

**CHAPTER 506**  
**Designation of Nuisance, Dangerous and Vicious Dogs**  
**(Effective 5/13/2018)**

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**506.01 DEFINITIONS.**

(a) “Dangerous dog” means a dog that, without provocation, has done any of the following:

- (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 Section 505.02 of the Code.

“Dangerous dog” does not include a police dog that has 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 one or more law enforcement officers in the performance of their official duties.

(b) “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.

(c) “Nuisance dog” means a dog that without provocation and while off the premises of its owner, keeper, or harbinger, including within common areas of multiple-unit properties, 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. “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.

(d) “Police dog” means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(e) “Serious injury” means any of the following:

- (1) Any physical harm that carries a substantial risk of death;
- (2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
- (3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
- (4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(f) “Vicious dog” means a dog that, without provocation, has killed or caused serious injury to any person. “Vicious dog” does not include either of the following:

(1) A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

(2) A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

(g) “Without provocation” means that a dog was not teased by a person or animal, tormented by a person or animal, 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.

(h) “Potential nuisance dog” means a dog that, without provocation, while off the premises of its owner, keeper, or harbinger, including within common areas of multiple-unit properties, either aggressively bites any domestic animal or displays threatening or aggressive behavior toward or otherwise threatens or endangers the safety of any animal; or, while on the premises of its owner, keeper or harbinger, displays threatening or aggressive behavior toward or otherwise threatens or endangers the safety of any domestic animal or person.

#### **506.02 NUISANCE, DANGEROUS AND VICIOUS DOG CLASSIFICATION AND HEARING.**

(a) If an animal control officer or peace officer 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 harbinger 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 harbinger 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 county in which the dog’s owner, keeper, or harbinger resides.

(b) If the owner, keeper, or harbinger 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 harbinger, not later than ten 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 harbinger. 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 harbinger 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.

(c) A court, upon motion of an owner, keeper, or harbinger or an attorney representing the owner, keeper, or harbinger, 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 harbinger 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 955.22 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 harbinger of the dog shall not be required to comply with any other requirements established in the Revised Code 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.

(d) If a dog is finally determined under this section, or on appeal as described in this section, to be a vicious dog, division (D) of section 955.11 and divisions (D) to (I) of section 955.22 of the Revised Code apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog, and section 955.54 of the Revised Code applies with respect to the dog as if it were a dangerous dog, and the court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harbinger in that manner. As part of the order, the court shall require the owner, keeper, or harbinger to obtain the liability insurance required under division (E)(1) of section 955.22 of the Revised Code in an amount described in division (H)(2) of section 955.99 of the Revised Code.

### **506.03 CONTROL OF NUISANCE, DANGEROUS AND VICIOUS DOGS.**

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

(1) While the dog is on the premises of the owner, keeper, or harbinger, so as to prevent it from causing injury to any person or domestic animal:

A. Securely confine the dog indoors;

B. Securely confine the dog in a locked pen which has a secured top and keep the dog under direct supervision by a person who is of sufficient size and strength to control the dog;

C. Securely confine the dog in a locked fenced yard, which fence is at least six feet tall, and keep the dog under direct supervision by a person who is of sufficient size and strength to control the dog; or

D. Keep the dog restrained by a non-retractable tether or a leash no longer than six feet in length and have the leash or tether controlled by a person who is of sufficient size and strength to control the dog 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 person in close proximity.

(2) While the dog is off the premises of the owner, keeper, or harbinger, including within common areas of multiple-unit properties, so as to prevent it from causing injury to any person or domestic animal:

A. Keep the dog restrained by a non-retractable tether or a leash no longer than six feet in length and have the leash or tether controlled by a person who is of sufficient size and strength to control the dog 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 person in close proximity; and

B. Identify the dog with a leash, collar, harness, vest, or other garment that is colored neon yellow, without patterns or other adornments except designs intended to increase visibility of the dog at night. The identifying garment shall be visible and identifiable to an ordinary person from at least 15 feet away so as to provide reasonable warning to that person about the dog's classification.

