

EXHIBIT A

CHAPTER 505
Animal Control

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505.01 ANIMAL DEFINITIONS GENERALLY.

As used in this chapter, certain terms are defined as follows:

- (a) "Whoever" includes owner, keeper, handler or harborer.

- (b) "Owner" includes keeper, handler, harbinger, or person maintaining or responsible for any animal or having the care, custody or control of any animal.
- (c) "Registration tag" means the metal tag issued annually by the County Fiscal Officer evidencing a registered dog.
- (d) "Registered dog" means a dog registered in compliance with Ohio R.C. Chapter 955.
- (e) "At large" means off the premises of the owner.
- (f) "Permit to run at large" means running at will, roaming away from the premises of the owner, acting on its own initiative and not on leash or under the immediate control of the owner.
- (g) "Impound" means to seize summarily, confine and retain in custody of law.
- (h) "Animal" includes dogs, cats, cattle, sheep, horses, geese, ducks, turkeys, chickens or other fowl or any other animal, domestic or wild, maintained or kept as a pet, for work or for a product.
- (i) "Domestic farm animal" includes horses, mules, donkeys, cattle, goats, sheep, geese, ducks, swine, guinea hens, chickens and turkeys.
- (j) "Unsecured" means not securely confined indoors, or not securely restrained by means of a collar and chain, pen, fence, or similar physical device, and in such a manner which effectively prevents the animal from going beyond the premises of the owner.
- (k) "Animal Warden" means any Dog Warden or Deputy Dog Warden appointed by the County.
- (l) "Law Enforcement canine" means a dog regularly utilized by a law enforcement agency for general law enforcement purposes, tracking, or detecting the presence of a controlled substance or explosive.
- (m) "Feral" means an ex-domestic cat [or dog] which has reverted to being fully wild or the wild-born (never known domesticity) offspring of stray cats [or dogs].

~~505.02 CONTROL OF DOGS.~~

- ~~(a) — No owner of any dog shall fail at any time to keep such dog either physically confined or restrained upon the premises of the owner by a leash, tether, adequate fence or secure enclosure to prevent escape, or properly in leash and under the immediate control of some person, except when the dog is lawfully engaged in hunting or training for the purpose of hunting and accompanied by the owner.~~
- ~~(b) — No dog shall be at large within the County unless securely attached upon a leash held in the hand of a person in a manner which continuously controls the dog, except when the dog is lawfully engaged in hunting or training for the purpose of hunting and accompanied by the owner.~~
- ~~(c) — No person, being the owner of a dog shall suffer or permit such dog to:

 - ~~(1) — Snap at, menace or attempt to bite or attempt to cause physical harm to any other person or animal, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner;~~
 - ~~(2) — Cause physical harm to the property of another while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner;~~
 - ~~(3) — Bite or otherwise cause physical harm to any person or animal, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner.~~~~

~~(d) It shall be an affirmative defense to a violation of subsection (a) and (b) hereof that the dog was:~~

~~(1) Securely confined in an automobile or cage which was adequately ventilated; or~~

~~(2) Being exhibited at a public dog show, zoo, museum or public institution.~~

~~(e) No public law enforcement agency or member thereof, or a licensed private law enforcement agency or member thereof, shall be convicted of any violation of this section where the dog is owned by the agency and at that time engaged in law enforcement activities.~~

~~(f) Lack of intent, knowledge or fault on the part of the owner is not a defense to a violation of this section.~~

~~(g) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.~~

505.03 2 OTHER ANIMALS RUNNING AT LARGE.

(a) No person, being the owner or having charge of any animal, other than a dog, shall permit such animal to run at large upon any public place, or upon any unenclosed lands or upon the premises of another. The owner or person having charge of every such animal shall at all times keep it either confined upon the premises of the owner or keeper, or under reasonable control of some person.

(b) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(c) Lack of intent, knowledge or fault on the part of the owner is not a defense to a violation of this section.

(d) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

505.04 3 FEMALE ~~DOGS AND~~ CATS.

(a) No owner of any female ~~dog or~~ cat shall, during the period such animal is in heat, fail to keep such ~~dog or~~ cat securely confined within a building or upon enclosed lands of the owner, unless such dog or cat is properly in leash and accompanied by the owner.

(b) Lack of intent, knowledge or fault on the part of the owner is not a defense to a violation of this section.

(c) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

505.05 4 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal within the County:

(1) So as to create offensive odors or unsanitary conditions which are a nuisance or a menace to the health, comfort or safety of the public;

(2) Which, by frequent and habitual barking, howling, yelping or any other audible nuisance, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the County;

(3) Which molests, menaces or interferes with persons in the public right of way;

(4) Which scatters refuse that is bagged or otherwise contained in trash receptacles;

(5) Which damages any public or private property not the property of the owner of such animal.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

505.06 5 ABANDONING ANIMALS.

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

(b) Whoever violates 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.

505.07 6 KILLING OR INJURING ANIMALS.

