

CHAPTER 90: ANIMALS

Section

Animals Running at Large

- 90.01 Dogs or other animals running at large; dangerous or vicious dogs
- 90.02 Confining animal found at large; publication of notice; lien
- 90.03 Unavoidable escapes
- 90.04 Fees
- 90.05 Rabies quarantine orders of Mayor
- 90.06 Interfering with enforcement of quarantine orders
- 90.07 Reporting escape of exotic or dangerous animals required
- 90.08 Dogs may be killed for certain acts

Statutory reference:

Hunting and fishing regulations, see R.C. Chapter 1533
Law enforcement canine registration, see R.C. § 955.012
Nuisance wild animal trapping, see O.A.C. § 1501:31-15-03
Rabies: report of dog bite, confinement of animal, report of suspected rabid animal, see O.A.C. §§ 3701-3-28 et seq.

Offenses Relating to Animals

- 90.20 Abandoning animals
- 90.21 Injuring animals
- 90.22 Poisoning animals
- 90.23 Cruelty to animals; cruelty to companion animals
- 90.24 Animal fights
- 90.25 Trapshooting
- 90.26 Loud dog
- 90.27 Dog tags
- 90.28 Dangerous and vicious dog defined; transfer of ownership certificate; form stating dog's prior behavior
- 90.29 Failure to register dog or dog kennel
- 90.30 Hindering the capture of unregistered dog
- 90.31 Unlawful tag
- 90.32 Rights of blind, deaf or hearing impaired, or mobility impaired person, or trainer with assistance dog
- 90.33 Retail sale and transportation of dogs
- 90.34 Coloring rabbits or baby poultry; regulation of sale and display
- 90.35 Jacklighting prohibited
- 90.99 Penalty

ANIMALS RUNNING AT LARGE

§ 90.01 DOGS OR OTHER ANIMALS RUNNING AT LARGE; DANGEROUS OR VICIOUS DOGS.

(A) *Animals running at large.*

(1) 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.

(R.C. § 951.02) (Rev. 2012)

(2) Whoever recklessly violates division (A)(1) of this section is guilty of a misdemeanor of the fourth degree.

(R.C. § 951.99) (Rev. 2012)

(3) The owner or keeper of an animal described in division (A)(1) of this section who negligently permits it to run at large in violation of division (A)(1) of this section is liable for all damages resulting from injury, death, or loss to person or property caused by the animal in any of the places specified in division (A)(1) of this section or upon the premises of another without reference to the fence that may enclose the premises.

(4) The running at large of any animal specified in division (A)(1) of this section in or upon any of the places specified in division (A)(1) of this section is prima facie evidence in a civil action for damages under division (A)(3) of this section that the owner or keeper of the animal negligently permitted the animal to run at large in violation of division (A)(1) of this section.

(R.C. § 951.10) (Rev. 2012)

Cross-reference:

Assaulting police dog, horse or assistance dog, see § 136.15

Dead animals, improper disposal as nuisance, see § 93.23

Nuisances, see § 93.04

(B) *Dogs running at large; dangerous or vicious dogs; debarked or surgically silenced vicious dogs.*

(1) As used in this section, **DANGEROUS DOG** and **VICIOUS DOG** have the same meanings as in R.C. § 955.11.

(2) 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.

(3) 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:

(a) 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;

(b) Keep the dog under the reasonable control of some person.

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

(a) 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, locked fenced yard, or other locked enclosure that has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained.

(b) 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.

(5) 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 occurrence, subject to a limit, exclusive of interest and costs, of not less than \$100,000 because of damage or bodily injury to or death of a person caused by the vicious dog.

(6) No person shall do any of the following:

(a) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog;

(b) Possess a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(c) Falsely attest on a waiver form provided by the veterinarian under division (B)(7) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(7) 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 vicious dog. The written waiver form shall include all of the following:

(a) The veterinarian's license number and current business address;

(b) The number of the license of the dog if the dog is licensed;

(c) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

(d) The signature of the owner of the dog attesting that the owner's dog is not a vicious dog;

(e) A statement that R.C. § 955.22(F) prohibits any person from doing any of the following:

1. Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dog;

2. Possessing a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

3. Falsely attesting on a waiver form provided by the veterinarian under R.C. § 955.22(G) that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(8) It is an affirmative defense to a charge of a violation of division (B)(6) 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 (B)(7) of this section and that attests that the dog is not a vicious dog. (R.C. § 955.22) (Rev. 2002)

(C) *Penalty.*

(1) Whoever violates divisions (B)(2) or (B)(3) above 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.