(3) Post and display on the premises where the nuisance dog is kept a conspicuous and legible sign visible from all areas of customary or actual public access warning the public that there is a nuisance dog on the premises. Such sign shall be at least eight inches by ten inches in rectangular

dimensions and shall contain only the words “NUISANCE DOG” in lettering not less than two inches in height. Such sign shall also include a visual symbol for any children or people who cannot read words. All signs in residential areas must be set back from the front property line a minimum of five feet. All signs are to be purchased from the City.

(4) Within ten calendar days of the notice of classification, provide the Division of Police with an identifying color photograph of the dog and microchip information if the dog is microchipped.

(5) Notify the Division of Police immediately if the dog is loose or unconfined or has aggressively bitten a human or a domestic animal.

(6) Notify the Division of Police in writing within five calendar days if the dog is transferred to another owner or keeper or dies. If the dog is transferred to another owner, the written notice shall include the name, address, and phone number of the transferee.

(7) Notify veterinarians, veterinary staff, groomers, and other members of the public who come into direct contact with the designated dog that the dog has been designated as a nuisance dog prior to such contact.

(8) Neuter or spay the dog within 14 calendar days of the final determination of the dog as a nuisance dog, unless a licensed veterinarian determines that neutering or spaying of the dog is medically contraindicated, and provide proof of alteration or exemption to the Division of Police upon demand.

(b) No owner, keeper, or harbinger of a dangerous or vicious dog shall fail to do the following:

(1) While the dog is on the premises of the owner, keeper, or harbinger, so as to prevent it from causing injury to any person or domestic animal, securely confine it at all times:

A. In a locked pen that has a secured top, under the direct supervision of a person who is at least 18 years of age and of sufficient size and strength to control the dog;

B. In a locked, fenced yard, which fence is located in the rear yard with self-closing and self-latching gates on any openings of the fenced yard, at least six feet tall, and restrained by a leash or tether no longer than ten feet in length controlled by a person who is at least 18 years of age and of sufficient size and strength to control the dog 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 person in close proximity; or

C. In any other locked enclosure that has a secured top, including a house. If the dog is confined in any other locked enclosure that has a top outdoors, keep the dog under the direct supervision of a person who is at least 18 years of age and of sufficient size and strength to control the dog.

(2) While that dog is off the premises of the owner, keeper, or harbinger, including within common areas of multiple-unit properties, so as to prevent it from causing injury to any person or domestic animal:

A. Muzzle the dog with a muzzle made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but allows the dog to eat and drink and prevents it from biting any person or animal, and also keep the dog restrained by a leash or tether no longer than six feet in length controlled by a person who is at least 18 years of age and of sufficient size and strength to control the dog 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 person in close proximity;

B. Keep the dog in a locked fenced yard, which fence is located in the rear yard with self-closing and self-latching gates on any openings of the fenced yard, at least six feet tall, and

restrained by a leash or tether no longer than ten feet in length and have the leash or tether controlled by a person who is at least 18 years of age and of sufficient size and strength to control the dog 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 person in close proximity;

C. Keep the dog in a locked pen that has a secure top, under the direct supervision of a person who is at least 18 years of age and of sufficient size and strength to control the dog; or

D. Keep the dog in another locked enclosure that has a secure top, including a house. If the dog is confined in another locked enclosure that has a top outdoors, keep the dog under the direct supervision of a person who is at least 18 years of age and of sufficient size and strength to control the dog.

(c) No owner, keeper, or harborer of a dangerous or vicious dog shall fail to identify the dog at all times with a leash, collar, harness, vest, or other garment that is colored neon yellow, without patterns or other adornments except designs intended to increase visibility of the dog at night. While the dog is off the premises of the owner, keeper, or harborer, including within common areas of multiple-unit properties, the identifying garment shall be visible and identifiable to an ordinary person from at least 15 feet away so as to provide reasonable warning to that person about the dog's classification and to prevent the dog from causing injury to any person or domestic animal.

