

**Elyria Township Board of Trustees hereby passed the following Resolution 4-03-00-1**

**DOG RESOLUTIONS - Approved on 3<sup>rd</sup> day of April, 2000 effective 3<sup>rd</sup> May 2000**

### **CROSS REFERENCES**

See sectional histories for similar State law.

Owner or keeper liable for damages - see Ohio R. C 95 1. 10

Dog registration - see Ohio R.C. 955.01

### **313.01 DOGS RUNNING AT LARGE.**

- a. No person being the owner or having charge of a dog shall permit it to run at large upon any public place, or upon any unenclosed lands or upon the premises of another. (ORC951.02)
- b. No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat, unless the dog is properly in leash.
- c. No owner, keeper or harbinger of any dog shall fail at any time to keep it either 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, or under reasonable control of some person. (ORC 955.22)
- d. The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section. (ORC951.02)
- e. No owner, keeper, or harbinger of any dog, registered or not, shall permit such dog to enter any public or private property other than of such person unless such dog is securely leashed by a leash not to exceed six (6) feet in length and under reasonable control of some person of reasonable age and discretion, with the following exceptions:
  - (1) The dog is on private property other than that of the owner, keeper, or harbinger of the dog and the property owner has given his permission.
  - (2) The dog is lawfully engaged in hunting or training for the purpose of hunting. However, such dog (s) at all other times and in all other respects shall be subject to this resolution, unless actually in the field and engaged in hunting or in legitimate training for such purpose.
- f. Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 951.99)

- g. 1. Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.
2. In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a Violation of subsection (b) or (c) hereof the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both. (ORC 955.99)

**313.02           IMPOUNDING AND DISPOSITION; RECORDS.**

- a. A police officer or animal warden may impound every dog found in violation of Section If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If die dog is wearing a valid registration tag or the identity of the owner, keeper or harborer is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harborer that the dog has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog seized and impounded may be redeemed by its owner, keeper or harborer at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.
- b. A record of all dogs impounded, the disposition of the same, the owner's name and address where known., and a statement of any costs assessed against the dog shall be kept by any poundkeeper.

**313.03           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 months of age without annually registering such dog with the County Auditor. 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 impounding and disposition as provided by Ohio R.C. 955.16.
- b. Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (ORC 955.99(D)).

**313.04 ABANDONING DOGS.**

- a. No owner or keeper of a dog, shall abandon such animal. (ORC 959.01)
- b. Whoever violates this section is guilty of a minor misdemeanor. (ORC 959.99(A))

**313.05 KILLING OR INJURING**

- a. No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a dog 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 herein, whoever violates this section is guilty of a misdemeanor of the second degree. If the value of the dog killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (ORC 959.99(B))

**313.06 POISONING DOGS**

- 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, 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 dog, either upon his own lands or the lands of another. (ORC 959.03)
- b. Whoever violates this section is guilty of a misdemeanor of die fourth degree. (ORC 959.99(C))

**313.07 CRUELTY TO DOGS**

- a. No person shall:
  - 1. Torture a dog, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine a dog without supplying it during such confinement, with a sufficient quantity of good wholesome food and potable water; within reach, to insure health of animal.

2. Impound or confine a dog 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 dog would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to dogs impounded or confined prior to slaughter. For the purpose of this section, "shelter" is defined as: A man-made solid enclosure that consists of the following— a solid roof, four solid sides and a solid floor, with an opening in one upright side adequate in dimensions for the specific breed to enter and exit freely. The floor must be two inches off the ground. The structure must be in good condition, with adequate ventilation.

An animal that is confined must have a sufficiently clean living quarters. The area must be free from debris, standing water, and excessive amounts of feces.

3. Carry or convey a dog in a cruel or inhuman manner;
  - b. Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the dog and may provide for its disposition including, but not limited to, the sale of the animal. If the dog is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the dog 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 dog. (ORC 959.99(D))

### **313.08 NUISANCE CONDITIONS PROHIBITED**

- a. No person shall keep or harbor any dog in Ac township so as to create noxious, or offensive odor 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.

### **313.09 BARKING OR HOWLING DOGS.**

- a. No person shall keep or harbor any dog within the township which, by frequent and Habitual barking, howling or yelping, creates unreasonably loud disturbing noises of such a character, and duration as to disturb the peace, quiet and good order of the township. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling or enclosure, which he occupies or owns, shall be considered as harboring such dog.
- b. Whoever violates this section is guilty of a minor misdemeanor.

### **313.10 DOG BITES; REPORTS AND QUARANTINE**

- a. Whenever any person is bitten by a dog, report of such bite shall be made to the Health Commissioner within twenty-four hours. Whenever it is reported to the Health Commissioner that any dog has bitten a person, that dog shall be quarantined under an order issued by the Health Commissioner. The dog shall be quarantined by its owner or by a harborer, or shall be quarantined in a pound or kennel, in all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense of the owner or harborer. Quarantine shall continue until the Health Commissioner determines that the dog is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harborer. No dog shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptoms or behavior suggestive of rabies.

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

### **313.11 DANGEROUS AND VICIOUS DOGS.**

- (a) As used in this section:
  - (1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof has chased or approached in either a menacing fashion or an apparent attitude of attack, to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harborer and not under the reasonable control of its owner, keeper, harborer or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top.
  - B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

- (2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.
  - (3) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.
  - (4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)4)B. hereof, meets any of the following:
    - 1. Has killed or caused serious injury to any persons;
    - 2. Has caused injury, other than killing or serious injury to any person, or has killed another dog;
    - 3. Is a pit bull terrier, the ownership, keeping or harboring of such a dog shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog.
  - B. "Vicious dog" does not include either of the following:
    - 1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
    - 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.
  - C. "Pit bull terrier" as used herein includes, but is not limited to, any American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.
- (5) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. (ORC 955. 11)

- (b) No owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following:
- (1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be lead with a leash or tether so that the dog is adequately restrained;
  - (2) While that dog is off the premises of the owner, keeper or harbinger, keep it on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:
    - A. Keep that dog in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top;
    - B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a parson in close enough proximity to that dog so as to prevent it from causing injury to any person;
    - C. Muzzle that dog.
- (c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each, subject to a limit, exclusive of interest and costs, of not less than fifty thousand dollars (\$50,000) because damage or bodily injury to or death of a person caused by the vicious dog. (ORC 955.22)
- (d) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates this 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 he 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 subsection (c) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

- (e.) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:
- (1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

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

(f) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. (ORC 955.99)

**313.12 PENALTY.**

(Applicable to any misdemeanor classification.)