

505.16 VICIOUS AND DANGEROUS ANIMALS

(a) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

(1) "Director of Public Safety" means the City official holding said title and includes any authorized designee, such as public safety or service employees acting in accordance with general directives or specific orders issued by the Director pursuant to authority vested herein.

(2) "Vicious animal" means any animal which represents a danger to any person(s), or to any other domestic animal, for any of the following reasons:

A. Any animal that kills or causes serious physical harm (as defined in Ohio R.C. 2901.01(E)) to any person or domestic animal.

B. Any animal which bites or causes physical harm to any person or domestic animal while off the premises of the owner on more than one occasion.

C. Any pit bull, canary dog or American bull dog, as defined below.

D. Any wolf-hybrid.

E. "Vicious animal" does not include a police dog that has inflicted any harm specified in this subsection if such police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(3) "Dangerous animal" means any animal, but not a "vicious animal" as defined above, which has either:

A. Bitten any person, or

B. Without provocation, chased or approached in either a menacing fashion or in an apparent attitude of attack, or otherwise acted in a manner which substantially endangered the physical health and safety of, any person, while the animal was not physically confined in a locked pen which has a top, a locked fence yard, or other locked enclosure which has a top.

(4) "Owner" means any person owning, keeping, possessing, harboring, maintaining, or having the care, custody or control of an animal.

(5) "Menacing fashion" means actions by an animal that would cause a person of ordinary sensibilities to reasonably believe that the animal intended to cause serious physical harm to that person and was capable of causing serious physical harm.

(6) "Pit bull" means any Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains, as an element of its breeding, the breed of Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier.

(7) "Canary Dog" means any Canary Dog or Perro de Presa Canario, or any mixed breed of dog which contains, as an element of its breeding, the breed of Canary Dog or Perro de Presa Canario as to be identifiable as partially of the breed of Canary Dog or Perro de Presa Canario.

(8) "American Bulldog" means any American Bulldog or Old Country Bulldog, or any mixed breed of dog which contains, as an element of its breeding, the breed of American Bulldog or Old Country Bulldog as to be identifiable as partially of the breed of American Bulldog or Old Country Bulldog.

(b) Vicious and/or Dangerous Animals. The Director of Public Safety may enter an order declaring any animal to be a "vicious animal" and/or "dangerous animal" which qualifies as defined in subsection (a) (2) and/or (3) hereof.

(1) The Director of Public Safety shall cause a copy of his order served upon the owner of any animal declared to be a vicious and/or dangerous animal, notifying them of such designation. The order shall further specify the reasonable steps to be taken to properly house, confine, and control the animal.

(2) Any owner of a declared vicious or dangerous animal may appeal the Director's orders and the conditions imposed by the order to the Mayor within five days of being served with such order.

(c) Notification Procedure for "Vicious Animals" and/or "Dangerous Animals". The Director of Public Safety shall cause written notice to be served upon the owner of any suspected "vicious animal," and/or "dangerous animal" notifying them of the nature of the complaint against the animal and the time, date, and location of the Determination Hearing required by subsection (d) hereof. Such notice shall further specify the appropriate means of confinement for the animal pending the issuance of findings from the Determination Hearing. The place of confinement may be, if suitable in the opinion of the Director of Public Safety, the premises of the owner, a veterinary hospital, a boarding kennel, the City Kennel, or an animal shelter approved by the Director of Public Safety. The Director of Public Safety may order and cause the animal to be removed from the premises of the owner, harbinger or keeper, and placed in a suitable place of confinement without the permission of the owner. All animals held in confinement shall be boarded and cared for at the expense of the owner. If an animal is kept at the City Kennel, charges shall be assessed against the owner in accordance with the provisions of Section [505.02](#) and [505.14](#).

(d) Determination Hearing for "Vicious Animals" and "Dangerous Animals". A Determination Hearing shall be conducted by the Director of Public Safety whenever there is a cause to believe that an animal may be a "vicious animal" and/or "dangerous animal" as described in subsection (a)(2) and/or (3) hereof.

(1) The Determination Hearing shall be conducted within ten days after serving notice to the owner.