(d) No owner, keeper, or harborer of a dangerous or vicious dog shall fail to do the following:

(1) Maintain a policy of 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) for a dangerous or vicious dog because of damage or bodily injury to or death of a person or animal caused by the dog. Such insurance must be obtained within 14 calendar days of the final determination of the dog as a dangerous or vicious dog. The owner or keeper of any dangerous or vicious dog shall provide a copy of the policy for liability insurance to the chief on a yearly basis 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 section 955.22(I) of the Revised Code within 14 calendar days of the final determination of the dog as a dangerous or vicious dog, affix a tag that identifies the dog as a dangerous or vicious dog to the dog's collar, ensure that the dog wears the collar and tag at all times, and present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, animal warden or control officer, or public health official, including evidence that the dog has been microchipped, rabies vaccinated, and neutered or spayed, unless a licensed veterinarian determines that neutering or spaying of the dog is medically contraindicated.

(3) Notify the Division of Police 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.

D. The dog is sold, given to another person, or dies, within ten calendar days of the sale, transfer, or death, and also notify the county fiscal officer.

(4) Post and display on the premises where the dangerous or vicious dog is kept a conspicuous and legible sign visible from all areas of customary or actual public access warning the public that there is a dangerous or nuisance dog on the premises. Such sign shall be at least eight inches by ten inches in rectangular dimensions and shall contain only the words "DANGEROUS DOG" or "VICIOUS DOG" in lettering not less than two inches in height. Such sign shall also include a visual symbol for any children or people who cannot read words. All signs in residential areas must be setback from the front property line a minimum of five feet. All signs are to be purchased from the City.

(5) Within ten calendar days of the notice of classification, provide the Division of Police with an identifying color photograph of the dog.

(6) Notify veterinarians, veterinary staff, groomers, and other members of the public who come into direct contact with the designated dog that the dog has been designated as a dangerous or vicious dog prior to such contact.

(7) Successfully complete a dog obedience or behavior modification course that includes a minimum of six hours of in-person professional training or behavior modification within 90 calendar days of the final determination of the dog as a dangerous or vicious dog and provide proof of completion to the chief.

(8) Consent to an inspection of the property where the dog is kept, other than within any private structure unless otherwise authorized by law, by the chief for the purpose of determining compliance with the requirements of this section.

(e) 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 or vicious dog;

(2) Possess a dangerous or vicious 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 section 955.22(F) of the Revised Code that the person's dog is not a dangerous or vicious dog or otherwise provide false information on that written waiver form. It is an affirmative defense to a charge of a violation of this subsection 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 section 955.22(F) of the Revised Code and that attests that the dog is not a dangerous or vicious dog.

(f) Penalties.

(1) Whoever violates this section when the violation involves a nuisance dog is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if the dog aggressively bites a domestic animal or human 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.

(2) Whoever violates this section when the violation involves a dangerous dog is guilty of a misdemeanor of the third degree on the first offense, a misdemeanor of the second degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if the dog aggressively bites a domestic animal or human 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. The court may further impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare.

Notwithstanding the foregoing penalties, if the dog kills a domestic animal or causes serious injury to a human as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. The court may impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare, including imposing additional keeping requirements on the dog while it is kept or harbored within the City, requiring the owner, keeper, or harborer of the dog to temporarily or permanently remove the dog from being kept or harbored in the City, or requiring humane euthanasia of the dog by a licensed veterinarian.

(3) Whoever violates this section when the violation involves a vicious dog is guilty of a misdemeanor of the second degree on the first offense, a misdemeanor of the first degree on the second offense or any subsequent offense.

Notwithstanding the foregoing penalties, if the dog aggressively bites a domestic animal or human 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. The court may further impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare.

Notwithstanding the foregoing penalties, if the dog kills domestic animal or causes serious injury to a human as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. The court may impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare, including humane euthanasia of the dog by a licensed veterinarian.

Notwithstanding the foregoing penalties, it is a felony to be prosecuted under appropriate state law if the dog kills a person as a result of a violation of section 955.22(C) of the Revised Code. The penalties in this section shall not apply whenever the conduct proscribed in this section constitutes a felony under section 955.99 of the Revised Code.

#### **506.04 POTENTIAL NUISANCE DOG CLASSIFICATION AND HEARING.**

(a) Classification of a dog as a potential nuisance dog shall be based upon specific behaviors exhibited by the dog. References to “designated dog” or “classified dog” in this section shall mean a dog classified as a potential nuisance dog. References to “chief” in this chapter shall mean the chief of the Division of Police or his or her designee. References to “Director of Public Safety” in this chapter shall mean the Director of Public Safety or his or her designee.

