animals upon roadway- see TRAF. 404.05, 412.05

Definitions generally- see GEN. OFF. 606.01

Assaulting police dog or horse or assistance dog - see GEN. OFF. 642.12

Offensive odors from places where animals are kept or fed - see GEN. OFF. 660.04

618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE; NUISANCE, DANGEROUS AND VICIOUS DOGS; HEARINGS.

(a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Dangerous dog."

- A. A dog that, without provocation, and subject to division R.C. § 955.11(B), 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 O.R.C. § 955.22(C) or any substantially equivalent municipal ordinance.
- B. "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.

- (2) "Menacing fashion." A dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.
- (3) "Nuisance dog."
- A. Subject to R.C. § 955.11(B), "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.
 - 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 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." 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.
- (5) "Serious injury." 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) "Vicious dog."
- A. A dog that, without provocation and subject to division R.C. § 955.11(B), has killed or caused serious injury to any person.
 - B. "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.
- (7) "Without provocation." A dog acts "without provocation" when it was not teased, tormented or abused by a person, or it 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 the activity.
(ORC 955.11(A))

(b) No person, who is the owner or keeper of horses, mules, cattle, bison, sheep, goats, swine, llamas, alpacas, or geese, shall permit them to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or cause the animals to be herded, kept, or detained for the purpose of grazing on premises other than those owned or lawfully occupied by the owner or keeper of the animals.
(ORC 951.02)

(c) 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.

(d) 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.

(e) Except when a dangerous 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 dog shall fail to do either of the following:

- (1) While the 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.
- (2) While the 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: keep the dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top; 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 a person in close enough proximity to that dog so as to prevent it from causing injury to any person; or muzzle that dog.

(t) No person who has been convicted of or pleaded guilty to three or more violations of division (d) of this section involving the same dog and no owner, keeper, or harbinger of a dangerous dog shall fail to do the following:

- (1) Obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;
- (2) Obtain a dangerous dog registration certificate from the County Auditor pursuant to division G) 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 or committing a criminal act within the boundaries of that property.
 - C. The dog attacks another animal while the dog is off the property of the owner of the dog.

(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.

(g) 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 dangerous dog;
- (2) Possess a 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 (h) of this section that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(h) 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 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 dangerous dog;
- (5) A statement that Ohio R.C. 955.22(F) 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 dangerous dog;
 - B. Possessing a dangerous 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 Ohio R.C. 955.22(0) that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(i) It is an affirmative defense to a charge of a violation of division (g) 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 (h) of this section and that attests that the dog is not a dangerous dog.

G) (1) The County Auditor shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is 18 years of age or older, and who provides the following to the County Auditor:

- A. A fee of \$50;
- 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:

1. Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;
 2. Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;
 3. Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property;
 4. 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 division (j)(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 within another county, the owner shall do both of the following within ten days of relocating to the new address:
1. 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;
 2. 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.
(ORC 955.22)
- (k) Hearing.
- (1) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.
 - (2) 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 harbinger of that dog, by certified mail or in person, of both of the following:

- A. That the person has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable;
 - B. That the owner, keeper, or harbinger of the dog may request a hearing regarding the designation in accordance with this division (k). The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or harbinger resides.
- (3) If the owner, keeper, or harbinger of the dog disagrees with the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, as applicable, the owner, keeper, or harbinger, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the municipal court or county court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harbinger. 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 harbinger 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.
- (4) A court, upon motion of an owner, keeper, or harbinger or an attorney representing the owner, keeper, or harbinger, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harbinger 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 (e) that apply to dangerous dogs regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or harbinger of the dog shall not be required to comply with any other requirements established in this Code or the Ohio 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.
- (5) If a dog is finally determined under this division (k), or on appeal as described in this division (k), to be a vicious dog, R.C. § 955.1 I(D) and divisions (e) to (j) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog, and § 618.19 applies with respect to the dog as if it were a dangerous dog, and the court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harbinger in that manner. As part of the order, the court shall require the owner, keeper, or harbinger to obtain the liability insurance required under division (f)(1) in an amount described in division (1)(5)8. of this section.
- (6) As used in this division (k), "nuisance dog", "dangerous dog", and "vicious dog" have the same meanings as in R.C. § 955.11.
(R.C. § 955.222)
- (l) Penalty.
- (1) Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree.
(ORC 951.99)

