
Regular Council Meeting



Agenda

6:00 PM April 9, 2026

Teri Murphy, Mayor

Council Members:

Ora Allen..... At-Large
Branden Delph..... At-Large
Mike Daugherty..... Ward 1
Dave Miller..... Ward 2
Shirley Whitt..... Ward 3
Jeanette Marcus..... Ward 4

Michael Davis, City Manager
Martina Dillon, Law Director

Moraine Municipal Building • 4200 Dryden Rd, Moraine, OH 45439

I. Regular Meeting Call to Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Approval of Minutes
 - 1. Regular City Council Meeting Minutes - March 26, 2026
- D. Special Presentations
 - 1. NLC Congressional City Conference Presentation - Council Member Michael Daugherty, Ward 1

II. Reports from the Following

- A. Finance Committee
- B. Finance Director
 - 1. 2025 City Credit Card Report
- C. Committee of the Whole
- D. City Manager
 - 1. City Manager's Report — April 9, 2026
- E. Law Director
- F. Mayor

III. Guest Speakers - None

IV. Business

(Anyone wishing to raise a question about any piece of legislation listed on this agenda will have three (3) minutes at this time. All other topics to be addressed to Council will be heard later in this meeting.)

Ordinances

- 2229-26 An Ordinance to repeal Moraine Codified Ordinance Chapter 508 entitled, “Dangerous, Nuisance, and Vicious Dogs” and further amending Moraine Codified Ordinance Chapter 505 entitled, “Animals and Fowl” and further amending Moraine Codified Ordinance Chapter 507.

Resolutions

- 8230-26 A Resolution accepting the bid of and authorizing the City Manager to enter into a contract with Neyra Construction, Inc. DBA Neyra Paving for the 2026 Sidewalks and Curb Ramps Program for the total bid amount of \$180,900.75 and further authorizing the City Manager to execute needed change order(s), if any, in specified amount approved herein.

Voice Vote

Annual Liquor License Review - A Motion directing the Clerk of Council to not object to renewal of liquor permits and to not request a hearing.

- V. Persons Appearing Before Council**
- VI. Any Other Business**
- VII. Executive Session**
- VIII. Adjournment**

RECORD OF PROCEEDINGS

Minutes of City Council

Held March 26, 2026

Regular Meeting Call to Order

Meeting called to order at 6:00 PM.

Roll Call

Teri Murphy	Mayor	Present
Branden Delph	At-Large	Present
Ora Allen	At-Large	Absent
Mike Daugherty	Ward 1	Present
Dave Miller	Ward 2	Present
Shirley Whitt	Ward 3	Present
Jeanette Marcus	Ward 4	Present

Staff Attendance:

City Manager Michael Davis	Law Director Martina Dillon
Police Chief Craig Richardson	Fire Chief Traci Kuzminski
Finance Director Annetta Williams	Deputy Finance Director Lora Perry
Build. Maint. Superintendent Rocky Bangert	City Engineer Lauren Alvarado
City Planner Nick Sorice	Public Information Officer Aaron Vietor
Parks and Recreation Director Brent Shane	Clerk of Council Karen Powell
Build. & Zoning Admin. Brent Carpenter	

Ms. Marcus moved to excuse Mrs. Allen's absence.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Jeanette Marcus

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

Pledge of Allegiance

Mayor Murphy led the Pledge of Allegiance.

Approval of Minutes

Regular Council Meeting Minutes - March 12, 2026

Mayor Murphy asked if there were any changes or corrections to the March 12, 2026, Regular Council meeting minutes. Hearing none, the minutes were approved as submitted.

Special Presentations

Auditor of State Award

Mr. Joe Braden of the Ohio State Auditor's office presented the Auditor of State Award with Distinction to the City of Moraine. He reported that the award puts the City of Moraine in a very select group as the Ohio Auditor's office audits nearly 4,200 entities annually, and less than four percent are eligible for the award. He listed the criteria for a clean audit report. He stated that the award represents the hard work of all City employees, City Manager, and Council members who have all done an outstanding job watching over every single dollar in the City of

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Held March 26, 2026

Moraine. Mr. Braden said he would like to specifically recognize Annetta Williams, Finance Director, for her exceptional commitment to fiscal integrity. Deputy Finance Director Lora Perry was also recognized.

Oath of Office — La'Shay Strickland, Tyler Fox, Haylee Hook and Samuel Waseleski

Mayor Murphy administered the Oath of Office to officers La'Shay Strickland, Tyler Fox, Haylee Hook, and Samuel Waseleski.

Police Chief Craig Richardson said Haylee Hook is one of the newest officers. He noted she attended Sinclair College and the University of Cincinnati and has obtained multiple degrees. He also noted that she interned with several law enforcement agencies.

Chief Richardson stated Tyler Fox grew up in the area and joined the Marine Corps where he was an electronic warfare team leader and marksmanship instructor. He noted that upon exiting the Marine Corps, Officer Fox started a successful business and recently decided to enter into law enforcement.

Chief Richardson reported that Samuel Waseleski grew up out of state, joined the Marine Corps, and when he left the Marine Corps he landed in Dayton, Ohio, and applied to be a police officer. He stated that Officer Waseleski is currently attending the Sinclair Police Academy, and he is going for gold in the physical fitness categories.

Chief Richardson said La'Shay Strickland started with the City of Moraine Police Division as a cadet at 18 years old. He noted Officer Strickland learned skills in dispatch, the property room, and Mayor's court. He stated when Officer La'Shay turned 21, the Division was proud to promote her to Police Officer. He said she worked very hard in the police academy, and she graduated from Butler Tech Police Academy a few months ago.

Reports from the Following

Finance Committee

No report.

Finance Director

February 2026 Finance Director Report

Mrs. Williams noted the February Financial Report is included in the packet. She reported she attended the Auditor of State's Local Government Officials Conference last Thursday and Friday. She said it was a productive time spent learning and increasing awareness in areas of time management, cash management, and public fund investing. Mrs. Williams thanked Mr. Braden for coming from the Auditor of State's office to present the award. She said the award is a recognition of the dedication and commitment to excellence of the Finance Department, and she is very proud of the teamwork among all the City departments.

Committee of the Whole

Ms. Marcus noted the last Committee of the Whole meeting was on March 12, 2026. She reported there would be a meeting this evening.

City Manager

City Manager's Report — March 26, 2026

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No additional report.

Law Director

Law Director Martina Dillon requested approval to add four pieces of legislation to the agenda.

She noted the first piece of legislation is Ordinance No. 2230-26 approving an amendment to the Table of Organization.

Mrs. Whitt moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Shirley Whitt

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

Ms. Dillon asked for approval to add Resolution No. 8228-26 which approves the annual report of the TIRC.

Ms. Marcus moved to approve.

RESULT: (*Yes 6, No 0, Abstained 0*)

MOVER: Jeanette Marcus

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

Ms. Dillon asked for approval to add Resolution No. 8229-26 which approved the annual report of the CRHC.

Ms. Marcus moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Jeanette Marcus

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

Ms. Dillon asked for approval to add Ordinance No. 2231-26 to make supplemental appropriations for current expenses and other expenditures.

Mrs. Whitt moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Shirley Whitt

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

Mayor

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Mayor's Court Monthly Report - January 2026

Mayor Murphy reported for the month of January 2026 Mayor's Court received \$23,434.89 She noted after various expenses and disbursements, a total of \$17,760.00 was deposited into the General Fund.

Guest Speakers - None

Business

Ordinances

2228-26 An Ordinance amending Section 1501.01(A) of the Moraine Codified Ordinances to adopt the 2025 Ohio Fire Code and declaring an emergency.

Mr. Daugherty stated that this legislation approves the adoption of the 2025 Ohio Fire Code as the City's Fire Code. He reported this is emergency legislation and moved to suspend the rules to allow for first and second readings at this meeting.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Mike Daugherty

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

Mr. Daugherty moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Mike Daugherty

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

2229-26 An Ordinance to repeal Moraine Codified Ordinance Chapter 508 entitled, "Dangerous, Nuisance, and Vicious Dogs" and further amending Moraine Codified Ordinance Chapter 505 entitled, "Animals and Fowl" and further amending Moraine Codified Ordinance Chapter 507.

Mr. Delph noted that this Ordinance repeals and amends language regarding Dangerous, Nuisance, and Vicious Dogs in order to align the City Code with Ohio Revised Code 955. He stated the legislation will be passed to the April 9, 2026, Regular Council meeting for a second reading and adoption.

Resolutions

8225-26 A Resolution accepting the bid of and authorizing the City Manager to enter into a contract with Barrett Paving Materials, Inc. for the 2026 Asphalt Paving Program for the total bid amount of \$529,230.62 and further authorizing the City Manager to execute needed change order(s), if any, in specified amount approved herein.

Ms. Marcus stated that this legislation awards the bid for the 2026 Asphalt Paving Program to

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Barrett Paving Materials and authorizes the City Manager to execute change orders if necessary. Ms. Marcus moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Jeanette Marcus

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

8226-26 A Resolution accepting the bid of and authorizing the City Manager to enter into a contract with America’s Decorative Concrete, Ltd. for the 2026 Road, Curb, and Storm Structure Improvements Project for the total bid amount of \$418,224.00 and further authorizing the City Manager to execute needed change order(s), if any, in specified amount approved herein.

Mr. Miller said this Resolution awards the 2026 Road, Curb, and Storm Structure Improvements project to America’s Decorative Concrete including the accepted bid amount of \$418,224.00 with a 10 percent contingency of \$41,822.40, approving a total of \$460,046.40. Mr. Miller moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Dave Miller

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

8227-26 A Resolution appointing Gregory Bernard to the Board of Zoning Appeals for a term ending December 31, 2027.

Mrs. Whitt said this legislation appoints Gregory Bernard to the Board of Zoning Appeals for a two-year term. Mrs. Whitt moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Shirley Whitt

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

To Be Added By Law Director

2230-26 An Ordinance approving amendment to the Table of Organization of the City of Moraine and declaring an emergency.

Mr. Daugherty reported that this Ordinance approves a compensation adjustment for the Assistant Law Director/City Prosecutor position and revises the Table of Organization accordingly. He moved to suspend the rules to allow both readings at this meeting as this is emergency legislation.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Mike Daugherty

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

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NAYS: None
ABSTAIN: None

Mr. Daugherty moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Mike Daugherty
AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

8228-26 A Resolution approving and accepting the annual report of the Tax Incentive Review Council (TIRC).

Mr. Delph stated that this legislation approves the annual report of the Tax Incentive Review Council. Mr. Delph moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Branden Delph
AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

8229-26 A Resolution approving and accepting the annual report of the Community Reinvestment Housing Council (CRHC)

Ms. Marcus reported that this Resolution approves the annual report of the Community Reinvestment Housing Council. Ms. Marcus moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Jeanette Marcus
AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

2231-26 An Ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Moraine, State of Ohio for the period January 1, 2026, to December 31, 2026, and declaring an emergency.

Mr. Miller noted that this is the companion piece to the Table of Organization legislation related to the compensation adjustment for the Assistant Law Director/City Prosecutor position. He stated that this is emergency legislation and moved to suspend the rules to allow the first and second readings at this meeting.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Dave Miller
AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

Mr. Miller moved to approve.

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RESULT: Passed (*Yes 6, No 0, Abstained 0*)

MOVER: Dave Miller

AYES: Teri Murphy, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph

NAYS: None

ABSTAIN: None

Voice Vote - None

Persons Appearing Before Council - None

Any Other Business

Fire Chief Traci Kuzminski thanked the mutual aid companies who helped with the Fuyao fire and the community for their assistance. She said many people brought food to the crews and are still bringing in food. She said they appreciate everyone's help, and noted the Police Division, Street Maintenance, and the dispatchers did an excellent job.

Parks and Recreation Director Brent Shane thanked everyone for coming out to the Adult Flashlight Egg Hunt. He said there was a great turnout. He announced that the Community Easter Egg Hunt is this Saturday at 10:00 a.m. at the Moraine Recreation Center. He said there will be flags and signs denoting age groups, and pictures with the Easter Bunny will be taken inside after the egg hunt.

City Manager Michael Davis reported that the new Community Development Director will be starting on Monday. He thanked Council for passing the legislation regarding the TIRC and CRHC reports. Mr. Davis praised the Fire Division for the outstanding job they did during the Fuyao Fire.

Ms. Marcus said that last evening she attended the First Suburbs Consortium meeting with most of the City's Council members, and she appreciated Council showing up.

Mrs. Whitt said she appreciates the Police and Fire Divisions, and she prayed that no one would be hurt during the storm. She said she is proud of the community and how it came together. She congratulated Mrs. Williams and the Finance Division for receiving the Award of Distinction.

She congratulated the new police officers. She thanked Mr. Shane, Mr. Hakes, and Ms. Powell for the work they did in setting up the room and food for the First Suburbs Consortium meeting.

Mr. Miller thanked the Fire Division and all the safety services for a job well done at Fuyao. He congratulated the four new officers and the Finance Division and City employees for a job well done with regard to the State Auditor award.

Mr. Daugherty thanked the first responders, especially the Fire Division, for their work this week with Fuyao. He thanked Ms. Marcus and the First Suburbs Consortium for inviting Council to the meeting. He said he feels like they learned a lot and had a good meeting. He congratulated the four new police officers. Mr. Daugherty reported that he was in Washington, D.C. last week at the National League of Cities Congressional City Conference. He said he attended meetings and workshops, and he feels like he learned a lot. He said he plans on giving a presentation at the next Regular Council meeting to review what he has learned and ways that the City may benefit.

Mr. Delph thanked the Police and Fire Divisions. He reported that he attended the Adult Flashlight Egg Hunt, and he thanked Parks and Recreation for the event. He congratulated Mrs.

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Williams and the new officers.

Mayor Murphy thanked Ms. Marcus for inviting Council to the First Suburbs Consortium. She noted that representatives from AES and CenterPoint Energy were guest speakers at the meeting. She congratulated the four new officers and Mrs. Williams and the Finance Department for their hard work. She said she attended the Adult Flashlight Easter Egg Hunt and had a great time.

Mayor Murphy said she appreciates what the Fire Division went through and thanked them and the mutual aid the City received. She said Chief Kuzminski did a great job managing everyone. She thanked the Police Division for directing people and traffic. She thanked the Street Department and everyone who came together for the City.

Executive Session - None

Adjournment

Mayor Murphy thanked the Miami Valley Communications Council for broadcasting this meeting live as well as any future rebroadcasts.

Meeting adjourned at 6:35 PM.

City of Moraine

Finance Department



To: Mayor Murphy & City Council

From: Annetta Williams, Finance Director **AW**

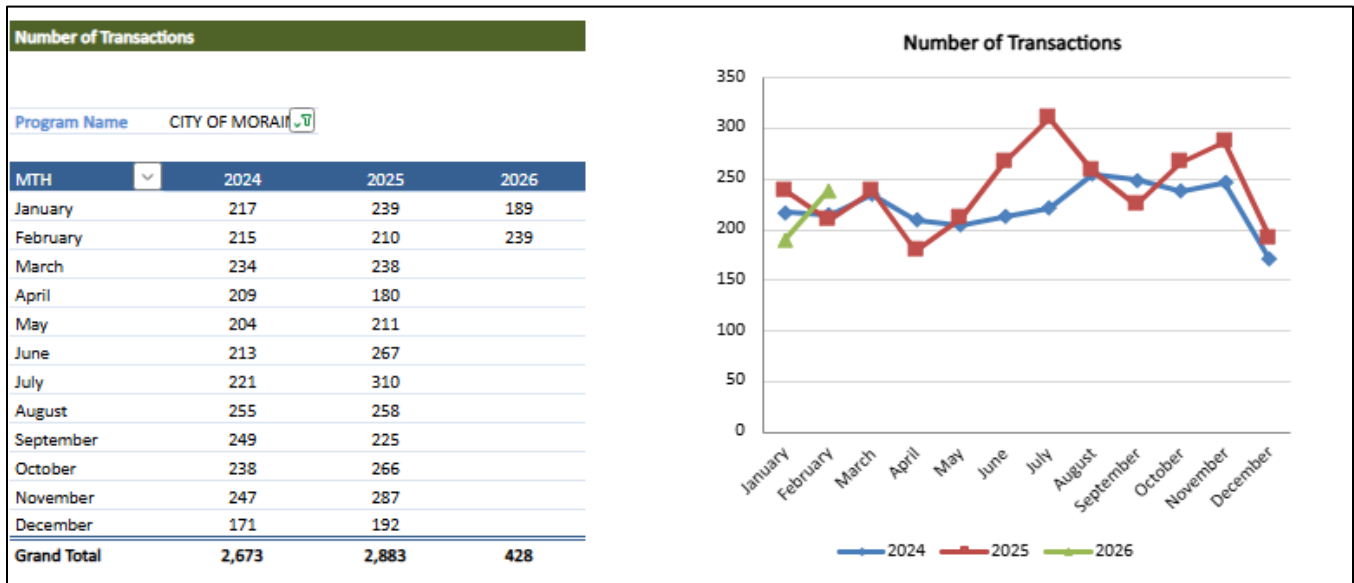
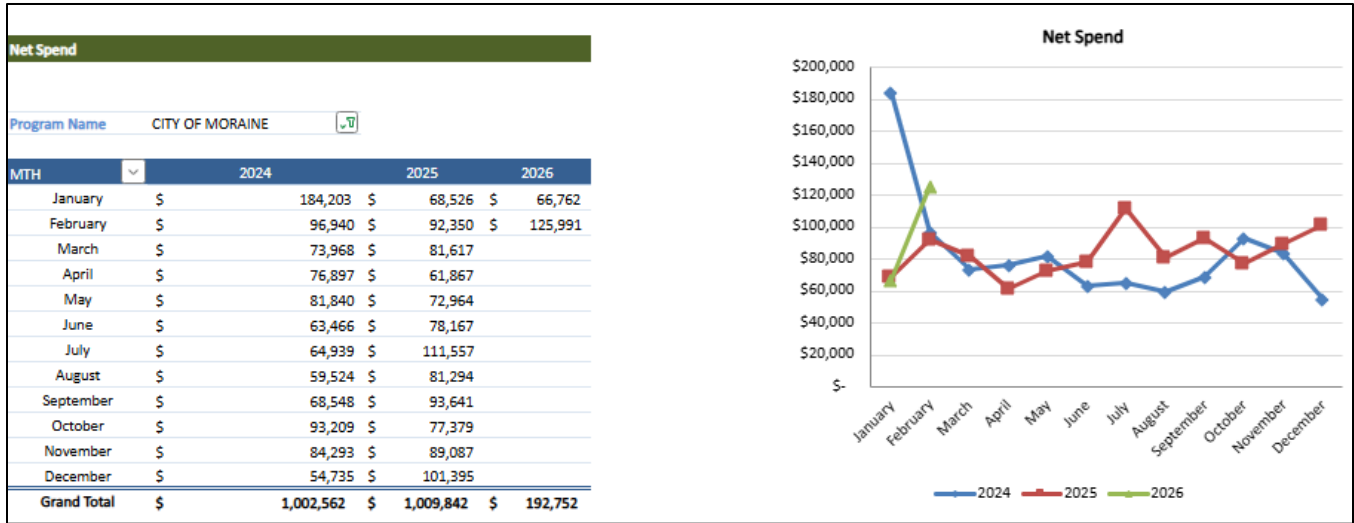
Date: March 31, 2026

Subject: 2025 City Credit Card Rewards Report

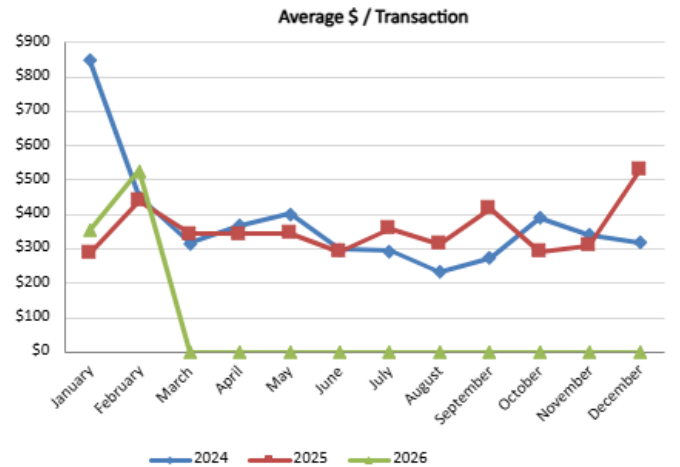
State law requires municipalities to adopt a credit card policy and report their annual rewards to their governing board. This report is to inform City Council and the public on the rewards the City has received by using credit cards. We try to pay as many purchases as possible on credit cards if there are no processing fees included.

In 2025, the City spent a total of \$1,009,842 using City-issued credit cards through Fifth Third Bank. Because of this usage, the City has received a rebate of \$9,777.

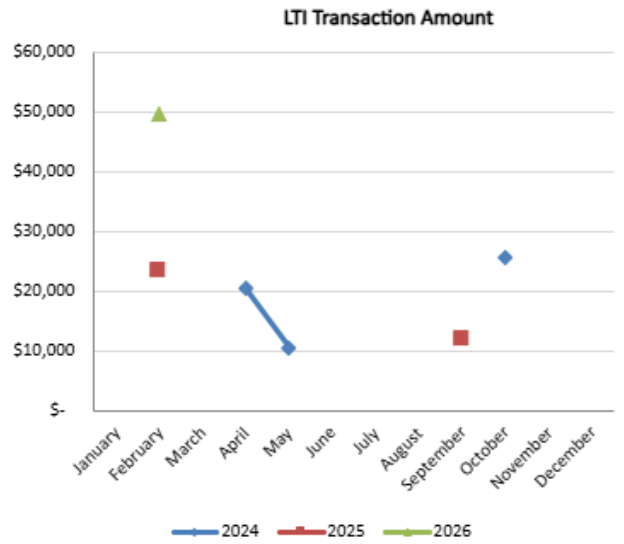
I have attached a report from Fifth Third Bank providing further detail of the rebate received for using our credit cards in 2025.



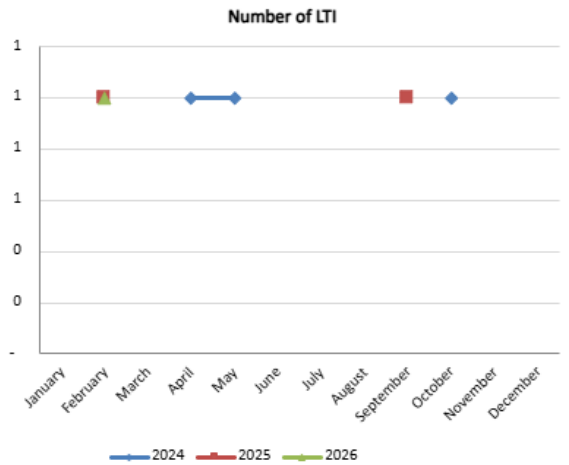
Average \$ / Transaction				
Program Name CITY OF MORAIN				
MTH	2024	2025	2026	
January	\$849	\$287	\$353	
February	\$451	\$440	\$527	
March	\$316	\$343	NA	
April	\$368	\$344	NA	
May	\$401	\$346	NA	
June	\$298	\$293	NA	
July	\$294	\$360	NA	
August	\$233	\$315	NA	
September	\$275	\$416	NA	
October	\$392	\$291	NA	
November	\$341	\$310	NA	
December	\$320	\$528	NA	
Grand Total	\$375	\$350	\$450	

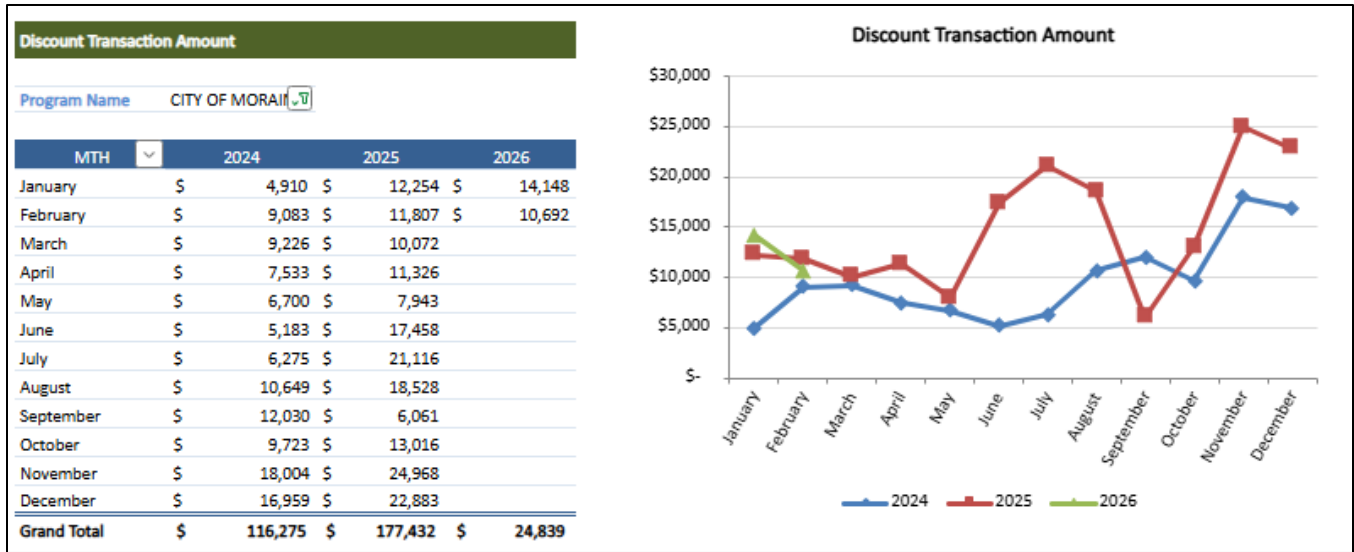


LTI Transaction Amount				
Program Name CITY OF MORAIN				
MTH	2024	2025	2026	
January				
February		\$ 23,414	\$ 49,700	
March				
April	\$ 20,580			
May	\$ 10,675			
June				
July				
August				
September		\$ 11,995		
October	\$ 25,663			
November				
December				
Grand Total	\$ 56,918	\$ 35,409	\$ 49,700	



Number of LTI				
Program Name CITY OF MORAIN				
MTH	2024	2025	2026	
January				
February		1	1	
March				
April	1			
May	1			
June				
July				
August				
September		1		
October	1			
November				
December				
Grand Total	3	2	1	





For FY2025:

YTD Spend: \$1,009,842-\$35,409-\$177,432 = \$797,001

LTI Spend: \$35,409 x .005 = \$177.04

Discount Spend: \$177,432 x .002 = \$354.86

Rebate: **\$9,777:** (\$797,001 x 1.16% = \$8,527.91) + \$177.04 + \$354.86

Cinci G&I Co-op Rebate Schedule

REBATE SPEND LEVELS		PAYMENT TERMS				
		30/25	30/15	30/05	LTI*	Discount Txn*
\$500,000	\$999,999	0.75%	0.75%	0.75%	0.50%	0.20%
\$1,000,000	\$9,999,999	1.07%	1.15%	1.23%	0.50%	0.20%
\$10,000,000	\$19,999,999	1.16%	1.24%	1.32%	0.50%	0.20%
\$20,000,000	\$29,999,999	1.25%	1.33%	1.41%	0.50%	0.20%
\$30,000,000	\$39,999,999	1.32%	1.40%	1.48%	0.50%	0.20%
\$40,000,000	\$49,999,999	1.39%	1.47%	1.55%	0.50%	0.20%
\$50,000,000	\$59,999,999	1.44%	1.52%	1.60%	0.50%	0.20%
\$60,000,000	\$69,999,999	1.49%	1.57%	1.65%	0.50%	0.20%
\$70,000,000	\$79,999,999	1.53%	1.61%	1.69%	0.50%	0.20%
\$80,000,000	\$89,999,999	1.56%	1.64%	1.72%	0.50%	0.20%
\$90,000,000	\$99,999,999	1.59%	1.67%	1.75%	0.50%	0.20%
\$100,000,000	Greater	1.62%	1.70%	1.78%	0.50%	0.20%

Rebate Requirements

For the Cincinnati G&I Consortium (CGIC)

1. All CGIC program members' spend is combined with other CGIC members to determine the Rebate Spend levels
2. Minimum Spend Requirement - If a CGIC Member's individual program is less than \$500,000 in a calendar year, they will not qualify for any rebate.
3. If a CGIC Member's program is between \$500,000 and \$999,999 in a calendar year, their rebate will be 0.75%.
4. If a CGIC Member's program is \$1,000,000 or greater, their qualifying rebate will be as noted in the CGIC rebate table above.
5. Partial year programs will be calculated based on the "estimated annual spend" (average monthly spend x 12). Rebates will be paid based on annual spend but will qualify for the rebate based on the "estimated annual spend". Example: 3 months at \$125,000 each + \$375,000. This equates to \$1,500,000 in "estimated annual spend" and the rebate would be \$375,000 x 1.04% or \$3,900.

