

## CHAPTER 505 - Animals and Fowl<sup>[2]</sup>

Sections:

Footnotes:

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**Cross reference**— Owner or keeper liable for damages - see Ohio R.C. 951.10; Dog registration - see Ohio R.C. 955.01; Discharging firearms prohibited - see GEN. OFF. 549.08; Housing of animals - see P. & Z. 1139.02

### 505.01 - ANIMALS AND FOWL RUNNING AT LARGE.

- (a) No person shall own, have under his care or be in control of any domestic animal, including cattle, horses, swine, sheep, goats, dogs, cats or poultry, which is at large in the City. If a domestic animal, as defined herein, is at large in the City, then the person who is the owner or who normally has care or control of the animal shall be deemed to have violated this section.
- (b) No person who is the owner or keeper of any domestic animal shall permit that animal to be out of control at any time or place, even running in its own yard.
- (c) A reasonable effort to confine the animal or fowl to the premises of the owner or harborer may be considered in mitigation but not as an excuse for the offense.
- (d) Whoever violates this section is guilty of a minor misdemeanor for the first offense. All subsequent offenses shall be a misdemeanor of the second degree.

(Ord. 0105-2002. Passed 6-17-02.)

### 505.02 - IMPOUNDING AND DISPOSITION.

Animals and fowl found at large in the City may be taken up by any police officer or Animal Control Officer and placed in the City pound. If the animal wears a registration tag, the Officer shall notify the registered owner to appear at the Police Department and receive a citation for violation of Section 505.01. The owner may then remove the animal from the pound on payment to the City of a pound fee of \$30.00 for impounding and \$10.00 for each day or fraction thereof that the animal is in the pound. If the animal is not claimed within 12 hours, it shall be turned over to the County Humane Society for disposition. All animals which are not licensed, or whose owners cannot be readily ascertained, may be turned over at once to the County Humane Society to be disposed of as provided in its regulations. When an owner acknowledges ownership of an unlicensed animal, whether turned over to the County Humane Society or not, he shall receive a citation as provided above and shall answer before the Mayor's Court. If he claims the animal, he shall pay the lawful license fee, if any, the City pound charges provided above, and any fees or charges which may be lawfully imposed by the County Humane Society.

(Ord. 0105-2002. Passed 6-17-02)

### 505.03 - REGISTRATION OF DOGS; TAGS TO BE WORN.

- (a) No person shall be the owner, keeper of, harborer or person in charge of any dog over three months of age after January 20 of any year, or brought from outside the State at any time during the year without first registering such dog as required by Ohio R.C. Chapter 955.

- (b) Failure to display the tag issued in connection with the registration required by Ohio R.C. Chapter 955 on a dog's collar, harness, leash or similar device shall be prima-facie evidence of lack of registration and shall subject any dog not wearing such tag to impoundment under Section 505.02.
- (c) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 28-2001. Passed 3-5-01.)

#### 505.04 - RABIES IMMUNIZATION.

- (a) No person shall own, keep, harbor or have charge of any dog or cat over three months of age unless such animal has been immunized against rabies by a method listed in U.S. Department of Health, Education and Welfare Center for Disease Control Animal Rabies Vaccine Compendium or any other method approved by the Health Commissioner. Failure to have such animal immunized for rabies shall subject such animal to impoundment and failure to display a current rabies immunization tag on a dog's or cat's collar, harness, leash or similar device shall be prima-facie evidence of lack of rabies immunization. Failure of the owner or one having charge of a dog or a cat to provide, when requested, evidence of rabies immunization shall be a violation of this section.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 0105-2002. Passed 6-17-02.)

#### 505.05 - ABANDONING ANIMALS.

- (a) No owner or keeper of a dog, cat or other animal shall abandon such animal.
- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(Ord. 0105-2002. Passed 6-17-02.)

#### 505.06 - KILLING, INJURING OR POISONING ANIMALS.

- (a) No person shall knowingly and without the consent of the owner, kill, injure or administer poison to any animal that is the property of another; and no person shall knowingly and without the consent of the owner of the lands place any poisoned food where it may be easily found and eaten by children or animals, either upon his own lands or the lands of another. This section does not apply to a licensed veterinarian or Animal Warden acting in an official capacity. (ORC 959.02, 959.03)
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree.