- (2) A. Whoever violates division (c) of this section or commits a violation of division (d) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than \$25 or more than \$100 on a first offense, and on each subsequent offense shall be fined not less than \$75 or more than \$250 and may be imprisoned for not more than 30 days.
- B. In addition to the penalties prescribed in division (1)(2) A. of this section, if the offender is guilty of a violation of division (c) of this section or a violation of division (d) of this section that involves a dog that is not a nuisance dog, dangerous 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 dog to complete dog obedience training, or to do both.
(R.C. § 955.99(E))
- (3) A. Whoever commits a violation of division (d) of this section that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of division (d) of this section involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.
- B. In addition to the penalties prescribed in division (1)(2)A. of this section, if a violation of division (d) of this section involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.
(R.C. § 955.99(F))
- (4) Whoever commits a violation of division (d) of this section that involves a dangerous dog, or a violation of division (e) 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 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 (f) of this section. 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 at the owner's expense. With respect to a violation of division (d) of this section that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with division (e) of this section or at the county dog pound at the owner's expense.
(R.C. § 955.99(G))
- (5) A. Whoever commits a violation of division (d) of this section that involves a vicious dog is guilty of one of the following:
1. A felony to be prosecuted under appropriate state law 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 at the owner's expense.

2. A misdemeanor of the first degree if the dog causes serious injury to a person. 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 at the owner's expense.
- B. If the court does not order the vicious dog to be destroyed under division (1)(5) A.2. of this section, the court shall issue an order that specifies that R.C. § 955.11(D) and divisions (e) to G) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that § 618.19 applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (f)(1) of this section in an amount, exclusive of interest and costs, that equals or exceeds \$100,000. Until the court makes a final determination and during the pendency of any appeal of a violation of division (d) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions described in division (e) of this section or at the county dog pound at the owner's expense.
(R.C. § 955.99(H))
- (6) Whoever violates division (f)(2) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 955.99(J))
- (7) Whoever violates division (g)(1), (g)(2), or (g)(3) of this section is guilty of a felony to be prosecuted under appropriate state law. Additionally, the court shall order that the dog involved in the violation be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (g)(1), (g)(2), or (g)(3) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (e) of this section or at the county dog pound at the owner's expense.
(R.C. § 955.99(L))
- (8) Whoever violates division (f)(1), (f)(3), or (f)(4) of this section is guilty of a minor misdemeanor.
(R.C. § 955.99(M))
- (9) Whoever violates division G)(4) of this section is guilty of a minor misdemeanor.
(R.C. § 955.99(N))
- (10) A. If a dog is confined at the county dog pound pursuant to division (1)(4), (1)(5), or (1)(7) of this section, the county dog warden shall give 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 county dog 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 \$100 is due to the county dog warden within ten days to secure payment of all reasonable expenses, including medical care and boarding of the dog for 60 days, expected to be incurred by the county dog pound in caring for the

dog pending the determination. The county dog warden may draw from the security any actual costs incurred in caring for the dog.

- B. If the person ordered to post security under division (1)(10)A. of this section does not do so within ten days of the confinement of the animal, 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.
- C. Not more than ten days after the court makes a final determination under division (1)(4), (1)(5), or (1)(7) 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 (1)(10)A. 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 30 days after the court's determination. If the county dog warden finds that the security provided under division (1)(10)A. of this section is greater than that actual cost, the county dog warden shall remit the difference between the security provided and the actual cost to the owner within 30 days after the court's determination.

(R.C. § 955.99(P))

- (11) As used in this division (1), "nuisance dog", "dangerous dog", and "vicious dog" have the same meanings as in R.C. § 955.11.

(R.C. § 955.99(Q))

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618.02 ABANDONING ANIMALS.