(b) The chief shall have authority to classify a dog as a potential nuisance dog. This classification may be based upon an investigation that includes observation of and testimony about the dog’s behavior, including the dog’s upbringing and the owner’s or keeper’s control of the dog, and other relevant evidence as determined by the chief. These observations and testimony can be provided by any witness who personally observed the behavior. Such witness may be required to sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog’s behavior. Forms for providing witness testimony shall be made available in the Division of Police.

(c) Upon a dog's classification by the chief as a potential nuisance dog, the chief shall give the dog's owner, keeper or harbinger written notice by certified mail, residence service or personal service. The notice shall state:

- (1) The description of the dog;
- (2) The level of classification;
- (3) The facts upon which the classification is based;
- (4) The availability of a hearing to object to the classification;
- (5) The restrictions placed on the dog as a result of the classification;
- (6) The penalties for violation of the restrictions; and
- (7) The availability of declassification procedures.

(d) Upon receipt of notice of the dog's classification as a potential nuisance dog pursuant to subsection (c) of this section, the owner or keeper shall comply with the restrictions as specified in Section 506.04.

(e) Notwithstanding subsections (b) through (d) of this section, the chief shall have discretionary authority to refrain from classifying a dog as a potential nuisance dog, even if the dog has engaged in the behaviors specified in Section 506.01(h), if the chief determines that the behavior was not unprovoked or other similar mitigating or extenuating, circumstances existed.

(f) If a dog is classified as a potential nuisance dog pursuant to subsection (c) of this section, the owner or keeper of the dog shall have the right to an administrative hearing to object to the designation pursuant to Section 506.08. At hearing, the chief must show, by a preponderance of the evidence, that the dog exhibited the behaviors identified in Section 506.01(h).

#### **506.05 CONTROL OF POTENTIAL NUISANCE DOGS.**

(a) No owner, keeper, or harbinger of any potential nuisance dog shall fail to do the following:

(1) While the dog is on the premises of the owner, keeper, or harbinger, so as to prevent it from causing injury to any person or domestic animal:

A. Securely confine the dog indoors;

B. Securely confine the dog in a locked pen which has a secured top and keep the dog under direct supervision by some person who is of sufficient size and strength to control the dog;

C. Securely confine the dog in a locked fenced yard, which fence is located in the rear yard with self-closing and self-latching gates on any openings of the fenced yard, at least six feet high, and keep the dog under direct supervision by a person who is of sufficient size and strength to control the dog; or

D. Keep the dog restrained by a non-retractable leash or tether no longer than six feet in length and have the leash or tether controlled by a person who is of sufficient size and strength to control the dog 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 person in close proximity.

(2) While the dog is off the premises of the owner, keeper, or harbinger, including within common areas of multiple-unit properties, so as to prevent it from causing injury to any person or domestic animal:

A. Keep the dog restrained by a non-retractable tether leash or a leash no longer than six feet in length and have the leash or tether controlled by a person who is of sufficient size and strength to control the dog 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 person in close proximity; and

B. Identify the dog as a potential nuisance dog with a leash, collar, harness, vest, or other garment that is colored neon yellow, without patterns or other adornments except designs intended to increase visibility of the dog at night. The identifying garment shall be visible and identifiable to an ordinary person from at least 15 feet away so as to provide reasonable warning to that person about the dog's classification.

(3) Post and display on the premises where the potential nuisance dog is kept a conspicuous and legible sign visible from all areas of customary or actual public access warning the public that there is a potential nuisance dog on the premises. Such sign shall be at least eight inches by ten inches in rectangular dimensions and shall contain only the words "BEWARE OF DOG" in lettering not less than two inches in height. Such sign shall also include a visual symbol for any children or people who cannot read words. All signs in residential areas must be set back from the front property line a minimum of five feet. All signs are to be purchased from the City.

(4) Within ten calendar days of the notice of classification, provide the Division of Police with an identifying color photograph of the dog and microchip information if the dog is microchipped.

(5) Notify the Division of Police immediately if the dog is loose or unconfined or has aggressively bitten a human or another domestic animal.