(a) Except as provided in subsection (b) hereof, no person shall maliciously, or willfully, and without the consent of the owner, kill or injure any dog, cat or other animal that is the property of another. This section does not apply to a licensed veterinarian, Animal Warden or any law enforcement officer, while acting in an official capacity.

(b) A dog that is chasing, menacing or injuring any person or domestic farm animal, the property of another, can be killed at that time, except when necessary to comply with the requirements of a rabies quarantine period.

(c) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree.

505.08 7 POISONING ANIMALS.

(a) No person, other than a licensed Animal Warden or veterinarian acting in such capacity, with intent to injure or kill any animal except a rodent, shall knowingly administer poison to any animal that is the property of another; nor shall any person knowingly place any poisoned food where it may be easily found and eaten by any such animals, either upon his own premises, the premises of another or in any public place within the County.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

505.09 8 CRUELTY TO ANIMALS GENERALLY.

(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 its confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, snow, rain or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals in an enclosure without wholesome exercise and change of air;

(5) Leave any animal unattended in a vehicle without adequate ventilation and temperature to prevent suffering, disability or death of such animal.

(b) Whoever violates this section is guilty of a misdemeanor of the second degree.

505.091 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

(1) "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.

(2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.

(3) "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.

(4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.

(5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 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.

(b) 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.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;

(2) 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 in any of those specified manners.

(d) Subsections (b) and (c) of this section do not apply to any of the following:

(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;

(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;

(3) 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;

(4) 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;

(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.

(e) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof 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 this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

(4) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation 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.

505.10 PROTECTION OF WILDLIFE IN PARKS.

(a) No person shall, within any public park, public lands or nature preserve within the County, molest, trap, hunt, chase, shoot or throw any object at any wild animal, or remove or have in his possession any wild animal or the eggs or young of any wild animal.

(b) This section does not apply to the lawful trapping or hunting of wild animals as provided in Ohio R.C. Chapter 1533 when such trapping or hunting is otherwise permissible on such public park or lands.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

505.11 ANIMALS PROHIBITED IN STORES.

(a) Except for guide dogs registered under Ohio R.C. 955.011, no person shall take, lead or have in his possession in any store or covered mall within the County any animal, except when proceeding to a specific store or clinic for animals located therein.

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

505.12 EXCREMENT ON SIDEWALKS.

(a) No owner of any animal shall allow or permit such animal to void urine or excrement on any public or private sidewalk.

(b) An owner of any animal which voids urine or excrement on any public or private sidewalk shall immediately pick up and properly dispose of such urine or excrement.

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

505.13 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) —Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. Whenever it is reported to the Health Commissioner that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense

of the owner or harborer. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harborer. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

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

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

505.14 HUNTING RESTRICTED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within one hundred yards of any inhabited dwelling.

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

505.21 VICIOUS AND DANGEROUS DOGS; TRANSFER OF OWNERSHIP DEFINITIONS.

(a) Definitions. As used in this chapter, certain terms are defined as follows:

~~(a) (1) A.~~ "Dangerous dog" means a dog that, without provocation, and subject to division (1)B. of this section 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, or bites or causes physical harm to another dog, cat or other animal.

1. Caused injury, other than killing or serious injury, to any person;

2. Killed another dog;

3. Been the subject of a third or subsequent violation of division (c) of section 505.22 of this chapter.

B. "Dangerous dog" does not include a police dog that has ~~chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person~~ caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist a law enforcement officer in the performance of his official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) A. Subject to division (a)(3)B. this of section, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harborer has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

B. "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an

apparent attitude of attack or has attempted to bite or otherwise endanger any person.

~~(e)~~ (4) "Police dog" means a dog that has been trained, and may be used, to assist a one or more law enforcement officers in the performance of ~~his~~ their official duties.

(5) "Serious injury" means any of the following:

- A. Any physical harm that carries a substantial risk of death;
- B. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
- C. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
- D. Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

~~(d)~~ (6) A. "Vicious dog" means a dog that, without provocation and subject to division (a)(6)B. of this section, has ~~(1)~~ killed or caused injury to any person; ~~or (2) killed another dog.~~

B. "Vicious dog" does not include either of the following:

- ~~(1.)~~ a A police dog that has killed or caused injury to any person while the police dog is being used to assist a law enforcement officer in the performance of his official duties;
- ~~(2.)~~ a A dog that has caused injury or serious injury to any person while a person was committing or attempting to commit a criminal trespass or ~~other crime of violence~~ criminal offense on the property of the owner, keeper or harbinger of the dog.

~~(e)~~ (7) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(b) Transfer of ownership certificate.

Upon the transfer of ownership of any dog, the seller or other transferor of the dog shall give the buyer a transfer of ownership certificate that shall:

(1) Be signed by the seller, contain the registration number of the dog pursuant to section 505.22 of these Codified Ordinances, the name of the seller, the name and address of the buyer and a brief description of the dog, including age, sex, color, breed, etc.

(2) Upon the buyer's or other transferee's request, contain written notice relative to the behavior and propensities of the dog.