General Rebate Requirements

Rebates are calculated based on annual volume (a calendar year calculation) and are payable on an annual basis, based on meeting a qualifying threshold. Losses not covered by MasterCard's Liability Coverage program will be deducted from the rebate.

Account must remain in good standing during the rebate calculation period.

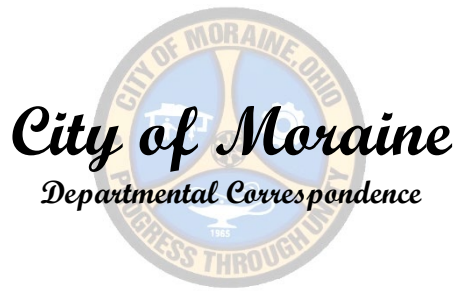
In the event that the client leaves in the middle of a rebate period, the rebate will be forfeited.

All grace periods less than 25 days require all billing accounts to be set-up on Auto Debit for payment.

All terms and conditions are subject to the Commercial Card Rebate Agreement.

*Rebate structure per payment terms is not applicable for large ticket items. 0.50% is applied to all large ticket items.

*Rebate applied where MasterCard provides "discounted" interchange to key suppliers / merchants.



TO: Mayor
City Council

FROM: Michael Davis, City Manager

DATE: April 7, 2026

SUBJECT: City Manager's Report

1) City Manager

- a) I met with the new owner of Electripack to discuss current Economic Development/Government Equity (ED/GE) commitments.
- b) The Montgomery County Tax Incentive Review Council (TIRC) meeting was held on March 26, 2026, and all reviewed agreements were recommended for continuation.
- c) Attended the monthly Dayton Area Managers Association lunch meeting on March 27, 2026.
- d) Attended the Moraine Seniors Citizens luncheon on April 1, 2026, and provided a brief presentation on current city activities; it was a very nice event.
- e) Met with HUB, along with Finance and Human Resource Administrator, to review the health insurance program.
- f) I attended the monthly City Managers Roundtable on April 6, 2026.

2) Building & Zoning

- a) A Dunkin' Donuts will be opening at 3010 Kettering Blvd (former Tim Hortons location). Permit applications have been received. An opening date is undetermined

3) Engineer

- a) The 2026 Pavement Marking Program was awarded to First Star Safety.
- b) Pre-construction meetings scheduled for April 7, 2026, for the Kettering Blvd Improvements Project and the 2026 Asphalt Paving Program.
- c) Lauren Alvarado stated the reported 61 street light outages were identified with the assistance of the Police Division.
- d) The safety study for Main Street and Pinnacle Road has been submitted to ODOT's Systemic Safety Grant for construction in 2029, with support from TEC Engineering.
- e) Applying for the SS4A Planning Grant to develop a Comprehensive Safety Action Plan with Structure Point and for ODOT's Local Major Bridge Program to fund construction of the Main Street bridge over the CSX railroad, while addressing flooding concerns along Germantown Pike.
- f) Collaborating with the Montgomery County Transportation Improvement District to address erosion issues along Opossum Creek and Pinnacle Road.

4) Parks

- a) All summer camp positions are filled, and staff are ready for camp to begin.
- b) Director Brent Shane reported they had a great meeting with Kleinger's and Vortex regarding the splash pad design.
- c) The flooring project for the Civic Center will take place over the next couple of months.
- d) Staff are preparing for this year's 250th Anniversary celebration.
- e) The Spring Movie Night showing of Zootopia 2 is on Friday, May 15, 2026.
- f) Several individuals were trespassed from the Moraine Recreation Center and Moraine Civic Center over the past few weeks. Recently, individuals have been entering without authorization or attempting to sleep in the facilities; many appear to be experiencing homelessness.
- g) The Rain Barrel Program has sold out and will take place on April 11, 2026.
- h) Soccer practice is underway at the Moraine Civic Center. Practices run Monday–Thursday, with a total of six teams across all age groups.
- i) Vox Artium Performing Arts from Winter Guard International (WGI) will be at the Moraine Recreation Center from April 8-10, 2026. Signage has been posted indicating that the basketball gym will be closed during this time.

5) Police


- a) March 20: A parked vehicle was reported stolen from Field of Dreams, located at 6363 Farmersville–West Carrollton Road. The investigation is ongoing.
- b) March 22: Officers responded to a burglary at an apartment on Cobblegate. A suspect was arrested and charged with burglary and assault, then transported to jail.
Officers also assisted the Fire Division with a fire at Fuyao.
- c) March 28: Officers assisted the West Carrollton Police Department with a stolen vehicle pursuit. The investigation remains ongoing.
Additionally, officers assisted Dayton Police and University of Dayton Campus Police with multiple crowd control events throughout the day.
- d) March 29: A traffic stop resulted in the arrest of two individuals on outstanding warrants and felony drug violations.
- e) March 31: A traffic stop led to the recovery of felony narcotics. The suspect was arrested and incarcerated.
- f) April 1: A vehicle fled from a traffic stop. The suspect has been identified, and charges are pending.
- g) There were 27 calls for service on I-75, 6 calls at Walmart, and 4 calls at Red Roof.

6) Street Division

- a) Staff completed maintenance on ballfields, flowerbeds, catch basins, and at Ellerton Cemetery.
- b) Islands along Dryden Road and Main Street were edged.

- c) Curb repair was completed on Red Oak Court.
- d) Mulch was spread at the Municipal Building and around the welcome sign at the I-75 ramp.
- e) Salt supply was replenished with a delivery of approximately 800 tons.

Bi-Monthly Report

To: Michael Davis, City Manager
From: Traci Kuzminski, Fire Chief 
Date: March 31st, 2026
Subject: Activity Report

The Fire Division responded to a total of 108 Incidents from March 15th- March 28th 2026.

EMS/ Fire & Rescue –

- Division Responded to 10 Motor Vehicle Incidents
- Division responded to 59 EMS Incidents
- Division responded to 11 Fire Alarm/Detector Activations
- Division Responded to 28 other calls
 - Fuyao Fire

Long-term projects/issues:

- New Medic ordered. Still Waiting
- Order of new ladder E-One Metro Quint Fire Truck through Vogelpohl Fire.
- Receiving quotes for a new medic unit for delivery in 2029

Full time hiring/promotions:

- Full Time -3 people almost through the hiring process

Part time hiring:

- We have 4 part time personnel currently on the roster
- 3 conditional offers sent out

Short-term projects/issues:

- Working with building maintenance dept on large industrial size fans in station bays.

Number of Inspections/Re-Inspections:

- 1 Inspection

Meetings:

- Council Meeting 3/26

Other:

- Chief Attended Fire/EMS Instructor update course through Premier Health
- Fire Extinguisher Class-Hatcher-60 Students
- FF Westfall attended WCHS Job Fair
- Crews attended Intermediate School luncheon with students 3/15
- EMS Training through Childrens, 3/18,3/19,3/20
- Active Electric and Advanced Auto Parts walk through and pre plan
- 2 Sinclair Student Riders
- Art of Reading Smoke x1 day course with Lancaster Fire Department
- City Easter egg hunt and all Easter activities 3/28

An Ordinance to repeal Moraine Codified Ordinance Chapter 508 entitled, “Dangerous, Nuisance, and Vicious Dogs” and further amending Moraine Codified Ordinance Chapter 505 entitled, “Animals and Fowl” and further amending Moraine Codified Ordinance Chapter 507.

Department: Law Director

Request: Action Item

Item Background and Purpose:

This is the second reading of the legislation. As previously stated, H.B. 247 (O.R.C. 955) which provides more stringent restrictions with respect to nuisance, dangerous, and vicious dogs goes into effect in Ohio on March 20, 2026. Moraine’s regulations relative to nuisance, dangerous, and vicious dogs are found at MCO 508 (adopted in 2013). With the new ORC 955 becoming effective March 20, the current MCO 508 will be in conflict with the new law. After discussions with the City Manager and Chief Richardson, it was agreed the best course of action would be to repeal MCO 508 and if the City encounters an issue with a nuisance, dangerous, or vicious dog, it will follow and apply the new ORC 955. The request is for legislation to be added to the March 26 Regular meeting to accomplish this.

Financial Impact:

Is Item Budgeted?: No

Funding Source: N/A

Attachments:

1. 2229-26 - Exhibit A
2. 2229-26 - Exhibit B
3. 2229-26 - Exhibit C
4. Legislative Summary 3-3-26
5. MCO 508
6. New Text of ORC 955

RECORD OF ORDINANCES

Ordinance No. **2229-26**

AN ORDINANCE TO REPEAL MORAINE CODIFIED ORDINANCE CHAPTER 508 ENTITLED, “DANGEROUS, NUISANCE, AND VICIOUS DOGS” AND FURTHER AMENDING MORAINE CODIFIED ORDINANCE CHAPTER 505 ENTITLED, “ANIMALS AND FOWL” AND FURTHER AMENDING MORAINE CODIFIED ORDINANCE CHAPTER 507.

WHEREAS, Ohio House Bill 247 (Ohio Revised Code 955 [ORC]), also known as “Avery’s Law”, became effective in the State of Ohio on March 20, 2026; and

WHEREAS, “Avery’s Law”, among other things, toughens penalties and owner responsibility for dog attacks; and

WHEREAS, City staff has recommended repealing Moraine Codified Ordinance (MCO) Chapter 508 adopted in 2013 and entitled, “Dangerous, Nuisance and Vicious Dogs” since said MCO 508 will be in conflict with ORC 955 on March 20, 2026, and the City desires to apply ORC 955 to matters involving dangerous, nuisance and vicious dogs; and

WHEREAS, Council hereby determines it to be for the betterment of the health, safety, and welfare of the City and its inhabitants, to repeal MCO 508 for the reasons delineated herein and to further amend MCO Chapters 505 and 507 as delineated herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MORAINE, STATE OF OHIO:

SECTION 1: That current MCO Chapter 508, entitled, “Dangerous, Nuisance and Vicious Dogs” (**Exhibit A**), is hereby repealed in its entirety (deletions in ~~striketrough~~). The City will utilize ORC 955, *et al.* with respect to nuisance, dangerous, and vicious dogs subject to the jurisdiction of the City of Moraine, Ohio.

SECTION 2: That MCO Chapter 505, entitled, “Animals and Fowl” is hereby amended as delineated on the attached **Exhibit B** with additions in **bold** and deletions in ~~striketrough~~. All other provisions not amended in the attached **Exhibit B** shall remain unchanged and in full force and effect. Any renumbering necessitated by the attached revisions shall be effectuated upon approval of this Ordinance.

SECTION 3: That MCO Chapter 507 is hereby amended as delineated on the attached **Exhibit C** with additions in **bold** and deletions in ~~striketrough~~. All other provisions not amended in the attached **Exhibit C** shall remain unchanged and in full force and effect. Any renumbering necessitated by the attached revisions shall be effectuated upon approval of this Ordinance.

SECTION 4: The Clerk is hereby directed to forward a certified copy of this Ordinance to the City Manager and Police Chief.

2229-26 - EXHIBIT A

EDITOR'S NOTE: Former Chapter 508 (Dangerous, Nuisance and Vicious Dogs) was repealed by Ordinance _____, passed _____, 2026. See O.R.C. Chapter 955 for current regulations.)

CHAPTER 508

Dangerous, Nuisance and Vicious Dogs

~~508.01~~ Definitions.

~~508.02~~ Transfer of ownership.

~~508.03~~ Confinement or restraint of dog; liability insurance; debarking or surgically silencing dog; obtain dangerous dog registration; notify the Police Department.

~~508.04~~ Judicial determination of dog as a nuisance dog, dangerous dog or vicious dog.

~~508.05~~ Restriction of ownership.

~~508.06~~ Severability.

~~508.99~~ Penalty.

CROSS REFERENCES

Dangerous animals—see GEN. OFF. Ch. [507](#)

508.01 DEFINITIONS.

~~(a)~~ As used in this Chapter:

~~(1) A.~~ "Dangerous dog" means a dog that, without provocation, and subject to division (a)(1)B of this section, 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 division (b) of Section [508.03](#) or of Section 955.22(C) of the Ohio Revised Code, or any combination thereof,

~~B.~~ "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.

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

~~(3) A.~~ Subject to division (a)(3)B of this section, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harbinger has chased or

~~approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.~~

~~— B. "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.~~

~~— (4) "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.~~

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

~~— A. Any physical harm that carries a substantial risk of death;~~

~~— B. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;~~

~~— C. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;~~

~~— D. Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.~~

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

~~— B. "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.~~

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

~~(Ord. 1870-13. Passed 9-12-13.)~~

~~**508.02 TRANSFER OF OWNERSHIP.**~~

~~— (a) Upon the transfer of ownership of any dog, the seller of the dog shall comply with the notice and registration requirements of Ohio Revised Code Section 955.11 and give the buyer a~~

transfer of ownership certificate that shall be signed by the seller and contain the registration number of the dog, the name of the seller, and a brief description of the dog.

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

~~—(c)— Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous dog, the seller or other transferor shall give to the buyer or other transferee, the Montgomery County board of health, the Montgomery County dog warden and the Moraine Police Department, a completed copy of a written form on which the seller shall furnish the following information:~~

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

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

~~—In addition, the seller shall answer the following questions, which shall be specifically stated on the form as follows:~~

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

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

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

~~—The information shall be provided on forms available from the Montgomery County dog warden.~~

~~—(d)— No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (a) to (c) of this section.~~

~~(Ord. 1870-13. Passed 9-12-13.)~~

~~**508.03 CONFINEMENT OR RESTRAINT OF DOG; LIABILITY INSURANCE; DEBARKING OR SURGICALLY SILENCING DOG; OBTAIN DANGEROUS DOG REGISTRATION; NOTIFY THE POLICE DEPARTMENT.**~~

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

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

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

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

~~—(c) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of a dangerous dog shall fail to do either of the following:~~

~~—(1) While that dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;~~

~~—(2) While that dog is off the premises of the owner, keeper, or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:~~

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

~~—B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;~~

~~—C. Muzzle that dog.~~

~~—(d) No person who has been convicted of or pleaded guilty to three or more violations of division (b) of this Section [508.03](#) or of Section 955.22(C) of the Ohio Revised Code, or any combination thereof, involving the same dog and no owner, keeper, or harbinger of a dangerous dog shall fail to do the following:~~

~~—(1) Obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;~~

~~—(2) Obtain a dangerous dog registration certificate from the county auditor pursuant to division (I) of Ohio Revised Code Section 955.22, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;~~

—(3)— Notify the local dog warden and the Moraine Police Department immediately if any of the following occurs:

—A.— The dog is loose or unconfined.

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

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

—(4)— If the dog is sold, given to another person, or dies, notify the Moraine Police Department within ten days of the sale, transfer, or death.

—(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 dog;

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

—(3)— Falsely attest on a waiver form provided by the veterinarian under division (G) of Ohio Revised Code Section 955.22 that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(Ord. 1870-13. Passed 9-12-13.)

~~508.04 JUDICIAL DETERMINATION OF DOG AS A NUISANCE DOG, DANGEROUS DOG OR VICIOUS DOG.~~

—(a)— Any Moraine official or law enforcement officer who is authorized to enforce this chapter and has reasonable cause to believe that a dog in the City of Moraine 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 Kettering Municipal Court.

—(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 Kettering Municipal Court. 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 Section [508.03](#)(c) 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 Chapter [508](#) 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, Sections [508.02](#) and [508.03](#) apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog 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 (d)(1) of Section [508.03](#) in an amount described in division (H)(2) of Section 955.99 of the Ohio Revised Code. (Ord. 1870-13. Passed 9-12-13.)~~

~~508.05 RESTRICTION ON OWNERSHIP.~~

~~—(a)—No person who is convicted of or pleads guilty to a felony offense of violence committed on or after the effective date of this section or a felony violation of any provision of Chapter 959, 2923, or 2925 of the Ohio Revised Code committed on or after May 22, 2012 shall knowingly own, possess, have custody of, or reside in a residence with either of the following for a period of three years commencing either upon the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for the offense or violation, upon the date of the person's final release from the other sanctions imposed for the offense or violation:~~

~~—(1)—An unsprayed or unneutered dog older than twelve weeks of age;~~

~~—(2)—Any dog that has been determined to be a dangerous dog under this Chapter [508](#) or Chapter 955 of the Ohio Revised Code.~~

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

~~—(c)— (1)— Division (a) of this section does not apply to any person who is confined in a correctional institution of the department of rehabilitation and correction.~~

~~—(2)— Division (a) of this section does not apply to any person with respect to any dog that the person owned, possessed, had custody of, or resided in a residence with prior to May 22, 2012. (Ord. 1870-13. Passed 9-12-13.)~~

~~**508.06 SEVERABILITY.**~~

~~—If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. (Ord. 1870-13. Passed 9-12-13.)~~

~~**508.99 PENALTY.**~~

~~—(a)— (1)— Whoever violates division (d) of Section [508.02](#) because of a failure to comply with division (a) of that section is guilty of a minor misdemeanor.~~

~~—(2)— Whoever violates division (d) of Section [508.02](#) because of a failure to comply with division (b) or (c) of that section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.~~

~~—(b)— (1)— Whoever violates division (a) of Section [508.03](#) or commits a violation of division (b) of Section [508.03](#) that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than twenty five dollars (\$25.00) or more than one hundred dollars (\$100.00) on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars (\$75.00) or more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than thirty days.~~

~~—(2)— In addition to the penalties prescribed in division (a)(2) of this section, if the offender is guilty of a violation of division (a) of Section [508.03](#) or a violation of division (b) of Section [508.03](#) that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.~~

~~—(c)— (1)— Whoever commits a violation of division (b) of Section [508.03](#) that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of division (b) of Section [508.03](#) or division~~

(C) of Ohio Revised Code Section 955.22, or any combination thereof, involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.

—(2)—In addition to the penalties prescribed in division (c)(1) of this section, if a violation of division (b) of Section [508.03](#) involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

—(d) (1)—Whoever commits a violation of division (b) of Section [508.03](#) that involves a dangerous dog or a violation of division (c) of that section is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (d) of Section [508.03](#) or division (E) of Section 955.22 of the Ohio Revised Code. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

—(2)—With respect to a violation of division (b) of Section [508.03](#) or division (C) of Section 955.22 of the Ohio Revised Code that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the request of an authorized official of the City of Moraine or law enforcement officer, the dog may be confined or restrained in accordance with division (c) of Section [508.03](#) or division (D) of Section 955.22 of the Ohio Revised Code or at the county dog pound at the owner's expense.

—(e) (1)—Whoever commits a violation of division (b) of Section [508.03](#) that involves a vicious dog is guilty of one of the following:

—A.—A misdemeanor of the first degree if the dog causes death or serious injury to a person. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

—(2)—If the court does not order the vicious dog to be destroyed under division (e)(1)A of this section, the court shall issue an order that specifies that division (c) of Section [508.02](#) and divisions (c) to (e) of Section [508.03](#) apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that Section [508.05](#) applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (d)(1) of Section [508.03](#) in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand (\$100,000) dollars. Until the court makes a final determination and during the pendency of any appeal of a violation of division (b) of Section [508.03](#) and at the request of an authorized official of the City of Moraine or law enforcement officer, the dog may be confined or restrained in accordance with

~~the provisions described in division (c) of Section [508.03](#) or at the county dog pound at the owner's expense.~~

~~—(f) Whoever violates division (d)(2) of Section [508.03](#) is guilty of a misdemeanor of the fourth degree.~~

~~—(g) Whoever violates any provision of Chapter [508](#) for which a penalty is not otherwise specified is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense.~~

~~—(h) Whoever violates division (d)(1), (3), or (4) of Section [508.03](#) is guilty of a minor misdemeanor.~~

~~—(i) Whoever violates division (a) or (b) of Section [508.05](#) is guilty of a misdemeanor of the first degree.~~

~~(Ord. 1870-13. Passed 9-12-13.)~~

2229-26 - EXHIBIT B

CHAPTER 505 Animals and Fowl

- [505.01](#) Definitions.
- [505.02](#) Dogs and other animals running at large.
- [505.03](#) Impounding and disposition; records.
- [505.04](#) Annual registration of dogs; tags required.
- [505.05](#) Abandoning animals.
- [505.06](#) Killing or injuring animals.
- [505.07](#) Poisoning animals.
- [505.08](#) Cruelty to animals generally.
- [505.081](#) Cruelty to companion animals.
- [505.09](#) Nuisance conditions prohibited.
- [505.10](#) Barking or howling dogs.
- [505.11](#) Animal bites; reports and quarantine.
- [505.12](#) Montgomery County Humane Society services.
- [505.13](#) Coloring rabbits or baby poultry; sale or display of poultry.
- [505.14](#) Proximity of animals to human habitations.
- [505.15](#) Exhibitions or fights involving animals, reptiles or fowl.
- [505.16](#) Minimum lot size for farm animals.
- [505.17](#) Rights of blind, deaf or hearing impaired, or mobility impaired person, or trainer with assistance dog.
- [505.99](#) Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Owner or keeper liable for damages - see Ohio R.C. 951.10
Dog registration - see Ohio R.C. 955.01
Dangerous animals - see GEN. OFF. Ch. [507](#)
Discharging weapons; exceptions - see GEN. OFF. [549.08](#)

505.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context shall indicate another or different meaning or intent:

(a) “Community Services Officer” means the Chief Animal Control Officer of the City of Moraine or his duly authorized representative.

(b) “Dangerous dog” ~~means a dog that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, harborer, and not under the reasonable control of its owner, keeper, harborer or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or~~

~~other locked enclosure which has a top.~~ **shall have the same meaning as that found at Ohio Revised Code 955.01(B).**

(c) “Domestic animal” means a tamed animal which is not listed as a “dangerous animal” in Section [507.01](#).

(d) “Farm animal” means horses, mules or other equidae, cattle, sheep and goats and other bovidae, swine and other suidae.

(e) “Impounded” means taken into the custody of the public pound at Montgomery County Humane Society in the City of Dayton.

(f) “Law enforcement officer” has the same meaning as used in Section [501.01](#).

(g) “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.

(h) “Owner” means any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(i) “Person” means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership or trust.

(j) ~~“Police dog” means a dog that has been trained, certified and/or approved by the State and may be used to assist one or more law enforcement officers in the performance of their official duties.~~ **shall have the same meaning as that found at Ohio Revised Code 955.01(E).**

~~(Ord. 1090-94. Passed 10-27-94.)~~ (Ord. ____ . Passed ____.)

~~505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.~~

EDITOR’S NOTE: Former Section 505.02 (Dogs And Other Animals Running At Large) was repealed by Ordinance _____, passed _____, 2026. See O.R.C. Chapter 955 and Chapter 951 for current regulations.)

~~—(a) No person being the owner or having charge of cattle, sheep, geese, ducks, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another.~~

~~—(b) No person being the owner of or having charge of any dog, whether wearing a registration tag or not, shall permit it to run at large upon any public place or upon the premises of another. No owner, keeper or harbinger of any female dog shall permit such dog to go beyond the premises of such owner or keeper at any time such dog is in heat, unless such dog is properly in leash. The owner or keeper of every dog shall at all times keep such dog either confined upon the premises of the owner or keeper, or under reasonable control of some person.~~

~~(ORC 955.22)~~

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

~~(ORC 951.02)~~

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

~~(ORC 955.99(A); Ord. 1090-94. Passed 10-27-94.)~~

505.03 IMPOUNDING AND DISPOSITION; RECORDS.

(a) The Community Services Officer or any police officer may impound every animal or dog found **running at large**. ~~in violation of Section 505.02.~~ 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 **in accordance with Ohio R.C. 955.16**. If the dog is wearing a valid registration tag or the identity of the owner or harbinger is otherwise established, notice shall immediately be given to such owner or harbinger that the dog has been impounded. Notice may be by telephone or by ordinary mail to the last known address of such owner or harbinger. The dog shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog not redeemed within three days of the time it is seized or impounded ~~may~~ **shall** be sold or otherwise disposed of as provided by Ohio R.C. 955.16.

(b) A record of all dogs 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 shall be kept.

~~(Ord. 1090-94. Passed 10-27-94.)~~ **(Ord. ____ . Passed ____ .)**

505.04 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide, **leader, hearing, or support** dogs registered under Ohio R.C. 955.011 **955.021**, and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, **and dogs registered under Ohio R.C. 955.022 as law enforcement canines**, no person shall own, keep or harbor a dog more than three months of age without ~~annually~~ registering such dog with the County Auditor **under Ohio R.C. 955.02**. **No owner of a dog, except a dog constantly confined to a dog kennel registered under this chapter or licensed under Chapter 956 of the Revised Code, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration under division (A) of Ohio R.C. 955.02.** 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) Whoever violates this section **by failing to register a dog under Ohio R.C. 955.02 shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.**

~~is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.~~

(c) Any owner of a dog who fails to require the dog to wear a tag at all times as required by this section is guilty of a minor misdemeanor.

~~(ORC 955.99(D); Ord. 1090-94. Passed 10-27-94)~~ (Ord. _____. Passed _____.)

505.05 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.
(ORC 959.01)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(ORC 959.99 (E)(3))

505.06 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, or to trespassing animals as set forth in Ohio R.C. 959.04.

(ORC 959.02)

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

(ORC 959.99(B); Ord. 1090-94. Passed 10-27-94.)

505.07 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. This section does not apply to trespassing animals as set forth in Ohio R.C. 959.04.

(ORC 959.03)

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

(ORC 959.99(C); Ord. 1090-94. Passed 10-27-94.)

505.08 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water; Pet stores are to comply to proper care and nutrients to animals. This includes amphibians, birds, fish, mammals, and reptiles. Any notice of improper care of an animal at a pet store or any business that houses animals can compel an investigation by the City of Moraine. (Ord. 2206-25. Passed 10-23-25.)

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

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

(4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this 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.

(ORC 959.99(D); Ord. 1090-94. Passed 10-27-94.)

505.081 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

(1) “Animal rescue for dogs”, has the same meaning as in Ohio R.C. 956.01.

(2) “Boarding kennel” has the same meaning as in Ohio R.C. 956.01.

(3) “Companion animal” means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01.

The term does not include livestock or any wild animal.

(4) “Cruelty”, “torment” and “torture” have the same meaning as in Ohio R.C. 1717.01.

(5) “Dog kennel” means an animal rescue for dogs, a boarding kennel or a training kennel.

(6) “Federal Animal Welfare Act” means the “Laboratory Animal Act of 1966”, Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. §2131 et seq., as amended by the “Animal Welfare Act of 1970”, Pub. L. No. 91-579, 84 Stat. 1560 (1970), the “Animal Welfare Act Amendments of 1976”, Pub. L. No. 94-279, 90 Stat. 417 (1976) and the “Food Security Act of 1985”, Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(7) “Practice of veterinary medicine” has the same meaning as in Ohio R.C. 4741.01.

(8) “Residential dwelling” means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

(9) “Wild animal” has the same meaning as in Ohio R.C. 1531.01.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

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

(1) Torture, torment or commit an act or cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(d) No person who confines or who is the custodian or caretaker of a companion animal shall recklessly deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water.