(2) In addition to the penalties prescribed in division (C)(1) above, if the offender is guilty of a violation of division (B)(2) or (B)(3) above, 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.

(3) If a violation of division (B)(4) above involves a dangerous dog, whoever violates that division 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 (B)(5) above. 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.

(4) If a violation of division (B)(4) above involves a vicious dog, whoever violates that division is guilty of one of the following:

(a) A felony, to be prosecuted under appropriate state law, on a first or subsequent offense 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.

(b) A misdemeanor of the first degree on a first offense and a felony, to be prosecuted under appropriate state law, on each subsequent offense. 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.

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

(5) Whoever violates division (B)(5) above is guilty of a misdemeanor of the first degree.

(6) Whoever violates division (B)(6) above is guilty of a felony to be prosecuted under appropriate state law. 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. (R.C. § 955.99(E) - (H), (J)) (Rev. 2010)

Statutory reference:

Power of municipality to regulate animals running at large, see R.C. §§ 715.23 and 955.221

§ 90.02 CONFINING ANIMAL FOUND AT LARGE; PUBLICATION OF NOTICE; LIEN.

A person finding an animal at large in violation of § 90.01(A)(1) may, and a law enforcement officer of the municipality on view or information shall, take and confine that animal, promptly giving notice of the taking and confining of the animal to the owner or keeper, if known, and if not known, by publishing a notice describing the animal once in a newspaper of general circulation in the county or municipality where the animal was found. If the owner or keeper does not appear and claim the animal and pay the compensation prescribed in § 90.04 for so taking, advertising, and keeping it within ten days from the date of the notice, that person or the county shall have a lien for that compensation and the animal may be sold at public auction as provided in R.C. § 1311.49. The residue of the proceeds of sale shall be paid and deposited by the Treasurer in the General Funds of the county. (R.C. § 951.11) (Rev. 2012)

§ 90.03 UNAVOIDABLE ESCAPES.

If it is proven that an animal running at large in violation of § 90.01(A)(1) escaped from its owner or keeper without the owner's or keeper's knowledge or fault, the animal shall be returned to its owner or keeper upon payment of the compensation prescribed in § 90.04 for its taking, advertising and keeping. (R.C. § 951.12) (Rev. 2012)

§ 90.04 FEES.

(A) The person or municipality whose law enforcement officer takes an animal running at large in violation of § 90.01(A)(1) is entitled to receive from the owner or keeper of the animal the following compensation:

(1) For taking and advertising each horse, mule, head of cattle, bison, swine, sheep, goat, llama, alpaca, or goose, \$5.00; and

(2) Reasonable expenses actually incurred for keeping each animal described in division (A)(1) of this section.

(B) Compensation for taking, advertising, and keeping a single herd or flock shall not exceed \$50.00 when the flock or herd belongs to one person. (R.C. § 951.13) (Rev. 2012)

§ 90.05 RABIES QUARANTINE ORDERS OF MAYOR.

(A) Whenever, in the judgment of the Mayor or his or her designee, rabies is prevalent, he or she shall declare a quarantine of all dogs in the municipality or a part thereof. During the quarantine, the owner, keeper or harbinger of any

dog shall keep it confined on the premises of the owner, keeper or harbinger or in a suitable pound or kennel, at the expense of the owner, keeper or harbinger, except that a dog may be permitted to leave the premises of its owner, keeper or harbinger if it is under leash or under the control of a responsible person. The quarantine order shall be considered an emergency and need not be published.

(B) When the quarantine has been declared, the Mayor or his or her designee may require the vaccination for rabies of all dogs within the municipality or part thereof. (R.C. § 955.26)

(C) No person shall violate a rabies quarantine order issued under this section or R.C. § 955.26. (R.C. § 955.39)

(D) Whoever violates division (C) of 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. (R.C. § 955.99(C))

§ 90.06 INTERFERING WITH ENFORCEMENT OF QUARANTINE ORDERS.