(3) If the seller or other transferor of the dog has knowledge that the dog is a dangerous or vicious dog, contain the following information:

- A. The name and address of the buyer or other transferee of the dog;
- B. The age, sex, color, breed, and current registration number of the dog; and
- C. The answers to the following questions printed on the certificate:
 - 1. "Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."
 - 2. "Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."
 - 3. "Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

Blank forms of the certificate may be obtained from the County Fiscal Officer. A transfer of ownership shall be recorded by the Fiscal Officer upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of \$5.00. Where the dog is a dangerous or vicious dog, the Fiscal Officer shall send a copy of the certificate to Summit Public Health.

(4) No seller or other transferor of a dog shall fail to comply with the applicable requirements of division (b)(1) to (3) of this section.

505.22 RESTRAINT OF DANGEROUS OR VICIOUS DOGS; DANGEROUS DOG REGISTRATION.

(a) As used in this section, "dangerous dog" has the same meaning as in section 505.21 of this chapter.

(b) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper, or harbinger at any time the dog is in heat unless the dog is properly restrained by a leash.

(c) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

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

~~(a) (d) e~~ Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and accompanied by the owner, keeper or harbinger of the dog, ~~N~~ no owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following; ~~except when the dog is lawfully engaged in hunting or training for the purpose of hunting and accompanied by the owner:~~

(1) While ~~that dog is~~ on the premises of the owner, ~~keeper or harbinger,~~ securely confine ~~such dog~~ it at all times in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, ~~except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained and unable to reach any sidewalk or area where any invitee or licensee would normally be expected to travel;~~

(2) While ~~that dog is~~ off the premises of the owner, keep ~~such that~~ dog on a chain-link leash or tether, having sufficient strength to restrain such dog, that is not more than six ~~(6)~~ feet in length and additionally do at least one of the following:

A. Keep ~~such that~~ dog in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top;

B. Have ~~such dog muzzled and~~ 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 such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

C. Muzzle that dog.

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

(1) Obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or

bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;

(2) Obtain a dangerous dog registration certificate from the County Fiscal Officer pursuant to division (i) of this section, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;

(3) Notify the Animal Warden immediately if any of the following occurs:

A. The dog is loose or unconfined.

B. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.

C. The dog attacks another animal while the dog is off the property of the owner of the dog.

(4) If the dog is sold, given to another person, or dies, notify the Fiscal Officer immediately upon the sale or transfer and within 10 days of the death.

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

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

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

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

(g) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a dangerous dog. The written waiver form shall include all of the following:

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

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

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

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

(5) A statement that division (f) of this section prohibits any person from doing any of the following:

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

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

C. Falsely attesting on a waiver form provided by the veterinarian under division (g) of this section that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

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

(i) (1) The Fiscal Officer shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is eighteen years of age or older, and who provides the following to the Fiscal Officer:

- A. A fee of \$50.00;
 - B. The person's address, phone number, and other appropriate means for the Animal Warden or Fiscal Officer to contact the person;
 - C. With respect to the person and the dog for which the registration is sought, all of the following:
 - 1. Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;
 - 2. Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;
 - 3. Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.
- (2) Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the Fiscal Officer shall provide the owner with:
- A. A uniformly designed tag that identifies the animal as a dangerous dog;
- and
- B. A uniformly designed sign that identifies the animal as a dangerous dog, which the owner shall post in a clearly visible manner at the person's residence warning both minors and adults of the presence of a dangerous dog on the property.
- (3) The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained.
- (4) If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the County, the owner shall provide notice of the new address to the Fiscal Officer within 10 days of relocating to the new address.
- (5) The owner of a dangerous dog shall present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, the Animal Warden, or public health official charged with enforcing this section.
- (6) The fees collected pursuant to this division shall be deposited in the County's dog and kennel fund.

505.23 SERIOUS HARM BY DANGEROUS OR VICIOUS DOGS.

- ~~(a) — No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the County, whether hunting, training or otherwise, shall negligently, or by reason of a violation of any provision of this chapter, allow such dog, when off the premises of the owner, to cause serious physical harm to any person.~~
- ~~(b) — Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not a defense to a violation of this section.~~
- ~~(c) — Whoever violates this section is guilty of a misdemeanor of the first degree.~~

505.23 HEARING CONCERNING DESIGNATION OF DOG.

- (a) The municipal court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.
- (b) If a person who is authorized to enforce this chapter has reasonable cause to believe that a dog in the person's jurisdiction is a nuisance dog, dangerous dog, or vicious dog,

the person shall notify the owner, keeper, or harborer of that dog, by certified mail or in person, of both of the following:

(1) That the person has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable;

(2) That the owner, keeper, or harborer of the dog may request a hearing regarding the designation in accordance with this section. The notice shall include instructions for filing a request for a hearing in the appropriate court having territorial jurisdiction over the dog's owner, keeper, or harborer.

