

## CHAPTER 618 Animals

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### CROSS REFERENCES

See section histories for similar State law

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

Animal Warden - see ADM. 141.02

Driving animals upon roadway - see TRAF. 303.05, 303.06

Definitions generally - see GEN. OFF. 606.01

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

Animals in Single-Family House Districts - see P. & Z. 1153.03(f)

Assaulting police dog or horse or assistance dog - see GEN. OFF. 642.31

## 618.01 DEFINITIONS.

As used in this chapter:

- (a) "Animal control officer" or "Animal Warden" means any staff person employed by the City for the animal shelter.
- (b) "Animal hospital" means any facility which has the primary function of providing medical and surgical care for animals and is operated by a currently licensed veterinarian.
- (c) "Animal shelter" means the facility or facilities operated by the City for the purpose of impounding or caring for the animals under the authority of this chapter or the laws of the State.
- (d) "Animals" means any live, vertebrate creatures, domestic or wild, other than humans, and including all fowl.
- (e) "Breeder" means any person who habitually lodges and/or feeds dogs within such persons's house or premises for the purpose of breeding.
- (f) "Cat" means any member of the Felis catus family, male or female, regardless of age.
- (g) "Catterie" means any establishment where cats are kept for the purpose of breeding.
- (h) "Chief of Police" means the duly appointed, highest ranking officer in charge of the Police Department or his or her authorized representatives.
- (i) "Commercial animal establishment" means any pet shop, grooming shop, guard shop service, business which keeps animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of the aforementioned establishments.
- (j) "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.
- (k) "Dangerous or exotic animal" means any animal, reptile or fowl or other such animal whose normal habitat is someplace other than northeast Ohio.
- (l) "Dog" means any member of the Canis familiarities, male or female, regardless of age.
- (m) "Fowl" means any bird belonging to one of two biological orders, namely the gamefowl or landfowl (galliformes) and the waterfowl (anseriformes).
- (n) **"GUARDIAN" MEANS A PERSON(S) HAVING THE SAME RIGHTS AND RESPONSIBILITIES OF AN "OWNER." BOTH TERMS SHALL BE USED INTERCHANGEABLY. THE ABSENCE OF USING BOTH TERMS SHALL NOT RELIEVE GUARDIAN AND/OR OWNER OF ANY LIABILITY, RESPONSIBILITY, AND/OR OBLIGATION.**
- (o) "Health Officer" means the City-County Health Officer, or his or her authorized representative, including any employee of the City-County Health Department.
- (p) "Household" means all persons living in the same single-family dwelling unit.
- (q) "Humane live animal traps" means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

(r) “Humanely euthanize” means the proper injection of a substance that quickly and painlessly terminates the life of an animal, or any method approved by the American Veterinary Medical Association or the Humane Society of the United States.

(s) “Inhumane or cruel treatment or manner” means any treatment to any animal which deprives the animal of necessary sustenance, including sufficient and wholesome food, potable water and protection from the weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing, or other abnormal treatment that causes suffering to such animal.

(t) “Kennel” or “shelter” means any premises upon which five or more cats or kittens and/or dogs and puppies are boarded, bred, trained, bought and/or sold, except for commercial animal establishments otherwise enumerated in the chapter.

(u) “Large animals” means any swine, bovine, goat, sheep, beast of burden or any other domestic or wild animal of similar or larger size.

(v) “Neutered” means any male or female cat or dog that has been permanently rendered sterile.

(w) “Owner”, “**GUARDIAN**”, “keeper”, “harborer” or “person in charge” means any person who feeds and/or shelters, or is in charge of, any animal for 24 or more consecutive hours, or who professes owner/**GUARDIAN**ship of such animal. If a minor owns an animal, then the head of any household of which such minor is a member shall be deemed the owner/**GUARDIAN** of such animal under this chapter and shall be responsible as the owner/**GUARDIAN**. If not a member of a household, such minor shall be directly subject to the provisions of this chapter.

(x) “Person” means an individual, firm, association, joint stock company, syndicate, partnership or corporation.

(y) “Pet owner/**GUARDIAN**” means any person, other than those defined in divisions (e) and (v) of this section, who owns dogs or cats that are habitually lodged or fed within such person's house or premises.

(z) “Pit Bull Dog” includes the American Pit Bull Terrier, as recognized by the United Kennel Club, and the American Staffordshire Terrier, the Staffordshire Bull Terrier and the Bull Terrier, as recognized by the American Kennel Club, and any mixed breed of dog which contains as an element of its breeding any of the breeds described.

(aa) “Premises” means any parcel of land and any structure thereon in which any animal regulated by this chapter is housed and/or confined.

(bb) “Pure bred animal” means bred from members of a recognized breed, strain or unmixed ancestry.

(cc) “Safety Director” means the Supervisor of animal control and any or all other Animal Control Officers and animal control personnel assigned to work under the direct control of the Safety Department.

(dd) “Small animal” means any animal not within the definition of “large animal” but including all dogs without reference to size.

(ee) “Summons” means a violation notice requiring the violator to appear before the Municipal Judge.

(ff) “Wild animal” means any animal which is predominantly free-roaming, as opposed to domesticated, including but not limited to feral cats and feral dogs.

(Ord. 45-06. Passed 11-20-06; Ord. 35-10. Passed 3-15-10.)

