

CHAPTER 505

Animals and Fowl

(After 5/13/2018; 505.24 Effective 9/30/2018)

505.01 ANIMAL CONTROL OFFICER.

(a) The Animal Control Officer shall hold the position as established by ordinance and shall be appointed by the Director of Public Safety. The Animal Control Officer shall not be on the classified list of the Division of Police, nor eligible for participation in the Police Pension Fund.

(b) It shall be the duty of the Animal Control Officer, and the Animal Control Officer shall have the authority, to enforce the provisions of the Codified Ordinances of the City and laws of the State, relative to the licensing, impounding, boarding and disposition of animals, livestock or poultry within the corporate limits; however, no police or other officer of this City, charged with the responsibility of enforcing the ordinances of this City and the laws of this State, shall be relieved of such responsibility.

(c) The Animal Control Officer shall be provided with a badge designating his office, and such other uniform, vehicles and equipment necessary to carry out his duties; however, any vehicles used for picking up and impounding animals, livestock or poultry shall be clearly marked on both sides with the following: "Animal Control".

(d) In the exercise of his duties, the Animal Control Officer is hereby authorized to issue, on a form provided by the City, a citation to any person found by him to be in violation of this chapter.

505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No owner, keeper or harbinger of any animals or fowl of any kind in the City shall allow or permit such animals or fowl to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another.

(b) No owner, keeper or harbinger of any dog or cat, whether wearing a registration tag or not, shall permit such dog or cat to run at large within the City. Unauthorized entry by such dog or cat, upon the premises of another or upon any public street or ground shall constitute "running at large" within the meaning of this section.

(c) No owner, keeper or harbinger of any dog shall permit such dog to go or remain upon any public street or ground within the City except when accompanied by a responsible person, and upon a non-retractable leash of not more than six feet in length so as to prevent such dog from entering private property and from chasing or attacking any person, animal or vehicle; or shall fail to keep the dog under the reasonable control of some person. Any dog not properly on a leash will be considered "at large" and in violation of this section.

(d) The owner, keeper or harbinger of a dog or other animal or fowl who permits it to run at large in violation of this section shall, in addition to the penalty provided in subsection (h) hereof, be liable for all damages caused by such dog or other animal or fowl upon the premises of another.

(e) Every owner, keeper or harbinger of a female dog shall, during all times when such female dog is in heat, either confine such dog indoors or treat her in such manner as not to attract other dogs.

(f) Any land which is enclosed with invisible fencing must have its boundary no less than six feet from public property and shall be clearly marked with flags.

(g) This section shall not apply to persons operating under the guidelines of a program approved by the Director of Safety for providing for the trapping, spaying, or neutering, and releasing of cats and dogs with the purpose of reducing the unwanted stray-animal population in the City.

(h)(1) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree for a first offense.

(2) Whoever violates any provision of this section in a second or subsequent offense shall be guilty of a misdemeanor of the third degree.

(3) In addition to any penalty provided under law for a violation of this section, the court shall order the offender to neuter or spay the dog within 14 calendar days of the date of conviction unless a licensed veterinarian provides evidence to the court's satisfaction that neutering or spaying of the dog is medically contraindicated.

(4) Notwithstanding the foregoing penalties, if a domestic animal or human is aggressively bitten by the dog without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. Additionally, the court shall order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the chief.

505.03 IMPOUNDING AND DISPOSITION; RECORDS.

A police officer or the Animal Control Officer shall impound every dog and the Animal Control Officer shall impound every cat found in violation of Section 505.02, or shall impound such animals otherwise in accordance with this section.

(a) If the impounded dog is not wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs. If the dog is wearing a valid registration tag or the identity of the owner or harbinger is otherwise established, notice shall be given prior to or on the next working day to such owner or harbinger that the dog has been impounded. Notice may be by telephone or by residence service to the last known address of such owner or harbinger. The dog shall not be released except upon the payment of charges established by Council. Any dog not redeemed by the regular business day after notice, as herein provided, is given to the owner or harbinger, or the next regular business day following the date it is seized or impounded if the owner or harbinger cannot be found, may be sold or otherwise disposed of as provided in Ohio R.C. 955.16.