(6) Notify the Division of Police in writing within five calendar days if the dog is transferred to another owner or keeper or dies. If the dog is transferred to another owner, the written notice shall include the name, address, and phone number of the transferee.

(7) Notify veterinarians, veterinary staff, groomers, and other members of the public who come into direct contact with the designated dog that the dog has been designated as a potential nuisance dog prior to such contact.

(b) In addition to the provisions of subsection (a) of this section, no owner or keeper of any potential nuisance dog shall fail to do the following:

(1) Muzzle the dog while the dog is off the premises of the owner, keeper, or harbinger, including within common areas of multiple-unit properties. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

(2) Microchip the dog within 14 calendar days of the final determination of the dog as potential nuisance dog and provide the microchip information to the chief upon demand.

(3) Vaccinate the dog for rabies yearly and provide proof of vaccination to the chief upon demand.

(4) Neuter or spay the dog within 14 calendar days of the final determination of the dog as a potential nuisance dog, unless a licensed veterinarian determines that neutering or spaying of the dog is medically contraindicated, and provide proof of alteration or exemption to the chief upon demand.

(c) Notwithstanding subsections (a) and (b) of this section, the chief shall have the discretion to decrease or increase a classified dog's restrictions at the time of classification based upon relevant circumstances and may order the owner or keeper to complete dog obedience training within a specified period of time. The chief shall notify the owner or keeper of any modifications to the restrictions in writing.

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

#### **506.06 DECLASSIFICATION OF DOGS.**

(a) Potential nuisance and nuisance dogs shall be declassified when, for a period of one year following the classification, there have been no further nuisance behaviors demonstrated or violations of Sections 505.02 or 506.04 of the Code or Section 955.22 of the Revised Code and, if required, the owner, keeper or harborer has satisfactorily completed obedience training for the classified dog.

(b) Dangerous and vicious dogs shall be declassified when, for a period of four years following the classification, there have been no nuisance, dangerous or vicious dog behaviors demonstrated or violations of Section 505.02 of the Code or section 955.22 of the Revised Code, and the owner or keeper has satisfactorily completed obedience training for the dog classified and has passed the American Kennel Club “Canine Good Citizen” test.

(c) The owner or keeper of the dog seeking declassification shall file a written application with the Division of Police that demonstrates satisfaction, in the chief’s discretion, of all required declassification conditions.

(d) Upon declassification, the restrictions for dogs classified as a potential nuisance dog or nuisance dog shall be removed and restrictions on dogs classified as a dangerous or vicious dog shall be removed, with the exception of the insurance requirements.

(e) Upon reasonable determination by the chief that a dog meets the requirements for declassification, the chief shall give the dog’s owner or keeper written notice by certified mail, residence service or personal service.

(f) If the chief denies the declassification application, the chief shall give the dog’s owner or keeper written notice by certified mail, residence service or personal service notifying the owner or keeper of the right to object to that determination pursuant to Section 506.08. At hearing, the dog’s owner or keeper must show, by clear and convincing evidence, that all condition of declassification have been satisfied.

(g) If a declassification application is denied, the owner or keeper may reapply for declassification after a period of six months has elapsed.

#### **506.07 DOGS CLASSIFIED BY ANOTHER JURISDICTION.**

(a) Any person desiring to bring a dog to live in the City which has been previously declared to be a nuisance dog, dangerous dog, vicious dog, or similar designation in another jurisdiction, under the provisions of section 955.22 of the Revised Code or comparable local ordinance, must notify the Division of Police prior to moving the dog to the City.

(b) The chief shall have authority to determine whether a previously classified dog has engaged in the behaviors specified in Section 506.01. This determination may be based upon an investigation that includes observation of and testimony about the dog’s behavior, including the dog’s upbringing and the owner’s or keeper’s control of the dog, and other relevant evidence as determined by the chief. The owner or keeper of the dog shall provide the chief with all information requested related to that dog.