**618.02 CARE REQUIREMENTS; CRUELTY PROHIBITED.**

(a) No owner/**GUARDIAN**, keeper or person in charge of any animals shall do or fail to do anything which is cruel or inhumane, including but not limited to:

(1) Fail to provide sufficient and wholesome food; potable water; shade and weatherproof enclosure of such size as will permit movement and simultaneously facilitate the preservation of body heat by the animals. It shall have sufficient quantity of suitable bedding material consisting of straw, cedar shavings, or the equivalent. The floor will be solid and raised off the ground. The entrance shall be covered with a flexible wind-proof material or a self-closing swinging door. A garage, shed or other structure, not designed and built specifically for an animal, should not be considered suitable housing, unless otherwise specifically found by the animal control officer. Furthermore, no person who owns any animals shall fail to provide such animal adequate opportunity for exercise; regular veterinary care and when needed, veterinary care for injury or illness, to treat injury or illness, unless the animal is instead humanely euthanized; or other care as is needed for the health or well-being of such kind of animal; or

(2) Abandon any animal in any place. For the purpose of this provision, “abandon” means for the owner/**GUARDIAN** or keeper or person in charge to leave any animal without demonstrated or apparent intent to recover or to resume custody; leave any animal for more than 12 hours without providing for adequate food, potable water and shelter for the duration of the absence; or turn out or release any animal for the purpose of causing it to be impounded; or

(3) Leave any animal unattended in a vehicle when such vehicle does not have adequate ventilation and temperature to prevent suffering, disability or death to such animal. For the purpose of this division, if attempts to locate the vehicle owner/**GUARDIAN** fail, any law enforcement officer or animal control officer may take action necessary to rescue a confined animal to remove the threat of further serious harm. The owner/**GUARDIAN**, keeper, or person in charge will be liable for all reasonable and necessary impound, board and medical fees. No officer or agent taking action shall be liable for damages necessary to rescue the confined animal.

(b) Any animal impounded for being kept in violation of this section may be humanely euthanized upon advice of a licensed veterinarian and by the Supervisor if he or she deems it necessary to relieve suffering. The cost for care and treatment of any animal impounded under this section shall be charged to the owner/**GUARDIAN**, keeper, or person in charge, whether or not they seek to regain custody of such animal.

(c) The owner/**GUARDIAN**, keeper, or person in charge of any animal who has been charged under this section who fails to appear in court on the scheduled date to enter a plea or fails to appear on any additional court dates, after entering a plea, without permission from the judge or authorized court employee, will have 14 days from that date to settle the matter with the court. Failure to comply will result in the animal being held at the shelter to become the property of the City, allowing it to be adopted or, if necessary, humanely euthanized.

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 45-06. Passed 11-20-06.)

**618.03 ABUSE OF ANIMALS.**

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

(b) The operator of a motor vehicle which strikes any animal shall, as soon as possible, report the accident to the animal control officer or the Police Department.

(c) No person shall offer to give any live animal as a prize or business inducement.

(d) No person shall sell within the City any animal or fowl whose owning is prohibited by this chapter or sell or display any animal that has been artificially dyed or colored.

(e) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal.

(f) No person shall use a spring steel trap in the City limits, except rat and mouse traps.

(g) No person shall willfully kill any bird or molest the nest of such birds.

(h) No person shall, without the knowledge or consent of the owner/**GUARDIAN**, hold or retain possession of any animal of which he or she is not the owner/**GUARDIAN** for more than 72 hours without first reporting the possession of such animal to the animal control officer.

(i) (1) This section shall not preclude authorized pest control activities performed by any of the following individuals:

- A. Persons certified by the Ohio Department of Agriculture; or
- B. Persons under their direct supervision; or
- C. Any other governmental agency; or
- D. Any persons engaged in pest control activities upon or

within premises under their control or supervision.

(2) However, any materials used for pest control purposes shall meet the following conditions:

A. The materials shall be approved by either the United States Environmental Protection agency or the Ohio Environmental Protection Agency; and

B. Materials shall be applied in strict accordance with the labeled directions; and

C. The materials shall be applied in a manner that does not create a substantial risk of harm to any animal or bird other than the targeted pests.

(3) Individuals described in paragraphs (i)(1)A. and (i)(1)B. of this section shall give prior notice of their pest control activities to the office of the Animal Warden. Any person authorized to conduct pest control activities under and in accordance with this division shall dispose of the resultant carcasses in a reasonable manner.

(j) This section shall not apply to a licensed veterinarian, an authorized animal protective league or agency, a member of the safety department of any political subdivision, or the City Service Inspector/Animal Warden and Health Officer, acting within the scope of their authority and in their official capacities and in accordance with any applicable State, Federal or local Municipal law.

(k) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense.

(Ord. 45-06. Passed 11-20-06.)

#### **618.04 DANGEROUS DOGS.**

(a) Definitions. As used in this section:

(1) “Dangerous dog” means any of the following:

A. Any dog which, according to the records of the Police Department, has inflicted severe injury on a human being, without provocation, on public or private property;

B. Any dog which, according to the records of the Department, has killed a domestic animal without provocation while off the owner/**GUARDIAN**'s property;

C. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting;

D. Any dog which, when unprovoked, chases, or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack; or

E. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings or domestic animals.

(2) “Severe injury” means any physical injury resulting in broken bones or lacerations or puncture wounds.

(b) Exemptions.

(1) No dog may be declared dangerous if any of the following applies:

A. The threat, injury or damage was sustained by a person who had teased, tormented or abused the dog;

B. The dog was coming to the aid or the defense of a person, provided that such person was not engaged in illegal or criminal activity and using the dog as a means of carrying out such activity;

C. In the case of another domestic animal, the dog was attacked by such animal or such animal was running at large.

(2) A police dog that is being used to assist one or more law enforcement officers in the performance of their duties or a dog that has caused 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/**GUARDIAN** shall not be declared dangerous.

(c) Determination of “Dangerous”.