(b) If the impounded cat is wearing an identification tag or the identity of the owner or harbinger is otherwise established, notice shall be given on the next regular business day to such owner or harbinger that the cat has been impounded. Notice may be by telephone or by residence service to the last known address of such owner or harbinger. The cat shall not be released except upon the payment of charges established by Council. Any cat not redeemed by the next regular business day after notice is given to the owner or harbinger as provided herein, or the next regular business day following the date such cat is seized or impounded, if the owner or harbinger cannot be found, may be sold or otherwise disposed of in a humane manner as shall be determined by the Animal Control Officer or Animal Shelter Coordinator.

(c) In the event an animal is removed from a residence by the City because its owner is incarcerated, evicted, deceased, not found or otherwise unable to care for the animal on a daily basis, the animal may be impounded by an officer charged by law with the custody and disposal of such animals for a period of at least 72 hours, in which period the owner may claim the animal. The animal shall not be released except upon the payment of charges established by

Council. The City shall leave notice at the residence of the impounding of the animal and may make other reasonable attempts to provide such notice. If the owner or the owner's designee fails to claim the animal within the 72-hour period, the animal will be considered abandoned and the City may sell or otherwise dispose of the animal in a humane manner as determined by an officer charged by law with the custody and disposal of such animal.

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

505.04 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide, leader or listener dogs, or dogs in training to become guide, leader or listener dogs, registered under Ohio R.C. 955.011, and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the county 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 by Ohio R.C. 955.16.

(b) 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 fiscal officer in connection with the registration of such animal.

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

505.05 HINDERING CAPTURE OF ANIMAL.

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

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

505.06 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.

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(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 KILLING OR INJURING ANIMALS.

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

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

505.08 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 farm animal, dog, cat, poultry

or 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 of such animals, either upon his own lands or the lands of another.

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

505.09 CRUELTY TO 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 such confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer, or confine such animal in a motor vehicle in a manner which would endanger the animal. This subsection does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure;

(3) Carry, tether or convey an animal in a cruel or inhumane manner, including improperly using a pinch, prong, shock or choke-type collar so as to cause harm to the animal;

(4) Keep any animal in a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation, or fail to provide the animal shelter from the elements, including heat, cold, wind, rain, snow or excessive direct sunlight. If the animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species, age, condition, size, and type of that animal. The structure must be completely enclosed and insulated, having a single entrance/exit secured with a flap or door or similar device. The structure shall be moisture-resistant, wind-resistant, and of suitable size and type to allow the animal to stand, turn about freely, lie in a normal position, and regulate proper body temperature. The structure shall be made of a durable material with a solid, moisture-proof floor and a floor raised at least two (2) inches from the ground. Suitable drainage shall be provided so that water cannot be reasonably expected to gather and stand within ten (10) feet of the structure, and so the animal has access to a dry area at all times. Proper bedding of straw or similar material, that remains dry, must be utilized inside the structure. All structures required by this section shall be subject to all building and zoning regulations; or

(5) Fail to conform an animal shelter, a cage, or a pen to the following requirements: (A) the shelter, cage or pen shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position; (B) the shelter, case or pen shall provide sufficient shade to allow the animal to escape the direct rays of the sun at all times; and (C) the shelter, cage or pen shall be regularly cleaned and sanitized.

(b) No person shall tether an animal in a way that causes the animal to:

(1) suffer from a condition that is known, by that person, to be exacerbated by tethering;

(2) become entangled in a manner that is harmful to the animal or become entangled with other tethered animals;

(3) be tethered with a lead that (A) is more than one eighth of the animal's body weight or (B) is a tow chain or a log chain;

(4) be tethered with a lead fixed onto the ground or a stationary structure or object that measures, when rounded to the nearest whole foot, fewer than 10 feet in length;

(5) be tethered with an improperly fitting harness or collar; or a pinch, prong, or choke-type collar;

(6) be tethered with a lead fixed onto the ground or a stationary structure or object in a manner that will allow the animal to move upon the property of another person, a public walkway or a road, or be a menace to or injure another person or animal on a neighboring property, public walkway or road;

(7) be tethered for more than six (6) hours total in a twenty-four (24) hour period and not more than two (2) consecutive hours with no less than a one (1) hour period between tetherings;

(8) be tethered between the hours of 10:00 p.m. and 6:00 a.m.;

(9) be tethered if a heat or cold advisory has been issued by a local or state authority or the National Weather Service;