(c) If the owner, keeper, or harborer of the dog disagrees with the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, as applicable, the owner, keeper, or harborer, within 10 days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the municipal court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harborer. At the hearing, the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog. The owner, keeper, or harborer of the dog or the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog may appeal the court's final determination as in any other case filed in that court.

(d) The municipal court, upon motion of an owner, keeper, or harborer or an attorney representing the owner, keeper, or harborer, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harborer until the court makes a final determination under this section or during the pendency of an appeal, as applicable. Until the court makes a final determination and during the pendency of any appeal, the dog shall be confined or restrained in accordance with the provisions of division (d) of section 505.22 of the Revised Code that apply to dangerous dogs regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or harborer of the dog shall not be required to comply with any other requirements established in this chapter that concern a nuisance dog, dangerous dog, or vicious dog, as applicable, until the court makes a final determination and during the pendency of any appeal.

(e) If a dog is finally determined under this section to be a vicious dog, then division (b)(3) of section 505.21 and divisions (d) to (i) of section 505.22 apply with respect to the dog and the owner, keeper, or harborer of the dog and section 955.54 of the Ohio Revised Code, which sets forth dog-related prohibitions, requirements and exemptions concerning certain offenders, applies with respect to the dog as if it were a dangerous dog. The municipal court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harborer in that manner. As part of the order, the court shall require the owner, keeper, or harborer to obtain the liability insurance required under division (e)(1) of section 505.22 of the Revised Code in an amount described in division (i)(2) of section 505.99 of this chapter.

(f) As used in this section, "nuisance dog," "dangerous dog," and "vicious dog" have the same meanings as in section 505.21.

505.24 PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the County, whether hunting, training or otherwise, shall negligently, or by reason of a violation of any provision of this chapter, allow such dog, when off the premises of the owner, to cause physical harm to any person or serious physical harm to another dog, cat or other animal.

~~(b) — Lack of intent on the part of such person to allow such dog to injure a person, other dog, cat or other animal, or the lack of knowledge of the violent propensities of such dog, is not a defense to a violation of this section.~~

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

505.24 POSSESSION OF DOGS BY VIOLENT FELONS.

(a) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after the effective date of this section or a felony violation of any provision of Chapters 959, 2923 or 2925 of the Ohio Revised Code committed on or after the effective date of this section shall knowingly own, possess, have custody of, or reside in a residence with either of the following for a period of three years commencing either upon the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for the offense or violation, upon the date of the person's final release from the other sanctions imposed for the offense or violation:

(1) An unspayed or unneutered dog older than twelve weeks of age;

(2) Any dog that has been determined to be a dangerous dog under this chapter.

(b) A person described in division (a) of this section shall microchip for permanent identification any dog owned, possessed by, or in the custody of the person.

(c)(1) Division (a) of this section does not apply to any person who is confined in a correctional institution of the Ohio Department of Rehabilitation and Correction.

505.25 MENACING BY DOGS.

~~(a) — No person, being the owner or having custody or control of any dangerous or vicious dog, and while off the premises of the owner, shall knowingly cause or allow such dog to menace any person, except in defense of such owner's person or property.~~

~~(b) — Whoever violates this section is guilty of a misdemeanor of the second degree.~~

505.26 INSURANCE FOR VICIOUS DOGS.

~~(a) — No owner 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 fifty thousand dollars (\$50,000) because of damage to property or bodily injury to or death of a person caused by the vicious dog.~~

~~(b) — Whoever violates this section is guilty of a misdemeanor of the fourth degree.~~

505.27 PRETRIAL IMPOUNDMENT; DESTRUCTION OF DOGS.

(a) In the event that the Animal Warden or any law enforcement officer has probable cause to believe that a vicious dog is being harbored or cared for in violation of this chapter, such official may petition a court of competent jurisdiction to order the seizure and impoundment of the vicious dog pending trial.

(b) Any dangerous or vicious dog that attacks and injures any person or another dog, cat or domestic farm animal may be ordered destroyed when, in the court's judgment, such dangerous or vicious dog represents a continuing threat of serious harm to persons or other such animals. Any dangerous or vicious dog that kills any person, other than a person then committing a criminal trespass or other crime of violence upon the premises of the owner of such dog, shall be ordered destroyed by the court.

505.31 EXOTIC ANIMAL DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

(a) "Exotic animal" includes lions, tigers, leopards, cheetahs, jaguars, panthers, cougars, lynx, bobcat, hyenas, wolverines, bears, bison, elk, moose, wildebeest, wolves, coyotes, foxes, gorillas, baboons, orangutans, gibbons, chimpanzees, monkeys of a species whose average adult weight exceeds twenty (20) pounds, elephants, rhinoceroses, hippopotami, caimans, gavials, alligators and crocodiles exceeding thirty-six (36) inches in length, constricting snakes exceeding forty-eight (48) inches in length and all forms of poisonous or venomous reptiles.