(1) Upon receipt of a complaint from an individual, setting for the nature and the date of the act, the owner/**GUARDIAN** of the animal, the address of the owner/**GUARDIAN** and the description of the animal doing such act, the animal control officer shall investigate the complaint to determine if, in fact, the animal is dangerous.

(2) Within five days after receipt of such affidavit of complaint, the animal control officer shall notify the owner/**GUARDIAN** and complainant in writing of his or her determination.

(3) A determination by the Animal Warden that a dog is dangerous may be appealed to the Safety Director within ten days after receipt of written notice thereof. Upon appeal, the Safety Director shall review the determination of the Animal Warden and such additional documentation, if any, provided by the dog's owner/**GUARDIAN**, keeper or harbinger, who shall be notified in writing of the Safety Director's decision regarding the appeal, which decision shall be final.

(d) Owner/**GUARDIAN**'s Responsibility Upon Determination.

(1) If a dog is determined to be "dangerous", the owner/**GUARDIAN** shall do the following:

A. Display a sign on his or her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare. In addition, the owner/**GUARDIAN** shall conspicuously display signs with a symbol warning children of the presence of a dangerous dog. Such signs shall be visible from the front, rear and both sides of the property.

B. While the dog is on the premises of the owner/**GUARDIAN** or keeper, securely confine it all times indoors or in a locked fenced yard where the dog is secured by a chain-link leash or in a locked pen or other structure. Such pen or structure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. If no bottom is secured to its sides, the sides must be embedded into the ground no less than two feet. The pen or structure must also provide protection from the elements for the dog. The owner/**GUARDIAN** shall have ten days to construct a pen as described in this section.

C. While that dog is off the owner/**GUARDIAN**'s premises, keep it muzzled and restrained by a substantial chain or leash not more than six feet in length and have the leash controlled by a person who is of suitable age and discretion to adequately restrain the dog.

D. Present to the Animal Warden proof that the owner/**GUARDIAN** or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000), covering the 12-month period during which licensing is being sought. This policy shall contain a provision requiring the City to be named as an additional insured for the sole purpose of ensuring that the City will be notified by the insurance company of any cancellation, termination or expiration of the policy.

(2) The owner/**GUARDIAN** shall have 24 hours to comply with this section except where otherwise specified.

(e) Euthanasia Option. If the owner/**GUARDIAN** or keeper of a dog that has been designated dangerous is unwilling or unable to comply with the above regulations for keeping such an animal, then he or she shall have the animal humanely euthanized by an animal shelter or a licensed veterinarian, after a ten-day holding period. The owner/**GUARDIAN** shall bear the cost for such action. Any dog that has been designated as dangerous under this section may not be offered for adoption.

(f) Removal Option. If the owner/**GUARDIAN** or keeper of a dog that has been designated dangerous is unwilling or unable to comply with the above regulations for keeping such an animal, and the owner/**GUARDIAN** or keeper of such dog does not

use the euthanasia option, then he or she shall have such dog removed from such premises and removed from the City limits within a ten-day period.

(g) Penalty. Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the first degree.  
(Ord. 45-06. Passed 11-20-06.)

#### **618.05 RUNNING AT LARGE PROHIBITED, EXEMPTIONS.**

(a) No owner/**GUARDIAN** of any animal, including, but not limited to, dogs and cats, shall permit such an animal to run at large within the City at any time. Any animal shall be deemed running at large when such an animal is not inside a resident structure, secure fence or pen; on a leash and held by a person capable of controlling such animal; or tethered in such a manner as to prevent its getting on the public right-of-way or another's property. This provision shall not apply to dogs being obedience trained by a certified trainer.

(b) No person shall permit a County or City registration tag to be worn by any animal other than the animal for which such tag is issued.

(c) While a racing pigeon is flying at large, the owner/**GUARDIAN** must be outdoors to observe the flight of such bird to correct nuisances that may occur or be caused by such racing pigeon.

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the second degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 45-06. Passed 11-20-06.)

#### **618.06 ANIMALS IN PUBLIC PLACES PROHIBITED.**

(a) No person being the owner/**GUARDIAN**, keeper, harbinger or person in charge of any animal shall allow such animal to enter upon any private property, including stores and other places of business, other than that of the owner/**GUARDIAN**, keeper, harbinger or person in charge of such animal, without the approval of the owner/**GUARDIAN** of such property. In addition, the owner/**GUARDIAN**, keeper, harbinger or person in charge of any dogs or other animals shall be prohibited from taking dogs or other animals into public buildings, public parks, school grounds, the golf course and other City-owned property. Dogs trained to assist the disabled are exempt from the provision.

(b) This section shall not apply to stores or other places of business dealing in or servicing live animals, such as pet shops or veterinary hospitals, or to animals permitted upon school grounds by authority of the Superintendent of Schools, or to animals permitted upon public grounds by the authority of the Director of Public Safety and/or the Director of Public Service.

(c) There shall be placed in a conspicuous location in each place of business a sign of a size and design to be approved by the Director of Public Safety, giving notice to the public of the prohibition set forth in division (a) of this section.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree, provided, however, that:

(1) If it is a first offense, there shall be a minimum fine of twenty-five dollars (\$25.00);

(2) If it is a second offense, there shall be a minimum fine of seventy-five dollars (\$75.00); and

(3) For the third offense and thereafter, there shall be a minimum fine of one hundred fifty dollars (\$150.00).

(e) Except to the extent herein modified, the penalty shall be as provided in Section 698.02.

(Ord. 45-06. Passed 11-20-06.)

