

CHAPTER 505
Animals and Fowl

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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
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 harbinger 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 ~~fourth~~ **SECOND** degree. (Ord. 136-91. Passed 8-20-91.)

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 thirty dollars (\$30.00) for impounding and ten dollars (\$10.00) for each day or fraction thereof that the animal is in the pound. If the animal is not claimed within a ~~reasonable time~~ **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. 980155. Passed 8-17-98.)

505.03 REGISTRATION OF DOGS; TAGS TO BE WORN.

(a) No person shall be the owner, keeper of, harbinger 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. 980155. Passed 8-17-98.)

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 **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. 130-81. Passed 12-15-81.)

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 ~~minor~~ misdemeanor **OF THE FOURTH DEGREE**. (Ord. 130-81. Passed 12-15-81.)

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))

505.07 CRUELTY TO ANIMALS.

(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 man made 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 inhuman 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.

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. 130-81. Passed 12-15-81.)

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 four adult animals for pleasure, profit, breeding or exhibiting without obtaining a kennel license and complying with zoning codes. 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. 130-81. Passed 12-15-81.)

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 twenty-four 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 twenty-four hours. At the direction of the Board of Health, the dog or other animal shall either be confined by its owner or harbored 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 **fourth FIRST** degree. (Ord. 980155. Passed 8-17-98.)

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 ~~fourth~~ **FIRST** degree. (Ord-0028-2001. Passed 3-05-2001.)

505.12 BREAKING OPEN POUND.

(a) No person shall interfere with, break open, 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 in the fourth degree. (Ord. 130-81. Passed 12-15-81.)

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; ~~and~~

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 2927.21)

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**, ~~except that a dangerous animal may, in the alternative, be tied with a leash or tether so that the animal is adequately restrained~~;

(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 eighteen 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 fifty **FIVE HUNDRED** dollars (\$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 twenty days of the following calendar year.

C. The permit fee for any dangerous and/OR vicious animal is ~~fifty~~ **FIVE HUNDRED** dollars (\$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 ~~twenty-five~~ **TWO HUNDRED FIFTY** dollars (\$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 ~~fifty~~ **ONE HUNDRED** thousand dollars (\$100,000) 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 ~~third~~ **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 Humane 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. 980155. Passed 8-17-98.)

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, servral, 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 ~~minor~~ misdemeanor **OF THE FIRST DEGREE** for the first offense. ~~For the second and subsequent violations of this section, the violator shall be deemed guilty of a misdemeanor of the fourth 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. 206-94. Passed 12-20-94.)

505.99 PENALTY.

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