(e) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

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

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

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

(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;

(4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;

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

(g) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this section to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this section. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county

humane society receives any fine moneys under this section, the county humane society shall use the fine moneys either to provide the training that is required for humane society agents under Ohio R.C. 1717.061 or to provide additional training for humane society agents.

(ORC 959.131)

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

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) Whoever violates subsection (e) hereof is guilty of a misdemeanor of the first degree.

(4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

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

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section has a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

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

(Ord. 1090-94. Passed 10-27-94.)

505.10 BARKING OR HOWLING DOGS.

(a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a

character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any dog 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 dog.

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

(Ord. 1090-94. Passed 10-27-94.)

505.11 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Montgomery County Health Commissioner within twenty-four hours. Whenever it is reported to the Montgomery County Health Commissioner that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense of the owner or harbinger. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harbinger. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

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

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

(Ord. 1090-94. Passed 10-27-94.)

505.12 MONTGOMERY COUNTY HUMANE SOCIETY SERVICES.

(a) Disposition of Impounded Dogs. Impounded dogs may be placed in the animal shelter maintained by the Montgomery County Humane Society, maintenance to be at the expense of such owner or other person having charge or control of the dog.

(b) Contract Authorized. The City Manager is authorized to enter into a contract with the Montgomery County Humane Society to provide an animal control officer in conjunction with the cities of West Carrollton and Miamisburg.

(c) Compensation and Equipment. The contract shall provide for an animal control officer to be assigned by the Montgomery County Humane Society to work exclusively in the cities of Moraine, West Carrollton and Miamisburg and that the City of Moraine and the remaining cities shall compensate the Humane Society on the basis of the services actually rendered to each city. The contract shall further provide that the initial capital cost necessary to provide the necessary equipment for the animal control officer shall be divided equally by the three cities.

(d) Level of Services. For the services contracted, it is specifically agreed between the City of Moraine and the Montgomery County Humane Society, shall be in addition to the level of services now provided to the City of Moraine by the Montgomery County Humane Society and the level of services now provided by the Humane Society to the cities of Miamisburg and West Carrollton.

(e) Citation and Notice. The animal control officer, his agents and deputies, in addition to City police officers, are hereby authorized to issue citations for the purpose of giving notice to persons violating Chapter 505. Such notice shall be given by delivering the citation personally to the violator or by mailing it to his last known address, or by certified mail, return receipt requested.

(f) Plea of Guilty. Any citation shall direct the violator to appear and to present the citation to the Clerk of the Mayor's Court's office, on or before the date and hour specified thereon. Upon presentation of the citation to the Clerk, the violator may file a written plea of guilty with the Clerk and pay the waiver fine established by the Mayor, or register for court appearance and receive a date for hearing upon the charge.

(g) Moneys to be Paid County Treasurer. Six dollars (\$6.00) of the moneys collected from each citation issued pursuant to the authority herein shall be paid to the Montgomery County Treasurer for the account of the Montgomery County Humane Society pursuant to the execution of the agreements herein referred to and shall be in addition to all other moneys which the City is to pay under the terms of the contract.

(h) Authorization to Expend Funds. The City Manager is authorized to enter into such contract with the Montgomery County Humane Society and to expend a sum in excess of fifteen hundred dollars (\$1,500) therefor, upon the approval of the contract by the City Manager.

(Ord. 1090-94. Passed 10-27-94.)

505.13 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 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 three. 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. (ORC 925.62)

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

(Ord. 1090-94. Passed 10-27-94.)

505.14 PROXIMITY OF ANIMALS TO HUMAN HABITATIONS.

(a) No person shall keep a pig, horse, cow, goat, more than three dogs at least three months of age or any other animal, fowl or poultry in an exterior pen, yard, lot, or other similar enclosure situated within 200 feet of an inhabited dwelling house, other than the house occupied by the owner of such animal, fowl or poultry.

(b) This restriction shall not be applicable to property zoned A-1 (Agricultural District) nor shall it apply to property annexed into the City that was similarly zoned prior to said annexation and which has been continuously used for permitted uses under prior zoning applicable to said property or is being used for agricultural purposes under Section [1135.02](#)(a)(1) of the Moraine Codified Ordinances.

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

(Ord. 1667-07. Passed 4-12-07.)

505.15 EXHIBITIONS OR FIGHTS INVOLVING ANIMALS, REPTILES OR FOWL.

(a) No person shall knowingly participate in any way or be employed at any of the following:

- (1) Dog fighting;
- (2) Cock fighting;
- (3) Bear baiting; or

(4) Any other exhibition or contest in which any animal, reptile or fowl is placed in combative physical competition against another of its own or a different species, including human beings.

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

(Ord. 1090-94. Passed 10-27-94.)

505.16 MINIMUM LOT SIZE FOR FARM ANIMALS.

(a) No person being the owner or having charge of a farm animal as defined in Section [505.01](#)(d) shall keep or harbor such animal on private or public land not in compliance with the required minimal lot area.

(1) Minimal lot area required for any one member of the defined farm animal species shall require one (1) acre of open land.

(b) No person being the owner or having charge of a farm animal shall keep or harbor such animal if not in compliance with the provisions of Section [505.14](#).

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

(Ord. 1090-94. Passed 10-27-94.)

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

(a) When ~~either~~ **a person who is blind, deaf or hearing impaired, or a person with a mobility impairment, or a trainer of an assistance dog is accompanied by an assistance dog, the person or trainer, as applicable,** ~~mobility impaired person, or a training of an assistance dog is accompanied by an assistance dog, the person or trainer, as applicable,~~ is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, and lodging places, all places of public accommodation, amusement, or resort, **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,~~;~~ ~~and~~

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

(3) Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(b) No person shall **recklessly** deprive a **person who is blind, deaf, or hearing impaired, or a person who has a mobility impairment** ~~impaired person, or a training~~ **trainer** of an assistance dog **when the person or trainer, as applicable, is accompanied by an assistance dog** ~~who is accompanied by an assistance dog,~~ of any of the advantages, facilities or privileges provided in subsection (a) of this section, nor charge the person or ~~training~~ **trainer** a fee or charge for the dog.

(ORC 955.43~~(A)~~, (B), (C))

(c) As used in this section:

(1) "Assistance dog" means a dog that has been trained by a nonprofit or for-profit special agency and that is one of the following:

A. A guide dog;

B. A hearing dog;

C. A service dog.

(2) “Blind” means either of the following:

A. Vision 20/20 or less in the better eye with proper correction;

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

(3) “Guide dog” means a dog that has been trained or is in training to assist a blind person.

(4) “Hearing dog” means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.

(5) “Institutions of education” means **any of the following**:

A. Any state university or college as defined in Ohio R.C. 3345.32;

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

C. Any elementary or secondary school operated by a board of education;

D. Any chartered or nonchartered nonpublic elementary or secondary school; or

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

(6) “Person with a mobility impairment” means any person, regardless of age, who is subject to a physiological impairment regardless of its cause, nature or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person’s functional ability to ambulate, climb, descend, sit, rise, or perform any related function. The phrase includes a person with a neurological or psychological disability that limits the person’s functional ability to ambulate, climb, descend, sit, rise or perform any related function. The phrase also includes a person with a seizure disorder and a person who is diagnosed with autism.

(7) “Service dog” means a dog that has been trained or is in training to assist a person with a mobility impairment.

(ORC ~~955.011(B)~~, **955.021(B)**, 955.43(C))

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

505.99 PENALTY.

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

(Ord. 1090-94. Passed 10-27-94.) (**Ord. _____. Passed _____.**)

2229-26 - EXHIBIT C

CHAPTER 507

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- [507.02](#) Prohibitions.
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- [507.05](#) Notice of keeping dangerous animals.
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- [507.19](#) Report of escape of dangerous animal or vicious dog. (Repealed)
- [507.20](#) Severability.
- [507.99](#) Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Power to restrain and impound animals - see Ohio R.C. 715.23

Owner or keeper liable for damages - see Ohio R.C. 951.10

Animals and fowl generally - see GEN. OFF. Ch. [505](#)

Animal bites - see GEN. OFF. [505.11](#)

507.01 DEFINITIONS.

(a) For the purposes of this chapter, “dangerous animal” means and includes:

(1) Any mammal, amphibian, reptile or fowl which is of a species which, due to size, vicious nature or other characteristics, would constitute a danger to human life, physical well-being or property including, but not limited to the animals listed:

- A. All crotalids, elapids and venomous colubroid snakes;
- B. Apes: Gibbons (hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus);
- C. Baboons (Papoi, Mandrillus);

- D. Bears (Ursidae);
- E. Bison (Bison);
- F. Cheetahs (*Acinonyx jubatus*);
- G. Crocodilians (Crocodilia) when twenty-four (24) inches in length or more;
- H. Constrictor snakes exceeding six (6) feet in length;
- I. Coyotes (*Canis latrans*);
- J. Deer (Cervidae), includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
- K. Elephants (*Elephas* and *Loxodonta*);
- L. Foxes (*Canis Latrans*);
- M. Game cocks and other fighting birds;
- N. Hippopotami (Hippopotamidae);
- O. Hyenas (*Hyaenidae*);
- P. Jaguars (*Panthera pardus*);
- Q. Leopards (*Panthera pardus*);
- R. Lions (*Panthera leo*);
- S. Lynxes (*Lynx*);
- T. Ostriches (*Struthio*);
- U. Piranha fish (*Characidae*), except those considered vegeterians;
- V. Pumas (*Felis concolor*), also known as cougars, mountain lions and panthers;
- W. Rhinoceroses (*Rhinocero tidae*);
- X. Sharks (Class *Chondrichtyes*);
- Y. Snow leopards (*Panthera uncia*);
- Z. Swine (*Suidae*);
- AA. Tigers (*Panthera tigris*);
- BB. Wolves (*Canis lupus*);
- CC. Scorpions;

- DD. Birds of prey, except of those held by licensed falconers;
- EE. Venomous fish;
- FF. Poisonous spiders, except for tarantulas;
- GG. Stinging insects (except honey bees);
- HH. Bats.

“Dangerous animal” also **includes** any species whose average adult weight is twenty (20) pounds or more, which are poisonous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup. (~~ORC 955.11~~)

(2) (EDITOR'S NOTE: Former subsections (a)(2), (3) and (4) were repealed by Ordinance 1870-13, passed September 12, 2013. See Chapter [508](#) for current regulations.)

(b) “Law enforcement officer” has the same meaning as used in Section [501.01](#) of these Codified Ordinances.

(c) “Person” includes any natural person, association, partnership, organization or corporation.

(d) “Serious physical harm” means:

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

(e) “Secured” means securely confined indoors, or securely restrained by means of a collar and chain, pen, cage, fence, or similar physical device, and in such a manner which effectively prevents an animal from going beyond the premises of the owner.

(f) “Own, keep or harbor” means to have legal title, own, possess, maintain or have care, custody or control.

(g) “Unconfined” means not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner, keeper or harborer, with such pen or structure having secure sides and a secure top. A pen or structure shall not be deemed securely enclosed where it has no bottom secured to the sides, unless the sides are embedded in the ground no less than twelve inches.

(Ord. 1090-94. Passed 10-27-94.)

507.02 PROHIBITIONS.

Except as provided in Sections [507.03](#) and [507.04](#), no person shall own, keep or harbor any dangerous animal in the City of Moraine.

(Ord. 1090-94. Passed 10-27-94.)

507.03 EXCEPTIONS; PERMIT AND REGISTRATION REQUIREMENTS.

Any person or organization which falls into one of the following subsections shall be permitted to own, harbor or have charge, custody, control or possession of any animal described in Section [507.01](#) provided he/she has first secured a permit under Section [507.07](#); ~~provided further that owners, keepers or harborers of “vicious dogs” shall also be required to register their animals in accordance with the provisions of this section and Section 505.04:~~

(a) The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study.

(b) The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show.

(c) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.

(d) Commercial establishments possessing such animals for the purpose of sale or display.

(Ord. 1090-94. Passed 10-27-94.)

(e) (EDITOR'S NOTE: Former subsections (e) was repealed by Ordinance 1870-13, passed September 12, 2013. See Chapter [508](#) for current regulations.)

507.04 EXEMPTIONS.

The provisions of this chapter shall not apply to the transportation of such animals through this City, when such transporter has taken adequate safeguards to protect the public and has notified the local law enforcement agency of the proposed route of transportation and time thereof.

(Ord. 1090-94. Passed 10-27-94.)

507.05 NOTICE OF KEEPING DANGEROUS ANIMALS.

Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal in violation of this chapter in the City, the Community Services Officer or a law enforcement officer shall forthwith cause the matter to be investigated; and if after investigation the facts indicate that such person named in the complaint is in fact the owner or is keeping or harboring any such dangerous animal in the City, he shall forthwith send written

notice to such person requiring such person to safely remove such animal from the City within five (5) days of the date of such notice. Notice as herein provided shall not be required where such dangerous animal has previously caused serious physical harm or death to any person or has escaped and is at large in which case the Community Services Officer shall cause such animal to be immediately seized and impounded, according to the provisions of Section [507.06](#) or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person. (Ord. 1090-94. Passed 10-27-94.)

507.06 SEIZURE AND IMPOUNDING OF DANGEROUS ANIMALS.

(a) The Community Services Officer or a law enforcement officer shall forthwith cause to be seized and impounded any dangerous animal, where the person owning, keeping or harboring such animal has failed to comply with the notice sent pursuant to Section [507.05](#). Upon seizure and impoundment, such animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals.

(b) If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the Community Services Officer may render such animal immobile by means of tranquilizers or other safe drugs; or if it is not safely possible, then such animal may be killed.

(Ord. 1090-94. Passed 10-27-94.)

507.07 PERMIT REQUIRED.

(a) No person under Section [507.03](#) owning, harboring or having charge, custody, control or possession of any animal described in Section [507.01](#), shall allow such animal to remain within the City unless and until he/she has first secured a permit to do so and complies with all terms and conditions of such permit; and, in addition thereto, such animal shall at all times be so confined, controlled and restrained in such manner so the life, limb, or property of any person lawfully entering such premises shall not be endangered.

(b) Failure to obtain a permit when required by subsection (a) hereof after written notification by the Community Services Officer or a law enforcement officer shall be adequate grounds for such officer to impound such animal until a permit is obtained. If no permit is obtained within ten (10) days, such animal will be subject to summary destruction.

(Ord. 1090-94. Passed 10-27-94.)

507.08 ISSUANCE OF PERMIT.

Except as hereinafter provided, no person under Section [507.03](#) shall have, keep, maintain, or have in his/her possession or under his/her control within the City any animal described in Section [507.01](#) without first applying to and receiving a permit from the Police Lieutenant; provided, no permit shall be granted except with such conditions attached as shall, in the opinion

of the person or agency approving such permit, reasonably ensure the public health, safety and general welfare, and in any event no permit shall be granted for any animal at any particular location except upon an explicit finding by the Police Lieutenant that the issuance thereof will not be contrary to the public health, safety and general welfare.

(Ord. 1090-94. Passed 10-27-94.)

507.09 APPLICATION FOR PERMIT.

An application for any permit required pursuant to this chapter shall be made to the City in writing and upon a form furnished by the City. Such application shall be verified by the person who desired to have, keep, maintain or having in his/her possession or under his/her control, in the City, the animal for which a permit is required, and shall set forth the following:

- (a) Name, address and telephone number of the applicant.
- (b) The applicant's interest in such animal.
- (c) The proposed location, and the name, address and telephone number of the owner of such location, and of the lessee, if any.
- (d) The number and general description of all animals for which the permit is sought.
- (e) Any information known to the applicant concerning vicious or dangerous propensities of all such animals.
- (f) The housing arrangements for all such animals with particular details as to safety or structure, locks, fencing, etc.
- (g) Safety precautions proposed to be taken.
- (h) Noises or odors anticipated in the keeping of such animals.
- (i) Prior history of incidents involving the public health or safety involving any of such animals.
- (j) Proof of insurance to cover those who may be injured or killed by such animal.
- (k) A statement, signed by the applicant, indemnifying the City and its agents and employees for any and all injuries that may result from such animal.
- (l) Any additional information required by the Community Services Officer at the time of filing such applications or thereafter.

(Ord. 1090-94. Passed 10-27-94.)

507.10 PERMIT FEE.

The total fee shall not exceed ten dollars (\$10.00) for any one permit application and is nonrefundable. Such fee shall be payable to the City at the time of filing the permit application. Accretions by natural birth shall not require additional permits during the period of a valid permit.

(Ord. 1090-94. Passed 10-27-94.)

507.11 TEMPORARY PERMITS; POWERS OF ANIMAL CONTROL OFFICER.

The Police Lieutenant may, following the application for a permit and pending a final disposition of the same, grant a temporary permit for the maintenance within the City of any such animal upon such conditions as he/she shall, in his/her sole discretion, require when, in his/her opinion, there is no reasonable doubt as to the consistency thereof with the public health, safety and general welfare, but no such animal shall be otherwise kept or maintained within this City or permitted to occupy any premises within this City except while such a regular or temporary permit is in full force and effect; provided, however, that any law enforcement officer or the Community Services Officer, shall take possession of any animal described under Section [507.01](#) for which a permit has not been issued and keep the same until the proper permit has been secured by the owner or keeper thereof and shall release the same to the owner or keeper when all fees and costs have been paid and all laws and permit conditions complied with.

(Ord. 1090-94. Passed 10-27-94.)

507.12 TERM AND RENEWAL OF PERMITS.

No permit required by this chapter shall be granted for a period in excess of one year. An application for renewal of any permit shall be made not less than forty-five (45) days prior to the expiration thereof, and shall be accompanied by the same fee as required upon making the original application.

(Ord. 1090-94. Passed 10-27-94.)

507.13 INSPECTION FOR RENEWAL.

Prior to the annual renewal of any permit issued hereunder and at least once not more than six (6) months after the issuance of any such permit or after its renewal, the Community Services Officer or his designated representative shall inspect the premises subject to such permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this chapter. If the Community Services Officer determines during any such inspection that any of the conditions therein specified are being violated, he/she will recommend denial of a renewal of any such permit, or he/she shall recommend revocation of such permit in the event that such violation is not corrected within such period of time as he/she shall direct.

(Ord. 1090-94. Passed 10-27-94.)

507.14 REVOCATION OF PERMITS.

The City, upon recommendation of the Community Services Officer may, for good cause, revoke any permit or modify any terms or provisions thereof and may, in the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety, suspend any permit or portion thereof without hearing, for a period not to exceed thirty (30) days. Failure to comply with any of the provisions of this chapter shall be sufficient grounds for revocation.

(Ord. 1090-94. Passed 10-27-94.)

507.15 COMMERCIAL ESTABLISHMENTS.

(a) Commercial establishments possessing such animals for the purpose of sale or display may replace the same with others of the same kind, but the number of each shall not be in excess of the number thereof allowed by the terms of such permit. Such establishments may, at the discretion of the Police Lieutenant, be granted a permit for those such numbers of each kind of animal as does not exceed the maximum number such establishment estimates will be maintained by it in this City at any one time during the period of the permit. Such permit shall require the immediate notification of the Community Services Officer upon the acquisition of any animal having prior history of any incident involving the public health or safety, or resulting in any bodily injury or property damage.

(b) Upon the sale of any dangerous animal, such commercial establishment shall immediately send notification of such sale along with name and address of the buyer, the method of transporting the animal, the path of travel of such transportation, and the destination to the Community Services Officer.

(Ord. 1090-94. Passed 10-27-94.)

507.16 ADMINISTRATIVE APPEALS.

(a) Any person aggrieved by or dissatisfied with any of the following decisions, rulings, actions or findings may, within ten (10) days thereafter, file a written notice or statement of appeal from such decisions, ruling, action or finding to the Chief of Police for an administrative hearing thereon:

- (1) The determination that an animal is dangerous under Sections [507.01](#) and [507.02](#);
- (2) The denial of a permit under Section [507.08](#);
- (3) The denial of a renewal of a previously issued permit under Section [507.04](#);
- (4) The revocation of a previously issued permit under Section [507.15](#); and

(5) The temporary suspension of any permit or portion thereof under Section [507.14](#).

(b) The filing of an appeal under this section shall not stay any action taken pursuant to this chapter.

(Ord. 1090-94. Passed 10-27-94.)

507.17 APPEAL TO COMMON PLEAS COURT.

Any aggrieved party may appeal the decision and findings of the Police Chief pursuant to the Ohio Revised Code to the Common Pleas Court. However, the filing of an appeal under this section shall not stay any action taken pursuant to this chapter.

(Ord. 1090-94. Passed 10-27-94.)

507.18 COSTS TO BE PAID BY RESPONSIBLE PERSONS.

Any reasonable costs incurred by the Community Services Officer in seizing, impounding, confining, or disposing of any dangerous animal, ~~or vicious dog~~ pursuant to the provisions of Sections [507.05](#), [507.06](#), [507.07](#) and [507.11](#), shall be charged against the owner, keeper or harbinger of such animal and shall be collected by the Clerk of Courts.

(Ord. 1090-94. Passed 10-27-94.)

507.19 REPORT OF ESCAPE OF DANGEROUS ANIMAL OR VICIOUS DOG. (REPEALED)

(EDITOR'S NOTE: Former Section [507.19](#) was repealed by Ordinance 1870-13, passed September 12, 2013. See Chapter [508](#) for current regulations.)

507.20 SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.

(Ord. 1090-94. Passed 10-27-94.)

507.99 PENALTY.

Any person violating or permitting the violation of any provision of this chapter shall upon conviction in the Moraine Mayor's Court of a minor misdemeanor be fined a sum not more than one hundred dollars (\$100.00). In addition, the Court shall order the registration of and permit for the subject dangerous animal revoked and the dangerous animal removed from the City. Should the defendant refuse to remove the animal from the City, the Mayor's Court shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that violation continues shall be deemed a separate offense. In addition to the

foregoing penalties, any person who violates any provision of this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of such sections.

(Ord. 1090-94. Passed 10-27-94; Ord. 1870-13. Passed 9-12-13.)



OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 247
136th General Assembly

Final Analysis

[Click here for H.B. 247's Fiscal Note](#)

Primary Sponsors: Reps. K. Miller and Lawson-Rowe

Effective date: March 20, 2026

Amanda Goodman, Attorney

SUMMARY

Nuisance, dangerous, and vicious dog acts

- Redefines what constitutes a nuisance, dangerous, and vicious dog.

Penalties for dog attacks

- Imposes criminal penalties on a dog owner or an animal shelter for dogs if:
 - The dog owner negligently fails to keep their dog from committing, without provocation, a “nuisance dog act,” “dangerous dog act,” or “vicious dog act,” including in circumstances in which the dog has not previously engaged in such an act;
 - The animal shelter for dogs recklessly fails to keep the dog from committing such acts.
- Allows a court, as part of the criminal proceeding, to order the dog to be humanely destroyed by a licensed veterinarian or the county dog warden at the dog owner’s expense if the dog committed a vicious or dangerous dog act, injured another dog, or attempted to bite a person and the attempt resulted in the injury of the person.
- Requires the court to order the dog to be humanely destroyed if the dog kills a person or seriously injures a person that results in substantial risk of death, permanent incapacity, serious permanent disfigurement, or acute pain of a duration that results in substantial suffering.

Dog designation hearing

- Restructures the hearing procedure by which a dog may be designated a nuisance, dangerous, or vicious dog, including making changes to all of the following:
 - How a hearing is initiated;
 - Which court has jurisdiction over the hearing;
 - The timeline by which a hearing must be conducted;

January 14, 2026

- What evidence constitutes probable cause;
- When a dog owner may retain possession of the dog during the pendency of a hearing and any appeal; and
- The court's authority over the dog's disposition.
- Requires a court, after a dog designation hearing, to order a dog to be humanely destroyed if the court finds that the dog, without provocation, killed a person or seriously injured a person that results in substantial risk of death, permanent incapacity, serious permanent disfigurement, or acute pain of a duration that results in substantial suffering.

Dogs running at large

- Retains the prohibition against a dog running at large, but increases certain penalties if a nuisance, dangerous, or vicious dog runs at large.
- Exempts a dog that is not a dangerous or vicious dog from the prohibition against a dog running at large if the dog is engaged in a field trial.

Dog warden provisions

- Requires a dog warden who has reason to believe that a dog is being treated inhumanely to notify, in writing, the humane society or appropriate law enforcement authority that has jurisdiction to enforce Ohio's animal cruelty laws, instead of applying to the court for an order to seize the dog.

County auditor provisions

- Requires the county auditor to notify in writing the applicable county dog warden of a registration or address change when the auditor registers a dangerous or vicious dog or receives a notification of an address change from the owner of a dangerous or vicious dog.

Requirements for vicious and dangerous dog owners

- Eliminates the authorization in prior law that allowed a dangerous or vicious dog to legally engage in hunting activities;
- Requires any fencing used by a dog owner to confine a vicious or dangerous dog to be sufficiently constructed to prevent escape;
- Clarifies that a person who is convicted of or pleads guilty to a felony offense of violence or certain animal cruelty offenses, but who is not incarcerated, cannot knowingly own or reside with certain types of dogs beginning on the date that the person pleads guilty to or is convicted of the offense;
- Mandates that a dangerous or vicious dog owner obtain at least \$100,000 in liability insurance, regardless of a court order, and specifying that the failure to obtain liability insurance is a fourth degree misdemeanor;

- Requires a dangerous or vicious dog owner to securely confine their dog within their dwelling or any building on their property when an invitee is present so that there is no reasonable probability that the dog encounters the invitee;
- Increases, from \$50 to \$100, the dangerous dog registration fee applicable to dangerous and vicious dog owners;
- Requires a dangerous or vicious dog owner to disclose the dog's dangerous or vicious dog status to a trainer or veterinarian who will be providing services related to the dog and specifying that failure to do so is a minor misdemeanor;
- Requires a person who is selling or transferring a dangerous or vicious dog to include an additional answer about the dog's designation status on the written form that the person must submit to the buyer or other transferee, the applicable board of health, and the applicable dog warden; and
- Specifies that certain prohibitions regarding dangerous and vicious dogs are strict liability offenses.

Animal shelters for dogs

- Exempts an animal shelter for dogs from dog registration requirements, including registering any dog or a dangerous or vicious dog, instead of exempting shelters only from paying registration fees as under prior law.
- Exempts an animal shelter for dogs, with respect to a dog that it keeps or harbors, from complying with certain requirements governing dangerous or vicious dogs if the shelter uses due diligence in ascertaining whether the dog is dangerous or vicious prior to taking possession of the dog.

Dog complaint notification procedures

- Requires any authorized person (e.g., a dog warden or law enforcement officer) to investigate any complaint that indicates a possible violation of any provision of the Dog Law.
- If an authorized person does not cite or charge a person after conducting an investigation, requires the authorized person to notify the dog's owner that there has been a complaint regarding the dog.
- Requires the authorized person to post the notice on the door of the dwelling at which the dog resides within 24 hours after the investigation concludes.

Dog attack notifications

- Codifies the Department of Health's rule governing dog bite reporting that requires a health care provider or licensed veterinarian who has knowledge of an attack by a dog or other nonhuman mammal to report the attack within 24 hours after obtaining that knowledge.

- Requires a city or general health district board of health to annually submit a report regarding nonhuman mammalian attacks occurring in its district to the Department of Health by March 1 every year.

Recodification, reorganization, and miscellaneous changes

- Reorganizes and moves the codified location of various R.C. Chapter 955 provisions, including provisions governing criminal penalties.
- Specifies that certain prohibitions regarding dogs, including a violation of dog registration requirements, are strict liability offenses.
- Repeals the law that allowed a livestock owner to make a claim for reimbursement of the value of their animal from the Department of Agriculture if the animal was injured or killed by a coyote or black vulture.
- Repeals the law that prohibited a dog owner from allowing a female dog to go beyond the premises of the dog owner at any time the dog is in heat unless the dog is properly on a leash.

Avery’s Law

- Names the act “Avery’s Law” in honor of Avery Russell, who was severely injured in a dog attack in Reynoldsburg, Ohio in June 2024, when she was 11 years old.