#### **618.07 NUISANCE ACTIVITIES PROHIBITED.**

(a) The owner/**GUARDIAN** of any animal shall take all reasonable measures to keep such from becoming a nuisance. For the purpose of this provision, “nuisance” means any animal which:

(1) Molests or interferes with persons in the public right-of-way;

(2) Attacks or injures persons or other domestic animals;

(3) Damages public or private property by its activities or with its excrement;

(4) Scatters refuse that is bagged or otherwise contained;

(5) Causes any condition which threatens or endangers the health of well-being of persons or other animals;

(6) Attacks, injures or kills wildlife while at large.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 45-06. Passed 11-20-06.)

#### **618.08 EXCESSIVE ANIMAL NOISE PROHIBITED.**

(a) No owner/**GUARDIAN**, keeper, harbinger or person in charge of any animal shall permit such animal to make excessive noise that disturbs a neighbor. The following definitions and conditions shall apply to this provision:

(1) “Excessive noise” means any animal noise which is so loud and continuous or untimely so as to disturb the sleep or peace of a neighbor;

(2) “Neighbor” means any person residing in a resident structure which is within 100 yards of the property on which the animal is owned.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 45-06. Passed 11-20-06.)

#### **618.09 PROHIBITED ANIMALS.**

(a) The owning, keeping or harboring of any wild, dangerous, poisonous or exotic animal, including, but not limited to the animals listed below, is hereby prohibited within the City limits.

- (1) All crotalid, elapid and venomous colubroid snakes;
  - (2) Apes: chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*);
  - (3) Baboons (*Papoi*, *Mandrillus*);
  - (4) Bears (*Ursidae*);
  - (5) Bison (*Bison*);
  - (6) Cheetahs (*Acinonyx jubatus*);
  - (7) Crocodilians (*Crocodylia*) when 72 inches in length or more;
  - (8) Constrictor snakes when 14 feet in length or more;
  - (9) Coyotes (*Canis latrans*);
  - (10) Deer (*Cervidae*), including all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
  - (11) Elephants (*Elephas* and *Loxodonta*);
  - (12) Foxes (*Canis vulpes*);
  - (13) Game cocks and other fighting birds;
  - (14) Hippopotami (*Hippopotamidae*);
  - (15) Hyenas (*Hyaenidae*);
  - (16) Jaguars (*Panthera onca*);
  - (17) Leopards (*Panthera pardus*);
  - (18) Lions (*Pantheraleo*);
  - (19) Lynxes (*Lynx*);
  - (20) Monkeys, old world (*Cercopithecidae*);
  - (21) Ostriches (*Struthio*);
  - (22) Piranha fish (*Characidae*);
  - (23) Pumas (*Felis concolor*), also known as cougars, mountain lions and panthers;
  - (24) Rhinoceroses (*Rhinocero tidae*);
  - (25) Sharks (class *Chondrichthyes*);
  - (26) Snow leopards (*Panthera uncia*);
  - (27) Swine (*Suidae*);
  - (28) Tigers (*Panthera tigris*);
  - (29) Wolves (*Canis lupus*); and
  - (30) Wolf hybrids or any hybrid of a domestic dog with a wild canis.
- (b) The owning or keeping of any fowl, including, but not limited to domestic geese, ducks, turkeys, and chickens within the City limits is hereby prohibited. However:
- (1) Schools are not prohibited from raising chicks and/or ducks for educational purposes; and
  - (2) When finished or no later than two weeks after the chicks and/or ducks have hatched, the schools must give the fowl to a farm authorized to handle such animals.
- (c) The owning, harboring, or keeping of a pit bull within City limits is prohibited.
- (d) No livestock, including, but not limited to horses, mules, cattle, sheep, goats and swine shall be owned or maintained within the City limits.

(e) Licensed pet shops, menageries, zoological gardens and circuses shall be exempt from the provisions of division (a) of this section if all of the following conditions are applicable:

- (1) The location conforms to the provisions of the City Zoning Code.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and maintained so as to eliminate objectionable odors.
- (3) Animals are maintained in quarters so constructed as to prevent their escape.
- (4) No person resides within 50 feet of the quarters in which the animals are kept.
- (5) Pit Bulls are not brought into City limits.

(f) The Stearns Homestead, located at Permanent Parcel 450-18-1, and currently operated by the Parma Historical Society, is hereby exempted from the restrictions of this section to the extent that it keeps and maintains horses, mules, cattle, sheep, goats, swine, dogs, cats, chickens, ducks, geese and other similar types of animals or fowl generally considered to be farm animals for purposes of public display.

(g) No exemption granted pursuant to any division of this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether express or implied, to any person, including, without limitation, the general public, persons residing or passing near the applicant's premises or the applicant, either in general or individually, as to the danger of persons residing or passing near the applicant's premises or the applicant, either in general or individually, as to the danger or lack thereof, or degree of risk to health or safety, of any animal, specifically or generally, or of any premises where any animal is maintained or kept pursuant to such exemption.

(h) The lack of knowledge of intent is not a defense to a violation of this section.

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

(j) Whoever violates or fails to comply with any of the other provisions of this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 45-06. Passed 11-20-06; Ord. 35-10. Passed 3-15-10)

## **618.10 DOG FIGHTING.**

(a) Animal Fights. No person shall knowingly engage in or be employed at cockfighting, bearbaiting, or pitting an animal against another; no person shall receive money for the admission of another to a place kept for such purpose; no person shall use, train or possess any animal for seizing, detaining, or mistreating a domestic animal. Any person who knowingly purchases a ticket of admission to such place, or is present thereafter, or witnesses such spectacle, is an aider and abettor. Whoever violates this division (a) is guilty of a misdemeanor of the fourth degree.