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

(b) Whoever violates division (a) of this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
(ORC 959.99(E)(2))

618.03 KILLING OR INJURING ANIMALS.

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

(b) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, whoever violates division (a) of this section is guilty of a misdemeanor of the first degree.
(ORC 959.99(8))

618.04 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)

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

618.05 CRUELTY TO ANIMALS; CRUELTY TO COMPANION 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 the 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 28 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 the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. Division (a) of this section does not prevent the dehorning of cattle.

(c) All fines collected for violations of division (a) 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) Cruelty to Companion Animals.

(1) As used in this section:

- A. "Boarding kennel" has the same meaning as in Ohio R.C. 956.01.
- B. "Captive white-tailed deer" has the same meaning as in Ohio R.C. 1531.01.
- C. "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.
- D. "Cruelty" has the same meaning as in Ohio R.C. 1717.01.
- E. "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06 and ORC 956.03, a boarding kennel, or a training kennel.
- F. "Federal Animal Welfare Act" means the "Laboratory Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. 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.
- G. "Livestock" means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.
- H. "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.
- I. "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.
- J. "Torment" has the same meaning as in Ohio R.C. 1717.01.
- K. "Torture" has the same meaning as in Ohio R.C. 1717.01.
- L. "Training kennel." Means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.
- M. "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

- (2) 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.
- (3) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:
 - A. 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;
 - B. 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;
 - C. 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;
 - D. Needlessly kill the companion animal;
 - E. 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.
- (4) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly do any of the following:
 - A. Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;
 - B. Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter if it is substantially certain that the companion animal would die or experience unnecessary or unjustifiable pain or suffering due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.
- (5) 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:
 - A. 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;
 - B. 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;
 - C. 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;

- D. Needlessly kill the companion animal;
 - E. 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.
- (6) Divisions (d)(2), (d)(3), (d)(4) and (d)(S) of this section do not apply to any of the following:
- A. A companion animal used in scientific research conducted by an institution in accordance with the Federal Animal Welfare Act and related regulations;
 - B. 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;
 - C. 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;
 - D. 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;
 - E. 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.
- (7) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this division (d) to the Treasurer of the Municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or State law enforcement agency in this State that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys to provide the training that is required for humane agents under Ohio R.C. 1717.06.
(ORC 959.131)

(e) 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))

- (f) (1) Whoever violates division (d)(2) of this section is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate State law on each subsequent offense.
- (2) Whoever violates division (d)(3) of this section 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 division (d)(4) of this section is guilty of a felony to be prosecuted under appropriate State law.
- (4) Whoever violates division (d)(5) of this section is guilty of a misdemeanor of the first degree.
- (5) A. A court may order a person who is convicted of or pleads guilty to a violation of division (d) 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 division (d) 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.
- (6) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of division (d) 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(£))

Statutory reference:

impoundment of companion animals, · notice and hearing, see Ohio R.C. 959.132

618.06 COLORING RABBITS AND BABY POULTRY; SALE OR DISPLAY OF POULTRY.

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

(ORC 925.62)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense; each subsequent offense is a misdemeanor of the third degree.

(ORC 925.99(B))

618.07 BARKING OR HOWLING DOGS.

(a) No person shall own, harbor or keep in custody a dog which disturbs the peace by barking, yelping, howling or making other loud noises to the annoyance and/or discomfort of any person. Continuous barking, yelping, howling and/or making other loud noises for 15 consecutive minutes by such dog or shall permit or allow such animal to annoy or disturb one of more of the inhabitants of two or more separate residences of this municipality, whether confined inside a residence or building or to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons; provided, that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner, and provided that the dog was not being teased or provoked in any manner.

(b) Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure owned or occupied by such person shall be considered as harboring or keeping such dog.

(c) Upon an initial complaint, an enforcement officer shall warn the person in writing of the violation. Upon a second such complaint within 30 days, the enforcement officer shall charge the person with a violation of this section.