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DETAILED ANALYSIS

Dog law changes

Background and overview

Under prior law, if a dog injured, seriously injured, or killed a person, and the dog had not previously been found to have committed such an act, there was no process by which a court could order the dog to be humanely destroyed. The only ramifications for the dog’s act were as follows:

1. The dog’s owner, keeper, or harbinger (hereinafter “dog owner”) could have been criminally charged for failing to keep the dog under reasonable control of a person (more commonly known as “allowing the dog to run at large”); or¹
2. The dog warden or other person who has authority to enforce the Dog Law (hereinafter “authorized person”) could have designated the dog as a dangerous or vicious dog, provided that the dog was not provoked when it injured, seriously injured, or killed the person.

If a dog owner did not agree with the designation, the owner was authorized to request a municipal court or county court with jurisdiction over the owner’s residence to hold a dog designation hearing. After the hearing, if the dog was designated as a dangerous or vicious dog, heightened penalties applied if the dog was subsequently found running at large, including if the dog caused injury.

However, there were only a few instances in which a court was authorized to order a dog to be humanely destroyed. Those instances were as follows:

1. If a dog was previously designated as a dangerous dog and was found running at large or was not securely confined in accordance with dangerous dog secure confinement requirements, the court had discretion to order the dangerous dog to be humanely destroyed.²
2. If a dog that was previously designated as a vicious dog and caused serious injury to a person while running at large, the court had discretion to order the dog to be humanely destroyed.

¹ R.C. 955.22(C).

² See R.C. 955.99(G), repealed.

3. If a dog that was previously designated as a vicious dog killed a person while running at large, the court was required to order the dog to be humanely destroyed.³

Under this prior system, even if a dog killed or seriously injured a person, there was no legal mechanism to euthanize the dog unless one of the three circumstances above applied. (This anomaly in the law was commonly referred to as the “one free bite” system). The act changes the penalties and procedures for addressing dogs that injure or kill a person or other dogs or injure livestock (excluding poultry). Notably, if a dog, without provocation, kills or seriously injures a person and that injury results in a substantial risk of death, permanent incapacity, serious permanent disfigurement, or acute pain of a duration that results in substantial suffering, a court must order the dog to be humanely destroyed. This requirement applies regardless of whether the dog has previously engaged in a nuisance, dangerous, or vicious dog act.

The act also makes additional changes to Ohio’s Dog Law, including:

- Establishing criminal penalties that apply to a dog owner who negligently fails to prevent their dog from, without provocation, engaging in a nuisance, dangerous, or vicious dog act;
- Allowing a court to order the humane destruction of a dog that, without provocation, committed a vicious or dangerous dog act, injured another dog, or attempted to bite a person and the attempt resulted in the injury of the person, regardless of whether the dog owner is charged with a crime;
- Modifying the criminal penalties for allowing a nuisance, dangerous, or vicious dog to run at large;
- Modifying requirements that apply to owners of dangerous and vicious dogs that are not ordered to be humanely destroyed; and
- Modifying certain requirements that apply to dog wardens in cases where the warden has reason to believe that a dog is being treated inhumanely.

The following analysis describes in greater detail each change made to the Dog Law, including the prohibitions and penalties discussed above.

Nuisance, dangerous, and vicious dog acts

The act redefines what constitutes a nuisance, dangerous, and vicious dog as follows:

³ See R.C. 955.99(H)(1), repealed.

Definitions of nuisance, dangerous, and vicious dog		
Type of dog	Former law ⁴	H.B. 247 ⁵
Nuisance	A dog that, without provocation and while off the premises of its owner, keeper, or harbinger chased or approached a person in either a menacing fashion or an apparent attitude of attack or attempted to bite or otherwise endanger any person.	<p>A dog that has been designated at a dog designation hearing or by a dog warden as a nuisance dog or a dog that has previously engaged in a nuisance dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous nuisance dog act.</p> <p>If there is probable cause to find that the dog, without provocation,⁶ has committed one of the following nuisance dog acts, a dog warden must designate the dog or petition a court to designate the dog as a nuisance dog:</p> <ol style="list-style-type: none"> 1. Chased or approached a person in either a menacing fashion or an apparent attitude of attack; 2. Attempted to bite or otherwise endangered any person in either a menacing fashion or an apparent attitude of attack; 3. Caused injury⁷ to any person without making physical contact in either a menacing fashion or an apparent attitude of attack; 4. Chased, threatened, harassed, or injured another dog or livestock

⁴ R.C. 955.11. A police dog that is on duty is exempt from being designated a nuisance, dangerous, or vicious dog.

⁵ R.C. 955.01, 955.22, and 955.23.

⁶ R.C. 955.22(A)(6). The act retains the portion of the definition of “without provocation” that states that a dog was not teased, tormented, or abused by a person, or that the dog was not 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 of carrying out such activity. It also clarifies that “without provocation” means that a dog was not attacked by another dog or livestock.

⁷ R.C. 955.22(A)(4). Under the act, “injury” means any physical harm to a person, another dog, or livestock (excluding poultry), as applicable, but does not include physical harm resulting from a situation where the dog behaves in a playful, nonaggressive, or age-appropriate manner.

Definitions of nuisance, dangerous, and vicious dog		
Type of dog	Former law ⁴	H.B. 247 ⁵
		<p>(excluding poultry) in either a menacing fashion or an apparent attitude of attack; or</p> <p>5. Has been the subject of a third or subsequent violation of running at large (without causing any injury or harm) (note – under prior law, if a dog was the subject of a third or subsequent running at large violation, it was a dangerous dog).</p>
Dangerous	<p>A dog that, without provocation, did one of the following:</p> <ol style="list-style-type: none"> 1. Caused injury, other than killing or serious injury, to any person; 2. Killed another dog; or 3. Been the subject of a third or subsequent violation of running at large (without causing any injury or harm). 	<p>A dog that has been designated at a dog designation hearing or by a dog warden as a dangerous dog or a dog that has previously engaged in a dangerous dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous dangerous dog act.</p> <p>If there is probable cause to find that the dog, without provocation, has committed one of the following dangerous dog acts, a dog warden must designate the dog or petition a court to designate the dog as a dangerous dog:</p> <ol style="list-style-type: none"> 1. Caused injury by physical contact, other than killing or serious injury,⁸ to any person in either a menacing fashion or an apparent attitude of attack; 2. Caused serious injury without making physical contact to any

⁸ Serious injury is any physical harm that carries a substantial risk of death; any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity; any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement; or any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain. The act excludes physical harm resulting from a situation where the dog behaves in a playful, nonaggressive or age-appropriate manner from being considered “serious injury,” R.C. 955.22(A)(5).

Definitions of nuisance, dangerous, and vicious dog		
Type of dog	Former law ⁴	H.B. 247 ⁵
		<p>person in either a menacing fashion or an apparent attitude of attack;</p> <p>3. Killed another dog; or</p> <p>4. Caused serious injury to another dog that results in euthanasia of the dog by a person authorized to perform euthanasia under Ohio law.</p>
Vicious	A dog that, without provocation, killed or caused serious injury to any person.	<p>A dog that has been designated at a dog designation hearing or by a dog warden as a vicious dog or a dog that has previously engaged in a vicious dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous vicious dog act.</p> <p>If there is probable cause to find that the dog, without provocation, has committed one of the following vicious dog acts, a dog warden must designate the dog or petition a court to designate the dog as a vicious dog:</p> <ol style="list-style-type: none"> 1. Killed any person; 2. Caused serious injury to any person by physical contact; or 3. Engaged in a dangerous dog act after the dog has been designated as a dangerous dog by a court.

Criminal penalties for dog attacks

The act imposes criminal penalties on a dog owner if the owner negligently fails to keep their dog from committing, without provocation, a “nuisance dog act,” “dangerous dog act,” or “vicious dog act,” including in circumstances in which the dog has not previously engaged in such an act. It also imposes those criminal penalties in cases where the actor is an animal shelter for dogs, but requires a higher culpable mental state for certain offenses. An “animal shelter for dogs” is a facility that keeps, houses, and maintains dogs such as a dog pound

operated by a municipal corporation or a county, or that is operated by a humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization that is devoted to the welfare, protection, and humane treatment of dogs and other animals.⁹ The criminal penalties are as follows:¹⁰

Nuisance dog act

- A minor misdemeanor on a first offense and a fourth degree misdemeanor on each subsequent offense if:
 - A dog owner negligently fails to prevent the dog from committing a nuisance dog act;
 - An animal shelter for dogs recklessly fails to prevent the dog from committing a nuisance dog act.

Dangerous dog act

- A fourth degree misdemeanor on a first offense and a third degree misdemeanor on each subsequent offense if :
 - The dog owner negligently fails to prevent the dog from committing a dangerous dog act;
 - The animal shelter for dogs recklessly fails to prevent the dog from committing a dangerous dog act.
- A first degree misdemeanor if the dog owner or animal shelter for dogs negligently fails to prevent the dog from committing a dangerous dog act if the dog is a dangerous or vicious dog (meaning it has previously committed an act to warrant such designation), and the dangerous dog act injures a person.

Vicious dog act

- A third degree misdemeanor on a first offense and a second degree misdemeanor on each subsequent offense if:
 - The dog owner negligently fails to prevent the dog from committing a vicious dog act;
 - The animal shelter for dogs recklessly fails to prevent the dog from committing a vicious dog act.
- A third degree felony if the dog owner or animal shelter for dogs negligently fails to prevent the dog from committing a vicious dog act if the dog is a dangerous or vicious dog (meaning it has previously committed an act to warrant such designation), and the vicious dog act seriously injures or kills a person.

The act allows a court, as part of the criminal proceeding, to order the dog to be humanely destroyed by a licensed veterinarian or the county dog warden at the dog owner's expense if the

⁹ R.C. 956.01, not in the act.

¹⁰ R.C. 955.22.

court finds that the dog committed a vicious or dangerous dog act, injured another dog, or attempted to bite a person and the attempt resulted in the injury of the person. However, if the dog kills a person or seriously injures a person that results in substantial risk of death; permanent incapacity; serious permanent disfigurement; or acute pain of a duration that results in substantial suffering, it requires the court to order the dog to be humanely destroyed.

As mentioned above, under prior law, there were only limited circumstances in which an injury or death caused by a dog was taken into account in terms of penalizing the dog owner or the dog. Specifically, when a dog had *already* been designated a vicious dog and the dog owner pled guilty to or was convicted of allowing their vicious dog to run at large, the dog owner was guilty of one of the following:

1. A fourth degree felony if the dog killed a person. Additionally, the court *had to* order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.
2. A first degree misdemeanor if the dog caused serious injury to a person. Additionally, the court had discretion to order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.

If the court did not order the vicious dog to be destroyed under (2) above, prior law required the court to issue an order that specified that the dog owner had to comply with standards regarding keeping a dangerous dog securely confined. Furthermore, the court had to order the dog owner to register the dog as a dangerous dog (however, the dog owner should have already been adhering to those requirements since the dog was previously designated as a vicious dog). Finally, the court had to order the offender to obtain at least \$100,000 in liability insurance regarding the dog. Until the court made a final determination and during the pendency of any appeal and at the discretion of the dog warden, the dog had to be confined or restrained in accordance with continuing law's dangerous dog secure confinement requirements or at the county dog pound at the owner's expense.¹¹

As indicated above, under former law, when a court ordered the humane destruction of a dog, it could require the county humane society to perform the humane destruction. However, the act only allows a county dog warden or a licensed veterinarian to euthanize the dog.¹²

Dog designation hearing

The act restructures Ohio's dog designation procedures, which may result in a dog's designation as a nuisance, dangerous, or vicious dog. The new procedures under the act are listed in detail in the table below. The table includes a comparison of the new procedures to those in prior law.

¹¹ R.C. 955.99(H), repealed.

¹² R.C. 955.21(D) and (E), 955.22(E) and (F), 955.23(F), and 955.23(F) and (H).

Dog designation hearing		
Topic	Prior law ¹³	H.B. 247 ¹⁴
Initiating a proceeding	<p>If an authorized person had reasonable cause to believe that a dog in the person's jurisdiction was a nuisance, dangerous, or vicious dog, the authorized person had to notify the dog's owner, by certified mail or in person, of both of the following:</p> <ol style="list-style-type: none"> 1. That the authorized person had designated the dog a nuisance, dangerous, or vicious dog, as applicable; and 2. That the dog owner could request a hearing regarding the designation. <p>The authorized person had to include filing instructions in the notice.</p>	<p>If an authorized person has probable cause to believe that a dog in the person's jurisdiction committed a nuisance, dangerous, or vicious dog act, the person must take different actions depending on whether the authorized person determines that it is safe to keep the dog under the custody of the owner.</p> <p>If the person determines that it is safe and the dog's act did not result in the killing or serious injury of a person, the authorized person may designate the dog in the same manner as in prior law, and the dog owner may request a hearing regarding the designation.</p> <p>Regarding a dog that seriously injures or kills a person or a dog that the authorized person otherwise determines cannot safely remain with the dog's owner, the act requires the authorized person who has probable cause that a dog has committed a nuisance, dangerous, or vicious dog act to petition the appropriate court to hold a dog designation hearing regarding the dog.</p> <p>The act also allows probable cause to be supported by one or more written statements of a witness describing the incident or incidents in which the witness saw the dog engage in a nuisance, dangerous, or a vicious dog act.</p>
Jurisdiction	The municipal court or county court that had territorial jurisdiction over the	The court that has jurisdiction over the location of the alleged incident that

¹³ R.C. 955.23.

¹⁴ R.C. 955.23.

Dog designation hearing		
Topic	Prior law ¹³	H.B. 247 ¹⁴
	dog owner's residence had jurisdiction over a dog designation hearing.	gave rise to the designation hearing must conduct the hearing.
Hearing timeline	If the dog owner disagreed with the designation, the dog owner was authorized, within ten days of receiving the designation notice, to file a written request for a dog designation hearing with the court. Prior law did not specify how long the court had to conduct the hearing once the dog owner requested it.	For cases in which the dog warden designates the dog without petitioning a court, the dog owner, within ten calendar days of receiving the designation notice, may appeal the designation. The act specifies that the court has ten calendar days to conduct the appeal. For cases in which an authorized person petitions the court for a dog designation hearing, the court must hold the hearing within ten calendar days of receiving the petition. At the conclusion of the hearing, the court must issue a final determination concerning whether the dog must be designated a nuisance, dangerous, or vicious dog.
Evidence	At the hearing, the authorized person had the burden of proving, by clear and convincing evidence, that the dog was a nuisance dog, dangerous dog, or vicious dog.	Similar to prior law, at the hearing, the authorized person has the burden of proving, by clear and convincing evidence, that the dog committed a nuisance dog act, dangerous dog act, or vicious dog act.
Appeals	The dog owner or the authorized person who designated the dog was authorized to appeal the court's final determination as in any other case filed in that court.	Like prior law, the dog owner or the authorized person who petitioned the court or designated the dog may appeal the court's final determination as in any other case filed in that court.
Dog possession during the pendency of the hearing and any appeal	If the dog owner or the owner's attorney made a motion for the dog to be held in the possession of the dog owner during the pendency of the hearing and any appeal, the court was authorized to grant the order. However, during that time, the dog had to be confined or restrained in accordance	If the dog warden determines that it is safe to have the dog remain in the custody of the dog's owner and the dog did not seriously injure or kill a person, the dog must be held in possession of the owner during the pendency of the hearing and any appeal. Like prior law, during that time, the dog must be

Dog designation hearing		
Topic	Prior law ¹³	H.B. 247 ¹⁴
	with the secure confinement requirements that pertained to dangerous dogs (regardless of whether the dog had been designated as a vicious dog or a nuisance dog). The dog owner did not have to comply with any other requirement concerning a designated dog until the court made a final determination and during the pendency of any appeal.	<p>confined or restrained in accordance with secure confinement requirements that pertain to dangerous dogs (regardless of whether the dog has committed a vicious dog act or a nuisance dog act). The dog owner does not have to comply with any other requirements established in Ohio law that concern a designated dog until the court makes a final determination and during the pendency of any appeal.</p> <p>However, if the dog warden determines that it is not safe to have the dog remain in the custody of the dog's owner after the commission of the alleged act or if the dog seriously injured or killed a person, the dog must be held in the custody of the dog warden during the pendency of a court's determination or any appeal.</p> <p>While the dog is being held, the cost of holding the dog is the responsibility of the dog's owner unless the court determines that the dog should not be designated as a nuisance, dangerous, or vicious dog.</p>
Dangerous and vicious dog requirements and prohibitions after designation – references in law	If a dog was finally determined at the hearing, or on appeal, to be a vicious dog, then all requirements that applied to dangerous dogs, such as the secure confinement requirements, the prohibition against owning a dangerous dog if the owner has been convicted of certain violent felony offenses, and dangerous dog registration	Same as prior law, but the act removes references that require a vicious dog to comply with dangerous dog requirements. Instead, it incorporates references to vicious dogs in those requirements. ¹⁵

¹⁵ R.C. 955.02 (dangerous and vicious dog registration and tag requirements); 955.11 (dangerous and vicious dog transfer of ownership requirements); 955.24 (dangerous and vicious dog secure confinement requirements, liability insurance requirements, and prohibition against debarking); and 955.54 (prohibition against a person who has been convicted of a violent felony from owning a dangerous or vicious dog).

Dog designation hearing		
Topic	Prior law ¹³	H.B. 247 ¹⁴
	requirements applied with respect to the dog and the dog’s owner, as if the dog were a dangerous dog. As part of the order, the court had to require the dog owner to obtain at least \$100,000 in liability insurance.	
Dog disposition after a hearing	Prior law did not allow a court to order the humane destruction of a dog at a dog designation hearing (even if the dog caused serious injury or death to a person). As indicated above, only if the dog was previously designated as a dangerous or vicious dog and was subsequently found running at large was the court authorized (or required) to order the dog to be humanely destroyed.	<p>The act allows the court, as part of the dog designation hearing, to order a dog designated as a nuisance dog to be humanely destroyed by a licensed veterinarian or the county dog warden at the dog owner’s expense if the court finds that the dog injured another dog or attempted to bite a person and such attempt resulted in the injury of the person.</p> <p>Additionally, the act allows the court to order a dog designated as a dangerous or vicious dog to be humanely destroyed.</p> <p>However, it requires the court to order the dog to be humanely destroyed if the court finds that the dog killed a person or caused serious injury to a person that resulted in substantial risk of death; permanent incapacity; serious permanent disfigurement; or acute pain of a duration that results in substantial suffering.</p>

Dogs running at large

As described above, continuing law prohibits a dog owner from allowing their dog to run at large by either failing to keep their dog physically confined or restrained upon the premises of the dog owner by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape or by failing to keep their dog under the reasonable control of some person.

The act retains that prohibition, but specifies that it is a strict liability offense and increases the penalties associated with a dog running at large that does not cause any injury or death as follows:

- Increases, from a minor misdemeanor to a fourth degree misdemeanor on a first offense and from a fourth degree misdemeanor to a third degree misdemeanor on each subsequent offense, the penalty associated with a person who allows their nuisance dog to run at large.
- Increases, from a fourth degree misdemeanor to a third degree misdemeanor on a first offense and from a third degree misdemeanor to a second degree misdemeanor on each subsequent offense, the penalty associated with a person who allows their dangerous dog to run at large.
- Imposes a penalty of a second degree misdemeanor on a first offense and a first degree misdemeanor on each subsequent offense on a person who allows their vicious dog to run at large, and eliminates the requirement that the vicious dog cause serious injury or death for the heightened penalty to apply.¹⁶

It also exempts a dog owner from the prohibition when a dog is participating in field trials, provided that the dog is not a dangerous or vicious dog. A field trial is a competitive event for hunting dogs.¹⁷

Dog warden provisions

The act requires a dog warden who has reason to believe that a dog is being treated inhumanely to notify, in writing, the humane society or appropriate law enforcement authority that has jurisdiction to enforce Ohio's animal cruelty laws. Under former law, dog wardens had to apply to the court for an order to seize the dog. Thus, the act eliminates a dog warden's responsibility to investigate acts of cruelty against a dog.¹⁸

It also removes prior law's criminal prohibition against a dog warden who willfully fails to perform "other duties required" of a dog warden, violation of which was a minor misdemeanor. It retains as a minor misdemeanor the law that prohibits dog wardens from violating their specific duties set forth in the statute that requires the appointment of dog wardens (e.g., patrolling their respective counties and seizing and impounding dogs running at large).¹⁹

County auditor provisions

Under the act, when a county auditor registers a dangerous or vicious dog or receives a notification regarding an address change from a dangerous or vicious dog owner, the county auditor must notify in writing the applicable county dog warden of the registration or address

¹⁶ R.C. 955.21; R.C. 955.22, repealed and reenacted; R.C. 955.99(G), repealed.

¹⁷ R.C. 955.21(F).

¹⁸ R.C. 955.12.

¹⁹ R.C. 955.12(H) and (I); R.C. 955.23 and R.C. 955.99(B), repealed.

change.²⁰ Continuing law requires a dangerous or vicious dog owner to register their dog with the county auditor and obtain both a regular dog tag and a dangerous dog tag.²¹

Requirements for vicious and dangerous dog owners

The act modifies certain requirements that pertain to vicious and dangerous dog owners as follows:

- It eliminates the ability for a dangerous or vicious dog to legally engage in a hunting activity.²²
- It requires any fencing used by a dog owner to confine a vicious or dangerous dog to be sufficiently constructed to prevent escape.²³
- It clarifies that a person who is convicted of or pleads guilty to a felony offense of violence or certain animal cruelty offenses, but who is not incarcerated, cannot knowingly own or reside with certain types of dogs beginning on the date that the person pleads guilty to or is convicted of the offense rather than on the date of the person's final release from any other sanctions imposed for the offense.²⁴
- It mandates that a dangerous or vicious dog owner obtain at least \$100,000 in liability insurance, regardless of a court order, and specifies that the failure to obtain liability insurance is a minor misdemeanor on a first offense and a fourth degree misdemeanor on each subsequent offense.²⁵
- It requires a dangerous or vicious dog owner to securely confine their dog within their dwelling or any building on their property when an invitee is present so that there is no reasonable probability that the dog encounters the invitee.²⁶
- It increases the fee, from \$50 to \$100, that a dangerous or vicious dog owner must pay for a dangerous dog registration.²⁷
- It requires a dangerous or vicious dog owner to disclose the dog's dangerous or vicious dog status to a trainer or veterinarian who will be providing services related to the dog and specifies that failure to do so is a minor misdemeanor.²⁸

²⁰ R.C. 955.024.

²¹ R.C. 955.02.

²² R.C. 955.21(A) and (F) and 955.24(A).

²³ R.C. 955.24(A)(3)(a).

²⁴ R.C. 955.54.

²⁵ R.C. 955.24(B)(1) and (G)(1).

²⁶ R.C. 955.24(A)(2).

²⁷ R.C. 955.02(D)(1)(a).

²⁸ R.C. 955.24(B)(5) and (G)(2).

- It requires a person who is selling or transferring a dangerous or vicious dog to include on the written notification form (which is required to be provided to the buyer or other transferee, the applicable board of health, and the applicable dog warden) the answer to the following question:
 - “Has the dog previously been designated a nuisance, dangerous, or vicious dog? If yes, indicate the designation that was assigned, the date of designation, and in which county or city the designation was made.”²⁹
- It specifies that the following prohibitions are strict liability offenses:
 - Failure to present a valid dangerous dog registration upon request of any law enforcement officer, dog warden, or public health official;³⁰
 - Failure to obtain a dangerous dog registration, affix the dangerous dog tag to the dog, or ensure that the dangerous or vicious dog wears the collar and tag at all times;³¹
 - Failure to comply with the law governing the transfer or sale of a dangerous or vicious dog;³²
 - Failure to keep a dangerous or vicious dog securely confined;³³ and
 - Regarding a dangerous or vicious dog, failure to obtain liability insurance, provide proof of that insurance, notify the local dog warden if the dog gets loose or attacks a person or animal under certain circumstances, or notify the county auditor or dog warden if the dog is sold, transferred, or died.³⁴

Animal shelters for dogs

The act exempts an animal shelter for dogs³⁵ from any registration requirements. Under prior law, animal shelters for dogs were exempt only from paying registration fees.³⁶ It also exempts an animal shelter for dogs, with respect to a dog that it keeps or harbors, from complying with certain requirements governing dangerous or vicious dogs, including notice upon transfer requirements, obtaining liability insurance, and securely confining the dog, if both of the following apply:

1. The animal shelter did not have knowledge and could not have reasonably ascertained that the dog is a dangerous or vicious dog; and

²⁹ R.C. 955.11(C)(2).

³⁰ R.C. 955.02(I).

³¹ R.C. 955.02(J).

³² R.C. 955.11.

³³ R.C. 955.24(A).

³⁴ R.C. 955.24(B).

³⁵ See R.C. 956.01, not in the act.

³⁶ R.C. 955.02(G).

2. The animal shelter asks the following questions to the dog's previous owner, if such person is known and if the dog was not impounded due to animal abuse:

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

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

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

"Has the dog previously been designated a nuisance, dangerous, or vicious dog? If yes, indicate the designation that was assigned, the date of designation, and in which county or city the designation was made."³⁷

Dog complaint notification procedures

The act requires any authorized person (e.g., a dog warden or law enforcement officer) to investigate any complaint that indicates a possible violation of the Dog Law. If, after investigating an alleged violation, the authorized person does not cite the person for or charge the person with a violation, the authorized person must notify the dog's owner that there was a complaint regarding the dog and that the authorized person investigated a possible violation.

The act requires the notice to specify both of the following:

1. A citation to the provision or provisions of law that govern the alleged violations; and
2. Contact information for the authorized person.

Under the act, the authorized person must post the notice on the door of the dwelling at which the dog resides within 24 hours after the investigation concludes.³⁸

Dog attack notifications

The act codifies the Department of Health's rule³⁹ governing dog bite reporting requirements. Accordingly, it requires a health care provider or a licensed veterinarian who has knowledge of a person who was bitten or injured as a result of a dog or other nonhuman mammal attack to report the bite or injury within 24 hours after obtaining that knowledge.

The provider or veterinarian must make the report to the health commissioner of the health district in which the bite occurred. Additionally, if a dog or other nonhuman mammal bites or injures a person, the person who was bitten or injured may report it to the health commissioner of the health district in which the bite occurred.

A city or general health district board of health must annually submit a report regarding nonhuman mammalian bites and injuries occurring in its district to the Department of Health by

³⁷ R.C. 955.11(F) and 955.24.

³⁸ R.C. 955.60.

³⁹ See Ohio Administrative Code 3701-3-28.

March 1. The report must include information about the bites and injuries that occurred in the previous calendar year.⁴⁰

Recodification, reorganization, and miscellaneous changes

The act reorganizes and moves the codified location of various R.C. Chapter 955 provisions, including provisions governing criminal penalties.⁴¹

It clarifies that each of the following prohibitions are strict liability offenses:

1. Failure to register any dog with the county auditor;⁴²
2. Failure to register a dog kennel;⁴³
3. Failure to require a dog to wear a valid tag;⁴⁴ and
4. Failure to comply with the requirements governing the sale or transfer of a dog.⁴⁵

It also repeals both of the following:

1. Unfunded provisions of the Dog Law that allowed a livestock owner to make a claim for reimbursement of the value of the owner's animal from the Department of Agriculture if the animal was injured or killed by a coyote or black vulture.⁴⁶
2. A prohibition against a dog owner from allowing a female dog to go beyond the premises of the dog owner at any time the dog was in heat unless the dog was properly on a leash.⁴⁷ However, under the act, if a person allows an undesignated female dog that is in heat to run at large, the penalty is the same for violating the running at large prohibition.

Avery's Law

The act is named "Avery's Law" in honor of Avery Russell, who was severely injured in a dog attack in Reynoldsburg, Ohio in June 2024, when she was 11 years old.⁴⁸

⁴⁰ R.C. 955.61.

⁴¹ R.C. 955.99, repealed; and recodification of the majority of R.C. Chapter 955.

⁴² R.C. 955.02(H).

⁴³ R.C. 955.04(B).

⁴⁴ R.C. 955.09(A).

⁴⁵ R.C. 955.11(D).

⁴⁶ R.C. 955.51 to 955.52, repealed.