(b) Dog Fighting Offense, Investigations, Confiscation of Dogs and Equipment. No person shall do any of the following:

- (1) Promote, engage in, or be employed at dog fighting;

- (2) Receive money for the admission of another person to a place kept for dog fighting;
  - (3) Sell, purchase, possess, or train a dog for dog fighting;
  - (4) Use, train, or possess a dog for seizing, detaining, or maltreating a domestic animal;
  - (5) Purchase a ticket of admission to or be present at a dog fight;
  - (6) Witness a dog fight if it is present at a dog fight.
- (c) The Department of Agriculture may investigate complaints and follow up rumors of dog fighting activities and may report any information so gathered to an appropriate prosecutor or law enforcement agency.
- (d) Any peace officer, as defined in Ohio R.C. 2935.01, shall confiscate any dogs that have been, are, or are intended to be used in dog fighting and any equipment or devices used in training such dogs or as part of dog fights.
- (e) Whoever violates division (b), (c) or (d) of this section is guilty of a misdemeanor of the first degree.

***Statutory reference:***

*Animal fights, see Ohio R.C. 959.15*

*Dog fighting offenses; investigations; confiscation of dogs and equipment, see Ohio R.C. 959.16*

**618.11 HUNTING OR TRAPPING PROHIBITED.**

(a) No person shall hunt or trap animals or fowl within the municipality, except that animal control officers, health officials, persons possessing a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio, and a resident using box trapping on property which he or she owns or permanently occupies may trap wildlife or animals constituting a nuisance.

(b) A person holding a nuisance trapping permit issued by the Division of Wildlife of the State of Ohio shall:

- (1) Notify the animal control officer or the Police Department of his name, the location and time of placement of each trap placed in the municipality prior to setting such trap;
- (2) Use a box trap or a trap approved by the Division of Wildlife of the State of Ohio;
- (3) Release such animal outside the City limits within 24 hours of trapping or in accordance with the State of Ohio, Division of Wildlife regulations.

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

(Ord. 45-06. Passed 11-20-06.)

**618.12 ANNUAL REGISTRATION OF DOGS.**

(a) Except for guide, leader or listener dogs, or dogs in training to become guide, leader or listener dogs, registered under Ohio R.C. 955.011, and dogs kept by an institution or organization for teaching or 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. No owner/**GUARDIAN** of a dog, except a

dog constantly confined to a registered kennel, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. 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 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.

(Ord. 45-06. Passed 11-20-06.)

### **618.13 ENFORCEMENT PROCEDURES.**

(a) The animal control officer, the Health Officer and the Chief of Police are hereby authorized to issue a summons to the owner/**GUARDIAN** of any animal in violation of any provision of this chapter, or any regulation issued by the Health Officer. Such person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other provision of this chapter.

(b) The animal control officer, the Health Officer and the Chief of Police are hereby authorized to take up and impound any animal, other than a properly registered dog on the premises of its owner/**GUARDIAN**, found in violation of any provision of this chapter or any regulation issued by the Health Officer, if the person owning such animal cannot be issued a summons because such person is not known or present. Such animal shall be confined at the animal shelter in a humane manner and shall be released upon satisfactory proof that the party claiming the animal is entitled to possession thereof, and upon payment to the animal control officer of all recovery fees established by ordinance.

(c) In the interest of animal welfare, any person owning any animal in the City by so doing does hereby authorize the animal control officer, the Health Officer or the Chief of Police to enter upon private property, other than within any residence or other structure, where such animal is kept, if the officer has probable cause to believe the animal is being kept in a cruel or inhumane manner, for the purpose of examining such animal. When, in the examiner's opinion, it is being kept in an unlawfully cruel or inhumane manner and is properly registered, the animal control officer shall apply to a court of competent jurisdiction for an order to enter the premises, and, if necessary, seize the dog. If the court finds probable cause to believe the dog is treated inhumanely, it shall issue such an order.

(d) Any animal that has bitten a person may be removed from the property of its owner/**GUARDIAN** by the animal control officer, the Health Officer or the Chief of Police if such animal is in violation of examination or observation requirements prescribed by regulations of the Health Officer.

(e) The animal control officer, the Health Officer or the Chief of Police are hereby authorized to use humane live animal traps to capture any animal whose presence on private property or public property constitutes a nuisance to persons or a threat to the public health or the health of domestic animals.

(f) No person shall interfere with the duty of the animal control officer, the Health Officer or the Chief of Police by removing, or causing to be removed, the identification tag of any cat or dog without the consent of the owner/**GUARDIAN** thereof; refusing to identify himself or herself upon the request of an enforcement officer, when such officer has probable cause to believe that such person has violated this chapter; or in any other manner preventing the lawful discharge of enforcement duties prescribed by the chapter.

(g) Whoever violates division (f) of this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.  
(Ord. 45-06. Passed 11-20-06.)

#### **618.14 DUTIES OF THE POLICE DEPARTMENT.**

It shall be the duty of the Police Department officers to enforce the provisions of this chapter and any regulations issued by the Safety Director and to assist the animal control officer in enforcing the provisions of this chapter.  
(Ord. 45-06. Passed 11-20-06.)

#### **618.15 PROPER MAINTENANCE OF ANIMAL YARD, STRUCTURES AND PENS.**

(a) No person shall keep or maintain any animal in any yard, structure or area that is not clean, dry and sanitary, free from debris and offensive odors and free of rodents and vermin.

(b) All animal pens and yards shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present.