(d) Division (a) of this section does not apply to owners, operators or employees of licensed veterinary hospitals, licensed kennels, or licensed animal boarding establishments, nor does this section apply to blind, deaf or hearing impaired, or mobility impaired persons when the dog serves as an assistance dog.

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

(f) Prosecution for a violation in this section shall take place if there is no compliance after three (3) days after the owner, keeper, harbinger or person having charge of any dog has been notified verbally or in writing of an alleged violation and has failed to demonstrate compliance with such sections to the satisfaction of the municipality.

618.071 MAXIMUM NUMBER OF DOMESTICATED OR COMPANION ANIMALS PERMITTED.

(a) No person shall keep more than four dogs and/or cats, excluding puppies and/or kittens less than six months old in any single-family dwelling, or in any separate dwelling unit in a two-family dwelling or multiple dwelling within the City. "Dwelling" and "dwelling unit" as used in this section, shall include the lot or parcel of land on which the house or building containing the suite is located, and all outbuildings located on the lot or parcel. This maximum number includes any scenarios regarding temporary ownerships, guardianship or other rescue programs such as animal fostering.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree (M4) and shall be subject to the penalties set forth in the Ohio Revised Code for M4 offenses.

618.072 HUMANE CONFINEMENT AND TREATMENT OF DOGS.

(a) Except as otherwise limited by Section 505.15, dogs may be considered to be in the reasonable control of their owner, harborer, or keeper if they are enclosed or tethered on the property of such owner, harborer or keeper.

(b) Chaining or Tethering as Only Means of Confinement. Dogs may be restrained by means of a trolley system or a tether attached to a pulley on a cable run, if the following conditions are met:

(1) Only one dog may be tethered to each cable run.

(2) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two adult human fingers may fit. Choke collars, prong collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.

(3) The chain or tether must have swivels on both ends.

(4) The tether or chain and cable run must be of adequate size and strength to effectively restrain the dog. However, the chain or tether shall weigh no more than one-eighth (1/8) of the dog's weight.

(5) The chain or tether must be at least fifteen (15) feet in length and attached to a pulley or trolley mounted on a cable which is also at least fifteen (15) feet in length and mounted no more than seven (7) feet above the ground.

(6) The dog shall be tethered at a sufficient distance for any other objects to prevent tangling of the chain or tether, from extending over an object or an edge that

could result in strangulation and a sufficient distance from any fence to prohibit the dog access to the fence.

(7) The dog shall have continuous access to water and shelter.

(8) The dog must be spayed or neutered, if there is no means of securing the dog in an unfenced yard.

(c) Enclosures. Any dog enclosed in a pen or a fenced yard must have adequate space for exercise based on a dimension of at least sixty-four square feet (64 sq. ft.) per dog. The fence or enclosure shall be of sufficient height to prevent the dog from escaping from the enclosed area. If the enclosed area has a cover, such cover must be at least two (2) feet above the height of the dog standing on its hind legs. Dogs in enclosed areas must have continuous access to water and shelter.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree (M4) and shall be subject to the penalties set forth in the Ohio Revised Code for M4 offenses.

618.08 REGISTRATION OF DOGS REQUIRED.

(a) No owner, keeper, or harbinger of a dog more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by Ohio R.C. 955.01, nor shall he or she fail to pay the legal fee therefor.

(ORC 955.21)

(b) Whoever violates this section shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than 30 days.

(ORC 955.99(E))

618.09 HINDERING CAPTURE OF UNREGISTERED DOG.

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

(ORC 955.24)

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

(ORC 955.99(B))

618.095 DOGS REQUIRED TO WEAR TAGS.

(a) No owner of a dog, except a dog constantly confined to a dog kennel registered under Ohio R.C. Chapter 955 or one licensed under Ohio R.C. Chapter 956, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog found not wearing at any time a valid tag shall be prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction.

(ORC 955.10)

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

(c) Prosecution for a violation in this section shall take place if there is no compliance after three (3) days after the owner, keeper, harbinger or person having charge of any dog has been notified verbally or in writing of an alleged violation and has failed to demonstrate compliance with such sections to the satisfaction of the municipality.