⁴⁷ R.C. 955.22(B) and 955.99(E)(1), repealed.

⁴⁸ Section 5.

HISTORY

Action	Date
Introduced	04-29-25
Reported, H. Public Safety	06-18-25
Passed House (97-0)	06-18-25
Reported, S. Judiciary	11-19-25
Passed Senate (33-0)	11-19-25
House concurred in Senate amendments (87-0)	11-19-25

CHAPTER 508

Dangerous, Nuisance and Vicious Dogs

508.01 Definitions.

508.02 Transfer of ownership.

508.03 Confinement or restraint of dog; liability insurance; debarking or surgically silencing dog; obtain dangerous dog registration; notify the Police Department.

508.04 Judicial determination of dog as a nuisance dog, dangerous dog or vicious dog.

508.05 Restriction of ownership.

508.06 Severability.

508.99 Penalty.

CROSS REFERENCES

Dangerous animals - see GEN. OFF. Ch. 507

508.01 DEFINITIONS.

(a) As used in this Chapter:

- (1) A. "Dangerous dog" means a dog that, without provocation, and subject to division (a)(1)B of this section, 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 division (b) of Section 508.03 or of Section 955.22(C) of the Ohio Revised Code, or any combination thereof,
- B. "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.
- (2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.
- (3) A. Subject to division (a)(3)B of this section, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper, or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.
- B. "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.
- (4) "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.
- (5) "Serious injury" means any of the following:
 - A. Any physical harm that carries a substantial risk of death;
 - B. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
 - C. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
 - D. Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.
- (6) A. "Vicious dog" means a dog that, without provocation and subject to division (a)(6)B of this section, has killed or caused serious injury to any person.
- B. "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.
- (7) "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(Ord. 1870-13. Passed 9-12-13.)

508.02 TRANSFER OF OWNERSHIP.

(a) Upon the transfer of ownership of any dog, the seller of the dog shall comply with the notice and registration requirements of Ohio Revised Code Section 955.11 and give the buyer a transfer of ownership certificate that shall be signed by the seller and contain the registration number of the dog, the name of the seller, and a brief description of the dog.

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

(c) Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous dog, the seller or other transferor shall give to the buyer or other transferee, the Montgomery County board of health, the Montgomery County dog warden and the Moraine Police Department, a completed copy of a written form on which the seller shall furnish the following information:

- (1) The name and address of the buyer or other transferee of the dog;
- (2) The age, sex, color, breed, and current registration number of the dog.

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

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

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

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

The information shall be provided on forms available from the Montgomery County dog warden.

(d) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (a) to (c) of this section.

(Ord. 1870-13. Passed 9-12-13.)

508.03 CONFINEMENT OR RESTRAINT OF DOG; LIABILITY INSURANCE; DEBARKING OR SURGICALLY SILENCING DOG; OBTAIN DANGEROUS DOG REGISTRATION; NOTIFY THE POLICE DEPARTMENT.

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

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

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

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

(c) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of a dangerous dog shall fail to do either of the following:

- (1) While that dog is on the premises of the owner, keeper, or harborer, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;
- (2) While that dog is off the premises of the owner, keeper, or harborer, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:
 - A. Keep that dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top;
 - B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;
 - C. Muzzle that dog.

(d) No person who has been convicted of or pleaded guilty to three or more violations of division (b) of this Section 508.03 or of Section 955.22(C) of the Ohio Revised Code, or any combination thereof, involving the same dog and no owner, keeper, or harborer of a dangerous dog shall fail to do the following:

- (1) Obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;
- (2) Obtain a dangerous dog registration certificate from the county auditor pursuant to division (I) of Ohio Revised Code Section 955.22, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;
- (3) Notify the local dog warden and the Moraine Police Department immediately if any of the following occurs:
 - A. The dog is loose or unconfined.
 - B. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.
 - C. The dog attacks another animal while the dog is off the property of the owner of the dog.
- (4) If the dog is sold, given to another person, or dies, notify the Moraine Police Department within ten days of the sale, transfer, or death.

(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 dog;
- (2) Possess a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;
- (3) Falsely attest on a waiver form provided by the veterinarian under division (G) of Ohio Revised Code Section 955.22 that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(Ord. 1870-13. Passed 9-12-13.)

508.04 JUDICIAL DETERMINATION OF DOG AS A NUISANCE DOG, DANGEROUS DOG OR VICIOUS DOG.

(a) Any Moraine official or law enforcement officer who is authorized to enforce this chapter and has reasonable cause to believe that a dog in the City of Moraine 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 Kettering Municipal Court.

(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 Kettering Municipal Court. 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 Section 508.03(c) 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 Chapter 508 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, Sections 508.02 and 508.03 apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog 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 (d)(1) of Section 508.03 in an amount described in division (H)(2) of Section 955.99 of the Ohio Revised Code.

(Ord. 1870-13. Passed 9-12-13.)

508.05 RESTRICTION ON OWNERSHIP.

(a) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after the effective date of this section or a felony violation of any provision of Chapter 959, 2923, or 2925 of the Ohio Revised Code committed on or after May 22, 2012 shall knowingly own, possess, have custody of, or reside in a residence with either of the following for a period of three years commencing either upon the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for the offense or violation, upon the date of the person's final release from the other sanctions imposed for the offense or violation:

- (1) An unspayed or unneutered dog older than twelve weeks of age;
- (2) Any dog that has been determined to be a dangerous dog under this Chapter 508 or Chapter 955 of the Ohio Revised Code.

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

- (c) (1) Division (a) of this section does not apply to any person who is confined in a correctional institution of the department of rehabilitation and correction.
- (2) Division (a) of this section does not apply to any person with respect to any dog that the person owned, possessed, had custody of, or resided in a residence with prior to May 22, 2012.

(Ord. 1870-13. Passed 9-12-13.)

508.06 SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.

(Ord. 1870-13. Passed 9-12-13.)

508.99 PENALTY.

- (a) (1) Whoever violates division (d) of Section 508.02 because of a failure to comply with division (a) of that section is guilty of a minor misdemeanor.
- (2) Whoever violates division (d) of Section 508.02 because of a failure to comply with division (b) or (c) of that section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.
- (b) (1) Whoever violates division (a) of Section 508.03 or commits a violation of division (b) of Section 508.03 that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars (\$75.00) or more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than thirty days.
- (2) In addition to the penalties prescribed in division (a)(2) of this section, if the offender is guilty of a violation of division (a) of Section 508.03 or a violation of division (b) of Section 508.03 that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.
- (c) (1) Whoever commits a violation of division (b) of Section 508.03 that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of division (b) of Section 508.03 or division (C) of Ohio Revised Code Section 955.22, or any combination thereof, involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.
- (2) In addition to the penalties prescribed in division (c)(1) of this section, if a violation of division (b) of Section 508.03 involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.
- (d) (1) Whoever commits a violation of division (b) of Section 508.03 that involves a dangerous dog or a violation of division (c) of that section is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (d) of Section 508.03 or division (E) of Section 955.22 of the Ohio Revised Code. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.
- (2) With respect to a violation of division (b) of Section 508.03 or division (C) of Section 955.22 of the Ohio Revised Code that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the request of an authorized official of the City of Moraine or law enforcement officer, the dog may be confined or restrained in accordance with division (c) of Section 508.03 or

division (D) of Section 955.22 of the Ohio Revised Code or at the county dog pound at the owner's expense.

- (e) (1) Whoever commits a violation of division (b) of Section 508.03 that involves a vicious dog is guilty of one of the following:
- A. A misdemeanor of the first degree if the dog causes death or serious injury to a person. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society at the owner's expense.
- (2) If the court does not order the vicious dog to be destroyed under division (e)(1)A of this section, the court shall issue an order that specifies that division (c) of Section 508.02 and divisions (c) to (e) of Section 508.03 apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that Section 508.05 applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (d)(1) of Section 508.03 in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand (\$100,000) dollars. Until the court makes a final determination and during the pendency of any appeal of a violation of division (b) of Section 508.03 and at the request of an authorized official of the City of Moraine or law enforcement officer, the dog may be confined or restrained in accordance with the provisions described in division (c) of Section 508.03 or at the county dog pound at the owner's expense.
- (f) Whoever violates division (d)(2) of Section 508.03 is guilty of a misdemeanor of the fourth degree.
- (g) Whoever violates any provision of Chapter 508 for which a penalty is not otherwise specified is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense.
- (h) Whoever violates division (d)(1), (3), or (4) of Section 508.03 is guilty of a minor misdemeanor.
- (i) Whoever violates division (a) or (b) of Section 508.05 is guilty of a misdemeanor of the first degree.

(Ord. 1870-13. Passed 9-12-13.)

AN ACT

To amend sections 304.02, 304.03, 715.23, 901.80, 935.03, 955.01, 955.011, 955.012, 955.02, 955.03, 955.04, 955.05, 955.06, 955.07, 955.10, 955.11, 955.12, 955.121, 955.14, 955.16, 955.20, 955.22, 955.221, 955.222, 955.26, 955.261, 955.40, 955.43, 955.44, 955.50, 955.54, 959.132, 1533.12, 1901.18, 1907.031, 2913.01, and 2921.321; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 955.01 (955.02), 955.011 (955.021), 955.012 (955.022), 955.013 (955.023), 955.02 (955.01), 955.09 (955.08), 955.10 (955.09), 955.22 (955.24), 955.221 (955.10), 955.222 (955.23), and 955.40 (955.262); to enact new sections 955.21 and 955.22 and sections 955.024, 955.60, and 955.61; and to repeal sections 955.08, 955.21, 955.23, 955.24, 955.25, 955.39, 955.51, 955.52, 955.53, and 955.99 of the Revised Code to make changes to the laws governing dogs, including dangerous and vicious dogs, and to name this act Avery's Law.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 304.02, 304.03, 715.23, 901.80, 935.03, 955.01, 955.011, 955.012, 955.02, 955.03, 955.04, 955.05, 955.06, 955.07, 955.10, 955.11, 955.12, 955.121, 955.14, 955.16, 955.20, 955.22, 955.221, 955.222, 955.26, 955.261, 955.40, 955.43, 955.44, 955.50, 955.54, 959.132, 1533.12, 1901.18, 1907.031, 2913.01, and 2921.321 be amended; sections 955.01 (955.02), 955.011 (955.021), 955.012 (955.022), 955.013 (955.023), 955.02 (955.01), 955.09 (955.08), 955.10 (955.09), 955.22 (955.24), 955.221 (955.10), 955.222 (955.23), and 955.40 (955.262) be amended for the purpose of adopting new section numbers as indicated in parentheses; and new sections 955.21 and 955.22 and sections 955.024, 955.60, and 955.61 of the Revised Code be enacted to read as follows:

Sec. 304.02. Prior to the use of electronic records and electronic signatures by a county office under Chapter 1306. of the Revised Code, and except as otherwise provided in section ~~955.013-955.023~~ of the Revised Code, a county office shall adopt, in writing, a security procedure for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. A security procedure includes, but is not limited to, a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

Sec. 304.03. (A) Whenever any rule or law requires or authorizes the filing of any information, notice, lien, or other document or record with any county office, a filing made by an

electronic record shall have the same force and effect as a filing made on paper in all cases where the county office has authorized or agreed to the electronic filing and the filing is made in accordance with applicable rules or an applicable agreement.

(B) Nothing in this section authorizes or shall be construed to authorize the use of a financial transaction device in an electronic transaction for the acceptance of payments for county expenses, except pursuant to section 301.28 or ~~955.013~~955.023 of the Revised Code.

(C) As used in this section, "financial transaction device" and "county expenses" have the same meanings as in section 301.28 of the Revised Code.

Sec. 715.23. Except as otherwise provided in section ~~955.221~~955.10 of the Revised Code regarding dogs, a municipal corporation may regulate, restrain, or prohibit the running at large, within the municipal corporation, of cattle, horses, swine, sheep, goats, geese, chickens, or other fowl or animals, impound and hold the fowl or animals, and, on notice to the owners, authorize the sale of the fowl or animals for the penalty imposed by any ordinance, and the cost and expenses of the proceedings.

Sec. 901.80. (A) As used in this section:

(1) "Agricultural production" has the same meaning as in section 929.01 of the Revised Code.

(2) "Agritourism" means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

(3) "Agritourism provider" means a person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

(4) "Farm" means land that is composed of tracts, lots, or parcels totaling not less than ten acres devoted to agricultural production or totaling less than ten acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars from agricultural production.

(5) "Participant" means an individual, other than an agritourism provider, who observes or participates in an agritourism activity.

(6) "Risk inherent in an agritourism activity" means a danger or condition that is an integral part of an agritourism activity, including all of the following:

(a) The surface and subsurface conditions of land;

(b) The behavior or actions of wild animals not kept by or under the control of an agritourism provider;

(c) The behavior or actions of domestic animals other than vicious or dangerous dogs as defined in section ~~955.11~~955.01 of the Revised Code;

(d) The ordinary dangers associated with structures or equipment ordinarily used in farming or ranching operations;

(e) The possibility of contracting illness resulting from physical contact with animals, animal feed, animal waste, or surfaces contaminated by animal waste;

(f) The possibility that a participant may act in a negligent manner, including by failing to follow instructions given by the agritourism provider or by failing to exercise reasonable caution while engaging in the agritourism activity that may contribute to injury to that participant or another participant.

(B) In a civil action, an agritourism provider is immune from liability for any harm a participant sustains during an agritourism activity if the participant is harmed as a result of a risk inherent in an agritourism activity. Nothing in this section requires an agritourism provider to eliminate risks inherent in agritourism activities.

(C) An agritourism provider is not immune from civil liability for harm sustained by a participant if any of the following applies:

(1) The agritourism provider acts with a willful or wanton disregard for the safety of the participant and proximately causes harm to the participant.

(2) The agritourism provider purposefully causes harm to the participant.

(3) The agritourism provider's actions or inactions constitute criminal conduct and cause harm to the participant.

(4) The agritourism provider fails to post and maintain signs as required by division (D) of this section.

(5) The agritourism provider has actual knowledge or should have actual knowledge of an existing dangerous condition on the land or regarding facilities or equipment on the land that is not an inherent risk and does not make the dangerous condition known to the participant, and the dangerous condition proximately causes injury or damage to or the death of the participant.

(D) An agritourism provider shall post and maintain signs that contain the warning notice specified in this division. The provider shall place a sign in a clearly visible location at or near each entrance to the agritourism location or at the site of each agritourism activity. The warning notice shall consist of a sign in black letters with each letter to be a minimum of one inch in height. The signs shall contain the following notice of warning: "WARNING: Under Ohio law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if that injury or death results from the inherent risks of that agritourism activity. Inherent risks of agritourism activities include, but are not limited to, the risk of injury inherent to land, equipment, and animals as well as the potential for you as a participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity."

Sec. 935.03. (A) Division (A) of section 935.02 of the Revised Code does not apply to any of the following:

(1) A person to which all of the following apply:

(a) The person possesses a dangerous wild animal.

(b) The person has been issued a license by the United States department of agriculture under the federal animal welfare act.

(c) The director of agriculture has determined that the person is in the process of becoming an accredited member of the association of zoos and aquariums or the zoological association of America.

(d) The director has informed the person that the person is exempt from division (A) of section 935.02 of the Revised Code.

(2) An organization to which all of the following apply:

(a) The organization possesses a dangerous wild animal.

(b) The director has determined that the organization is in the process of being accredited or verified by the global federation of animal sanctuaries as a wildlife sanctuary.

(c) The director has informed the organization that it is exempt from division (A) of section 935.02 of the Revised Code.

(3) A person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under this chapter.

(B) Except for the purposes of divisions (A) and (B) of section 935.04 of the Revised Code, this chapter does not apply to any of the following:

(1) A facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;

(2) A research facility as defined in the federal animal welfare act;

(3) A research facility that is accredited by the association for the assessment and accreditation of laboratory animal care international;

(4) A circus;

(5) A wildlife rehabilitation facility that is issued a permit by the chief of the division of wildlife in rules adopted under section 1531.08 of the Revised Code and that rehabilitates dangerous wild animals or restricted snakes that are native to the state for the purpose of reintroduction into the wild;

(6) A veterinarian that is providing temporary veterinary care to a dangerous wild animal or restricted snake;

(7) A wildlife sanctuary;

(8) An individual who does not reside in this state, is traveling through this state with a dangerous wild animal or restricted snake, and does all of the following:

(a) Confines the animal or snake in a cage at all times;

(b) Confines the animal or snake in a cage that is not accessible to the public;

(c) Does not exhibit the animal or snake;

(d) Is in the state not more than forty-eight hours unless the animal or snake is receiving veterinary care.

(9) An educational institution that displays a single dangerous wild animal as a sports mascot and that meets all of the following criteria:

(a) An official of the educational institution has submitted an affidavit attesting that the institution will care for the animal as long as the animal lives and in a facility that is an accredited member of the association of zoos and aquariums or the zoological association of America.

(b) The educational institution maintains a liability insurance policy with an insurer authorized or approved to write such insurance in this state that covers claims for injury or damage to persons or property caused by a dangerous wild animal. The amount of the insurance coverage shall be not less than one million dollars.

(c) During display and transport, the educational institution confines the dangerous wild animal in a cage that does not permit physical contact between the animal and the public.

(d) The educational institution began displaying a dangerous wild animal as a mascot prior to September 5, 2012.

(10) Any person who has been issued a permit under section 1533.08 of the Revised Code, provided that the permit lists each specimen of wild animal that is a dangerous wild animal or restricted snake in the person's possession;

(11) Any person authorized to possess a dangerous wild animal or restricted snake under section 1531.25 of the Revised Code or rules adopted under it;

(12) A person with a mobility impairment, as defined in section ~~955.011-955.021~~ of the Revised Code, who possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the person with a mobility impairment;

(13) A deaf or hearing-impaired person who possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the deaf or hearing-impaired person;

(14) A person who is blind, as defined in section ~~955.011-955.021~~ of the Revised Code, and possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the blind person.

Sec. ~~955.02~~ 955.01. As used in this chapter, "dog kennel":

(A) "Vicious dog" means a dog that has been designated as such in accordance with section 955.23 of the Revised Code or a dog that has previously engaged in a vicious dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous vicious dog act.

(B) "Dangerous dog" means a dog that has been designated as such in accordance with section 955.23 of the Revised Code or a dog that has previously engaged in a dangerous dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous dangerous dog act.

(C) "Nuisance dog" means a dog that has been designated as such in accordance with section

955.23 of the Revised Code or a dog that has previously engaged in a nuisance dog act when evidence of such engagement is presented to a court and the court determines that the dog has engaged in a previous nuisance dog act.

(D) "Nuisance dog act," "dangerous dog act," and "vicious dog act" have the same meanings as in section 955.22 of the Revised Code.

(E) "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.

(F) "Dog kennel" or "kennel" means an establishment that keeps, houses, and maintains adult dogs, as defined in section 956.01 of the Revised Code, for the purpose of breeding the dogs for a fee or other consideration received through a sale, exchange, or lease and that is not a high volume breeder licensed under Chapter 956. of the Revised Code.

Sec. 955.01 955.02. (A)(1) Except as otherwise provided in this section or in sections ~~955.011, 955.012~~ 955.021, 955.022, and 955.16 of the Revised Code, every person who owns, keeps, or harbors a dog more than three months of age shall file, on or after the first day of the applicable December, but before the thirty-first day of the applicable January, in the office of the county auditor of the county in which the dog is kept or harbored, an application for registration for a period of one year or three years or an application for a permanent registration. The board of county commissioners, by resolution, may extend the period for filing the application. The ~~applicant~~ applicant shall state the age, sex, color, character of hair, whether short or long, and breed, if known, of the dog and the name and address of the owner of the dog on the application. ~~A-Along with the application, the applicant shall submit a~~ registration fee of two dollars for each year of registration for a one-year or three-year registration or twenty dollars for a permanent registration for each dog ~~shall accompany the application~~. However, the fee may exceed that amount if a greater fee has been established under division (A)(2) of this section or under section 955.14 of the Revised Code.

(2) A board of county commissioners may establish a registration fee higher than the one provided for in division (A)(1) of this section for ~~dogs a dog~~ more than nine months of age that ~~have~~ has not been spayed or neutered, except that the higher registration fee permitted by this division ~~shall does not~~ apply if ~~a-the~~ person registering ~~a-the~~ dog furnishes any of the following with the application ~~either a~~:

(a) A certificate from a licensed veterinarian verifying that the dog should not be spayed or neutered because of its age or medical condition-~~or~~;

(b) A certificate from a licensed veterinarian verifying that the dog should not be spayed or neutered because the dog is used or intended for use for show or breeding purposes-~~or a~~;

(c) A certificate from the owner of the dog declaring that the owner holds a valid hunting license issued by the division of wildlife of the department of natural resources and that the dog is used or intended for use for hunting purposes.

(3) If the board establishes ~~such a fee~~ under division (A)(2) of this section, the application for registration shall state whether the dog is spayed or neutered, and whether a licensed veterinarian

has certified that the dog should not be spayed or neutered or the owner has stated that the dog is used or intended to be used for hunting purposes. The board may require a person who is registering a spayed or neutered dog to furnish with the application a certificate from a licensed veterinarian verifying that the dog is spayed or neutered.

~~No person shall furnish a certificate under this division that the person knows to be false.~~

(B) If the application for registration is not filed and the registration fee paid, on or before the thirty-first day of the applicable January of each year or, if the board of county commissioners by resolution has extended the date to a date later than the thirty-first day of January, the date established by the board, the auditor shall assess a penalty in an amount equal to the registration fee for one year upon the owner, keeper, or harbinger, which shall be paid with the registration fee.

(C) A person who is the owner, keeper, or harbinger of a dangerous dog or vicious dog shall register the dog in accordance with division (A) and division (D) of this section with the county auditor.

(D)(1) A person who is the owner, keeper, or harbinger of a dangerous dog or vicious dog shall apply for a dangerous dog registration to the county auditor and submit all of the following to the county auditor:

(a) A fee of one hundred dollars;

(b) The person's address, telephone number, and other appropriate means for the county auditor to contact the person, along with proof that the person is eighteen years of age or older;

(c) With respect to the person and the dog for which the dangerous dog registration is required, all of the following:

(i) Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;

(ii) Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;

(iii) Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property;

(iv) Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

(2) The person shall renew the dangerous dog registration annually for the same fee and in the same manner as the initial registration was obtained.

(3) If a dangerous dog registration holder relocates to a new county, the holder shall follow the procedure in division (F) of this section and, upon the expiration of the registration issued in the original county, shall renew the registration in the new county.

(E) Upon submission in accordance with division (D) of this section, the county auditor shall issue a dangerous dog registration to the person. The county auditor also shall provide the owner

with a uniformly designed tag that identifies the animal as a vicious or dangerous dog.

(F)(1) If the owner of a vicious or dangerous dog for whom a dangerous dog registration has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the county auditor within ten days of relocating to the new address.

(2) If the owner of a vicious or dangerous dog for whom a dangerous dog registration has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address:

(a) Provide written notice of the new address and a copy of the original dangerous dog registration to the county auditor of the new county;

(b) Provide written notice of the new address to the county auditor of the county where the owner previously resided.

(G) An animal shelter that keeps or harbors a dog more than three months of age is exempt from ~~paying any fees~~ registration requirements imposed under ~~division (A) or (B)~~ of this section if it is a nonprofit organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1.

(H) No owner, keeper, or harbinger of any dog shall fail to file the application for registration and pay the associated fee as required under division (A) of this section or, if applicable, fail to pay the penalty prescribed in division (B) of this section. A violation of this division is a strict liability offense and section 2901.20 of the Revised Code does not apply.

(I) No owner, keeper, or harbinger of a vicious or dangerous dog shall fail to present a valid dangerous dog registration upon request of any law enforcement officer, dog warden, or public health official charged with enforcing this section. A violation of this division is a strict liability offense and section 2901.20 of the Revised Code does not apply.

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

(1) Obtain a dangerous dog registration from the county auditor pursuant to this section;

(2) Affix a tag that identifies the dog as a dangerous or vicious dog to the dog's collar;

(3) Ensure that the dog wears the collar and tag at all times.

A violation of division (J) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply.

(K) No person shall recklessly furnish a certificate under division (A)(2) of this section that the person knows to be false.

(L)(1) Whoever violates division (H) of this section shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(2) Whoever violates division (I) of this section is guilty of a minor misdemeanor.

(3) Whoever violates division (J) of this section is guilty of a misdemeanor of the fourth degree and a misdemeanor of the third degree on each subsequent offense.

(4) Whoever violates division (K) of this section is guilty of a misdemeanor of the first degree.

Sec. 955.011 955.021. (A) When an application is made for registration of an assistance dog and the owner can show proof by certificate or other means that the dog is an assistance dog, the owner of the dog shall be exempt from any fee for the registration. Registration for an assistance dog shall be permanent and not subject to annual renewal so long as the dog is an assistance dog. Certificates and tags stamped "Ohio Assistance Dog-Permanent Registration," with registration number, shall be issued upon registration of such a dog. ~~Any certificate and tag stamped "Ohio Service Dog-Permanent Registration," with registration number, that was issued for a dog in accordance with this section as it existed on and after November 26, 2004, but prior to June 30, 2006, shall remain in effect as valid proof of the registration of the dog on and after November 26, 2004. Duplicate certificates and tags for a dog registered in accordance with this section, upon proper proof of loss, shall be issued and no fee required. Each duplicate certificate and tag that is issued shall be stamped "Ohio Assistance Dog-Permanent Registration."~~

(B) As used in this section and in sections 955.16 and 955.43 of the Revised Code:

(1) "Person with a mobility impairment" means any person, regardless of age, who is subject to a physiological impairment regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. "Person with a mobility impairment" includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. "Person with a mobility impairment" also includes a person with a seizure disorder and a person who is diagnosed with autism.

(2) "Blind" means either of the following:

(a) Vision twenty/two hundred or less in the better eye with proper correction;

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

(3) "Assistance dog" means a dog that has been trained by a nonprofit or for-profit special agency and that is one of the following:

(a) A guide dog;

(b) A hearing dog;

(c) A service dog.

(4) "Guide dog" means a dog that has been trained or is in training to assist a blind person.

(5) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.

(6) "Service dog" means a dog that has been trained or is in training to assist a person with a

mobility impairment.

Sec. ~~955.012~~ 955.022. (A) As used in this section:

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(2) "Law enforcement agency" means the state highway patrol, the office of a county sheriff, the police department of a municipal corporation or township, or a township or joint police district.

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

(B) Instead of obtaining an annual registration under section ~~955.01-955.02~~ of the Revised Code, a law enforcement agency owning, keeping, or harboring a law enforcement canine may obtain an annual registration for the dog as a law enforcement canine under this section. The application for a law enforcement canine registration shall be submitted to the county auditor of the county in which the central office of the law enforcement agency that owns, keeps, or harbors the dog is located, except that for a dog owned, kept, or harbored by the state highway patrol, the application shall be submitted to the county auditor of the county in which is located the state highway patrol post to which the dog and its handler primarily are assigned. The application shall be submitted on or after the first day of December immediately preceding the beginning of the registration year and before the thirty-first day of January of that year. If the period for filing registration applications under division (A)(1) of section ~~955.01-955.02~~ of the Revised Code is extended in the county in which a law enforcement canine is to be registered, an application for registration under this section shall be submitted to the county auditor not later than the registration deadline for that year, as so extended.

The application for registration of a law enforcement canine shall state the age, sex, hair color, character of hair, whether short or long, and breed, if known, of the dog, the name and address of the owner of the dog, and, if the law enforcement agency keeping or harboring the dog is different from the owner, the name of that law enforcement agency. For a dog owned, kept, or harbored by the police department of a municipal corporation or township or by a township or joint police district, the application shall be signed by the chief of the police department or district. For a dog owned, kept, or harbored by the office of a county sheriff, the application shall be signed by the sheriff. For a dog owned, kept, or harbored by the state highway patrol, the application shall be signed by the officer in charge of the post of the state highway patrol to which the dog and its handler primarily are assigned. The application shall include a certification by the chief of the police department or district, sheriff, or officer of the state highway patrol post, as applicable, that the dog described in the application has been properly trained to carry out one or more of the purposes described in division (A)(3) of this section and actually is used for one or more of those purposes by the law enforcement agency making the application.