(A) No person shall hinder, obstruct, resist or interfere with any enforcing officer while engaged in enforcing an order issued under § 90.05.

(B) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only. Penalty, see § 90.99

§ 90.07 REPORTING ESCAPE OF EXOTIC OR DANGEROUS ANIMALS REQUIRED.

(A) The owner or keeper of any member of a species of the animal kingdom that escapes from the owner's or keeper's 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 the owner or keeper discovers or reasonably should have discovered the escape, report it to a law enforcement officer of the municipality and the sheriff of the county where the escape occurred, and the Clerk of the Legislative Authority where the escape occurred.

(B) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by division (A) of this section, it is sufficient compliance with division (A) of this section if the owner or keeper makes the report within one hour after the office is next open to the public.

(C) Whoever violates this section is guilty of a misdemeanor of the first degree. (R.C. § 2927.21) (Rev. 2006)

§ 90.08 DOGS MAY BE KILLED FOR CERTAIN ACTS.

Subject to R.C. § 955.261(A)(2) and (A)(3), a dog that is chasing or approaching in a menacing fashion or apparent attitude of attack that attempts to bite or otherwise endanger, or that kills or injures a person, or a dog that chases, threatens, harasses, injures, or kills livestock, poultry, other domestic animal, or other animal that is the property of another person, except a cat or another dog, can be killed at the time of that chasing, threatening, harassment, approaching, attempt, killing or injury. If, in attempting to kill such a dog, a person wounds it, the person is not liable to prosecution under the criminal laws or ordinances that punish cruelty to animals. Nothing in this section precludes a law enforcement officer from killing a dog that attacks a police dog as defined in R.C. § 2921.321. (R.C. § 955.28(A)) (Rev. 2009)

OFFENSES RELATING TO ANIMALS

§ 90.20 ABANDONING ANIMALS.

(A) No owner or keeper of a dog, cat, or other domestic animal shall abandon the animal. (R.C. § 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. (R.C. § 959.99(E)(2)) (Rev. 2003)

§ 90.21 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. (R.C. § 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 \$300 or more, whoever violates division (A) of this section is guilty of a misdemeanor of the first degree. (R.C. § 959.99(B))

(C) This section does not apply to a person killing or injuring an animal or attempting to do so while endeavoring to prevent it from trespassing upon his or her enclosure, or while it is so trespassing, or while driving it away from his or her premises; provided within 15 days thereafter, payment is made for damages done to such animal by killing or injuring, less the actual amount of damage done by such

animal while so trespassing, or a sufficient sum of money is deposited with the nearest judge of a county court or judge of a municipal court having jurisdiction within such time to cover the damages. The deposit shall remain in the custody of such judge until there is a determination of the damage resulting from such killing or injury and from the trespass. The judge and his or her bondsmen shall be responsible for the safekeeping of such money and for the payment thereof as for money collected upon a judgment.

(R.C. § 959.04)

§ 90.22 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.

(R.C. § 959.03)

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree.

(R.C. § 959.99(C))

(C) This section does not apply to a person killing or injuring an animal or attempting to do so while endeavoring to prevent it from trespassing upon his or her enclosure, or while it is so trespassing, or while driving it away from his or her premises; provided that within 15 days thereafter, payment is made for damages done to such animal by killing or injuring, less the actual amount of damage done by such animal while so trespassing, or a sufficient sum of money is deposited with the nearest judge of a county court or judge of a municipal court having jurisdiction within such time to cover the damages. The deposit shall remain in the custody of such judge until there is a determination of the damage resulting from such killing or injury and from the trespass. The judge and his or her bondsmen shall be responsible for the safekeeping of such money and for the payment thereof as for money collected upon a judgment.

(R.C. § 959.04)

§ 90.23 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.

(R.C. § 959.13)

(D) Cruelty to companion animals.

(1) As used in this section:

COMPANION ANIMAL. Means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. The term does not include livestock or any wild animal.