(2) The Director of Public Safety shall determine whether to declare the animal to be a "vicious animal" and/or "dangerous animal" based upon evidence and testimony presented at the time of the hearing by the owner, witnesses to any incident(s) which may be considered germane to such determination, the City personnel, police, or any other person possessing information pertinent to such determination.

(3) If the Director of Public Safety determines that the animal is a "vicious animal" and/or "dangerous animal" he may order the following:

A. The animal may be ordered destroyed by a suitable and humane method at the expense of the owner.

B. The animal may be ordered confined permanently under any conditions which the Director of Public Safety determines sufficient to protect the public and/or other domestic animals.

(4) The Director of Public Safety shall either dismiss the complaint or enter an order declaring the animal to be a "vicious animal" and/or "dangerous animal" within three days after the completion of the Determination Hearing.

(5) The owner shall have the right to appeal the Director's order to the Mayor within five days of being served with such order.

(e) Appeal to the Mayor. Any order of the Director of Public Safety appealed to the Mayor pursuant to subsections (b)(2) or (d)(5) hereof, shall be heard by the Mayor within thirty days of the date of the filing of the appeal with the Mayor. Filing of such appeal shall not stay any notice or order of the Director of Public Safety issued pursuant to this section.

(f) Registration of Pit Bulls, Canary Dogs, American Bulldogs, Wolf-Hybrids and Vicious Animals. No person shall own, harbor, care for, or control a pit bull, wolf-hybrid or other animal defined or determined to be a "vicious animal" and/or "dangerous animal", within the City until such animal has been first registered with the Director of Public Safety. Persons presently owning, harboring, or caring for a Pit Bull, Canary Dog, American Bulldog, Wolf-Hybrid or vicious animal in the City shall register such animal within thirty (30) days following the effective date of this section. The fee for such initial registration shall be fifty dollars (\$50.00) and registration must be renewed thereafter annually at the same fee amount. The Director of Public Safety shall at the time of registration arrange to inspect the animal or have the animal inspected by a licensed veterinarian and shall thereafter impose terms of confinement and other appropriate conditions to minimize the risk of danger to the community posed by the animal. Such conditions shall be imposed after the owner or other person having control of the animal has been afforded an opportunity to be heard pursuant to subsections (d) and (e) above.

(g) Insurance Requirement. Any person owning, harboring or having the care or control of any Pit Bull, Canary Dog, American Bulldog, Wolf-Hybrid or vicious animal or dangerous animals shall maintain a policy of liability insurance providing coverage in each occurrence in an amount not less than one hundred thousand dollars (\$100,000) and insuring such person against any claim, loss, damage or injury to persons, domestic animals or property resulting from the

acts of the animal. Such person shall produce evidence of such insurance at the time of registering the animal with the Director of Public Safety and upon the request of any law enforcement officer.

(h) Posting of Sign and Containment Requirements.

(1) Any person owning, harboring or having the care or control of any Pit Bull, Canary Dog, American Bulldog, Wolf-Hybrid or vicious animal or dangerous animal must post on the premises, in a conspicuous place and visible from the right of way, a sign approved by the Director of Public Safety warning visitors of the danger posed by the animal on the premises. The sign shall be maintained on the premises for so long as the Pit Bull, Canary Dog, American Bulldog, Wolf-Hybrid or vicious animal remains on the premises.

(2) Any person owning, harboring or having the care, custody or control of a Pit Bull, Canary Dog, American Bulldog, Wolf-Hybrid or vicious animal or dangerous animal within the City, on public or private property, shall contain such animal in strict compliance with the following:

A. When the vicious or dangerous animal is on the premises of the owner, keeper or harbinger, securely confine it at all times in either a structure, a locked pen that has a top, a securely and well maintained locked and fenced yard area with minimum fence height of six feet, or other locked enclosure that has a top.

B. When the vicious or dangerous animal is off the premises of the owner, keeper or harbinger, keep that animal on a chain-link leash or tether that is not more than six feet in length and, at all times, have that leash or tether controlled by a person who is of suitable age and discretion to control the animal.