505.32 EXOTIC ANIMALS PROHIBITED.

(a) No person shall keep, or permit to be kept, upon his premises within the County any exotic animal, except for the purpose of display or exhibition, and such display or exhibition is in a circus, zoo or zoological park certified by the American Association of Zoological Parks and Aquariums, or such animal is kept for scientific research purposes in schools or research institutions, or such animal is kept for commercial sale in a retail or wholesale pet store otherwise properly zoned for that purpose, or unless properly licensed by the United States or the State of Ohio.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.

505.33 UNSECURED EXOTIC ANIMALS.

(a) No person shall keep, or permit to be kept, unsecured upon his premises within the County any exotic animal.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.

505.34 EXOTIC ANIMALS AT LARGE.

(a) No person shall allow any exotic animal to be at large within the County or be removed from the premises of the owner, except for purposes of transport to a public exhibition or training for a public exhibition, for scientific study at a school or research institution, for medical treatment at a licensed veterinarian or delivery for sale to any buyer of such exotic animal.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree for a first offense and a misdemeanor of the second degree for any subsequent offense.

505.35 SERIOUS HARM BY EXOTIC ANIMALS.

(a) No person, being the owner or having the care, custody or control of any exotic animal within the County, whether being exhibited or otherwise, shall suffer or permit such exotic animal to cause serious physical harm to any person.

(b) It is hereby determined that possession of an exotic animal is of such a danger to the public and inimical to the public safety and good order of the County, that lack of intent, negligence or fault on the part of such person, or the lack of knowledge of the violent propensities of the exotic animal, is not a defense to a violation of this section.

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

505.36 PHYSICAL HARM BY EXOTIC ANIMALS.

(a) No person, being the owner or having the care, custody or control of any exotic animal within the County, whether being exhibited or otherwise, shall suffer or permit such exotic animal to cause physical harm to any person, or serious physical harm to another animal or exotic animal.

(b) It is hereby determined that possession of an exotic animal is of such a danger to the public and inimical to the public safety and good order of the County, that lack of intent,

negligence or fault on the part of such person, or the lack of knowledge of the violent propensities of the exotic animal, is not a defense to a violation of this section.

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

505.37 INSURANCE FOR EXOTIC ANIMALS.

(a) No owner of an exotic animal 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 one hundred thousand dollars (\$100,000) because of damage to property or bodily injury to or death of a person caused by the exotic animal.

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

505.38 PRETRIAL IMPOUNDMENT; DESTRUCTION.

(a) In the event that the Animal Warden or any law enforcement officer has probable cause to believe that an exotic animal is being harbored or cared for in violation of this Chapter, such official may petition a court of competent jurisdiction to order the seizure and impoundment of such exotic animal pending trial.

(b) Any exotic animal that attacks and injures any person or another dog, cat or domestic farm animal may be ordered destroyed when, in the court's judgment, such exotic animal represents a continuing threat of serious harm to persons or other such animals. Any exotic animal that kills any person, other than a person then committing a criminal trespass or other crime of violence upon the premises of the owner of such exotic animal, shall be ordered destroyed by the court.

505.39 DISPLAY OF NOTICE AT STORES.

(a) Every person who offers for sale any exotic animal shall post conspicuously at the place of display and sale the following notice:

"No person may lawfully keep or permit to be kept on his premises within the County of Summit any lion, tiger, leopard, cheetah, jaguar, panther, cougar, lynx, bobcat, hyena, wolverine, bear, bison, elk, moose, wildebeest, wolf, coyote, fox, gorilla, baboon, orangutan, gibbon, chimpanzee, monkey of a species whose average adult weight exceeds twenty (20) pounds, elephant, rhinoceros, hippopotamus, caiman, gavial, alligator and crocodile exceeding thirty-six (36) inches in length, constricting snake exceeding forty-eight (48) inches in length and all forms of poisonous or venomous reptiles."

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on any subsequent offense.

505.40 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any exotic animal or member of a species of the animal kingdom that is not indigenous to this State or presents a risk of serious physical harm to persons or property, that escapes from his custody or control shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

(1) A law enforcement officer of the municipality or township where the escape occurred and the County Sheriff; and

(2) The clerk of the appropriate municipal or township legislative authority.

(b) If the office of the clerk of the legislative authority is closed to the public at the time a report is required by subsection (a)(2) hereof, then it is sufficient compliance 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.

505.51 ADMINISTRATION; IMPOUNDING PROCEDURES.

(a) Any animal, domestic farm animal or exotic animal found running at large shall be impounded.

(b) If the owner of an impounded animal is unknown or cannot with reasonable diligence be ascertained, such animal shall be turned over to a suitable pound for safekeeping as may be designated by the Animal Warden or apprehending law enforcement agency. Such animal shall be kept, housed and fed for at least three (3) days for the purpose of redemption, unless immediate humane destruction of such animal is necessary because of disease, or injury or feral nature.

(c) Any animal impounded may be redeemed by its owner at any time prior to the expiration of three (3) days from the time it was impounded, or prior to the time the animal is otherwise disposed of, whichever is later, upon payment to the place of confinement all costs assessed against such animal and upon providing any such dog with a valid registration tag, if it is not a registered dog and submitting satisfactory evidence of a rabies inoculation.