(10) be tethered if a severe weather warning has been issued by a local or state authority or the National Weather Service;

(11) be tethered if the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal; or

(12) be tethered if no owner or occupant is present at the premises

As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

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

(d) Whoever violates subsection (b) of this section is guilty of a misdemeanor of the fourth degree on the first offense, or a misdemeanor of the fourth degree on the second offense or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

505.10 PROPER MAINTENANCE OF ANIMAL YARD STRUCTURES AND PENS REQUIRED.

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

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

(c) All premises other than private residences on which animals are kept shall be subject to inspection by the Health Officer and/or the Animal Control Officer. If the Health Officer or the Animal Control Officer determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he shall notify the owner of the animal in writing to correct the sanitation deficiencies within twenty-four hours after notice is served. Any animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

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

505.11 NUISANCE CONDITIONS PROHIBITED.

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

(b) No owner or keeper or person having custody or control of any dog shall allow or permit such dog to commit a nuisance on any public property or upon any private property other than that of the owner or keeper or person who has accepted custody or control of such dog, provided that the foregoing shall not apply to street gutters. It shall be the duty of all persons having control of a dog to curb such dog in order to carry out the intent of this section. The word "nuisance" as used herein shall be deemed to mean urination and defecation.

(c) No dog house, kennel or pen for the keeping of one or more dogs shall be maintained or suffered to exist or permitted nearer than thirty feet to any building used in whole or in part as a place of human habitation by persons other than the owner of such dog or dogs.

(d) No person shall feed, or cause to be fed, any animal outdoors except for a licensed dog while on the owner's premises or unless as provided for in Section 1779.01(f), or unless while operating under the guidelines of a program approved by the Director of Public Safety providing for the trapping, spaying, or neutering, and releasing of cats and dogs with the purpose of reducing the unwanted stray-animal population in the City.

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

505.12 SPECIFIC ANIMAL NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal in the City so as to permit the commission or evidence of a nuisance as hereinafter defined.

(b) Any animal which scratches or digs in or urinates or defecates upon any lawn, tree, shrub, plant, building or any other property, private or public, other than the property of the owner or person in charge or control of such animal is hereby declared to be a nuisance.

(c) In addition to the penalty provided in Sections 505.11 and this section, the court may upon proper evidence, limit the number of animals in any single-family dwelling, or any separate suite in a two-family dwelling, multi-family dwelling or apartment within the City should the court deem that an excessive number of animals harbored within such an area constitutes a nuisance. The terms "dwelling" and "suite", as used in this section, include the lot or parcel of land on which the house or building containing the suite is located and also all out-buildings located on such lot or parcel.

No owner or keeper of such dogs or other animals shall fail to abate such nuisance by the permanent removal of such animals beyond City limits within ten days after service of such notice.

(d) On complaint of any person, police officer or the Animal Control Officer that an animal, harbored or kept in the City, damages property in the manner as specified above, notice therefor shall be given to the person harboring or keeping such animal. Failure to abate the nuisance complained of shall subject the person to penalty for violation of this section.

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

505.13 BARKING OR HOWLING PROHIBITED.

(a) No person shall keep or harbor any animal, livestock or poultry within the municipality which, by frequent and habitual howling, yelping, barking or other activity, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace and

quiet of the community or as to annoy, disturb or endanger the comfort, repose or health of persons occupying property in the neighborhood. Any person, who shall allow any animal habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such animal.

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

505.14 DOGS WITH BLIND, DEAF OR MOBILITY IMPAIRED PERSONS OR TRAINERS.

(a) When a blind, deaf, hearing impaired or mobility impaired person or trainer of an assistance dog is accompanied by an assistance dog, as that term is defined in the Ohio Revised Code, the person or trainer is entitled to the full and equal accommodations, advantages, facilities and privileges of all public conveyances, hotels, lodging places, all places of public accommodation, amusement or resort, all institutions of education, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

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

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

(3) Any dog in training to become 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, 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 subsection (a) hereof, nor charge the person or trainer a fee or charge for the dog.

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

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

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

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

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

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

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

505.15 DOG EXCREMENT REMOVAL.

(a) No person shall allow a dog under his or her control to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device designed or intended for the removal or containment of such dog's excrement; nor shall any person fail to remove any excrement deposited by any dog under his or her control.

(b) This section shall not apply to guide dogs under the control of a blind person.