(ORC 959.99(B); Ord. 0105-2002. Passed 6-17-02.)

#### 505.07 - CRUELTY TO ANIMALS GENERALLY.

- (a) No person shall overwork, overdrive, overload, torture an animal, deprive one of necessary sustenance or necessary veterinary care, physically attack or cruelly beat, needlessly mutilate, purposely injure, or kill an animal.
- (b) No person shall impound or confine an animal without affording it, during such confinement, a sufficient quantity of good wholesome food and water, access to shelter from extreme temperatures, wind, rain, snow, or excessive direct sunlight if it can be reasonably expected that the animal would otherwise become sick or in some other way suffer. For the purpose of this section, "shelter" means a manmade enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation.

- (c) No person shall carry or convey an animal in a cruel or inhumane manner.
- (d) No person shall cause or allow any place where an animal is kept to become unclean or unwholesome.
- (e) 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 to the Capital Humane Society.

(Ord. 28-2001. Passed 3-5-01.)

505.071 - CRUELTY TO COMPANION ANIMALS.

- (a) As used in this section:
  - (1) *Companion animal* means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.
  - (2) *Cruelty, torment and torture* have the same meanings as in Ohio R.C. 1717.01.
  - (3) *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.
  - (4) *Practice of veterinary medicine* has the same meaning as in Ohio R.C. 4741.01.
  - (5) *Wild animal* has the same meaning as in Ohio R.C. 1531.01.
  - (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.A. 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) *Dog kennel* means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.
- (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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
  - (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
  - (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
  - (4) Needlessly kill the companion animal;
  - (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment in any of those specified manners.

- (d) 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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
  - (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;
  - (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
  - (4) Needlessly kill the companion animal;
  - (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment or confinement in any of those specified manners.
- (e) Subsections (b), (c) and (d) 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. (ORC 959.131)
- (f)
- (1) Whoever violates subsection (b) 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 (d) 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 suffers from 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)

505.08 - HOUSING OF ANIMALS.

- (a) Horses, cattle, chickens, swine, sheep, goats or any other farm animals may be kept within the City pursuant to the conditions established in the Planning and Zoning Code of the City of Gahanna.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 28-2001. Passed 3-5-01.)

505.09 - ANIMAL NUISANCE CONDITIONS PROHIBITED.

- (a) No person shall keep or harbor any animal in the City so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.
- (b) No person shall keep or otherwise harbor any animal within the City which, by frequent and habitual barking, howling or yelping, menacing passersby, chasing vehicles, or attacking other domestic animals, results in disturbance of the peace, quiet and good order of the City. Any person, who allows any animal habitually to remain, be lodged, or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such animal.
- (c) Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, sidewalk, building, park, playground, school ground or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.
- (d) No person being the owner or in charge or control of any animal shall allow or permit such animal to commit a nuisance on any school grounds, playground, City park or upon any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such nuisance shall be considered abated.
- (e) No person shall erect, use or maintain a building, structure or place for the keeping or feeding of animals which by causing noise or offensive smells becomes injurious to the health, comfort or property of individuals or the public.
- (f) No person shall keep more than five adult animals for pleasure, profit, breeding or exhibiting without obtaining a kennel license and complying with the Zoning Code. Adult animals are defined as older than three months in age.
- (g) Whoever violates this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for the second offense, and a misdemeanor of the second degree for all subsequent offenses.

(Ord. 0105-2002. Passed 6-17-02; Ord. No. [0002-2017](#), Exh. A, 2-6-17)

505.10 - ANIMAL BITES, QUARANTINE AND REPORT.