(d) Any animal impounded and scheduled for euthanasia may, after the appropriate holding period, be sold to a certified animal welfare/rescue organization that is exempt from paying any fees imposed under Sections 113.07 (a) or (d) of these Codified Ordinances and is exempt from federal income taxation under Subsection 501 (a) and described in Subsection 501 (c)(3) of the Internal Revenue Code. Any organization requesting such animals must enter into a contract with the Summit County Animal Control Department.

505.52 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under ~~Ohio R.C. section 955.011 of the Ohio Revised Code~~ and dogs kept by an institution or organization for teaching and research purposes under ~~Ohio R.C. 955.16 of the Ohio Revised Code~~, or dogs kept as law enforcement canines under ~~section 955.012 of the Ohio Revised Code~~, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Fiscal Officer. 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 in Section 505.51 of this chapter and ~~Ohio R.C. section 955.16 of the Ohio Revised Code~~.

(b) An animal shelter that keeps or harbors a dog more than three months of age is exempt from paying any fees related to registration if it is a nonprofit organization that is exempt from federal income taxation under Subsection 501(a) and described in Subsection 501(c)(3) of the "Internal Revenue Code of 1986", 100 Stat. 285,26.1.

~~(c) — Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.~~

505.53 OWNER LIABLE FOR DAMAGES; TREBLE DAMAGES.

(a) The owner of any animal or domestic farm animal which damages or destroys public or private 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 this chapter.

(b) The owner of any dangerous or vicious dog or any exotic animal which damages or destroys public or private property shall be held liable for treble of the full value of the property damaged or destroyed, in addition to any penalty imposed for a violation of this chapter.

505.54 ENFORCEMENT; RIGHT OF ENTRY.

The Animal Warden or any law enforcement officer of a township or municipality are hereby expressly authorized to enforce the provisions of this chapter and to enter upon private

property, other than within any private structure unless otherwise authorized by law, for the purpose of enforcing the provisions of this chapter.

505.55 OBSTRUCTING ENFORCEMENT.

~~(a)~~ No person, with purpose to prevent, obstruct or delay the performance by an Animal Warden or any law enforcement officer of any authorized act within his official capacity, shall do any act which hampers or impedes said official in the performance of his lawful duties under the provisions of this chapter.

~~(b) — Whoever violates this section is guilty of a misdemeanor of the second degree.~~

505.56 KENNEL, LICENSING AND SERVICE FEES.

(a) License fees for dog licenses issued by Summit County shall be fourteen dollars (\$14.00) per license when issued prior to January 31 for the year commencing January 1, or for a license issued for a dog having attained the age of three months after January 31, or a dog which has been brought into the County from outside the State of Ohio after January 31, or within thirty days after a dog has been acquired. The registration fee for any dog becoming three months of age after the first of July of any year shall be seven dollars (\$7.00).

(1) Instead of obtaining an annual registration and license under Section 113.07 (a), a law enforcement agency owning, keeping, or harboring a law enforcement canine may obtain an annual registration for the dog as a law enforcement canine. The law enforcement canine registration shall be submitted to the County Auditor of the County in which the central office of the law enforcement agency that owns, keeps or harbors the dog is located. No fee is required for issuance of a law enforcement canine registration.

(b) Kennel fees in the amount of fifty dollars (\$50.00) per kennel shall be paid prior to January 31 for the year commencing January 1. Payment of the kennel license fee shall entitle the licensee to five (5) individual dog license tags. Any additional dog license tags may be issued to a kennel licensee upon payment of additional fee of four dollars (\$4.00) per license tag.

(c) All fees and penalties shall accompany the license application.

(d) If application for a dog license has not been made when required by January 31, then a fourteen dollar (\$14.00) penalty shall be paid in addition to the fourteen dollar (\$14.00) license fee. If application for a kennel license has not been made by January 31, then a fifty dollar (\$50.00) penalty shall be paid in addition to the fifty dollar (\$50.00) kennel license fee.

(e) Definitions: As used in this section, certain terms are defined as follows:

(1) "Dog" means a dog as defined in Ohio R.C. Chapter 955.

(2) "Cat" means a domesticated cat three (3) months of age or older.

(3) "Kennel" means a kennel as defined in Ohio R.C. Chapter 955.

(4) "Registration tag" means the metal tag issued annually by the County Fiscal Officer evidencing a registered dog.

(5) "Rabies tag" means the metal tag issued with a rabies certificate which indicates proof of a valid rabies vaccination.

(6) "Transfer of ownership certificate" means the form which may be obtained from the County Fiscal Officer which contains the registration number of the dog, the name of the seller, and a brief description of the dog.

(7) "Puppy" means a young dog under the age of three (3) months.

(8) "Kitten" means a young cat under the age of three (3) months.

(9) "Research dogs" means dogs that are used for research in accordance with Ohio R.C. Chapter 955.

(10) "Other animals" means gerbils, raccoons, opossums, hamsters and other animals at the discretion of the pound keeper. Goats, cows, horses, etc. that would be in the opinion of the poundkeeper, physically impossible for the County facility to handle will not be handled by the County.