No fee is required for issuance of a law enforcement canine registration. Upon proper proof of loss, a duplicate certificate and tag shall be issued for a dog registered under this section, and no

fee shall be required.

If an application for registration of a law enforcement canine is not filed under this section on or before the thirty-first day of January of the registration year, or the extended registration deadline established under division (A)(1) of section ~~955.01-955.02~~ of the Revised Code, as applicable, the law enforcement canine shall be registered under that section, and the registration fee and late registration penalty applicable under divisions (A) and (B) of that section shall accompany the application.

(C) If a law enforcement agency becomes the owner, keeper, or harbinger of a law enforcement canine or brings a law enforcement canine into the state after the thirty-first day of January of a registration year or the extended registration deadline established under division (A)(1) of section ~~955.01-955.02~~ of the Revised Code, as applicable, the law enforcement agency, within thirty days after becoming the owner, keeper, or harbinger or bringing the dog into the state, may submit an application for registration of the dog under this section. Upon submission of the application, the law enforcement agency shall be issued such a registration in the manner provided in division (B) of this section. If such an application is not filed within the thirty-day period, the dog shall be registered under section 955.05 of the Revised Code, and the registration fee and late registration penalty applicable under that section or section 955.06 of the Revised Code shall accompany the application.

~~Sec. 955.013~~ 955.023. (A) As used in this section, "financial transaction device" has the same meaning as in section 301.28 of the Revised Code.

(B) A county auditor may establish procedures and take actions that are necessary to allow for either or both of the following:

- (1) The registration of dogs and kennels under this chapter via the internet;
- (2) The payment of dog and kennel registration fees under this chapter by financial transaction devices, including payment by financial transaction devices via the internet.

Sec. 955.024. Whenever a county auditor registers a dangerous or vicious dog or receives a notification regarding an address change from an owner, keeper, or harbinger of a dangerous or vicious dog, the county auditor shall notify in writing the applicable county dog warden of such registration or address change.

Sec. 955.03. Any dog ~~which~~ that has been registered under sections ~~955.01-955.02~~ and 955.04 of the Revised Code and any dog not required to be registered under such sections shall be considered as personal property and have all the rights and privileges and be subject to like restraints as other livestock.

Sec. 955.04. (A) Every owner of a dog kennel ~~of dogs~~ shall, in like manner as provided in division (A) of section ~~955.01-955.02~~ of the Revised Code, make application for the registration of such kennel, and pay to the county auditor a registration fee of ten dollars for each such kennel, unless a greater fee has been established under section 955.14 of the Revised Code. ~~If such the~~ application is not filed and the fee paid, on or before the thirty-first day of January of each year, the

auditor shall assess a penalty in an amount equal to the registration fee upon the owner of such kennel. The payment of ~~such the~~ kennel registration fee ~~shall entitle~~ entitles the licensee to not more than five tags, to bear consecutive numbers and to be issued in like manner and have like effect when worn by any dog owned in good faith by such licensee as the tags provided for in section ~~955.08-955.07~~ of the Revised Code. Upon application to the county auditor, additional tags, in excess of the five tags, may be issued upon payment of an additional fee of one dollar per tag.

(B) No owner of a kennel shall fail to register the kennel in accordance with this section. A violation of this division is a strict liability offense and section 2901.20 of the Revised Code does not apply.

(C) Whoever violates division (B) of this section shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

Sec. 955.05. After the thirty-first day of January of any year, except as otherwise provided in section ~~955.012-955.022~~ or 955.16 of the Revised Code, every person, immediately upon becoming the owner, keeper, or harbinger of any dog more than three months of age or brought from outside the state during any year, shall file like applications, with fees, as required by section ~~955.01-955.02~~ of the Revised Code, for registration for a period of one year or three years or an application for permanent registration. If the application is not filed and the fee paid, within thirty days after the dog is acquired, becomes three months of age, or is brought from outside the state, the auditor shall assess a penalty in an amount equal to the registration fee for one year upon the owner, keeper, or harbinger, which shall be paid with the registration fee. Thereafter, the owner, keeper, or harbinger shall register the dog as provided in section ~~955.01-955.02~~ of the Revised Code, as applicable.

Every person becoming the owner of a dog kennel ~~of dogs~~ after the thirty-first day of January of any year shall file like applications, with fees, as required by section 955.04 of the Revised Code, for the registration of such kennel for the current calendar year. If such application is not filed and the fee paid within thirty days after the person becomes the owner of such kennel, the auditor shall assess a penalty in an amount equal to the registration fee upon the owner of such kennel.

Sec. 955.06. (A) The owner, keeper, or harbinger of a dog becoming three months of age after the first day of July in a calendar year and the owner, keeper, or harbinger of a dog purchased outside the state after the first day of July in a calendar year shall register the dog in accordance with division (B), (C), or (D) of this section within ninety days of the dog's becoming three months of age or within ninety days of the date of the purchase of the dog, as applicable.

(B) The owner, keeper, or harbinger of a dog to which division (A) of this section applies may register the dog for the remainder of the current year. The fee for such a registration shall be one-half of the original fee for a one-year registration. Thereafter, the owner, keeper, or harbinger shall register the dog for a period of one year, three years, or permanently as provided in section ~~955.01~~

955.02 of the Revised Code.

(C) The owner, keeper, or harbinger of a dog to which division (A) of this section applies may register the dog for a period consisting of the remainder of the current year and two additional years. The fee for such a registration shall be eighty-three per cent of the original fee for a three-year registration. Thereafter, the owner, keeper, or harbinger shall register the dog for a period of one year, three years, or permanently as provided in section ~~955.04~~955.02 of the Revised Code.

(D) The owner, keeper, or harbinger of a dog to which division (A) of this section applies may register the dog permanently. The fee for such a registration shall be the same as the original fee for a permanent registration.

Sec. 955.07. (A) Upon the filing of the application for registration required by sections ~~955.01-955.02~~ and 955.04 of the Revised Code and upon the payment of the registration fee and the administrative fee, if applicable, the county auditor shall assign a distinctive number to every dog or dog kennel described in the application and shall deliver a certificate of registration bearing the number to the owner of the dog or dog kennel. A record of all certificates of registration issued, together with the applications for registration, shall be kept by the auditor in a dog and kennel register until after an audit performed by the auditor of state. This record shall be open to the inspection of any person during reasonable business hours.

(B) In addition to the certificate of registration provided for under division (A) of this section, the county auditor shall issue to every person applying for the registration of a dog and paying the required fee a metal tag for each dog so registered. The form, color, character, and lettering of the tag shall be prescribed by the county auditor. If a tag is lost, a duplicate shall be furnished by the auditor upon proper proof of loss and the payment of five dollars for each duplicate tag issued.

Sec. ~~955.09~~ 955.08. Certificates of registration and registration tags shall be valid only during the calendar year or years for which they are issued.

Sec. ~~955.10~~ 955.09. (A) No owner of a dog, except a dog constantly confined to a dog kennel registered under this chapter or ~~one~~-licensed under Chapter 956. of the Revised Code, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration under division (A) of section 955.02 of the Revised Code. A violation of this division is a strict liability offense and section 2901.20 of the Revised Code does not apply. A dog found not wearing at any time a valid tag ~~shall be~~is prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction.

(B) No person shall recklessly obstruct or interfere with anyone lawfully engaged in capturing an unregistered dog or examining a dog wearing a tag.

(C) No person shall recklessly own, keep, or harbor a dog wearing a fictitious, altered, or invalid registration tag or a registration tag not issued by the county auditor in connection with the registration of such animal.

(D) Whoever violates division (A), (B), or (C) of this section is guilty of a minor

misdemeanor.

Sec. ~~955.221~~ 955.10. (A) For the purposes of this section, ordinances or resolutions to control dogs include, but are not limited to, ordinances or resolutions concerned with the ownership, keeping, or harboring of dogs, the restraint of dogs, dogs as public nuisances, and dogs as a threat to public health, safety, and welfare, except that such ordinances or resolutions as permitted in division (B) of this section shall not prohibit the use of 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)(1) A board of county commissioners may adopt and enforce resolutions to control dogs within the unincorporated areas of the county that are not otherwise in conflict with any other provision of the Revised Code.

(2) A board of township trustees may adopt and enforce resolutions to control dogs within the township that are not otherwise in conflict with any other provision of the Revised Code, if the township is located in a county where the board of county commissioners has not adopted resolutions to control dogs within the unincorporated areas of the county under this section. In the event that the board of county commissioners adopts resolutions to control dogs in the county after a board of township trustees has adopted resolutions to control dogs within the township, the resolutions adopted by the county board of commissioners prevail over the resolutions adopted by the board of township trustees.

(3) A municipal corporation may adopt and enforce ordinances to control dogs within the municipal corporation that are not otherwise in conflict with any other provision of the Revised Code.

(C) No person shall recklessly violate any resolution or ordinance adopted under this section.

(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. Fines levied and collected for violations of that division shall be distributed by the mayor or clerk of the municipal or county court in accordance with section 733.40, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code to the treasury of the county, township, or municipal corporation whose resolution or ordinance was violated.

Sec. 955.11. (A) ~~As used in this section:-~~

~~(1)(a) "Dangerous dog" means a dog that, without provocation, and subject to division (A) (1)(b) of this section, has done any of the following:~~

- ~~(i) Caused injury, other than killing or serious injury, to any person;~~
- ~~(ii) Killed another dog;~~

~~(iii) Been the subject of a third or subsequent violation of division (C) of section 955.22 of the Revised Code.~~

~~(b) "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.~~

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

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

~~(b) "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.~~

~~(4) "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.~~

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

~~(a) Any physical harm that carries a substantial risk of death;~~

~~(b) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;~~

~~(c) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;~~

~~(d) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.~~

~~(6)(a) "Vicious dog" means a dog that, without provocation and subject to division (A)(6)(b) of this section, has killed or caused serious injury to any person.~~

~~(b) "Vicious dog" does not include either of the following:~~

~~(i) 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;~~

~~(ii) 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.~~

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

~~(B) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the county auditor. A transfer of ownership shall be~~

recorded by the auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of five dollars.

~~(C)~~ ~~Prior~~ ~~(B)~~ Except as provided in division (C) of this section, prior to the transfer of ownership or possession of ~~any a~~ dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

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

- (1) The name and address of the buyer or other transferee of the dog;
- (2) The age, sex, color, breed, and current registration number of the dog.

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

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

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

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

"Has the dog previously been designated a nuisance, dangerous, or vicious dog? If yes, indicate the designation that was assigned, the date of designation, and in which county or city the designation was made."

The seller or other transferor shall obtain the signature of the buyer or other transferee after a statement on the form that the buyer or other transferee understands that such person is acquiring a dangerous or vicious dog.

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

~~(E)~~ ~~(D)~~ ~~(1)~~ No seller or other transferor of a dog shall fail to comply with the applicable requirements of ~~divisions (B) to (D)~~ division (A) of this section. A violation of this division is a strict liability offense and section 2901.20 of the Revised Code does not apply.

(2) No seller or other transferor of a dog shall fail to comply with the requirements of division (B) or (C) of this section. A violation of this division is a strict liability offense and section 2901.20 of the Revised Code does not apply.

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

(2) Whoever violates division (D)(2) of this section is guilty of a minor misdemeanor on a

first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(F) Division (C) of this section does not apply to an animal shelter for dogs with respect to a dog concerning which it transferred ownership or possession to another person if both of the following apply:

(1) The animal shelter for dogs did not have knowledge and could not have reasonably ascertained that the dog is a dangerous or vicious dog.

(2) Before the transfer of the dog, the animal shelter for dogs asked the following questions of the dog's previous owner, keeper, or harbinger, if such person is known and if the dog was not impounded under section 959.132 of the Revised Code:

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

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

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

(d) "Has the dog previously been designated a nuisance, dangerous, or vicious dog? If yes, indicate the designation that was assigned, the date of designation, and in which county or city the designation was made."

Sec. 955.12. (A) Except as provided in section 955.121 of Revised Code, a board of county commissioners shall appoint or employ a county dog warden and deputies in such number, for such periods of time, and at such compensation as the board considers necessary to enforce sections 955.01 to 955.27 and 955.50 ~~to 955.53~~ of the Revised Code.

(B) Except as otherwise provided in section 3.061 of the Revised Code, the warden and deputies shall give bond in a sum not less than five hundred dollars and not more than two thousand dollars, as set by the board, conditioned for the faithful performance of their duties. The bond or bonds may, in the discretion of the board, be individual or blanket bonds. The bonds shall be filed with the county auditor of their respective counties.

(C) The warden and deputies shall make a record of all dogs owned, kept, and harbored in their respective counties. They shall patrol their respective counties and seize and impound on sight all dogs found running at large and all dogs more than three months of age found not wearing a valid registration tag, except any dog that wears a valid registration tag and is: on the premises of its owner, keeper, or harbinger, under the reasonable control of its owner or some other person, hunting with its owner or its handler at a field trial, kept constantly confined in a dog kennel registered under this chapter or one licensed under Chapter 956. of the Revised Code, or acquired by, and confined on the premises of, an institution or organization of the type described in section 955.16 of the Revised Code. A dog that wears a valid registration tag may be seized on the premises of its owner, keeper, or harbinger and impounded only in the event of a natural disaster.

(D) If a dog warden has reason to believe that a dog is being treated inhumanely on the

premises of its owner, keeper, or harbinger, the warden shall ~~apply to the court of common pleas for the county in which the premises are located for an order to enter the premises, and if necessary, seize the dog. If the court finds probable cause to believe that the dog is being treated inhumanely, it shall issue such an order~~ notify, in writing, the humane society or the appropriate law enforcement authority that has jurisdiction to enforce Chapter 959. of the Revised Code.

(E) The warden and deputies shall also make weekly reports, in writing, to the board in their respective counties of all dogs seized, impounded, redeemed, and destroyed.

(F) The wardens and deputies shall have the same police powers as are conferred upon sheriffs and police officers in the performance of their duties as prescribed by sections 955.01 to 955.27 and 955.50 ~~to 955.53~~ of the Revised Code. They shall also have power to summon the assistance of bystanders in performing their duties and may serve writs and other legal processes issued by any court in their respective counties with reference to enforcing those sections. County auditors may deputize the wardens or deputies to issue dog licenses as provided in sections 955.01 and 955.14 of the Revised Code.

(G) Whenever any person files an affidavit in a court of competent jurisdiction that there is a dog running at large that is not kept constantly confined either in a dog kennel registered under this chapter or one licensed under Chapter 956. of the Revised Code or on the premises of an institution or organization of the type described in section 955.16 of the Revised Code or that a dog is kept or harbored in the warden's jurisdiction without being registered as required by law, the court shall immediately order the warden to seize and impound the dog. Thereupon the warden shall immediately seize and impound the dog complained of. The warden shall give immediate notice by certified mail to the owner, keeper, or harbinger of the dog seized and impounded by the warden, if the owner, keeper, or harbinger can be determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, that the dog has been impounded and that, unless the dog is redeemed within fourteen days of the date of the notice, it may thereafter be sold or destroyed according to law. If the owner, keeper, or harbinger cannot be determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, the officer shall post a notice in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that, unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law.

(H) No county dog warden shall knowingly fail to perform the warden's duties under this section.

(I) Whoever violates division (H) of this section is guilty of a minor misdemeanor.

Sec. 955.121. (A)(1) In lieu of appointing a county dog warden and deputies under section 955.12 of the Revised Code, a board of county commissioners may appoint the county sheriff to enforce sections 955.01 to 955.27 and 955.50 ~~to 955.53~~ of the Revised Code. If a board chooses to appoint the county sheriff as the county dog warden, the board shall enter into a two-year written agreement with the sheriff for that purpose at the first meeting in a calendar year following a general

election in which at least one of the members of the board was elected.

(2) The agreement may authorize both of the following:

(a) The sheriff to appoint sheriff's deputies or persons other than peace officers as deputy dog wardens;

(b) The transfer of any benefits accrued by employees who are transferred as a result of the county sheriff's being appointed as the county dog warden.

(B) Any dog warden and deputy dog wardens appointed under this section shall comply with both of the following:

(1) Any training requirements applicable to county dog wardens and deputy dog wardens appointed or employed under section 955.12 of the Revised Code;

(2) The requirements established in that section.

(C) If a county sheriff or a sheriff's deputies are appointed as a dog warden or deputy dog wardens under this section, references in this chapter and in Chapters 953., 956., and 959. of the Revised Code to "dog warden" and "deputy dog warden" shall be deemed to be replaced, respectively, with references to "sheriff" and "deputy sheriff."

Sec. 955.14. (A) Notwithstanding section ~~955.01~~–955.02 of the Revised Code, a board of county commissioners by resolution may increase dog and kennel registration fees in the county. The amount of the fees shall not exceed an amount that the board, in its discretion, estimates is needed to pay all expenses for the administration of this chapter. Such a resolution shall be adopted not earlier than the first day of February and not later than the thirty-first day of August of any year and shall specify the registration period or periods to which the increased fees apply. An increase in fees adopted under this division shall be in the ratio of two dollars for each year of registration for a dog registration fee, twenty dollars for a permanent dog registration fee, and ten dollars for a kennel registration fee.

(B) Notwithstanding section 955.20 of the Revised Code, if dog and kennel registration fees in any county are increased above two dollars for each year of registration and twenty dollars for a permanent registration for a dog registration fee and ten dollars for a kennel registration fee under authority of division (A) of this section, then on or before the first day of March following each year in which the increased fees are in effect, the county auditor shall draw on the dog and kennel fund a warrant payable to the college of veterinary medicine of the Ohio state university in an amount equal to ten cents for each one-year dog registration, thirty cents for each three-year dog registration, one dollar for each permanent dog registration, and ten cents for each kennel registration fee received during the preceding year. The money received by the college of veterinary medicine of the Ohio state university under this division shall be applied for research and study of the diseases of dogs, particularly those transmittable to humans, and for research of other diseases of dogs that by their nature will provide results applicable to the prevention and treatment of both human and canine illness.

(C) The Ohio state university college of veterinary medicine shall be responsible to report

annually to the general assembly the progress of the research and study authorized and funded by division (B) of this section. The report shall briefly describe the research projects undertaken and assess the value of each. The report shall account for funds received pursuant to division (B) of this section and for the funds expended attributable to each research project and for other necessary expenses in conjunction with the research authorized by division (B) of this section. The report shall be filed with the general assembly by the first day of May of each year.

(D) The county auditor may authorize agents to receive applications for registration of dogs and kennels and to issue certificates of registration and tags. If authorized agents are employed in a county, each applicant for a dog or kennel registration shall pay to the agent an administrative fee of seventy-five cents in addition to the registration fee. The administrative fee shall be the compensation of the agent. The county auditor shall establish rules for reporting and accounting by the agents. No administrative or similar fee shall be charged in any county except as authorized by this division or division (E) of this section.

(E) For any county that accepts the payment of dog and kennel registration fees by financial transaction devices in accordance with section ~~955.013~~-955.023 of the Revised Code, in addition to those registration fees, the county auditor shall collect for each registration paid by a financial transaction device one of the following:

(1) An administrative fee of seventy-five cents or another amount necessary to cover actual costs designated by the county auditor;

(2) If the board of county commissioners adopts a surcharge or convenience fee for making payments by a financial transaction device under division (E) of section 301.28 of the Revised Code, that surcharge or convenience fee;

(3) If the county auditor contracts with a third party to provide services to enable registration via the internet as provided in section ~~955.013~~-955.023 of the Revised Code, a surcharge or convenience fee as agreed to between that third party and the county for those internet registration services. Any additional expenses incurred by the county auditor that result from a contract with a third party as provided in this section and section ~~955.013~~-955.023 of the Revised Code and that are not covered by a surcharge or convenience fee shall be paid out of the allowance provided to the county auditor under section 955.20 of the Revised Code.

(F) The county auditor shall post conspicuously the amount of the administrative fee, surcharge, or convenience fee that is permissible under this section on the web page where the auditor accepts payments for registrations made under division (B)(1) of section ~~955.013~~-955.023 of the Revised Code. If any person chooses to pay by financial transaction device, the administrative fee, surcharge, or convenience fee shall be considered voluntary and is not refundable.

Sec. 955.16. (A) Dogs that have been seized by the county dog warden and impounded shall be kept, housed, and fed for three days for the purpose of redemption, as provided by section 955.18 of the Revised Code, unless any of the following applies:

(1) Immediate humane destruction of the dog is necessary because of obvious disease or

injury. If the diseased or injured dog is registered, as determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, the necessity of destroying the dog shall be certified by a licensed veterinarian or a registered veterinary technician. If the dog is not registered, the decision to destroy it shall be made by the warden.

(2) The dog is currently registered on the registration list maintained by the warden and the auditor of the county where the dog is registered and the attempts to notify the owner, keeper, or harborer under section 955.12 of the Revised Code have failed, in which case the dog shall be kept, housed, and fed for fourteen days for the purpose of redemption.

(3) The warden has contacted the owner, keeper, or harborer under section 955.12 of the Revised Code, and the owner, keeper, or harborer has requested that the dog remain in the pound or animal shelter until the owner, harborer, or keeper redeems the dog. The time for such redemption shall be not more than forty-eight hours following the end of the appropriate redemption period.

Any dog not so redeemed may be adopted out or donated to any person, including a nonprofit special agency that is engaged in the training of any type of assistance dogs or to a nonprofit teaching or research institution or organization that is certified by the director of health as being engaged in teaching or research concerning the prevention and treatment of diseases of human beings or animals. The county dog warden may charge an adoption fee for any dog that is adopted. Except as provided in division (B) of this section, no dog shall be discharged from the pound or animal shelter until the animal has been registered and furnished with a valid registration tag.

(B) Any dog that is donated to a nonprofit special agency engaged in the training of any type of assistance dogs in accordance with division (A) of this section and any dog that is sold to any nonprofit teaching or research institution or organization shall be discharged from the pound or animal shelter without registration and may be kept by the agency or by the institution or organization without registration so long as the dog is being trained, or is being used for teaching and research purposes.

Any institution or organization certified by the director that obtains dogs for teaching and research purposes pursuant to this section shall, at all reasonable times, make the dogs available for inspection by humane society agents, appointed pursuant to section 1717.06 of the Revised Code, in order that the agents may prevent the perpetration of any act of cruelty, as defined in section 1717.01 of the Revised Code, to the dogs.

(C) Any dog that the dog warden or poundkeeper is unable to dispose of, in the manner provided by this section and section 955.18 of the Revised Code, may be humanely destroyed, except that no dog shall be destroyed until twenty-four hours after it has been offered to a nonprofit teaching or research institution or organization, as provided in this section, that has made a request for dogs to the dog warden or poundkeeper.

(D) An owner of a dog that is wearing a valid registration tag who presents the dog to the dog warden or poundkeeper may specify in writing that the dog shall not be offered to a nonprofit teaching or research institution or organization, as provided in this section.

(E) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of costs assessed against the dogs shall be kept by the poundkeeper, and the poundkeeper shall furnish a transcript thereof to the county treasurer quarterly.

A record of all dogs received and the source that supplied them shall be kept, for a period of three years from the date of acquiring the dogs, by all institutions or organizations engaged in teaching or research concerning the prevention and treatment of diseases of human beings or animals.

(F) No person shall recklessly destroy any dog by the use of a high altitude decompression chamber or by any method other than a method that immediately and painlessly renders the dog initially unconscious and subsequently dead.

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

Sec. 955.20. The registration fees provided for in sections 955.01-955.02 to 955.14 of the Revised Code constitute a special fund known as "the dog and kennel fund." The fees shall be deposited by the county auditor in the county treasury daily as collected. Money in the fund shall be used for the purpose of defraying the cost of furnishing all blanks, records, tags, nets, and other equipment, for the purpose of paying the compensation of county dog wardens, deputies, poundkeepers, and other employees necessary to carry out and enforce sections 955.01-955.02 to 955.261 of the Revised Code, and in accordance with section 955.27 of the Revised Code. The board of county commissioners, by resolution, shall appropriate sufficient funds out of the dog and kennel fund, not more than fifteen per cent of which shall be expended by the auditor for registration tags, blanks, records, and clerk hire, for the purpose of defraying the necessary expenses of registering, seizing, impounding, and destroying dogs in accordance with sections 955.01 to 955.27 of the Revised Code, and for the purpose of covering any additional expenses incurred by the county auditor as authorized by division (E)(3) of section 955.14 of the Revised Code.

If the funds so appropriated in any calendar year are found by the board to be insufficient to defray the necessary cost and expense of the county dog warden in enforcing sections 955.01-955.02 to 955.27 of the Revised Code, the board, by resolution so provided, may appropriate further funds for the use and purpose of the county dog warden in administering those sections.

Sec. 955.21. (A) Except as provided in division (F) of this section, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

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

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

A violation of division (A) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply.

(B) Whoever commits a violation of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than twenty-five dollars or more than one

hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days. Additionally, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(C) Whoever commits a violation of this section that involves a nuisance dog is guilty of a misdemeanor of the fourth degree on the first offense and of a misdemeanor of the third degree on each subsequent offense involving the same dog. Additionally, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(D) Whoever commits a violation of this section that involves a dangerous dog is guilty of a misdemeanor of the third degree on a first offense and of a misdemeanor of the second degree on each subsequent offense. Additionally, the court may order the offender to do either or both of the following:

- (1) Personally supervise the dangerous dog that the offender owns, keeps, or harbors;
- (2) Cause that dog to complete dog obedience training.

The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense.

Until the court makes a final determination and during the pendency of any appeal and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with division (A) of section 955.24 of the Revised Code or at the county dog pound at the owner's expense.

(E) Whoever commits a violation of this section that involves a vicious dog is guilty of a misdemeanor of the second degree on a first offense and of a misdemeanor of the first degree on each subsequent offense. Additionally, the court shall order the offender to do both of the following:

- (1) Personally supervise the vicious dog that the offender owns, keeps, or harbors;
- (2) Cause that dog to complete dog obedience training.

The court, in the alternative, may order the vicious dog to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense.

Until the court makes a final determination and during the pendency of any appeal and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with division (A) of section 955.24 of the Revised Code or at the county dog pound at the owner's expense.

(F) Division (A) of this section does not apply when a dog that has not been designated as a dangerous or vicious dog is lawfully engaged in either of the following:

- (1) Hunting, provided the dog is accompanied by the owner, keeper, harborer, or handler of the dog;
- (2) Field trials.

Sec. 955.22. (A) As used in this section and sections 955.11, 955.23, and 955.24 of the Revised Code:

(1) "Vicious dog act" means one of the following actions committed by a dog without provocation, other than by a police dog that is being used to assist one or more law enforcement officers in the performance of their official duties:

(a) The killing of any person;

(b) Causing serious injury to any person by physical contact;

(c) Engaging in a dangerous dog act after the dog has been designated as a dangerous dog under section 955.23 of the Revised Code.

(2) "Dangerous dog act" means one of the following actions committed by a dog without provocation, other than by a police dog that is being used to assist one or more law enforcement officers in the performance of their official duties:

(a) Causing injury by physical contact, other than killing or serious injury, to any person in either a menacing fashion or an apparent attitude of attack;

(b) Causing serious injury to any person without making physical contact in either a menacing fashion or an apparent attitude of attack;

(c) The killing of another dog;

(d) Causing serious injury to another dog that results in euthanasia of the dog by a person authorized to perform euthanasia under Ohio law.

(3) "Nuisance dog act" means one of the following actions committed by a dog without provocation and while off the premises of its owner, keeper, or harbinger, other than by a police dog that is being used to assist one or more law enforcement officers in the performance of their official duties:

(a) Chasing or approaching a person in either a menacing fashion or an apparent attitude of attack;

(b) Attempting to bite or otherwise endanger any person in either a menacing fashion or an apparent attitude of attack;

(c) Causing injury to any person without making physical contact in either a menacing fashion or an apparent attitude of attack;

(d) Chasing, threatening, harassing, or injuring another dog or livestock in either a menacing fashion or an apparent attitude of attack;

(e) Having been the subject of a third or subsequent violation of section 955.21 of the Revised Code.