(c) All yards, structures, or pens in which animals are kept shall be subject to inspection by the Health Officer and/or animal control officer. If the Health Officer or the animal control officer determines from such inspection that the premises are not maintained in a clean and sanitary manner, he or she shall notify the owner/**GUARDIAN** of the animal in writing to correct the sanitation deficiencies within 24 hours after the notice is served. If the sanitation deficiencies continue after the initial 24-hour notice is given, the Health Officer or animal control officer shall, at his or her discretion, either issue another 24-hour notice of violation or issue a citation. Once the owner/**GUARDIAN** of the animal has received one notice of sanitation deficiencies, if any subsequent inspections reveal sanitation deficiencies, a citation will be issued. Any animal kept under any condition which could endanger the public or the animal's health, or create a health nuisance, may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

(d) No person shall feed any animal, including but not limited to wild animals, birds, other wildlife or domestic animals, other than in suitable containers for food elevated at least 48 inches above ground level and of such design and construction as to minimize the potential for food and/or seed from spilling or dropping to the ground. Such feeding shall be allowed so long as it does not create a nuisance or interfere with another's property. Such nuisance activity shall include, but is not limited to: excessive animal noise, excessive amounts of animal droppings, attracting enough animals to

burden neighboring properties, birds perching on neighboring properties as a result of food availability, garbage left where it may attract wildlife, or debris that may provide a nesting area.

(e) This section shall not apply to owner/**GUARDIAN**s feeding their own pets on their property as long as by doing so it does not create a nuisance or attract any other animals, birds or rodents.

(f) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the second degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 45-06. Passed 11-20-06.)

#### **618.16 REMOVAL OF ANIMAL FECES.**

(a) The owner/**GUARDIAN** of any animal, when such animal is off the owner/**GUARDIAN**'s property, shall be responsible for the removal of any feces deposited by such animal on public walks, streets, recreation areas or private property. No owner/**GUARDIAN** shall fail to remove or provide for the removal of such feces before taking such animal from the immediate area where such defecation occurred.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 45-06. Passed 11-20-06.)

#### **618.17 EMERGENCY TREATMENT OF SICK OR INJURED DOG OR CAT.**

(a) Any sick or injured dog or cat found at large in the City and wearing a current County or rabies vaccination tag shall be taken at once by Animal Control to a veterinarian for examination and treatment, and the owner/**GUARDIAN** or such an animal shall be promptly notified. All charges for veterinarian services shall be borne by such owner/**GUARDIAN**.

(b) Any sick or injured dog or cat found at large in the City without such identifying tag shall be examined and administered first aid when needed and be taken at once by Animal Control to a veterinarian for examination and treatment, and it is to be given so as to render the animal free from pain and unnecessary pain or suffering during the holding period.

(Ord. 45-06. Passed 11-20-06.)

#### **618.18 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.

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

(Ord. 45-06. Passed 11-20-06.)

**618.19 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.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(Ord. 45-06. Passed 11-20-06.)

**618.20 RABIES VACCINATION OF DOGS AND CATS.**

(a) Any person owning, keeping or harboring any dog or cat over the age of three months shall be required to have such animal currently immunized against rabies by a licensed veterinarian and shall maintain a record of such immunization as provided by such veterinarian. If the Animal Warden takes possession of any dog or cat for any reason, the owner/**GUARDIAN** or keeper shall provide such proof of immunization to the Animal Warden or his or her designee prior to the release of such animal.

(b) Whoever violates this section is guilty of a minor misdemeanor; thereafter, upon each subsequent offense, such person is guilty of a misdemeanor of the fourth degree. The penalty shall be as provided in Section 698.02.  
(Ord. 45-06. Passed 11-20-06.)

**618.21 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.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02.  
(Ord. 45-06. Passed 11-20-06.)

**618.22 KEEPING OF CARCASSES PROHIBITED.**

(a) No person shall keep any dead animal or dead fowl, or any part of any dead animal or dead fowl, in any front or side yard in the City. No person shall keep any dead animal or dead fowl, or any part of any dead animal or dead fowl, in any rear yard other than in an enclosure or otherwise concealed such that the animal will be kept from view.

(b) In addition to the requirements of this section, enclosures in any rear yard shall be regulated by other applicable sections of these Codified Ordinances, including, but not limited to, Section 1529.39 of the Building Code.

(c) As used in this section, “front yard,” “rear yard” and “side yard” shall be as defined in Chapters 1189, 1191 and 1193 of the Planning and Zoning Code.

(d) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.  
(Ord. 45-06. Passed 11-20-06.)

**618.23 DOG OWNER/GUARDIAN LIABLE FOR DAMAGE TO PUBLIC PROPERTY.**

The owner/**GUARDIAN**, keeper or harbinger of any dog which damages or destroys park or public property shall be held liable for the full value of the property damaged or destroyed in addition to any penalty imposed for a violation of any of the provisions of this chapter.

(Ord. 45-06. Passed 11-20-06.)

**618.24 QUARANTINE OF RABID ANIMALS.**

(a) Whenever it is shown that an animal has bitten a person or shows signs of being infected with rabies, the owner/**GUARDIAN**, keeper or harbinger of such animal, within 24 hours following the biting incident or upon any reason stated in this section, shall take and remove such animal to a qualified veterinarian for examination, and subsequently, on the tenth day following such original examination by the veterinarian, permit re-examination of such animal by the veterinarian. After such animal is first examined, it shall be confined, during the ten-day period until the second examination is completed, in the animal clinic, kennel or hospital where examined, or secured at the home of the owner/**GUARDIAN**, keeper or harbinger of such animal, inaccessible to the public at large. The animal shall not be released from quarantine until there is provided a written report, signed by the examining veterinarian, setting forth the dates of examinations of such animal and the results thereof, and proof that such animal had or has a current rabies vaccination and the date the vaccine was given. Such report must be submitted within 24 hours following the last examination. If the animal dies prior to the tenth day of examination, as provided in this subsection, the owner/**GUARDIAN**, keeper or harbinger of such animal shall immediately contact the Animal Warden, who shall arrange for the removal of the animal to a qualified laboratory for examination. Under no circumstances shall the owner/**GUARDIAN**, keeper or harbinger of such animal purposely destroy the animal prior to compliance with this section.