(11) "Providing care for puppies and kittens" means the cleaning, feeding, housing, handling and euthanasia of puppies and kittens.

(12) "Seizing and delivering a dog or cat" means the taking or accepting of dogs or cats, the transport of such dogs or cats to the dog pound, and/or the impounding of such dogs or cats.

(13) "Redeeming a dog or cat" means the claiming and withdrawal of a dog or cat by the owner, keeper or harbinger upon payment to the Dog Warden or poundkeeper of all costs assessed against such animal.

(14) "Law enforcement canine" means a dog regularly utilized by a law enforcement agency for general law enforcement purposes, tracking, or detecting the presence of a controlled substance or explosive.

(f) Service Fees. Service fees are hereby established to be paid as follows:

(1) Three dollars (\$3.00) per animal for issuance of a duplicate registration tag, to be paid when issued. Upon proper proof of loss, a duplicate certificate and tag shall be issued for a dog registered as a law enforcement canine and no fee shall be required.

(2) \$3.00 per animal for issuance of a duplicate rabies tag, to be paid when issued.

(3) ~~\$3.00~~ \$5.00 per dog for issuance of a transfer of dog ownership certificate, to be paid when issued.

(4) \$25.00 per dog for the euthanasia by the County Dog Warden of any dog three months of age or older, and \$20.00 per cat for any euthanasia by the County Dog Warden of any cat three months of age or older, to be paid when requesting such service.

(5) \$12.00 per dog for the euthanasia by the County Dog Warden of any puppy, and \$10.00 per kitten for any euthanasia by the County Dog Warden of any kitten, to be paid when requesting such service.

(6) \$20.00 per animal for the euthanasia by the County Dog Warden of any other animal, to be paid when requesting such service.

(7) \$12.00 per dog/puppy or cat/kitten for redeeming a dog/puppy or cat/kitten which has been seized and delivered to the dog pound, to be paid by the current owner, or new owner at the time of sale of such dog/puppy or cat/kitten.

(8) \$10.00 per dog/puppy or cat/kitten per day for housing and feeding a dog/puppy or cat/kitten redeemed and sold to the public for an aggregate fee of \$30.00 per dog/puppy or cat/kitten.

(g) The County Executive is hereby authorized to revise Form No. AC-04, "Owner Release of Animal" to be consistent with this Section.

(h) An animal shelter that keeps or harbors a dog more than three months of age is exempt from paying any fees imposed under Subsections 505.56(a) or (d) if it is a nonprofit organization that is exempt from federal income taxation under Subsection 501(a) and described in Subsection 501(c)(3) of the "Internal Revenue Code of 1986", 100 Stat. 285.26.1."

505.57 DIVERSION OF ANIMALS FOR PROFIT FROM COUNTY SHELTER PROHIBITED.

(a) Sale or diversion of animals for profit from the Animal Control Shelter is hereby prohibited. No person for profit shall sell or divert any animal from the County Animal Shelter.

(b) Summit County Form No. AC-04 entitled Owner Release of Animal, is hereby incorporated herein in its entirety as if set out at length herein.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree for a first offense, and a misdemeanor of the third degree for a second or any subsequent offense.

(d) The County Executive is hereby authorized to revise this form as necessary to be consistent with any legislation.

505.58 FEES FOR MANDATORY TREATMENT OF ADOPTED CATS, DOGS, KITTENS AND PUPPIES.

Any person that wishes to adopt a cat, dog, kitten or puppy from the County's Animal Control Facility shall, prior to the release of the animal, pay the following fees to have the facility spay or neuter the animal, vaccinate the animal for rabies and other illnesses, treat the animal for fleas and worms and where necessary, license the animal:

Cats and kittens: \$60.00
Dogs and puppies: \$90.00

505.99 PENALTIES CONCERNING DOGS.

(a) Whoever violates division (b)(4) of section 505.21 of this chapter because of a failure to comply with division (b)(1) of that section is guilty of a minor misdemeanor.

(b) Whoever violates division (b)(4) of section 505.21 of this chapter because of a failure to comply with division (b)(2) or (b)(3) of that section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(c) Whoever violates section 505.52 or 505.55 of this chapter is guilty of a minor misdemeanor.

(d) Whoever violates section 505.13 of this chapter is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(e) Any owner, keeper or harbinger of dog more than three months of age or owner of a dog kennel that fails to file the application for registration required by section 505.52 and 505.56 of this chapter or to pay the applicable fees shall be fined not less than \$25.00 or more than \$100.00 on a first offense, and on each subsequent offense shall be fined not less than \$75.00 or more than \$250.00 and may be imprisoned for not more than 30 days.

(f) (1) Whoever violates division (b) of section 505.22 of this chapter or commits a violation of division (c) of section 505.22 of this chapter that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than \$25.00 or more than \$100.00 on a first offense, and on each subsequent offense shall be fined not less than \$75.00 or more than \$250.00 and may be imprisoned for not more than 30 days.