(c) Upon reasonable determination by the chief that a previously classified dog has engaged in the behaviors specified in Section 506.01, the chief shall give the dog’s owner or keeper written notice by certified mail, residence service or personal service. The notice shall state:

- (1) The description of the dog;
- (2) The level of classification;
- (3) The facts upon which the classification is based;
- (4) The availability of a hearing to object to the classification;
- (5) The restrictions placed on the dog as a result of the classification;
- (6) The penalties for violation of the restrictions; and
- (7) The availability of declassification procedures.

(d) Upon receipt of notice of the dog's classification as a potential nuisance dog, nuisance dog, dangerous dog, or vicious dog pursuant to subsection (c) of this section, the owner or keeper shall comply with the restrictions specified in Section 506.03 or 506.05 for that dog.

(e) If a dog is classified pursuant to subsection (c) of this section, the owner or keeper of the dog shall have the right to an administrative hearing to object to the designation pursuant to Section 506.08. At hearing, the dog's owner or keeper must show, by clear and convincing evidence, that the classification as determined by the chief does not match the dog's previous behavior or classification.

(f) Whoever violates subsection (a) of this section is guilty of a second degree misdemeanor.

#### **506.08 OBJECTION HEARINGS.**

(a) If a dog is classified pursuant to Sections 506.04 or 506.07, or is denied declassification pursuant to Section 506.06, the owner or keeper of the dog shall have the right to an administrative hearing to object to the determination. The hearing shall be heard by the Director of Public Safety. An owner or keeper has ten calendar days from the date listed on the written notice of the determination to inform the Director of Public Safety in writing that a hearing is requested. The Director of Public Safety will schedule the hearing and notify the party requesting the hearing in writing of the time, date, and location of the hearing.

(b) The objection hearing shall be conducted as follows:

(1) Parties may appear pro se or be represented by an attorney.

(2) Parties may present their position, arguments, and contentions, including by making statements, presenting evidence, and offering witnesses on their behalf, on any relevant issue.

(3) Parties may refute evidence and testimony offered in opposition to their position, arguments, and contentions, including by making statements, presenting evidence, and offering witnesses on their behalf, on any relevant issue.

(4) Parties shall be entitled to the right of cross-examination.

(5) The hearing shall be quasi-judicial in nature and all testimony shall be under oath.

(6) Any party shall be entitled to transcribe the proceeding at his own cost.

(7) After considering all substantial, reliable and probative evidence accepted for review, the Director of Public Safety shall affirm, deny, or affirm with conditions the determination.

(8) Within five business days of such hearing, the Director of Public Safety shall issue a written decision making a factual finding as to the determination and shall serve the decision upon all parties. The decision of the Director of Public Safety is a final order.

#### **506.09 DANGEROUS AND VICIOUS DOG OWNERSHIP RESTRICTIONS.**

(a) No person shall own, keep, maintain, allow, harbor, or permit more than one dangerous or vicious dog at any one residence that has aggressively bitten and killed a dog or aggressively bitten and caused serious injury or death to a person.

(b) The provisions as set forth in section 955.54 of the Revised Code shall apply inside the City, with the exception of division (A)(2) of that section, which shall be construed to include vicious dogs in addition to dangerous dogs. No person shall fail to abide by the provisions of section 955.54 of the Revised Code as modified by this section of the Code.

(c)(1) Whoever violates subsection (a) of this section is guilty of a second degree misdemeanor.

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

#### **506.10 EXEMPTIONS.**

The following shall be exempted from the provisions of this chapter:

(a) Any dog which is lawfully engaged in hunting or training for the purpose of hunting while accompanied by a licensed hunter. However, such dogs at all other times and in all other respects shall be subject to the ordinance or resolution permitted by this section, unless actually in the field and engaged in hunting or in legitimate training for such purpose;

(b) A service animal, as defined by the Americans with Disabilities Act and the regulations promulgated pursuant thereto, that has caused injury or serious injury to any person or has killed a person or a domestic animal while the service animal is actually being used to assist a person in the performance of that animal's trained duties; and

(c) A police dog that has caused injury or serious injury to any person or has killed a person or a domestic animal while the police dog is actually being used to assist one or more law enforcement officers in the performance of their official duties.

#### **506.98 STRICT LIABILITY.**

Strict liability is imposed for the violation of any provision of Sections 506.03, 506.05, 506.07 and 506.09.