



City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Ordinance: ORD-0069-2024

File Number: ORD-0069-2024

AN ORDINANCE AMENDING CITY OF GAHANNA CODIFIED ORDINANCES SECTION 505.14 - DANGEROUS AND VICIOUS ANIMALS

WHEREAS, the Department of Law reviewed Section 505.14 of the Codified Ordinances of the City and recommends revisions to address contesting the designation of a dangerous or vicious animal, notification requirements, and correcting scrivener's errors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That Gahanna Codified Ordinances Section 505.14 - Dangerous and Vicious Animals - is hereby amended as set forth in EXHIBIT A, attached hereto and made a part herein.

Section 2. That this Ordinance shall be in full force and effect after passage by this Council and 30 days after date of signature of approval by the Mayor.

At a regular meeting of the City Council on November 18, 2024, a motion was made by Schnetzler, seconded by Weaver, that the Ordinance be Adopted.
The vote was as follows:

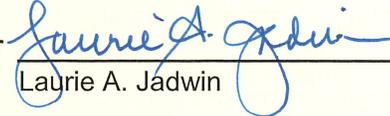
Ms. Bowers, yes; Ms. Jones, yes; Ms. McGregor, yes; Ms. Padova, yes; Mr. Renner, yes; Mr. Schnetzler, yes; Mr. Weaver, yes.

President 
Merisa K. Bowers

Date 11-18-24

Attest by 
Jeremy A. VanMeter
Clerk of Council

Date 11-18-2024

Approved by the Mayor 
Laurie A. Jadwin

Date 11-18-2024

Approved as to Form 
Priya D. Tamilarasan
City Attorney

Date 11/18/24

505.14 DANGEROUS AND VICIOUS ANIMALS.

(a) As used in this section:

(1) A. *Dangerous animal* means an animal that, without provocation, and subject to subsection (a)(1)B. hereof, 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 animal is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top and is secured to the ground, locked fenced yard, or other locked enclosure which has a top and is secured to the ground.

B. "Dangerous animal" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person 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 an animal would cause any person being chased or approached to reasonably believe that the animal will cause physical injury to that person.

(3) *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.

(4) A. *Vicious animal* means an animal that, without provocation and subject to subsection (a)(4)B. hereof, meets any of the following:

1. Without provocation, has killed or caused serious injury to any persons or domesticated animal;
2. Without provocation, has caused injury, other than killing or serious injury to any person, or has killed another domesticated animal.

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

1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or 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. An animal 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 animal.

(5) *Without provocation* means that a domesticated animal was not teased, tormented or abused by a person, or that the domesticated animal 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 domesticated animal as a means of carrying out such activity. (ORC 955.11)

(b) No owner, keeper or harbinger of a dangerous and/or vicious animal shall fail to do either any of the following:

(1) While that animal is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, in a locked pen which has a top and is secured to the ground, locked fenced yard or other locked enclosure which has a top and is secured to the ground;

(2) While that animal is off the premises of the owner, keeper or harbinger, keep it 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 animal in a locked pen that has a top and is secured to the ground, locked fenced yard or other locked enclosure which has a top and is secured to the ground;

- B. Keep that animal on a chain-link leash. The leash must be controlled by a person who is 18 years of age or older, and in addition muzzle the animal with a police K-9 working muzzle with a sewn-in, steel-reinforced nose bridge, inside nose pad protector, and double neck strap.
- (3) The owner, keeper or harbinger of a dangerous and/or vicious animal shall pay a permit fee prior to January 20 of each year or within 20 days of the designation to own, keep or harbor the animal within the City and obtain a permit from the Chief of Police at the cost of \$750.00 for such permit in addition to the payment of any fee for registration of the animal as required by the Ohio Revised Code and these Codified Ordinances.
- A. The owner, keeper or harbinger of such dangerous and/or vicious animal shall pay for the permit at the City Cashier's office Gahanna Police Department and receive a receipt. The receipt and proof of insurance as stated in subsection (c) hereof shall be presented to the Chief of Police in order to obtain a permit.
 - B. The permit to own, keep or harbor a dangerous and/or vicious animal shall be valid only during the calendar year in which the permit is issued, and during the first 20 days of the following calendar year.
 - C. The permit fee for any dangerous and/or vicious animal is \$750.00 if purchased prior to July 1 of any calendar year. If the permit is purchased on or after July 1 of any calendar year, the permit fee is \$375.00.
- (c) No owner, keeper or harbinger of a dangerous and/or vicious animal shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than \$250,000 because of damage or bodily injury to or death of a person caused by the vicious animal. (ORC 955.22)
- (d) If a violation of subsection (b) hereof involves a dangerous animal, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the first degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous animal that he owns, keeps or harbors, to cause that animal to complete obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (c) hereof. The court, in the alternative, may order the dangerous animal to be humanely destroyed at the owner's expense by a licensed veterinarian, the Animal Control Officer or the Humane Society.
- (e) If a violation of subsection (b) hereof involves a vicious animal, whoever violates that subsection is guilty of one of the following:
- (1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious animal to be humanely destroyed at the owner's expense by a licensed veterinarian, the Animal Control Officer or the Human Society.
 - (2) A misdemeanor of the first degree if the animal causes injury other than killing or serious injury, to any person.
- (f) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree.
- (g) If a person who is authorized to enforce this section has reasonable cause to believe that a dog in this jurisdiction is a 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 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 ORC 955.222. The notice shall include instructions for filing a request for hearing in Franklin County.

(h) If the owner, keeper or harbinger of the dog disagrees with the designation of the dog as a dangerous dog or vicious dog, as applicable, the owner, keeper, or harbinger, not later than ten (10) days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the Franklin County Municipal Court, Environmental Division. At the hearing, the person who designated the dog as a dangerous dog or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a dangerous dog or vicious dog.

State law reference(s)—(ORC 955.222, 955.99)