(2) In addition to the penalties prescribed in division (f)(1) of this section, if the offender is guilty of a violation of division (b) of section 505.22 of this chapter or a violation of division (c) of section 505.22 of this chapter that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(g) (1) Whoever commits a violation of division (c) of section 505.22 of this chapter that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of division (c) of section 505.22 of this chapter involving any dog, upon an order of the

municipal court, the offender shall be required to register the involved dog as a dangerous dog.

(2) In addition to the penalties prescribed in division (g)(1) of this section, if a violation of division (c) of section 505.22 of this chapter involves a nuisance dog, the municipal court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(h) Whoever commits a violation of division (c) of section 505.22 of this chapter that involves a dangerous dog or a violation of division (d) of that section is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (e) of section 505.22 of this chapter. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Animal Warden, or the Greater Akron Humane Society at the owner's expense. With respect to a violation of division (c) of section 505.22 of this chapter that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the discretion of the Animal Warden, the dog shall be confined or restrained in accordance with division (d) of section 505.22 of this chapter or at the County's Animal Control Facility at the owner's expense.

(i) (1) Whoever commits a violation of division (c) of section 505.22 of this chapter that involves a vicious dog is guilty of one of the following:

A. A felony of the fourth degree on a first or subsequent offense if the dog kills or seriously injures a person. Additionally, upon an order of the court, the vicious dog shall be humanely destroyed by a licensed veterinarian, the county dog warden, or the Greater Akron Humane Society at the owner's expense.

B. A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense if the dog causes serious injury to a person. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Animal Warden, or the Greater Akron Humane Society at the owner's expense.

(2) If the court does not order the vicious dog to be destroyed under division (i)(1)B. of this section, the court shall issue an order that specifies that division (b)(3) of section 505.21 and divisions (d) to (i) of section 505.22 of this chapter apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that section 955.54 of the Ohio Revised Code, which sets forth dog-related prohibitions, requirements and exemptions concerning certain offenders, applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (e)(1) of section 505.22 of this chapter in an amount, exclusive of interest and costs, that equals or exceeds \$100,000.00. Until the court makes a final determination and during the pendency of any appeal of a violation of division (c) of section 505.22 of this chapter and at the discretion of the Animal Warden, the dog shall be confined or restrained in accordance with the provisions described in division (d) of section 505.22 of this chapter or at the County's Animal Control Facility at the owner's expense.

(j) Whoever violates division (e)(2) of section 505.22 of this chapter is guilty of a misdemeanor of the fourth degree.

(k) Whoever violates division (f)(1), (2), or (3) of section 505.22 of this chapter is guilty of a felony of the fourth degree. Additionally, the court shall order that the vicious dog involved in the violation be humanely destroyed by a licensed veterinarian, the Animal Warden, or the Greater Akron Human Society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (f)(1), (2), or (3) of section 505.22 of this chapter and at the discretion of the Animal Warden, the dog shall be confined or restrained in accordance with the provisions of division (d) of section 505.22 of this chapter or at the County Animal Control Facility at the owner's expense.

(l) Whoever violates division (e)(1), (3), or (4) of section 505.22 of this chapter is guilty of a minor misdemeanor.

(m) Whoever violates division (i)(4) of section 505.22 of this chapter is guilty of a minor misdemeanor.

(n) Whoever violates division (a) or (b) of section 505.24 of this chapter is guilty of a minor misdemeanor.

(o) (1) If a dog is confined at the County Animal Control Facility pursuant to division (h), (i), or (k) of this section, the Animal Warden shall give written notice of the confinement to the owner of the dog. If the Animal Warden is unable to give the notice to the owner of the dog, the Animal Warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of \$100.00 is due to the Animal Warden within 10 days to secure payment of all reasonable expenses, including medical care and boarding of the dog for 60 days, expected to be incurred by the County Animal Control Facility caring for the dog pending the determination. The Animal Warden may draw from the security any actual costs incurred in caring for the dog.

(2) If the person ordered to post security under division (o)(1) of this section does not do so within 10 days of the confinement of the animal, the dog is forfeited, and the Animal Warden may determine the disposition of the dog unless the court issues an order that specifies otherwise.

(3) Not more than 10 days after the court makes a final determination under division (h), (i), or (k) of this section, the Animal Warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the Animal Warden finds that the security provided under division (n)(1) of this section is less than the actual cost of confinement of the dog, the owner shall remit the difference between the security provided and the actual cost to the county dog warden within 30 days after the court's determination. If the county dog warden finds that the security provided under division (o)(1) of this section is greater than that actual cost, the Animal Warden shall remit the difference between the security provided and the actual cost to the owner within 30 days after the court's determination.

(p) Whoever violates any other division of sections 505.21 or 505.22 of this chapter not specifically enumerated herein is guilty of a minor misdemeanor.

(q) As used in this section, "nuisance dog," "dangerous dog," and "vicious dog" have the same meanings as in section 505.21 of this chapter.