618.10 UNLAWFUL TAGS.

(a) 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 that animal.

(ORC 955.25)

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

(ORC 955.99(B))

618.11 RABIES QUARANTINE.

(a) No person having knowledge of the existence of rabies in an animal, or knowledge that an animal has exhibited symptoms or behavior suggestive of rabies, or knowledge that an animal has bitten any person, shall fail to immediately report such information to the Mayor or the Chief of Police.

(b) Whenever it is established by the Mayor or Chief of Police that any animal has bitten any person or exhibits symptoms or behavior suggestive of rabies, the person who owns, harbors or otherwise cares for such animal shall confine it in close quarantine and isolation or shall place such animal in the establishment of a veterinarian until, in either case, it is determined by the County Board of Health that the animal is not afflicted with rabies. The isolation and quarantine period hereby required shall be not less than ten days from the date the person was bitten. If the animal has, or develops, any symptoms suspicious of rabies during the ten-day period, the County Board of Health shall be notified immediately. All expenses incurred for the keeping of such animal, or the necessary tests to determine whether rabies exists, shall be borne exclusively by the person who owns, harbors or otherwise cares for such animal.

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

618.12 HUNTING PROHIBITED.

(a) The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means. However, nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief.

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

618.13 NUISANCE CONDITIONS PROHIBITED.

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

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

618.14 IMPOUNDING AND DISPOSITION; RECORDS.

(a) A police officer or animal warden may impound every dog or other animal found in violation of Section 618.01. If the impounded dog is not wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs. If the dog is wearing a valid registration tag or the identity of the owner or harbinger is otherwise established, notice shall immediately be given to such owner or harbinger that the dog has been impounded. Notice may be by telephone or by ordinary mail to the last known address of such owner or harbinger. The dog shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog not redeemed within three days of the time it is seized or impounded may be sold or otherwise disposed of as provided by Ohio R.C. 955.16.

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

618.15 RESERVED.

618.16 HOUSING OR KEEPING LIVESTOCK.

(a) (a) No person shall house or keep livestock within any area of the Village. "Livestock" includes, but is not limited to, cows, horses, swine, or any other domesticated animal or fowl ordinarily found on farms or raised or kept for purpose of pleasure or recreation whether business or pleasure, but excludes dogs, cats, birds and other animals commonly kept or sold as pets.

(b) The provisions of division (a) of this section shall not apply to animals kept or housed upon tracts of land zoned or used for agricultural purposes which exceed five acres.

(c) Nothing in this section shall be deemed to relieve any person of any civil liability which might occur.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 96-27. Passed 10-14-96.)

618.17 PROHIBITED OR DANGEROUS ANIMALS.**(a) Prohibited or Dangerous Animals.**

(1) It shall be unlawful for any person, officer, agent, or employee of an organization to keep, maintain, or have in his or her possession or under his or her control within the municipality any living prohibited animal as defined by this Code or any living dangerous animal designated by this Code.

(2) Any person violating division (a)(1) shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(b) Prohibited Animals Specified and Dangerous Animals Defined.

(1) "Dangerous animal" means any living wild mammal, reptile, fowl, or other vertebrate species which is not naturally tame or gentle, but is of a wild nature of disposition, and which because of its characteristics may result in physical harm to human life or property if it escaped from secured quarters. Dangerous animal also includes any living domestic reptile, fowl, or other vertebrate species which because of its size or vicious propensity or other characteristics could cause physical harm to human life or property if it escaped from secured quarters.

(2) "Prohibited animals" means, except as provided in this section, it shall be unlawful for any person to keep, maintain, or have in his or her possession or under his or her control within the municipality any of the following animals:

- A. Any animal which has been declared to be protected or endangered by the U.S. Department of the Interior, the U.S. Department of Agriculture, the Ohio Revised Code, the Ohio Administrative Code, or Baltimore Codes and Ordinances.
- B. All poisonous animals, including rear fang snakes.
- C. Badgers (mellilnae).
- D. Bears (ursidae).