- (a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Board of Health of Franklin County within 24 hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian at the expense of the owner, when known, and results of such examination shall be reported to the Board of Health within 24 hours. At the discretion of the Board of Health, the dog or other animal shall either be confined by its owner or harborer to his premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall be not less than ten days from the date the person was bitten at which time report of the condition of the animal shall be made to the Board of Health. No person shall fail to comply with the requirements of this section or with an order of the Board of Health of Franklin County made pursuant thereto, nor fail to immediately report to the Board of Health any symptom or behavior suggestive of rabies.
- (b) Whoever violates this section is guilty of a misdemeanor in the first degree.

(Ord. 0105-2002. Passed 6-17-02.)

#### 505.11 - HUNTING AND TRAPPING.

- (a) Hunting. No person shall hunt game animals or game birds within the City.
- (b) Trapping. Except on his own premises, no person shall, by use of a metal trap or other similar device, trap or attempt to trap birds, or animals of any kind whatsoever within the City, except for the purpose of handling birds by a State-licensed bander with the written permission and approval of the Animal Control Officer. Any animal trapped by a person on his own premises shall forthwith be turned over to the Animal Control Officer. The use of leg traps is expressly prohibited within the City.
- (c) Whoever violates this section is guilty of a misdemeanor in the first degree.

(Ord. 0105-2002. Passed 6-17-02.)

#### 505.12 - BREAKING OPEN POUND.

- (a) No person shall interfere with, break open or destroy a pound erected by authority of law, or set at liberty any animal impounded therein.
- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(Ord. 28-2001. Passed 3-5-01.)

#### 505.13 - REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

- (a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:
  - (1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred.
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree.

(ORC 2927.21; Ord. 28-2001. Passed 3-5-01.)

#### 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 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 to own, keep or harbor the animal within the City and obtain a permit from the Chief of Police at the cost of \$500.00 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 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 \$500.00 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 \$250.00.
- (c) No owner, keeper or harbinger of a 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 \$100,000.00 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.

(ORC 955.99; Ord. 0105-2002. Passed 6-17-02.)

#### 505.15 - KEEPING AND MAINTAINING OF WILD ANIMALS.

- (a) "Wild animal" means any living wild or potentially dangerous mammal, reptile, fowl, or other species which is not naturally tame or gentle, but is of a wild nature or disposition and not customarily domesticated, and which because of its characteristics may constitute a danger to human life or property if it escaped from secure quarters. A wild animal shall include, but not be limited to:
- (1) All poisonous snakes.
  - (2) Bears (Ursidae).
  - (3) Cheetahs (*Acinonyx jubatus*).
  - (4) Coyotes and coyote-dog hybrids (Canids).
  - (5) Elephants (*Elephas* and *Loxodons*).



- (6) Hyenas (*Hyaenides*).
  - (7) Jaguars (*Panthera onca*).
  - (8) Leopards (*Panthera pardus*).
  - (9) Lions (*Panthera leo*).
  - (10) Lynxes (*lynx*).
  - (11) Pumas, also known as cougars, mountain lions and panthers (*Felis concolor*).
  - (12) Primates (non-human) apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs.
  - (13) Tigers (*Panthera tigris*).
  - (14) Wolf-dog hybrids (*canis lupus*).
  - (15) Wild cats, ocelot, margay, serval, leopard cat.
- (b) It shall be unlawful for any person or persons to keep or maintain a wild animal, either inside or outside a structure, within the City, with the following exceptions:
- (1) Temporary events such as a circus, sporting event or zoo exhibition where the animals or mascots are handled by trained professional caretakers.
  - (2) Retail pet stores, with all proper licenses, located in a commercial zoning district.
  - (3) Any fish or similar aquatic vertebrates bred to remain in a confined body of water.
  - (4) Any domestic, nonfarm animal including, but not limited to dogs or cats.
- (c) Any person violating this section shall be deemed guilty of a misdemeanor of the first degree. In addition, the court may order the wild animal transferred to an appropriate zoological or similar facility. If this is not practical, as an alternative, the court may order the wild animal humanely destroyed by a qualified veterinarian at the expense of the owner.

(Ord. 0105-2002. Passed 6-17-02.)

505.99 - PENALTY.

**Editor's note**— See Section 501.99 for penalties applicable to any misdemeanor classification.)