(4) "Injury" means any physical harm to a person, another dog, or livestock, as applicable, but does not include physical harm resulting from a situation where the dog behaves in a playful, nonaggressive, or age-appropriate manner.

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

(a) Any physical harm that carries a substantial risk of death;

(b) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;

(c) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

(d) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

"Serious injury" does not include physical harm resulting from a situation where the dog behaves in a playful, nonaggressive, or age-appropriate manner.

(6) "Without provocation" means either of the following, as applicable:

(a) That a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity;

(b) That a dog was not attacked by another dog or livestock.

(7) "Animal shelter for dogs" has the same meaning as in section 956.01 of the Revised Code.

(8) "Livestock" does not include poultry.

(B)(1) No owner, keeper, or harbinger of a dog that is not an animal shelter for dogs shall negligently, and no animal shelter for dogs that keeps or harbors a dog shall recklessly, fail to prevent the dog from committing a vicious dog act. Whoever violates this division is guilty of a misdemeanor of the third degree on a first offense and a misdemeanor of the second degree on each subsequent offense.

(2) No owner, keeper, or harbinger of a dangerous or vicious dog, including an animal shelter for dogs, shall negligently fail to prevent the dog from committing a vicious dog act that involves injuring or killing a person. Whoever violates this division is guilty of a felony of the third degree.

(C)(1) No owner, keeper, or harbinger of a dog that is not an animal shelter for dogs shall negligently, and no animal shelter for dogs that keeps or harbors a dog shall recklessly, fail to prevent the dog from committing a dangerous dog act. Whoever violates this division is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.

(2) No owner, keeper, or harbinger of a dangerous or vicious dog, including an animal shelter for dogs, shall negligently fail to prevent the dog from committing a dangerous dog act that involves injuring a person. Whoever violates this division is guilty of a misdemeanor of the first degree.

(D) No owner, keeper, or harbinger of a dog that is not an animal shelter for dogs shall negligently, and no animal shelter for dogs that keeps or harbors a dog shall recklessly, fail to prevent the dog from committing a nuisance dog act. Whoever violates this division is guilty a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

(E) In addition to any other penalty described under this section, and except as provided in division (F) of this section, the court may order a dog that is the subject of an offense under this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense if the court finds that the dog did one of the following:

(1) Committed a vicious dog act;

(2) Committed a dangerous dog act;

(3) Injured another dog;

(4) Attempted to bite a person and such attempt resulted in the injury of the person.

(F) In addition to any other penalty described under this section, the court shall order the dog that is the subject of an offense under this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense if, as a result of the offense, the dog kills a person or causes serious injury to a person that results in one of the following:

(1) Substantial risk of death;

(2) Permanent incapacity;

(3) Serious permanent disfigurement;

(4) Acute pain of a duration that results in substantial suffering.

Sec. 955.222 955.23. (A) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog. As used in this section, "authorized person" means a person who is authorized to enforce this chapter.

(B) If a dog warden or other authorized person who is authorized to enforce this chapter has reasonable probable cause to believe that a dog in the person's jurisdiction is committed a nuisance dog act, dangerous dog act, or vicious dog act, the person shall proceed as follows:

(1)(a) If the dog warden or other authorized person determines that it is safe to have that dog remain in the custody of the dog's owner, keeper, or harbinger and the dog's act did not result in the killing of a person or serious injury to a person, the dog warden or authorized person may designate the dog as a nuisance dog, dangerous dog, or vicious dog. Upon such designation, the dog warden or other authorized person shall notify the owner, keeper, or harbinger of that dog, by certified mail or in person, of both of the following:

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

(2)(ii) 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 court that has territorial jurisdiction over the location where the alleged act occurred.

(C)(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 calendar 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 or county court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harbinger specified in the notice.

(2) If the dog warden or other authorized person holds or intends to hold the dog in custody

in accordance with division (F)(2) of this section, the dog warden or other authorized person shall petition the court that has territorial jurisdiction over the location where the alleged act occurred to hold a hearing to determine whether the court shall issue an order designating the dog in accordance with this section and determine the disposition of the dog.

(C) The court, not later than ten calendar days after receiving the hearing request described in division (B)(1)(b) of this section or the petition described in division (B)(2) of this section shall hold the hearing and, at the conclusion of the hearing, issue a final determination concerning whether the dog shall be designated a nuisance, dangerous, or vicious dog and the disposition of the dog. At the hearing, the person who petitioned the court or designated the dog, as a ~~nuisance dog, dangerous dog, or vicious dog~~ applicable, has the burden of proving, by clear and convincing evidence, that the dog ~~is committed a nuisance dog act, dangerous dog act, or vicious dog act.~~

(D) For purposes of this section, probable cause may be supported by one or more written statements of a witness describing the incident or incidents in which the witness saw the dog engage in a nuisance dog act, a dangerous dog act, or a vicious dog act.

(E) 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.

~~(D) 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.~~

(F)(1) If the dog warden or other authorized person has probable cause to believe that a dog in the person's jurisdiction committed a nuisance dog act, dangerous dog act, or vicious dog act and the dog warden or authorized person determines that it is safe to have the dog remain in the custody of the dog's owner, keeper, or harbinger, the dog shall be held in the possession of the owner, keeper, or harbinger during the pendency of any hearing conducted under this section or during the pendency of an appeal.

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)(A)~~ of section ~~955.22-955.24~~ 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.

~~(E) 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 harborer in that manner. As part of the order, the court shall require the owner, keeper, or harborer to obtain the liability insurance required under division (E)(1) of section 955.22 of the Revised Code in an amount described in division (H)(2) of section 955.99 of the Revised Code.~~

~~(F) As used in this section, "nuisance dog," "dangerous dog," and "vicious dog" have the same meanings as in section 955.11 of the Revised Code.~~

~~(2) If the dog warden or other authorized person has probable cause to believe that a dog in the person's jurisdiction committed a nuisance dog act, dangerous dog act, or vicious dog act, during the pendency of a court's determination or appeal under this section, the dog shall be held in the custody of the dog warden or authorized person if one or both of the following occurs:~~

~~(a) The dog warden or authorized person determines that it is not safe to have the dog remain in the custody of the dog's owner, keeper, or harborer after the commission of the alleged act.~~

~~(b) The dog's act killed a person or caused serious injury to a person.~~

~~While the dog is being so held, the cost of the holding is the responsibility of the dog's owner, keeper, or harborer. However, the dog's owner, keeper, or harborer shall not be responsible for such costs if the court does not determine that the dog be designated as a nuisance, dangerous, or vicious dog.~~

~~(G)(1) Except as provided in division (G)(2) of this section, the court may order a dog that is designated as a dangerous or vicious dog in accordance with this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense.~~

~~(2) The court shall order a dog that is designated in accordance with this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense if the court determines that the dog killed a person or caused serious injury to a person that results in one of the following:~~

~~(a) Substantial risk of death;~~

~~(b) Permanent incapacity;~~

~~(c) Serious permanent disfigurement;~~

~~(d) Acute pain of a duration that results in substantial suffering.~~

~~(H) The court may order a dog that is designated as a nuisance dog in accordance with this section to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense if the court finds that the dog injured another dog or attempted to bite a person and such attempt resulted in the injury of the person.~~

~~Sec. 955.22 955.24. (A) As used in this section, "dangerous dog" has the same meaning as in section 955.11 of the Revised Code.~~

~~(B) No owner, keeper, or harborer of any female dog shall permit it to go beyond the premises of the owner, keeper, or harborer at any time the dog is in heat unless the dog is properly in leash.~~

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

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

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

~~(D) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no~~ No owner, keeper, or harbinger of a vicious or dangerous dog shall fail to do ~~either any~~ either any of the following:

(1) While that dog is outdoors, but on the premises of the owner, keeper, or harbinger, securely confine it—the dog at all times in a locked pen that has a top, locked fenced yard with fencing that is sufficiently constructed to prevent escape, or other locked enclosure that has a top;

(2) While that dog is inside a residential dwelling or other building on the premises of the owner, keeper, or harbinger, and there is an invitee inside the dwelling or building, securely confine the dog at all times inside the dwelling or building so that there is no reasonable probability that the dog comes into contact with the invitee;

(3) While that dog is off the premises of the owner, keeper, or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

(a) Keep that dog in a locked pen that has a top, locked fenced yard with fencing that is sufficiently constructed to prevent escape, or other locked enclosure that has a top;

(b) Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

(c) Muzzle that dog.

A violation of division (A) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply.

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

(1) Obtain liability insurance in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand dollars, with an insurer authorized to write liability insurance in this state providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the vicious or dangerous dog if so ordered by a court and provide;

(2) 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 auditor pursuant to~~

~~division (I) of this section, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;~~

(3) Notify the local dog warden immediately if any of the following occurs:

(a) The dog is loose or unconfined.

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

(c) The dog attacks another animal while the dog is off the property of the owner of the dog.

(4) If the dog is sold, given to another person, or dies, notify the county auditor and the dog warden within ten days of the sale, transfer, or death;

(5) Prior to any training or veterinary care provided to the dog by a trainer or licensed veterinarian, disclose to the trainer or licensed veterinarian, as applicable, that the dog is a vicious or dangerous dog.

A violation of division (B) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply.

~~(F)~~(C) No person shall recklessly do any of the following:

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

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

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

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

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

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

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

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

(5) A statement that ~~division (F) of section 955.22 of the Revised Code~~ Ohio law prohibits any person from doing any of the following:

(a) Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious or dangerous dog;

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

(c) Falsely attesting on a waiver form provided by the veterinarian under ~~division (G) of section 955.22 of the Revised Code~~ that the person's dog is not a vicious or dangerous dog or otherwise provide false information on that written waiver form.

~~(H)(E)~~ It is an affirmative defense to a charge of a violation of division ~~(F)(C)~~ of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with ~~division (G) of this section~~ and that attests that the dog is not a vicious or dangerous dog.

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

- ~~(a)~~ A fee of fifty dollars;
- ~~(b)~~ The person's address, phone number, and other appropriate means for the local dog warden or county auditor to contact the person;
- ~~(c)~~ With respect to the person and the dog for which the registration is sought, all of the following:
 - ~~(i)~~ Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;
 - ~~(ii)~~ Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;
 - ~~(iii)~~ Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property;
 - ~~(iv)~~ Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

~~(2)~~ Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the county auditor shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure in ~~division (I)(3)(b) of this section~~ and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

~~(3)(a)~~ If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the county auditor within ten days of relocating to the new address.

~~(b)~~ If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address:

~~(i) Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the county auditor of the new county;~~

~~(ii) Provide written notice of the new address to the county auditor of the county where the owner previously resided.~~

~~(4) The owner of a dangerous dog shall present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing this section.~~

~~(5) The fees collected pursuant to this division shall be deposited in the dog and kennel fund of the county.~~

(F)(1) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to do either or both of the following:

(a) Personally supervise the vicious or dangerous dog that the offender owns, keeps, or harbors;

(b) Cause the dog to complete dog obedience training.

(2) The court, in the alternative, may order the vicious or dangerous dog to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense.

(G)(1) Whoever violates division (B)(1) of this section is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

(2) Whoever violates division (B)(2), (3), (4), or (5) of this section is guilty of a minor misdemeanor.

(H) Whoever violates division (C)(1), (2), or (3) of this section is guilty of a felony of the fourth degree. Additionally, the court shall order that the dog involved in the violation be humanely destroyed by a licensed veterinarian or the county dog warden. Until the court makes a final determination and during the pendency of any appeal of a violation of division (C)(1), (2), or (3) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (A) of this section or at the county dog pound at the owner's expense.

(I) Divisions (A) and (B) of this section do not apply to an animal shelter for dogs with respect to a dog that it keeps or harbors if both of the following apply:

(1) The animal shelter for dogs did not have knowledge and could not have reasonably ascertained that the dog is a dangerous or vicious dog.

(2) Before taking possession of the dog, the animal shelter for dogs asked the following questions of the dog's previous owner, keeper, or harbinger, if such person is known and if the dog was not impounded under section 959.132 of the Revised Code:

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

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

occurred."

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

(d) "Has the dog previously been designated a nuisance, dangerous, or vicious dog? If yes, indicate the designation that was assigned, the date of designation, and in which county or city the designation was made."

Sec. 955.26. (A) Whenever, in the judgment of the director of health, any city or general health district board of health, or persons performing the duties of a board of health, rabies is prevalent, the director of health, the board, or those persons shall declare a quarantine of all dogs in the health district or in a part of it. During the quarantine, the owner, keeper, or harbinger of any dog shall keep it confined on the premises of the owner, keeper, or harbinger, or in a pound, kennel, or other suitable place, at the expense of the owner, keeper, or harbinger, except that a dog may be permitted to leave the premises of its owner, keeper, or harbinger if it is under leash or under the control of a responsible person. The quarantine order shall be considered an emergency and need not be published.

(B) When the quarantine has been declared, the director of health, the board, or those persons may require vaccination for rabies of all dogs within the health district or part of it. Proof of rabies vaccination within a satisfactory period shall be demonstrated to the county auditor before any registration is issued under section ~~955.01~~955.02 of the Revised Code for any dog that is required to be vaccinated.

(C) The director shall determine appropriate methods of rabies vaccination and satisfactory periods for purposes of quarantines under this section.

(D) When a quarantine of dogs has been declared in any health district or part of a health district, the county dog warden and all other persons having the authority of police officers shall assist the health authorities in enforcing the quarantine order. When rabies vaccination has been declared compulsory in any health district or part of a health district, the dog warden shall assist the health authorities in enforcing the vaccination order.

(E) Notwithstanding this section, a city or general health district board of health may make orders pursuant to sections 3709.20 and 3709.21 of the Revised Code requiring the vaccination of dogs.

(F) No person shall recklessly violate a rabies quarantine order issued under this section.

(G) Whoever violates division (F) of this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

Sec. 955.261. (A)(1) No person shall remove a dog that has bitten any person from the county in which the bite occurred until a quarantine period as specified in division (B) of this section has been completed. No person shall transfer a dog that has bitten any person until a quarantine period as specified in division (B) of this section has been completed, except that a person may transfer the dog to the county dog warden or to any other animal control authority.

(2)(a) Subject to division (A)(2)(b) of this section, no person shall kill a dog that has bitten any person until a quarantine period as specified in division (B) of this section has been completed.

(b) Division (A)(2)(a) of this section does not apply to the killing of a dog in order to prevent further injury or death or if the dog is diseased or seriously injured.

(3) No person who has killed a dog that has bitten any person in order to prevent further injury or death or if the dog is diseased or seriously injured shall fail to do both of the following:

(a) Immediately after the killing of the dog, notify the board of health for the district in which the bite occurred of the facts relative to the bite and the killing;

(b) Hold the body of the dog until that board of health claims it to perform tests for rabies.

(B) The quarantine period for a dog that has bitten any person shall be ten days or another period that the board of health for the district in which the bite occurred determines is necessary to observe the dog for rabies.

(C)(1) To enable persons to comply with the quarantine requirements specified in divisions (A) and (B) of this section, boards of health shall make provision for the quarantine of individual dogs under the circumstances described in those divisions.

(2) Upon the receipt of a notification pursuant to division (A)(3) of this section that a dog that has bitten any person has been killed, the board of health for the district in which the bite occurred shall claim the body of the dog from its killer and then perform tests on the body for rabies.

(D) This section does not apply to a police dog that has bitten a person while the police dog is under the care of a licensed veterinarian or has bitten a person while the police dog is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If, after biting a person, a police dog exhibits any abnormal behavior, the law enforcement agency and the law enforcement officer the police dog assists, within a reasonable time after the person is bitten, shall make the police dog available for the board of health for the district in which the bite occurred to perform tests for rabies.

(E) ~~As used in this section, "police dog" has the same meaning as in section 2921.321 of the Revised Code~~ Whoever recklessly violates this section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

~~Sec. 955.40~~ 955.262. Any corporation which violates section ~~955.39~~ 955.26 of the Revised Code shall forfeit and pay to the municipal corporation a sum not to exceed three hundred dollars, to be collected in a civil action brought in the name of the municipal corporation.

The judgment authorized in this section being in the nature of a penalty, or exemplary damages, no proof of actual damages shall be required, but the court or jury, finding other facts to justify recovery, shall determine the amount by reference to all the facts, culpatory, exculpatory, or extenuating, adduced at the trial.

~~Sec. 955.43.~~ (A) As used in this section, "institutions of education" means any of the following:

(1) Any state university or college as defined in section 3345.32 of the Revised Code;

(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;

(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 career colleges and schools.

(B) When a person who is blind, deaf, or hearing impaired, a person with a mobility impairment, or a trainer of an assistance dog is accompanied by an assistance dog, the person or trainer, as applicable, 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)(C)~~ No person shall recklessly deprive a person who is blind, deaf, or hearing impaired, a person who has a mobility impairment, or a trainer of an assistance dog when the person or trainer, as applicable, is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division ~~(A)(B)~~ of this section, and no person shall charge the person or trainer a fee or charge for the dog.

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

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

~~(1) Any state university or college as defined in section 3345.32 of the Revised Code;~~

~~(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;~~

~~(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 career colleges and schools.~~

Sec. 955.44. All fines collected for violations of sections 955.02, 955.09, 955.10, 955.11, 955.21, 955.12, 955.22, 955.21, 955.24, 955.23, 955.25, and 955.261 of the Revised Code shall be deposited in the county treasury to the credit of the dog and kennel fund.

Sec. 955.50. (A) No person shall sell, offer to sell, or expose for sale, for the purpose of resale or receive for delivery within this state, or ship from any point within this state to any point

outside this state, for sale to the general public at retail, any dog under the age of eight weeks.

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

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

(D) No person responsible for the transportation of a pregnant dog to any point within this state or from any point within this state to any point outside this state shall be liable in damages for any injury to or illness of, or the death of, the dog or any puppies, ~~whenever~~ whenever the injury, illness, or death results from the birth of such puppies during the time the dog is being transported.

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

Sec. 955.54. (A) No person who is convicted of or pleads guilty to a felony offense of violence committed on or after ~~the effective date of this section~~ May 22, 2012, or a felony violation of any provision of Chapter 959., 2923., or 2925. of the Revised Code committed on or after ~~the effective date of this section~~ May 22, 2012, shall knowingly own, possess, have custody of, or reside in a residence with ~~either any~~ of the following for a period of three years commencing either upon the date of release of the person from any period of incarceration imposed for the offense or violation or, if the person is not incarcerated for the offense or violation, upon the date of ~~that~~ the ~~person's final release from the other sanctions imposed for person plead guilty to or was convicted of~~ the offense or violation:

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

(2) Any dog that has been determined to be a dangerous dog or vicious dog under Chapter 955. of the Revised Code;

(3) Any dog that does not have a permanently implanted microchip that has an identification number that is unique to the microchip.

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

~~(C)(1)~~ Division (A) of this section does not apply to any person who is confined in a correctional institution of the department of rehabilitation and correction.

(2) Division (A) of this section does not apply to any person with respect to any dog that the person owned, possessed, had custody of, or resided in a residence with prior to ~~the effective date of this section~~ May 22, 2012.

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

Sec. 955.60. (A) Any person authorized to enforce this chapter shall investigate any complaint that indicates a possible violation of any provision of this chapter involving a dog.

(B) If, after investigating an alleged violation of this chapter under division (A) of this section, an authorized person does not cite a person for or charge a person with a violation, the authorized person shall notify, in accordance with division (C) of this section, the owner, keeper, or harbinger of the dog that there has been a complaint regarding the dog and that the authorized person investigated a possible violation. The notice shall specify both of the following:

(1) A citation to the applicable provision or provisions of law at issue;

(2) Contact information for the authorized person.

(C) The authorized person shall post the notice on the door of the dwelling at which the dog resides within twenty-four hours after the authorized person concludes the investigation.

Sec. 955.61. (A)(1) If a health care provider or a licensed veterinarian has knowledge of a person being bitten or injured as a result of an attack by a dog or other non-human mammal, the provider or veterinarian shall report the bite or injury, not later than twenty-four hours after obtaining such knowledge, to the health commissioner of the health district in which the bite occurred.

(2) A person who is bitten or injured as a result of an attack by a dog or other non-human mammal may report the bite or injury to the health commissioner of the health district in which the bite occurred.

(B) A city or general health district board of health shall annually submit a report regarding non-human mammalian bites and injuries occurring in its district to the department of health not later than the first day of March of each year. The report shall include information about the bites and injuries that occurred in the previous calendar year.

Sec. 959.132. (A) As used in this section:

"Companion animal" has the same meaning as in section 959.131 of the Revised Code.

"Impounding agency" means a county humane society organized under section 1717.05 of the Revised Code, an animal shelter, or a law enforcement agency that has impounded a companion animal in accordance with this section.

"Offense" means a violation of Chapter 959. of the Revised Code or an attempt, in violation of section 2923.02 of the Revised Code, to violate Chapter 959. of the Revised Code.

"Officer" means any law enforcement officer, humane society agent, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution.

(B) An officer may seize and cause to be impounded at an impounding agency an animal that the officer has probable cause to believe is the subject of an offense. No officer or impounding agency shall impound an animal that is the subject of an offense in a shelter owned, operated, or controlled by a board of county commissioners pursuant to Chapter 955. of the Revised Code unless the board, by resolution, authorizes the impoundment of such an animal in a shelter owned,

operated, or controlled by that board and has executed, in the case when the officer is other than a dog warden or assistant dog warden, a contract specifying the terms and conditions of the impoundment.

(C) The officer shall give written notice of the seizure and impoundment to the owner, keeper, or harbinger of the animal not later than twenty-four hours after the animal was seized and impounded. If the officer is unable to give the notice to the owner, keeper, or harbinger of the animal, the officer shall post the notice on the door of the residence or in another conspicuous place on the premises at which the animal was seized. The notice shall include a statement that a hearing will be held not later than ten days after the notice is provided or at the next available court date to determine whether the officer had probable cause to seize the animal and, if applicable, to determine the amount of a bond or cash deposit that is needed to provide for the animal's care and keeping for not less than thirty days beginning on the date on which the animal was impounded.

(D) An animal that is seized under this section may be humanely destroyed immediately or at any time during impoundment if a licensed veterinarian determines it to be necessary because the animal is suffering.

(E)(1) Not later than ten days after notice is provided or at the next available court date, the court shall hold a hearing to determine whether the officer impounding an animal had probable cause to seize the animal. If the court determines that probable cause exists, the court shall determine the amount of a bond or cash deposit that is necessary and reasonable to provide for the animal's care and keeping for not less than thirty days beginning on the date on which the animal was impounded.

(2) If the court determines that probable cause does not exist, the court immediately shall order the impounding agency to return the animal to its owner if possible. If the animal cannot be returned because it has died as a result of neglect or other misconduct by the impounding agency or if the animal is injured as a result of neglect or other misconduct by the impounding agency, the court shall order the impounding agency to pay the owner an amount determined by the court to be equal to the reasonable market value of the animal at the time that it was impounded plus statutory interest as defined in section 1343.03 of the Revised Code from the date of the impoundment or an amount determined by the court to be equal to the reasonable cost of treatment of the injury to the animal, as applicable. The requirement established in division (E)(2) of this section regarding the payment of the reasonable market value of the animal shall not apply in the case of a dog that, in violation of section ~~955.01~~ 955.02 of the Revised Code, was not registered at the time it was seized and impounded.

(3) If the court determines that probable cause exists and determines the amount of a bond or cash deposit, the case shall continue and the owner shall post a bond or cash deposit to provide for the animal's care and keeping for not less than thirty days beginning on the date on which the animal was impounded. The owner may renew a bond or cash deposit by posting, not later than ten days following the expiration of the period for which a previous bond or cash deposit was posted, a new

bond or cash deposit in an amount that the court, in consultation with the impounding agency, determines is necessary and reasonable to provide for the animal's care and keeping for not less than thirty days beginning on the date on which the previous period expired. If no bond or cash deposit is posted or if a bond or cash deposit expires and is not renewed, the impounding agency may determine the disposition of the animal unless the court issues an order that specifies otherwise.

(F) If a person is convicted of committing an offense, the court may impose the following additional penalties against the person:

(1) A requirement that the person pay for the costs incurred by the impounding agency in caring for an animal involved in the applicable offense, provided that the costs were incurred during the animal's impoundment. A bond or cash deposit posted under this section may be applied to the costs.

(2) An order permanently terminating the person's right to possession, title, custody, or care of the animal that was involved in the offense. If the court issues such an order, the court shall order the disposition of the animal.

(G) If a person is found not guilty of committing an offense, the court immediately shall order the impounding agency to return the animal to its owner if possible and to return the entire amount of any bond or cash deposit posted under division (E) of this section. If the animal cannot be returned because it has died as a result of neglect or other misconduct by the impounding agency or if the animal is injured as a result of neglect or other misconduct by the impounding agency, the court shall order the impounding agency to pay the owner an amount determined by the court to be equal to the reasonable market value of the animal at the time that it was impounded plus statutory interest as defined in section 1343.03 of the Revised Code from the date of the impoundment or an amount determined by the court to be equal to the reasonable cost of treatment of the injury to the animal, as applicable. The requirements established in this division regarding the return of a bond or cash deposit and the payment of the reasonable market value of the animal shall not apply in the case of a dog that, in violation of section ~~955.01~~955.02 of the Revised Code, was not registered at the time it was seized and impounded.

(H) If charges are filed under section 959.131 of the Revised Code against the custodian or caretaker of a companion animal, but the companion animal that is the subject of the charges is not impounded, the court in which the charges are pending may order the owner or person having custody of the companion animal to provide to the companion animal the necessities described in division (D)(2), (D)(3), (E)(2), (E)(3), (F)(2), or (F)(3) of section 959.131 of the Revised Code until the final disposition of the charges. If the court issues an order of that nature, the court also may authorize an officer or another person to visit the place where the companion animal is being kept, at the times and under the conditions that the court may set, to determine whether the companion animal is receiving those necessities and to remove and impound the companion animal if the companion animal is not receiving those necessities.

Sec. 1533.12. (A)(1) Except as otherwise provided in division (A)(2) of this section, every

person on active duty in the armed forces of the United States who is stationed in this state and who wishes to engage in an activity for which a license, permit, or stamp is required under this chapter first shall obtain the requisite license, permit, or stamp. Such a person is eligible to obtain a resident hunting or fishing license regardless of whether the person qualifies as a resident of this state. To obtain a resident hunting or fishing license, the person shall present a card or other evidence identifying the person as being on active duty in the armed forces of the United States and as being stationed in this state.

(2) Every person on active duty in the armed forces of the United States, while on leave or furlough, may take or catch fish of the kind lawfully permitted to be taken or caught within the state, may hunt any wild bird or wild quadruped lawfully permitted to be hunted within the state, and may trap fur-bearing animals lawfully permitted to be trapped within the state, without procuring a fishing license, a hunting license, a fur taker permit, or a wetlands habitat stamp required by this chapter, provided that the person shall carry on the person when fishing, hunting, or trapping, a card or other evidence identifying the person as being on active duty in the armed forces of the United States, and provided that the person is not otherwise violating any of the hunting, fishing, and trapping laws of this state.

In order to hunt deer or wild turkey, any such person shall obtain a deer or wild turkey permit, as applicable, under section 1533.11 of the Revised Code. Such a person is eligible to obtain a deer or wild turkey permit at the resident rate, regardless of whether the person is a resident of this state. However, the person need not obtain a hunting license in order to obtain such a permit.

(B) The chief of the division of wildlife shall provide by rule adopted under section 1531.10 of the Revised Code all of the following:

(1) Every resident of this state with a disability that has been determined by the veterans administration to be permanently and totally disabling, who receives a pension or compensation from the veterans administration, and who received an honorable discharge from the armed forces of the United States, and every veteran to whom the registrar of motor vehicles has issued a set of license plates under section 4503.41 of the Revised Code, shall be issued a fishing license, hunting license, fur taker permit, deer or wild turkey permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge on an annual, multi-year, or lifetime basis as determined appropriate by the chief when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(2) Every resident of the state who was born on or before December 31, 1937, shall be issued an annual fishing license, hunting license, fur taker permit, deer or wild turkey permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(3) Every resident of state or county institutions, charitable institutions, and military homes in this state shall be issued an annual fishing license free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(4) As used in division (B)(4) of this section, "blind" and "person with a mobility impairment" have the same meanings as in section ~~955.011~~955.021 of the Revised Code.