- E. Beavers (castoridae).
- F. Canids, that is: wolves, foxes, coyotes, jackals, dingo.
- G. Civet (viverrines).
- H. Not more than four non-dangerous constrictor snakes. "Non-dangerous" animals are all animals which are not "dangerous animals."
- I. Crocodylians, that is: alligators, crocodiles, caimans, caviars.
- J. Eagles, hawks, owls (falconiformes).
- K. Edentata, that is: anteaters, tamanduas, sloths, armadillos.
- L. Emus (casuariiformes).
- M. Felids, that is: lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots.
- N. Game cocks and other fighting birds.
- O. Hyenidae (hyenas).
- P. Marsupials, that is: opossums, tasmanian wolf, kangaroos, koalas, wombats.
- Q. Muskrats (ondata).
- R. Ostriches (struthio).
- S. Porcupine (hystricomorpha).
- T. Primates (non-human), that is: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs.
- U. Procyonid, that is: racoons, coatis, kinkajous, ring tailed cats, pandas.
- V. Rats (mus).
- W. Rheas (Rheiformes).
- X. Skunks (mephitinae).
- Y. Squirrels (sciuridae).
- Z. Sharks (chondrichthyes).
- AA. Swine (suidae).
- BB. Ungulates, that is: elephants, zebra, tapirs, rhinoceroses, camel, llama, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle, gnu.
- CC. Water buffalo (bubalus).
- DD. Wart hogs (phacocherus aethiopicus).
- EE. Weasels.
- FF. Wolverines (gulo gulo).
- GG. Woodchucks (marmota monas).

(c) Exceptions.

- (1) Medical and educational institutions. The provisions of divisions (a) and (b) shall not apply to prohibited or dangerous animals kept at medical and educational institutions, if:
 - A. Their locations and uses conform to the requirements of the Zoning Code.
 - B. All animals and animal quarters are kept in clean and sanitary conditions and so maintained as to eliminate objectionable odors.
 - C. The animals are maintained in quarters so constructed as to prevent their escape.
 - D. No person lives or resides within 100 feet of the quarters in which the animals are kept.

- (2) Agricultural uses. The provisions of divisions (a) and (b) shall not apply to agricultural husbandry, done in conformance with the Zoning Code, of farm animals such as, but not limited to: livestock, poultry, and horses.
- (3) Circus and commercial exhibition. The provisions of divisions (a) and (b) shall not apply to circus or commercial exhibitions of dangerous or prohibited animals done in accordance with the Zoning Code and the Code of Federal Regulations, Part 9.
(Ord. 91-23. Passed 7-8-91.)

618.18 REMOVAL OF DOG FECES.

(a) No person, being the owner of or in charge or control of any dog, shall permit such dog to commit a nuisance on school grounds, Village grounds or other public property, or upon any private property other than the property of such owner or person, without the permission of the owner of such other property. Where the owner or person in charge or control of such dog immediately removes all feces deposited by such dog and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

(b) Whoever violates this section and does not abate the nuisance as provided in division (a) herein, is guilty of a misdemeanor of the fourth degree (M4) and shall be subject to the penalties set forth in the Ohio Revised Code for M4 offenses.

(Ord. 2011-20. Passed 6-13-11.)

618.19 RESTRICTIONS ON DOG OWNERSHIP FOR CERTAIN CONVICTED FELONS.

(a) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after May 22, 2012 or a felony violation of any provision of RC. Chapter 959, R.C. Chapter 2923 or R.C. Chapter 2925 committed on or after May 22, 2012 shall knowingly own, possess, have custody of, or reside in a residence with either of the following for a period of three years commencing either upon 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 the offense 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 12 weeks of age;
- (2) Any dog that has been determined to be a dangerous dog under RC. Chapter 955 or any substantially equivalent municipal ordinance.

(b) A person described in division (a) of this section shall microchip for permanent identification any dog owned, possessed by, or in the custody of 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 Rehabilitation 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 of, or resided in a residence with prior to May 22, 2012.

(RC. § 955.54)

(d) Whoever violates division (a) or (b) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 955.99(0))