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

505.16 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 such purpose. No person shall use, train or possess any animal for seizing, detaining or mistreating a domestic animal. Any person who knowingly purchases a ticket of admission to such place, or is present thereat, or witnesses such spectacle, is an aider and abettor.

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

505.17 VICIOUS DOGS. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Ordinance 36-88, passed June 6, 1988. See Chapter 506.)

505.18 CERTAIN ANIMALS PROHIBITED.

(a) No person shall knowingly keep, maintain or have in his possession or under his control within the City any dangerous or carnivorous wild animal or reptile, any vicious domesticated animal, or any other animal or reptile, with vicious or dangerous propensities, except to the extent that an exemption may be applicable pursuant to subsections (c), (d) or (e) hereof.

(b) For the purposes of this section, there shall be an irrebuttable presumption, that, when kept or maintained within the City, the animals listed below are considered dangerous animals to which the prohibition of subsection (a) hereof, in the absence of an exemption pursuant to subsections (c), (d) or (e) hereof, applies:

- (1) All crotalid, elapid and venomous colubroid snakes;
- (2) Apes; Chimpanzees (Pan); gibbons (hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus);
- (3) Baboons (Papoi, Manrillus);
- (4) Bears (Ursidae);
- (5) Bovines (Bovidae), includes all members of the bovine family, for example goats, sheep, bison and buffalo;
- (6) Cheetahs (Acinonyx jubatus);
- (7) Crocodilians (Crocodylia);
- (8) Constrictor snakes when fourteen feet in length or more;
- (9) Coyotes (Canis latrans);
- (10) Deer (Cervidae), includes all members of the deer family, for example, white - tailed deer, elk, antelope and moose;
- (11) Elephants (Elephas and Loxodonta);
- (12) Foxes (Canis vulpes);
- (13) Gamecocks and other fighting birds;
- (14) Hippopotami (Hippopotamidae);
- (15) Horses (Equidae), includes all members of the horse family, for example donkeys, mules and zebras;
- (16) Hyenas (Hyaenidae); .
- (17) Jaguars (Panthera onca);
- (18) Leopards (Panthera pardus);
- (19) Lions (Panthera leo);
- (20) Lynxes (Lynx);
- (21) Monkeys, old world (Cercopithecidae);
- (22) Ostriches (Struthio);
- (23) Piranha fish (Characidae);

- (24) Puma (*Felis concolor*), also known as cougars, mountain lions and panthers;
- (25) Rhinoceroses (*Rhinocerotidae*);
- (26) Sharks (class *Chondrichthyes*);
- (27) Snow leopards (*Panthera uncia*);
- (28) Swine (*Suidae*), including Pot-bellied pigs;
- (29) Tigers (*Panthera tigris*);
- (30) Wolves (*Canis lupus*), including wolf hybrids;
- (31) All game birds, including but not limited to, water fowl, chickens, roosters, ducks, geese, turkeys and common pigeon (other than a homing pigeon).

(c) Licensed pet shops, menageries, zoological gardens, and circuses shall be exempt from the provisions of subsections (a) and (b) hereof if all of the following conditions are applicable:

- (1) The location conforms to the provisions of the City Zoning Code;
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
- (3) Animals are maintained in quarters so constructed as to prevent their escape; and
- (4) No person resides within fifty feet of the quarters in which the animals are kept.

(d) Notwithstanding any of the foregoing, the Director of Public Safety may grant a specific exemption, on a temporary basis, from any of the provisions of this section to any person with a legitimate scientific, educational or commercial purpose for maintaining the prohibited animals, in accordance with the following provisions:

(1) Written application for exemption shall be filed by any person desiring to obtain an exemption with the Director of Public Safety. The application shall state the applicant's name, address, type and number of animals desired to be kept, general purpose for which the animals will be kept, and a general description of provisions which will be made for safe, sanitary and secure maintenance of the animals.

(2) The Director of Public Safety may grant, deny or restrict the terms of an application for exemption; provided, however, that he shall take some official action on an application within 120 days of its filing.

(3) In considering the merits of an application for exemption, the Director of Public Safety may cause one or more inspections of the applicant's premises to be made by appropriate employees or representatives of the City, and may also refer the application to persons who are technically knowledgeable with respect to the animals involved for an advisory opinion.