Any person with a mobility impairment or blind person who is a resident of this state and who is unable to engage in fishing without the assistance of another person shall be issued an annual fishing license free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief. The person who is assisting the person with a mobility impairment or blind person may assist in taking or catching fish of the kind permitted to be taken or caught without procuring the license required under section 1533.32 of the Revised Code, provided that only one line is used by both persons.

(5) As used in division (B)(5) of this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state shall be issued a fishing license, hunting license, fur taker permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge on an annual, multi-year, or lifetime basis as determined appropriate by the chief when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

Sec. 1901.18. (A) Except as otherwise provided in this division or section 1901.181 of the Revised Code, subject to the monetary jurisdiction of municipal courts as set forth in section 1901.17 of the Revised Code, a municipal court has original jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(1) In any civil action, of whatever nature or remedy, of which judges of county courts have jurisdiction;

(2) In any action or proceeding at law for the recovery of money or personal property of which the court of common pleas has jurisdiction;

(3) In any action at law based on contract, to determine, preserve, and enforce all legal and equitable rights involved in the contract, to decree an accounting, reformation, or cancellation of the contract, and to hear and determine all legal and equitable remedies necessary or proper for a complete determination of the rights of the parties to the contract;

(4) In any action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the foreclosure and marshalling of liens on personal property of that nature, and for the rendering of personal judgment in the action or proceeding;

(5) In any action or proceeding to enforce the collection of its own judgments or the

judgments rendered by any court within the territory to which the municipal court has succeeded, and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the municipal court;

(6) In any action or proceeding in the nature of interpleader;

(7) In any action of replevin;

(8) In any action of forcible entry and detainer;

(9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code;

(10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction;

(11) In any action brought pursuant to division (I) of section 4781.40 of the Revised Code, if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court;

(12) In any civil action as described in division (B)(1) of section 3767.41 of the Revised Code that relates to a public nuisance, and, to the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in the civil action;

(13) In a proceeding brought pursuant to section ~~955.222~~-955.23 of the Revised Code by the owner of a dog that has been designated as a nuisance dog, dangerous dog, or vicious dog;

(14) In every civil action concerning a violation of a state traffic law or a municipal traffic ordinance.

(B) The Cleveland municipal court also shall have jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(1) In all actions and proceedings for the sale of real property under lien of a judgment of the municipal court or a lien for machinery, material, or fuel furnished or labor performed, irrespective of amount, and, in those actions and proceedings, the court may proceed to foreclose and marshal all liens and all vested or contingent rights, to appoint a receiver, and to render personal judgment irrespective of amount in favor of any party.

(2) In all actions for the foreclosure of a mortgage on real property given to secure the payment of money or the enforcement of a specific lien for money or other encumbrance or charge on real property, when the amount claimed by the plaintiff does not exceed fifteen thousand dollars and the real property is situated within the territory, and, in those actions, the court may proceed to foreclose all liens and all vested and contingent rights and may proceed to render judgments and make findings and orders between the parties in the same manner and to the same extent as in

similar actions in the court of common pleas.

(3) In all actions for the recovery of real property situated within the territory to the same extent as courts of common pleas have jurisdiction;

(4) In all actions for injunction to prevent or terminate violations of the ordinances and regulations of the city of Cleveland enacted or promulgated under the police power of the city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio Constitution, over which the court of common pleas has or may have jurisdiction, and, in those actions, the court may proceed to render judgments and make findings and orders in the same manner and to the same extent as in similar actions in the court of common pleas.

(C) As used in this section, "violation of a state traffic law or a municipal traffic ordinance" has the same meaning as in section 1901.20 of the Revised Code.

Sec. 1907.031. (A) Except as otherwise provided in section 1907.03 of the Revised Code and in addition to the jurisdiction authorized in other sections of this chapter and in section 1909.11 of the Revised Code, a county court has original jurisdiction within its district in all of the following actions or proceedings and to perform all of the following functions:

(1) In an action or proceeding at law for the recovery of money or personal property of which the court of common pleas has jurisdiction;

(2) In an action at law based on contract, to determine, preserve, and enforce all legal and equitable rights involved in the contract, to decree an accounting, reformation, or cancellation of the contract, and to hear and determine all legal and equitable remedies necessary or proper for a complete determination of the rights of the parties to the contract;

(3) In an action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the foreclosure and marshalling of liens on the personal property, and for the rendering of personal judgment in the action or proceeding;

(4) In an action or proceeding to enforce the collection of its own judgments and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the county court;

(5) In an action or proceeding in the nature of interpleader;

(6) In an action of forcible entry and detainer;

(7) In a proceeding brought pursuant to section ~~955.222~~955.23 of the Revised Code by the owner of a dog that has been designated as a nuisance dog, dangerous dog, or vicious dog;

(8) In every civil action or proceeding concerning a violation of a state traffic law or a municipal traffic ordinance.

(B) A county court has original jurisdiction in civil actions as described in division (B)(1) of section 3767.41 of the Revised Code that relate to a public nuisance. To the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in such a civil action.

(C) As used in this section, "violation of a state traffic law or a municipal traffic ordinance"

has the same meaning as in section 1901.20 of the Revised Code.

Sec. 2913.01. As used in this chapter, unless the context requires that a term be given a different meaning:

(A) "Deception" means knowingly deceiving another or causing another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

(B) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

(C) "Deprive" means to do any of the following:

(1) Withhold property of another permanently, or for a period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;

(2) Dispose of property so as to make it unlikely that the owner will recover it;

(3) Accept, use, or appropriate money, property, or services, with purpose not to give proper consideration in return for the money, property, or services, and without reasonable justification or excuse for not giving proper consideration.

(D) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license, or interest is unlawful.

(E) "Services" include labor, personal services, professional services, rental services, public utility services including wireless service as defined in division (F)(1) of section 128.01 of the Revised Code, common carrier services, and food, drink, transportation, entertainment, and cable television services and, for purposes of section 2913.04 of the Revised Code, include cable services as defined in that section.

(F) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, typewritten, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.

(G) "Forge" means to fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce, or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.

(H) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver, or display.

(I) "Coin machine" means any mechanical or electronic device designed to do both of the following:

(1) Receive a coin, bill, or token made for that purpose;

(2) In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service, or grant a license.

(J) "Slug" means an object that, by virtue of its size, shape, composition, or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill, or token made for that purpose.

(K) "Theft offense" means any of the following:

(1) A violation of section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.08, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 2913.47, 2913.48, former section 2913.47 or 2913.48, or section 2913.51, 2915.05, or 2921.41 of the Revised Code;

(2) A violation of an existing or former municipal ordinance or law of this or any other state, or of the United States, substantially equivalent to any section listed in division (K)(1) of this section or a violation of section 2913.41, 2913.81, or 2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state, or of the United States, involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (K)(1), (2), or (3) of this section.

(L) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use, or data that is contained within a computer system or computer network.

(M) "Computer" means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program, or communication facilities that are connected, or related, in a computer system or network to an electronic device of that nature.

(N) "Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output, and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.

(O) "Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.

(P) "Computer program" means an ordered set of data representing coded instructions or statements that, when executed by a computer, cause the computer to process data.

(Q) "Computer software" means computer programs, procedures, and other documentation associated with the operation of a computer system.

(R) "Data" means a representation of information, knowledge, facts, concepts, or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system, or computer network. For purposes of section 2913.47 of the Revised Code, "data" has the additional meaning set forth in division (A) of that section.

(S) "Cable television service" means any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.

(T) "Gain access" means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network, or any cable service or cable system both as defined in section 2913.04 of the Revised Code.

(U) "Credit card" includes, but is not limited to, a card, code, device, or other means of access to a customer's account for the purpose of obtaining money, property, labor, or services on credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller machine, or a cash dispensing machine. It also includes a county procurement card issued under section 301.29 of the Revised Code.

(V) "Electronic fund transfer" has the same meaning as in 92 Stat. 3728, 15 U.S.C.A. 1693a, as amended.

(W) "Rented property" means personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property, within any applicable minimum or maximum term; and the amount of consideration generally is determined by the duration of possession of the property.

(X) "Telecommunication" means the origination, emission, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence of any nature over any communications system by any method, including, but not limited to, a fiber optic, electronic, magnetic, optical, digital, or analog method.

(Y) "Telecommunications device" means any instrument, equipment, machine, or other device that facilitates telecommunication, including, but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.

(Z) "Telecommunications service" means the providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.

(AA) "Counterfeit telecommunications device" means a telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured, or

programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. "Counterfeit telecommunications device" includes, but is not limited to, a clone telephone, clone microchip, tumbler telephone, or tumbler microchip; a wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of telecommunications service or information service without immediate detection; or a device, equipment, hardware, or software designed for, or capable of, altering or changing the electronic serial number in a wireless telephone.

(BB)(1) "Information service" means, subject to division (BB)(2) of this section, the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, including, but not limited to, electronic publishing.

(2) "Information service" does not include any use of a capability of a type described in division (BB)(1) of this section for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

(CC) "Elderly person" means a person who is sixty-five years of age or older.

(DD) "Disabled adult" means a person who is eighteen years of age or older and has some impairment of body or mind that makes the person unable to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least twelve months without any present indication of recovery from the impairment, or who is eighteen years of age or older and has been certified as permanently and totally disabled by an agency of this state or the United States that has the function of so classifying persons.

(EE) "Firearm" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

(FF) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(GG) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.

(HH) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(II)(1) "Computer hacking" means any of the following:

(a) Gaining access or attempting to gain access to all or part of a computer, computer system, or a computer network without express or implied authorization with the intent to defraud or with intent to commit a crime;

(b) Misusing computer or network services including, but not limited to, mail transfer programs, file transfer programs, proxy servers, and web servers by performing functions not authorized by the owner of the computer, computer system, or computer network or other person authorized to give consent. As used in this division, "misuse of computer and network services" includes, but is not limited to, the unauthorized use of any of the following:

(i) Mail transfer programs to send mail to persons other than the authorized users of that computer or computer network;

(ii) File transfer program proxy services or proxy servers to access other computers, computer systems, or computer networks;

(iii) Web servers to redirect users to other web pages or web servers.

(c)(i) Subject to division (II)(1)(c)(ii) of this section, using a group of computer programs commonly known as "port scanners" or "probes" to intentionally access any computer, computer system, or computer network without the permission of the owner of the computer, computer system, or computer network or other person authorized to give consent. The group of computer programs referred to in this division includes, but is not limited to, those computer programs that use a computer network to access a computer, computer system, or another computer network to determine any of the following: the presence or types of computers or computer systems on a network; the computer network's facilities and capabilities; the availability of computer or network services; the presence or versions of computer software including, but not limited to, operating systems, computer services, or computer contaminants; the presence of a known computer software deficiency that can be used to gain unauthorized access to a computer, computer system, or computer network; or any other information about a computer, computer system, or computer network not necessary for the normal and lawful operation of the computer initiating the access.

(ii) The group of computer programs referred to in division (II)(1)(c)(i) of this section does not include standard computer software used for the normal operation, administration, management, and test of a computer, computer system, or computer network including, but not limited to, domain name services, mail transfer services, and other operating system services, computer programs commonly called "ping," "tcpdump," and "traceroute" and other network monitoring and management computer software, and computer programs commonly known as "nslookup" and "whois" and other systems administration computer software.

(d) The intentional use of a computer, computer system, or a computer network in a manner that exceeds any right or permission granted by the owner of the computer, computer system, or computer network or other person authorized to give consent.

(2) "Computer hacking" does not include the introduction of a computer contaminant, as defined in section 2909.01 of the Revised Code, into a computer, computer system, computer program, or computer network.

(JJ) "Police dog or horse" has the same meaning as in section 2921.321 of the Revised Code.

(KK) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this division. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.

(LL) "Assistance dog" has the same meaning as in section ~~955.011~~955.021 of the Revised

Code.

(MM) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.

(NN) "Active duty service member" means any member of the armed forces of the United States performing active duty under title 10 of the United States Code.

Sec. 2921.321. (A) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

(1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.

(2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(B) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike a police dog or horse;

(2) Throw an object or substance at a police dog or horse;

(3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:

(a) Inhibits or restricts the law enforcement officer's control of the police dog or horse;

(b) Deprives the law enforcement officer of control of the police dog or horse;

(c) Releases the police dog or horse from its area of control;

(d) Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

(e) Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.

(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse;

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct, the police dog or horse is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(C) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The dog, at the time the physical harm is caused or attempted, is assisting or serving a person who is blind, deaf, or hearing impaired or a person with a mobility impairment.

(2) The dog, at the time the physical harm is caused or attempted, is not assisting or serving a person who is blind, deaf, or hearing impaired or a person with a mobility impairment, but the

offender has actual knowledge that the dog is an assistance dog.

(D) No person shall recklessly do any of the following:

- (1) Taunt, torment, or strike an assistance dog;
- (2) Throw an object or substance at an assistance dog;
- (3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a person who is blind, deaf, or hearing impaired or a person with a mobility impairment who is being assisted or served by an assistance dog, in a manner that does any of the following:

- (a) Inhibits or restricts the assisted or served person's control of the dog;
- (b) Deprives the assisted or served person of control of the dog;
- (c) Releases the dog from its area of control;
- (d) Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;
- (e) Inhibits or restricts the ability of the dog to assist the assisted or served person.

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a person who is blind, deaf, or hearing impaired or a person with a mobility impairment or that the person knows is an assistance dog.

(E)(1) Whoever violates division (A) of this section is guilty of assaulting a police dog or horse, and shall be punished as provided in divisions (E)(1)(a) and (b) of this section.

(a) Except as otherwise provided in this division, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse, assaulting a police dog or horse is a felony of the third degree and the court shall impose as a mandatory prison term one of the definite prison terms prescribed in division (A)(3)(b) of section 2929.14 of the Revised Code for a felony of the third degree. If the violation results in serious physical harm to the police dog or horse other than its death, assaulting a police dog or horse is a felony of the fourth degree. If the violation results in physical harm to the police dog or horse other than death or serious physical harm, assaulting a police dog or horse is a misdemeanor of the first degree.

(b) In addition to any other sanction imposed for assaulting a police dog or horse, if the violation of division (A) of this section results in the death of the police dog or horse, the sentencing court shall impose as a financial sanction a mandatory fine under division (B)(10) of section 2929.18 of the Revised Code. The fine shall be paid to the law enforcement agency that was served by the police dog or horse that was killed, and shall be used by that agency only for one or more of the following purposes:

- (i) If the dog or horse was not owned by the agency, the payment to the owner of the dog or

horse of the cost of the dog or horse and the cost of the training of the dog or horse to qualify it as a police dog or horse, if that cost has not previously been paid by the agency;

(ii) After payment of the costs described in division (E)(1)(b)(i) of this section, if applicable, payment of the cost of replacing the dog or horse that was killed;

(iii) After payment of the costs described in division (E)(1)(b)(i) of this section, if applicable, payment of the cost of training the replacement dog or horse to qualify it as a police dog or horse;

(iv) After payment of the costs described in division (E)(1)(b)(i) of this section, if applicable, payment of the cost of further training of the replacement dog or horse that is needed to train it to the level of training that had been achieved by the dog or horse that was killed.

(2) Whoever violates division (B) of this section is guilty of harassing a police dog or horse. Except as otherwise provided in this division, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse, harassing a police dog or horse is a felony of the third degree. If the violation results in serious physical harm to the police dog or horse, but does not result in its death, harassing a police dog or horse, is a felony of the fourth degree. If the violation results in physical harm to the police dog or horse, but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree.

(3) Whoever violates division (C) of this section is guilty of assaulting an assistance dog. Except as otherwise provided in this division, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in the death of the assistance dog, assaulting an assistance dog is a felony of the third degree. If the violation results in serious physical harm to the assistance dog other than its death, assaulting an assistance dog is a felony of the fourth degree. If the violation results in physical harm to the assistance dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree.

(4) Whoever violates division (D) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this division, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of the assistance dog, harassing an assistance dog is a felony of the third degree. If the violation results in serious physical harm to the assistance dog, but does not result in its death, harassing an assistance dog is a felony of the fourth degree. If the violation results in physical harm to the assistance dog, but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

(5) In addition to any other sanction or penalty imposed for the offense under this section, Chapter 2929., or any other provision of the Revised Code, whoever violates division (A), (B), (C), or (D) of this section is responsible for the payment of all of the following:

(a) Any veterinary bill or bill for medication incurred as a result of the violation by the police department regarding a violation of division (A) or (B) of this section or by the person who is blind, deaf, or hearing impaired or the person with a mobility impairment assisted or served by the

assistance dog regarding a violation of division (C) or (D) of this section;

(b) The cost of any damaged equipment that results from the violation;

(c) If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the person who is blind, deaf, or hearing impaired or the person with a mobility impairment assisted or served by the assistance dog;

(d) If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog or horse that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the person who is blind, deaf, or hearing impaired or the person with a mobility impairment assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

(F) This section does not apply to a licensed veterinarian whose conduct is in accordance with Chapter 4741. of the Revised Code.

(G) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or an assistance dog.

(H) As used in this section:

(1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(2) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.

(3) "Serious physical harm" means any of the following:

(a) Any physical harm that carries a substantial risk of death;

(b) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;

(c) Any physical harm that causes acute pain of a duration that results in substantial suffering.

(4) "Assistance dog," "blind," and "person with a mobility impairment" have the same meanings as in section ~~955.011~~955.021 of the Revised Code.

SECTION 2. That existing sections 304.02, 304.03, 715.23, 901.80, 935.03, 955.01, 955.011, 955.012, 955.013, 955.02, 955.03, 955.04, 955.05, 955.06, 955.07, 955.09, 955.10, 955.11, 955.12, 955.121, 955.14, 955.16, 955.20, 955.22, 955.221, 955.222, 955.26, 955.261, 955.40, 955.43,

955.44, 955.50, 955.54, 959.132, 1533.12, 1901.18, 1907.031, 2913.01, and 2921.321 of the Revised Code are hereby repealed.

SECTION 3. That sections 955.08, 955.21, 955.23, 955.24, 955.25, 955.39, 955.51, 955.52, 955.53, and 955.99 of the Revised Code are hereby repealed.

SECTION 4. The owner of a dog who holds a valid dangerous dog registration certificate for the dog that was issued under division (I) of section 955.22 of the Revised Code as that section existed prior to its amendment by this act shall renew the certificate beginning on the first day of December of the year in which this section takes effect, but not later than the thirty-first day of January of the subsequent year regardless of when the owner would have been required to renew the certificate under former law. Except as otherwise provided in this section, the owner shall file the application in accordance with section 955.02 of the Revised Code as amended by this act.

If the renewal required by this section results in a reduction of the registration period for which the owner paid fifty dollars under former law, the owner shall pay a registration fee for the renewal required by this section in an amount that is prorated as determined by the county auditor of the county in which the owner resides. Thereafter, the owner shall renew the dangerous dog registration certificate in accordance with section 955.02 of the Revised Code as amended by this act.

SECTION 5. This act shall be known as Avery's Law.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20__

Approved _____, 20__

Governor.

Sub. H. B. No. 247

136th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____

A Resolution accepting the bid of and authorizing the City Manager to enter into a contract with Neyra Construction, Inc. DBA Neyra Paving for the 2026 Sidewalks and Curb Ramps Program for the total bid amount of \$180,900.75 and further authorizing the City Manager to execute needed change order(s), if any, in specified amount approved herein.

Department: Community Development

Request: Action Item

Item Background and Purpose:

Bids for the subject project were received on Wednesday, March 11, 2026 at 4:00 PM. The following bids were received:

COMPANY	BID TOTAL
Neyra Paving	\$180,900.75
J&M Services of Miami Valley LLC	\$190,240.75
R.A. Miller Construction Co.	\$193,704.50
DJX Construction	\$227,487.50
Jackson Construction Inc	\$228,197.00
Proflex Construction & Supplies LLC	\$228,830.00
Adleta Construction	\$231,129.81
Belgray, Inc	\$249,732.00
ENGINEERS ESTIMATE	\$270,000.00

This project consists of full-depth concrete pavement replacement and installation of curb ramps and sidewalks throughout the City of Moraine.

The apparent low bidder with a bid price of \$180,900.75, Neyra Paving has done satisfactory work in Moraine and neighboring jurisdictions in the past.

Including a 10% contingency amount of \$18,090.08 that the City Manager can use to authorize potential change orders, the total amount approved would be \$198,990.83. This is well below the existing budget of \$300,000.00.

I recommend awarding the 2026 Sidewalks and Curb Ramps Program to Neyra Paving with the accepted bid amount of \$180,900.75 and contingency of \$18,090.08, approving a total of \$198,990.83.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source:

Capital Improvement Fund,
Engineer, Annual Street
Improvements (301-1305-

50001)

Attachments:

1. 2026_BID-004 Bid Results Memo to CM

RECORD OF RESOLUTIONS

Resolution No. **8230-26**

A RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NEYRA CONSTRUCTION, INC. DBA NEYRA PAVING FOR THE 2026 SIDEWALKS AND CURB RAMPS PROGRAM FOR THE TOTAL BID AMOUNT OF \$180,900.75 AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE NEEDED CHANGE ORDER(S), IF ANY, IN SPECIFIED AMOUNT APPROVED HEREIN.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO:

SECTION 1: That bids were requested and received for the 2026 Sidewalks and Curb Ramps Program and upon review and recommendation by staff, and determination that the bid of Neyra Construction, Inc. dba Neyra Paving, in the amount of \$180,900.75 is hereby deemed to be the lowest and best responsive bid submitted by a responsible bidder and same is hereby accepted and the City Manager is authorized to enter into a contract therewith in accordance with the terms of the bid specifications, said costs to be paid from the Capital Improvement Fund.

SECTION 2: That the City Manager is further authorized to expend up to an additional 10 percent of the bid amount of \$180,900.75 for additional work, if necessary, making the total amount approved to be \$198,990.83.

SECTION 3: That the Clerk is hereby directed to forward a certified copy of this Resolution to the City Manager, City Engineer, and Finance Director.

SECTION 4: That this Resolution shall take effect from and after the date of its passage.



CITY OF MORAINES DEPARTMENTAL CORRESPONDENCE

DATE: March 11, 2026
TO: Michael Davis, City Manager
FROM: Lauren Alvarado, City Engineer
SUBJECT: 2026 Sidewalks and Curb Ramps Program – Bid Results

Bids for the subject project were received on Wednesday, March 11, 2026 at 4:00 PM. The following bids were received:

COMPANY	BID TOTAL
Neyra Paving	\$180,900.75
J&M Services of Miami Valley LLC	\$190,240.75
R.A. Miller Construction Co.	\$193,704.50
DJX Construction	\$227,487.50
Jackson Construction Inc	\$228,197.00
Proflex Construction & Supplies LLC	\$228,830.00
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This project consists of full-depth concrete pavement replacement and installation of curb ramps and sidewalks throughout the City of Moraine.

The apparent low bidder with a bid price of \$180,900.75, Neyra Paving has done satisfactory work in Moraine and neighboring jurisdictions in the past.

Including a 10% contingency amount of \$18,090.08 that the City Manager can use to authorize potential change orders, the total amount approved would be \$198,990.83. This is well below the existing budget of \$300,000.00.

I recommend awarding the 2026 Sidewalks and Curb Ramps Program to Neyra Paving with the accepted bid amount of \$180,900.75 and contingency of \$18,090.08, approving a total of \$198,990.83.

Annual Liquor License Review - A Motion directing the Clerk of Council to not object to renewal of liquor permits and to not request a hearing.

Department: Clerk of Council

Request: Action Item

Item Background and Purpose:

All Class C and D retail permits that sell alcoholic beverages in Moraine will expire on June 1, 2026.

Ohio Revised Code 4303.271(B) provides the legislative authority the right to object to the renewal of a retail permit and to request a hearing. There have been no objections from the Police and Fire Divisions.

If Council is in agreement, a motion directing the Clerk of Council to not object to renewal of liquor permits and to not request a hearing is needed.

Financial Impact:

Is Item Budgeted?: No

Funding Source: N/A

Attachments:

1. Notice to Legislative Authorities



March 10, 2026

MORaine CITY COUNCIL
ATTN CLERK
4200 DRYDEN RD
MORaine, OH 45439

NOTICE TO LEGISLATIVE AUTHORITIES
Objections to Renewal of a Retail Liquor Permit

Dear Clerk of Legislative Authority:

All Class C and D retail permits that sell alcoholic beverages in your political subdivision will expire on **June 1, 2026**. Every retail permit holder must timely file an online renewal application with the Division to maintain their permit privileges and ability to sell alcoholic beverages.

Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a retail permit and to request a hearing. This is your only opportunity to object to the renewal of problematic liquor permit premises in your community.

To register a valid objection with the Division of Liquor Control and request a hearing, the legislative authority **MUST** pass a resolution that specifies the problems at the liquor permit premises and the legal grounds for the objection as set forth in Ohio Revised Code Section 4303.292(A). We suggest that a separate resolution be passed for each permit premises. The Chief Legal Officer of your political subdivision **MUST** submit a statement with the resolution that, in their opinion, the objection is based on substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.29(A).

The resolution and Chief Legal Officer's statement must be emailed to liquorlegal@com.ohio.gov or mailed to the Division of Liquor Control, Attn: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked no later than May 4, 2026.

You can find retail permit holders within your jurisdiction by going to com.ohio.gov/liquorinfo and selecting the "All Permits" tab. Use the search slicers to select the "issued, issued-pending transfer" status, the classes (C/D), and your taxing district number in the report. You can also contact your local law enforcement agency in case it has any information that can help you decide whether to object and request a hearing. For more information on other ways to deal with problem establishments, including a copy of this letter, go to com.ohio.gov/govhelp.

If you decide not to object to any permit premises within your jurisdiction, then no response is needed. The Division will process non-objected to renewal applications as appropriate.

If you have questions, please contact the Legal Section at liquorlegal@com.ohio.gov. For more information, sign up for our emails at com.ohio.gov/stayinformed.

DOLC Licensing and Legal Sections

June 2026-2027 Retail Permit Objections due by May 4, 2026.

What permits and areas are located in the June renewal district?

All Class C and D retail permits that sell alcoholic beverages in political subdivisions located within the June Renewal District will expire on June 1, 2026. In order to maintain permit privileges, every retail permit holder in the June renewal district must file an online renewal application with the Division of Liquor Control.

June renewals are primarily Western Ohio counties and include cities like Toledo, Dayton, Lima, and Cincinnati. Please visit com.ohio.gov/renewapermit for general renewal questions, including a map to what permits are in the June district and important renewal dates.

How does the legislative authority object?

To register a valid objection with the Division and request a hearing under R.C. 4303.271(B), the legislative authority MUST pass a resolution that specifies the problems at the liquor permit premises and the legal grounds for the objection as set forth in Ohio Revised Code Section 4303.292(A). We suggest that a separate resolution be passed for each permit premises.

The Chief Legal Officer of your political subdivision MUST also submit a statement with the resolution that, in their opinion, the objection is based on substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.29(A).

You may wish to contact the law enforcement agency for your jurisdiction to determine if it has any information which will aid in your decision whether to object and request a hearing.

Where should the objection be sent and by when?

The resolution and Chief Legal Officer's statement MUST be sent to either liquorlegal@com.ohio.gov or mailed to the Division of Liquor Control, Attn: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked **no later than May 4, 2026**.

How can you find retail permit holders in your area?

Click on the "[ALL PERMIT HOLDERS](#)" report. Use the "status" slicer to select Issued and Issued-Pending Transfer (Hold "Ctrl" button to multi-select). Then multi-select retail permit classes (C and D variations, minus D-6 and D-8) in the "Class" slicer. To narrow those permit holders within your jurisdiction, use the Taxing