CRUELTY. Has the same meaning as in R.C. § 1717.01.

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.

PRACTICE OF VETERINARY MEDICINE. Has the same meaning as in R.C. § 4741.01.

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.

TORMENT. Has the same meaning as in R.C. § 1717.01.

TORTURE. Has the same meaning as in R.C. § 1717.01.

WILD ANIMAL. Has the same meaning as in 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) 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 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) Divisions (D)(2) and (D)(3) 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 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 R.C. Chapter 4741.

(5) 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 (E) 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 R.C. § 1717.06.

(R.C. § 959.131) (Rev. 2003)

(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.

(R.C. § 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) (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 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 R.C. § 959.132.

(4) 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.

(R.C. § 959.99(E)) (Rev. 2003)

Statutory reference:

Impoundment of companion animals; notice and hearing, see R.C. § 959.132

§ 90.24 ANIMAL FIGHTS.

(A) 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 this 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 thereat, or witnesses such spectacle, is an aider and abettor.

(R.C. § 959.15)

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree.

(R.C. § 959.99(C))

Statutory reference:

Dogfighting, felony provisions, see R.C. § 959.16

§ 90.25 TRAPSHOOTING.

(A) Live birds or fowl shall not be used as targets in trapshooting.

(R.C. § 959.17)

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree.

(R.C. § 959.99(C))

§ 90.26 LOUD DOG.

(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, 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.

(Rev. 2007)

Cross-reference:

Nuisances generally, see Chapter 93

§ 90.27 DOG TAGS.

(A) No owner 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. A dog's failure at any time to wear a valid tag shall be prima facie evidence of a lack of registration and shall subject any dog found not wearing such tag to impoundment, sale, or destruction.

(R.C. § 955.10)

(B) Whoever violates division (A) of this section shall be guilty of a minor misdemeanor.

(R.C. § 955.99(B))

§ 90.28 DANGEROUS AND VICIOUS DOG DEFINED; TRANSFER OF OWNERSHIP CERTIFICATE; FORM STATING DOG'S PRIOR BEHAVIOR.

(A) As used in this section:

DANGEROUS DOG. Means a dog that, without provocation, and subject to the following sentence, 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 that dog is off the premises of its owner, keeper or harbinger 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. The term 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 law enforcement officers in the performance of their official duties.

MENACING FASHION. Means a dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

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.

VICIOUS DOG.

(a) Means a dog that, without provocation and subject to division (b) of this definition, meets any of the following criteria:

1. Has killed or caused serious injury to any person;

2. Has caused injury, other than killing or serious injury, to any person, or has killed another dog;

3. Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of such a breed of dog shall be prima facie evidence of the ownership, keeping or harboring of a vicious dog.

(b) The term 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 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.

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 such activity.

(B) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership

certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the County Auditor.

(C) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(D) Within ten days after the transfer of ownership or possession of any dog, if the seller or transferor of the dog has knowledge that the dog is a dangerous or vicious dog, he or she shall give to the buyer or transferee, the Board of Health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides a completed copy of a written form on which the seller shall furnish the following information:

(1) The name and address of the buyer or other transferee of the dog;

(2) The age, sex, color, breed and current registration number of the dog;

(3) In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred.

Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred.

Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred.

(4) The dog warden of the county in which the seller resides furnishes the form to the seller at no cost. (R.C. § 955.11) (Rev. 1999)

(E) (1) Whoever violates division (B) of this section is guilty of a minor misdemeanor.

(2) Whoever violates division (C) or (D) of this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense. (R.C. § 955.99(A))

§ 90.29 FAILURE TO REGISTER DOG OR DOG KENNEL.

(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 R.C. § 955.01, nor shall he or she fail to pay the legal fee therefor.

(R.C. § 955.21)

(B) Whoever violates this section shall be fined not less than \$25 nor more than \$100 on a first offense, and on each subsequent offense shall be fined not less than \$75 nor more than \$250 and may be imprisoned for not more than 30 days.

(R.C. § 955.99(E))

§ 90.30 HINDERING THE 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.

(R.C. § 955.24)

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

(R.C. § 955.99(B))

(C) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.