(i) Prohibitions. No person shall:

(1) Sell or permanently transfer:

A. A declared dangerous animal without first notifying in writing the Director of Public Safety of his intent,

B. A "vicious animal" without first obtaining the written permission of the Director of Public Safety.

(2) Fail to comply with or otherwise violate:

A. Any order of the Director of Public Safety declaring any animal to be a dangerous animal issued pursuant to subsection (b) hereof;

B. Any written notice regarding any suspected vicious animal issued by the Director of Public Safety pursuant to subsection (c) hereof;

C. Any order of the Director of Public Safety declaring any animal a vicious animal issued pursuant to subsection (d)(3) hereof.

(3) Own, keep, possess, harbor, maintain, or have the care, custody or control of a Pit Bull, Canary Dog, American Bulldog, Wolf-Hybrid or vicious animal or dangerous animal, and shall be strictly liable, if such animal, with respect to any of the following, is at any time found to:

A. Be at large within the City unless securely attached upon a leash held in the hand of a person of suitable age and size, and in a manner which continuously controls the dog.

B. Snap at or attempt to bite or attempt to cause physical harm to any other person, domestic animal or feline, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner.

C. 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.

D. Bite or otherwise cause physical harm to any person, domestic animal, or feline, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner.

E. Bite or otherwise cause physical harm to mail carriers, utility workers, City of North Olmsted employees, delivery persons, or any police or emergency persons while the dog is on the premises of the owner or the premises under the control of the owner.

F. Cause serious physical harm to any person, unless the dog:

1. Was being teased, tormented or abused by a person, or
2. Was coming to the aid or defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means to carry out illegal or criminal activity;

3. Caused serious physical harm to any person while such person was committing or attempting to commit a criminal trespass or other criminal offense on the premises of the owner, keeper or harbinger of the dog.

G. 1. Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog;

2. Possess a 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 division Section 955.22 (G) of the Ohio Revised Code that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(4) It shall be an affirmative defense to a violation of paragraph (i)(3) above that the animal was:

- A. Securely confined in an automobile or cage which was adequately ventilated; or
- B. Being exhibited at a public dog show, zoo, museum or public institution.

(5) No person shall own, keep, possess, harbor, maintain or have the care, custody or control of a Pit Bull, Canary Dog, American Bulldog, Wolf-Hybrid or vicious animal within the City after such animal has been ordered by the Director of Public Safety or a court of competent jurisdiction to be banned from the City or destroyed.

(6) No parent or other guardian shall permit or negligently suffer a minor under the age of seventeen (17) years to walk a Pit Bull, Canary Dog, American Bulldog, Wolf-Hybrid or vicious animal, with a leash or otherwise, while off the premises of the person who keeps, possesses, harbors, maintains, or has the care, custody or control of the said animal.

(7) No person shall own, keep, possess, harbor, maintain or have the care, custody or control of a Pit Bull, Canary Dog, American Bulldog, Wolf-Hybrid or vicious animal or dangerous animal within the City, on public or private property, unless or until all of the registration, insurance, signage, containment and other requirements of this Section have been fully satisfied, documented, posted, installed, or otherwise established and evidence in accordance with registration and inspection procedures established by the Director of Public Safety.

(j) Penalties.

(1) A violation of any of the provisions of this section shall constitute a first degree misdemeanor. In addition to imprisonment and fines, any person convicted of a violation of a provision of paragraph (i)(3) above shall be ordered by the court to fully reimburse any victim who, as a direct and proximate result of the said violation, incurred medical or other out-of-pocket expenses on behalf of himself, any member of his family, or any family pet.

(2) In addition to the foregoing criminal penalties, the Director of Law, following a violation of any provision of this section and upon the written recommendation of the Director of Public Safety, is authorized to apply to a court of competent jurisdiction to obtain an order seizing such animal, banning such animal from the City, having such animal destroyed, or other appropriate order to protect the health and safety of residents of North Olmsted.

(3) In addition, the court may order the offender to personally supervise the vicious or dangerous animal 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. The court, in the alternative, may order the vicious or dangerous animal to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

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