(b) If the owner/**GUARDIAN**, keeper or harbinger of such animal fails to comply with any such order of the Animal Warden within 24 hours of the notification that such order has been served upon the owner/**GUARDIAN**, keeper or harbinger, the Warden or a police officer may take such animal into custody and place the same in quarantine. An animal subject to rabies and known to have bitten a person shall be immediately surrendered to the Warden on his or her demand. An animal surrendered to the custody of the Warden shall be quarantined for a period not to exceed 180 days, as directed by the Warden. At the end of the expiration of such period, such animal shall be removed by the owner/**GUARDIAN** from the place of quarantine if such animal is declared by the Warden to be free from rabies. Expenses of the quarantine of such animal shall be charged to the owner/**GUARDIAN**, keeper or harbinger thereof.

(c) Whoever violates this section is guilty of a minor misdemeanor for a first offense. For each subsequent offense, such person is guilty of a misdemeanor of the fourth degree. The penalty shall be as provided in Section 698.02.

(Ord. 45-06. Passed 11-20-06.)

**618.25 IMPOUNDING.**

(a) Subject to constitutional or statutory restrictions governing search and seizure:

(1) The Animal Warden shall take up and impound every animal found in violation of any of the provisions of this chapter, in addition to the other applicable penalties for such violation.

(2) The Animal Warden may take up and impound any animal found to be creating a serious and imminent risk of physical harm to any person.

(3) If a person is subject to arrest while an animal is in his or her custody, the Animal Warden may impound such animal.

(b) Any animal that has been impounded, which creates a serious imminent threat to the health or safety of any person or other animal, or which has been so seriously injured or diseased that reasonable veterinary measures are not expected to return the animal to full health, may be immediately and humanely destroyed by the Animal Warden, subject to the specific restrictions of the Ohio Revised Code.

(c) With respect to wild animals under the jurisdiction of the State Division of Wildlife, the Animal Warden is authorized to take up, impound and release such wild animals in compliance with the procedures and restrictions of the Division.

(d) With respect to animals that have been impounded, the Animal Warden shall proceed as follows:

(1) If the animal has been licensed or registered and can be so identified, or if the owner/**GUARDIAN**, keeper or harbinger of the animal is otherwise known to the Animal Warden, the Animal Warden shall give written notice, by certified mail or in person, to such owner/**GUARDIAN**, keeper or harbinger, of his or her right to claim and redeem the animal. Dogs and cats shall be kept for 14 days from the date of notice.

(2) The Animal Warden shall establish a bulletin board at a location upon City property that is available to public inspection during business hours and shall notify the Clerk of Council of its location. If the owner/**GUARDIAN**, keeper or harbinger of an impounded dog or cat is not known to the Animal Warden, he or she shall post a notice at the designated site, describing the animal and the date, time and place where the animal was seized, and advising the unknown owner/**GUARDIAN** that the dog or cat will be kept for 72 hours.

(3) Any dog or cat, the owner/**GUARDIAN**, keeper or harbinger of which is not known to the Animal Warden, will be kept for 72 hours (three working days), exclusive of Saturdays, Sundays and holidays, from the date of impoundment.

(e) Animals which have not been claimed and redeemed within the time periods established in division (d) of this section may be offered for adoption to any interest person who agrees to enter into an adoption agreement with the City on a first come-first serve basis, may be transferred to the Animal Protective League, or may be humanely destroyed.

(f) In order to claim and redeem any impounded animal, the owner/**GUARDIAN**, keeper or harbinger thereof shall submit the Animal Warden proof of owner/**GUARDIAN**ship. Further, as a condition of release, the owner/**GUARDIAN**, keeper or harbinger shall obtain a valid license, if applicable, and pay all fees appurtenant

thereto. Finally, as a condition of release, the owner/**GUARDIAN**, keeper or harbored shall pay all fees and costs accruing in connection with the impoundment.

(g) (1) The following fees and costs shall accrue incident to the impoundment of animals:

For seizing and impounded an animal	\$20.00
For housing and feeding, per day	10.00
For certified mail service of notice	5.00

(2) If any such animal cannot be harbored at the Parma Animal Shelter, then the owner/**GUARDIAN** of such animal shall be responsible for all costs of harboring such animal at other facilities.

(Ord. 45-06. Passed 11-20-06.)

### **618.26 COURT ORDER TO REMOVE OR DESTROY ANIMALS.**

In addition to penalties provided in this chapter, if a court determines that an animal is vicious, that on one or more occasions such animal has bitten or attacked a person without provocation, or that the owner/**GUARDIAN** of the animal has habitually permitted such animal to run at large or violate this chapter on one or more occasions so as to constitute a nuisance, the court may, in order to protect the health, welfare, safety and property of the residents of the City, order that such animal be removed from the City or be destroyed.

(Ord. 45-06. Passed 11-20-06.)

### **618.27 REPORTING ESCAPES.**

(a) The owner/**GUARDIAN** 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 Animal Warden.

(b) If the office of the Animal Warden 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/**GUARDIAN** 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 and shall be subject to the penalty provided in Section 698.02.

(Ord. 45-06. Passed 11-20-06.)

### **618.28 PIGEONS.**

(a) Harboring; Compliance and Registration Required. Any person harboring or keeping fancy, utility, high-flying and/or racing/homing domestic breeds of pigeons

shall be permitted to harbor or keep such pigeons, but only if he or she complies with this section and has registered with the Director of Public Safety.