(4) In evaluating an application for exemption, the Director of Public Safety shall give consideration to the following criteria:

- A. The experience and knowledge of the applicant relative to the animals involved;
- B. Whether the applicant has obtained a federal or state permit relative to the animals involved;
- C. The relative danger, safety, and health risks to the general public, to persons residing or passing near the applicant's premises, and to the applicant in connection with the animals involved;
- D. The provisions which have been or will be made for the safe, sanitary and secure maintenance of the animals for the protection of the general public, persons residing or passing near the applicant's premises, and the applicant;
- E. The provisions which have been or will be made to protect the safety and health of the animals involved;
- F. Any other logically relevant information

(5) An application for exemption under this subsection (d) shall be denied unless the Director of Public Safety determines that, in view of all the relevant criteria and any restrictions which he may provide, reasonably appropriate measures commensurate with the degree of risk associated with the animals involved have been or will be taken to assure at least a minimum acceptable level of protection from danger to the health and safety of the general public, persons residing or passing near the applicant's premises, and the applicant.

(6) An exemption granted pursuant to this subsection (d) may be withdrawn by action of the Director of Public Safety in the event that the Director of Public Safety determines that there has been a change in the conditions or assumptions under which it was originally granted or in the event that the applicant fails to comply with restrictions originally placed on the exemption.

(7) The Director of Public Safety shall notify Council at least 30 days prior to any exemption taking effect.

(e) Notwithstanding any of the foregoing, female chickens ("hens," for the purpose of this subsection (e)), may be kept in the City only in accordance with the following regulations:

(1) Zoning Districts. Hens may be kept only in an R1 Residential Single - Family or R2 Residential Single- and Two - Family District.

(2) Application, Permit and Renewal. Before the keeping of hens may occur, an annual permit shall have first been obtained from the Director of Public Safety. The permit application must be accompanied by a \$25.00 fee paid to the City. New permit applications shall include the following information: the name, phone number, home address and email address of the applicant; the size and location of the subject property; a proposal containing the number of hens the applicant seeks to keep on the property; a description of any coop or outdoor enclosure providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties, with specifications and drawings if available; a certificate or letter showing that the applicant has taken a class in keeping backyard hens from the Ohio State University Extension or other source approved by the Director of Public Safety; the permission of the property owner for the applicant to keep hens, if the applicant is not the owner; and the applicant's permission for any City official to enter the lot to determine whether the permit should be granted and the use maintained. Renewal permit applications shall be on a form prescribed by the Director of Public Safety. Both New and Renewal permit applications shall contain a waiver to allow a records check within the City to ensure that the applicant is in compliance with all applicable codes.

(3) Inspection. Within 30 days of the Director of Public Safety or his or her designee receiving the initial application, he or she shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the lot dimensions in the application are accurate; determine the feasibility of the applicant meeting the remaining criteria in this subsection (e); and note whether any extraordinary circumstances exist, such as outstanding property citations or unsanitary property conditions, or such as the applicant's proximity to other approved or proposed coops such that a neighborhood may be adversely impacted, that would militate against the granting of the application. For new permit applications, an inspection of the coop and any fencing shall be conducted within 30 days' notice from the applicant that the coop has been installed.

A determination shall be made, within 30 days of the inspection, whether the permit should be issued.

(4) Personal Use; Limitations. Hens may be kept only for personal use by persons residing in the principal structure on the lot on which the hens are kept. No hens may be kept on a lot

containing more than three dwelling units. Residents of no more than one dwelling unit within a structure may keep hens on that lot. No more than six hens shall be allowed on any lot.

(5) Setbacks. Coops or accessory structures housing hens shall be kept at least three feet from the side and rear property lines. All such structures shall be located no less than 20 feet behind the rearmost wall of the principal structure on the lot.