§ 90.31 UNLAWFUL TAG.

(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.

(R.C. § 955.25)

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

(R.C. § 955.99(B))

§ 90.32 RIGHTS OF BLIND, DEAF OR HEARING IMPAIRED, OR MOBILITY IMPAIRED PERSON, OR TRAINER WITH ASSISTANCE DOG.

(A) When either a blind, deaf or hearing impaired, or mobility impaired person, or a trainer of an assistance dog is accompanied by an assistance dog, the person or the trainer, as applicable, 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, 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; and

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

(3) Any dog in training to become an assistance 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 hearing impaired, or mobility impaired person, or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division (A) of this section, nor charge the person or trainer a fee or charge for the dog.

(R.C. § 955.43(A), (B)) (Rev. 2007)

(C) As used in this section:

ASSISTANCE DOG. Means a guide dog, hearing dog, or service dog that has been trained by a nonprofit special agency.

BLIND. Means either of the following:

(a) Vision 20/200 or less in the better eye with proper correction;

(b) Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees.

GUIDE DOG. Means a dog that has been trained or is in training to assist a blind person.

HEARING DOG. Means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.

INSTITUTIONS OF EDUCATION. Means:

(a) Any state university or college as defined in R.C. § 3345.32;

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

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

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

(e) Any school issued a certificate of registration by the state Board of Career Colleges and Schools.

MOBILITY IMPAIRED PERSON. Means any person, regardless of age, who is subject to a physiological

defect or deficiency regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. The term includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function, and also includes a person with a seizure disorder and a person who is diagnosed with autism.

SERVICE DOG. Means a dog that has been trained or is in training to assist a mobility impaired person. (R.C. §§ 955.011(B), 955.43(C)) (Rev. 2012)

(D) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree. (R.C. § 955.99(D))

Cross-reference:

Assaulting assistance dog, see § 136.15

§ 90.33 RETAIL SALE AND TRANSPORTATION OF DOGS.

(A) No person shall sell, offer to sell, or expose for sale to the general public at retail any dog under the age of eight weeks.

(B) No person shall receive or ship, for sale to the general public at retail, any dog that is not accompanied by a certificate, issued by a licensed veterinarian who is accredited by the United States Department of Agriculture and authorized to issue health certificates for animals in interstate commerce, certifying that the dog is sufficiently sound and healthy to be reasonably expected to withstand the intended transportation without adverse effect.

(C) This section does not apply to the transportation of dogs in interstate commerce by common carrier, provided that neither the point of shipment nor the point of receiving is within this state.

(D) No person responsible for the transportation of a pregnant dog shall be liable in damages for any injury or illness of, or the death of, the dog or any puppies, whenever the injuries, illness or death results from the birth of such puppies during the time the dog is being transported. (R.C. § 955.50)

(E) Whoever violates this section is guilty of a minor misdemeanor for a first offense; each subsequent offense is a misdemeanor of the fourth degree. (R.C. § 955.99(C))

§ 90.34 COLORING RABBITS OR BABY POULTRY; REGULATION OF SALE AND DISPLAY.

(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. (R.C. § 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. (R.C. § 925.99(B))

§ 90.35 JACKLIGHTING PROHIBITED.

(A) No person shall throw or cast the rays of a spotlight or other artificial light from any vehicle into any field, woodland, or forest while having in his or her possession a hunting device, or throw or cast the rays of a spotlight or other artificial light from any vehicle into any field, woodland, or forest for the purpose of locating a wild animal.

(B) This section does not apply to law enforcement officers, wildlife officers, military personnel, and officers or employees of the Department of Natural Resources while in the performance of their duties, or to any landowner or lessee having a reason to use a light while engaged in surveillance or protection of his or her property.

(C) An officer whose duty it is to enforce this chapter may arrest a person whom he or she has reasonable grounds to believe is violating this section, search the vehicle for firearms or other hunting implements in the possession or under the control of that person, and seize the same. (R.C. § 1533.161)

(D) Whoever violates division (A) of this section is guilty of a misdemeanor of the third degree. (R.C. § 1533.99(B))

§ 90.99 PENALTY.

Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the penalty as provided in § 10.99.