(b) Care of Lofts and Birds. No breeder shall permit lofts to become dirty and/or smelly or allow birds to wander uncontrolled about the neighborhood.

(c) Conditions for Maintenance of Racing/Homing Pigeons. No person shall harbor or maintain any racing/homing pigeon except under the following conditions:

(1) No loft, coop or other place for keeping or confining racing/homing pigeons shall be maintained, operated or permitted to exist within 25 feet of any building used as a residence or patio.

(2) No loft kept for pigeons shall be an open loft.

(3) No loft, coop or other place for keeping or confining racing/homing pigeons shall be located in any structure not constructed in accordance with the Zoning Code and the Building Code.

(4) All runways in which such pigeons are kept and maintained shall at all times be kept clean and free from filth, garbage or any substance which emits a noxious odor or which can attract rats.

(5) All pigeons shall be fed within the confines of the loft or coop and all unused food shall be collected promptly and disposed of in a manner required by division (c)(6) of this section.

(6) All grain and food stored for the use of such pigeons shall be kept in rat-proof containers with tight covers.

(7) All runways shall be completely enclosed with chicken wire, netting or other equivalent material that will prevent pigeons from escaping the confines of the loft or coop.

(8) No person shall fly domestic pigeons unless he or she complies with the following rules:

A. Racing/homing. The owner/**GUARDIAN** or agent must be a member in good standing of an organized racing homer club with a body of rules that will preserve the peace and tranquility of the neighborhood, such as a local club in the Cleveland center, under the America Union (A.U.) or a comparable organization.

B. High-flying. The owner/**GUARDIAN** or agent must be a member in good standing of an organized high-flying club with a body of rules that will preserve the peace and tranquility of the neighborhood, such as club organized under the National Pigeon Association (N.P.A.) or a comparable organization.

C. Feed times; limited number. No bird shall be fed before being released or exercised. Not more than 50 birds shall be flown in one day.

D. Landing on property. No owner/**GUARDIAN** or agent shall permit his or her birds to land, set, light or gather on the property of another, whether public or private property.

E. Bands. The owner/**GUARDIAN** or agent shall place a registered band on all his or her flying birds.

F. Utility and fancy birds. Utility and fancy types shall not be released for exercise outside the loft unless they also comply with the rules for racing/homing and/or high- flying domestic pigeons.

(d) Shooting and Trapping Racing/Homing Pigeons. No person, not being the owner/**GUARDIAN** thereof, shall shoot, kill, maim or entrap a domestic pigeon if it has

the name of the owner/**GUARDIAN** stamped upon its wing or tail or if it has a band with the owner/**GUARDIAN**'s name or initials or a number on its leg.

(e) Definitions. As used in this section:

(1) “Fancy” means pigeons that are raised primarily for being shown in competitions during pigeon shows and fairs.

(2) “High-flying” means pigeons that are raised primarily to be flown in high-flying competition.

(3) “Open loft” means the free roaming of a bird unattended at the loft location.

(4) “Racing/homing” means pigeons that are raised primarily to be flown in long distance flying competition, in organized club competition.

(5) “Utility” means pigeons that are raised primarily for food.

(f) Penalty. Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 698.02.

(Ord. 45-06. Passed 11-20-06.)

#### **618.29 BEEKEEPING.**

(a) The keeping or harboring of bees, including but not limited to honey bees and bumble bees, shall be limited to a maximum of two hives on a minimum lot size of 6,000 square feet, and no more than four hives on a one-half acre lot, in a residential zone only. For purposes of this division only, “lot size” shall include sidewalk areas, tree lawns or any other areas behind the street curb-line within the public right-of-way which fronts upon the property which shall harbor the bees.

(b) A beehive must be kept a minimum of five feet from property lines, and the bees' flight pattern must be directed away from a neighbor's entrances and lines of traffic.

(c) A water source must be provided on the premises, placed a minimum of five feet from the property line.

(d) Neglected bees, as determined by the County Inspector, are prohibited.

(e) The failure to remove, or authorize the removal of, any natural or man-made hive or nest, or other living quarters for bees, (including but not limited to honey bees and bumble bees), wasps, yellow jackets and hornets, within three days after notice is served by the Building Commissioner upon the owner/**GUARDIAN** and/or occupant, shall be prima facie evidence that bees (including but not limited to honey bees and bumble bees), wasps, yellow jackets and hornets, are being kept or harbored on the premises by such owner/**GUARDIAN** and/or occupant.

(f) Whoever violates this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 45-06. Passed 11-20-06.)

**618.30 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, or is in training to become 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 or is being 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 and lodging places, all places of public accommodation, amusement or resort, all institutions of education, 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, except that:

(1) The dog shall not occupy a seat in any public conveyance.

(2) The dog shall be upon a leash while using the facilities of a common carrier.

(3) Any dog in training to become a guide, leader, listener or support dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work, protecting members of the public against personal injury or property damage caused by the dog.

(b) No person shall deprive a blind, deaf or mobility impaired person of any of the advantages, facilities or privileges provided in division (a) of this section, nor charge the blind, deaf or mobility impaired person a fee or charge for the dog.

(c) As used in this section, "institutions of education" means:

(1) Any state university or college, as defined in Ohio R.C. 3345.32;

(2) Any private college or university that holds a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713;

(3) Any elementary or secondary school operated by a board of education;

(4) Any chartered or nonchartered nonpublic elementary or secondary school;

(5) Any school issued a certificate of registration by the State Board of Proprietary School Registration.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 45-06. Passed 11-20-06.)