(6) Enclosure. The base surface of a coop and run must not exceed 80 square feet and six feet in height and shall be exempt from the lot coverage restrictions contained in the Zoning Code. Hens shall not be allowed out of these enclosures unless the rear yard of the property is fenced along the rear and side lot lines, and a resident of the property on which the hens are kept is directly monitoring them within the fenced area of the back yard such that the resident is able to immediately return the hens to the cage or coop if necessary. The manufacturer's specifications for the coop, or otherwise adequate drawings including dimensions, shall be submitted for approval together with the application for the permit. Hens shall be kept in a covered, predator-proof coop that is well-ventilated and designed to be accessed for cleaning. The enclosure shall be of uniform and sturdy design and constructed of quality materials. Fencing, if used, shall be securely fastened to posts of reasonable strength firmly set into the ground and shall be stretched tightly between support posts. The enclosure shall be maintained in good repair at all times so as to protect the aesthetics of the neighborhood and to not present a blighted or untidy appearance to the property or to neighbors. Hens shall have access to an outdoor enclosure or run that is adequately fenced to contain the hens on the property, to prevent them from running at large, and to prevent access by predators. The combined area of the coop and run shall allow at least three square feet per hen, and shall otherwise be constructed to provide humane conditions and to ensure the health and well-being of the animals occupying it are not endangered by the manner of keeping or confinement.

(7) Sanitation; Slaughtering. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. All feed must be stored in a rodent - proof container. No hens shall be slaughtered except in accordance with, and only if permitted by, Chapter 918 of the Ohio Revised Code.

(8) Number and Transferability. Within the first year of the effective date of this section, no more than 24 non - transferable permits shall be issued pursuant to this subsection (e). At the first anniversary of the effective date of this section and at each anniversary thereafter, an additional 13 non - transferable permits may be issued pursuant to this subsection (e), except that at no time shall the total number of permits issued in the City exceed 50. Initial applications shall be kept on file by the Director of Public Safety and considered in order of their receipt.

(9) Permit Revocation. The Director of Public Safety may revoke a permit at any time if the permit holder materially fails to adhere to the provisions of this subsection (e).

(10) Appeal. Any denial of a permit application or revocation of a permit may be appealed to the Board of Building Standards pursuant to Section 1173.05.

(f) No exemption granted pursuant to this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether express or implied to any person, including without limitation the general public, persons residing or passing near the applicant's premises, or the applicant, either in general or individually, as to the danger, or lack thereof, or degree of

risk to health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption.

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

505.19 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

(a) Any person owning any dog or cat over 120 days of age shall be required to have such animal currently immunized against rabies. For the purpose of this chapter "currently immunized" or vaccinated against rabies shall mean that such dog or cat has been inoculated against rabies by a licensed veterinarian within the past thirty-six months. However, dogs and cats receiving the first rabies inoculation must receive a second rabies inoculation within twelve months.

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

505.20 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog, cat or other animal, report of such bite shall be made to a police officer, Animal Control Officer, or the Division of Health within twenty-four hours. At the direction of the Animal Control Officer or other employee of the Division of Health, the dog or other animal shall either be confined by its owner or harbinger to his premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harbinger's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten at which time a veterinarian must examine the animal and sign a form provided by the Division of Health releasing the animal from quarantine. The form must be returned to the Division of Health.

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

(b) Any owner of any animal known to have, or suspected of having, rabies or having been subjected to rabies, shall immediately notify a police officer or the Division of Health of such fact, and immediately surrender such animal to any health officer or police officer upon demand of such officer. No owner knowing or suspecting that an animal has rabies, shall allow such animal to be taken off his premises without the permission of a health officer or police officer. Any health officer or police officer upon ascertaining an animal is rabid shall immediately remove the animal to the pound or summarily destroy it.

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

505.21 HUNTING PROHIBITED.

(a) The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means.

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

505.22 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or

give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away, or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

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

505.23 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

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

(1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and

(2) The Clerk of the Municipal 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) hereof, then it is sufficient compliance with subsection (a) hereof 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.

505.24 INSURANCE COVERAGE FOR DOG LIABILITY. (Effective 9/30/2018)

(a) No owner, keeper, or harbinger of a dog in the City shall fail to do all the following:

(1) maintain public liability insurance, with an insurer authorized to write liability insurance in this state, subject to a limit, exclusive of interest and costs, in a single incident amount of no less than \$10,000.00 for bodily injury to or death of any person or persons for damage to property owned by any person or persons which may result from the ownership, keeping or maintaining of such animal; an effective insurance policy with the coverage and in the amounts specified herein must be maintained by the owner, keeper or harbinger at all times; and

(2) furnish evidence of the policy of insurance required under this section to a City law enforcement official upon demand.

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

505.98 STRICT LIABILITY.

Strict liability is imposed for the violation of any provision of Sections 505.02, 505.04 and 505.24.

505.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)