A-73 Presented by the Administration

CITY OF CUYAHOGA FALLS, OHIO

ORDINANCE NO. - 2026

AN ORDINANCE AMENDING CHAPTER 505 "ANIMALS AND FOWL" OF THE CUYAHOGA FALLS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio recently made changes to its laws concerning dog bites and dogs running at large, known as Avery's Law; and

WHEREAS, the purpose of the changes is to make the public safer by holding dog owners accountable when a dog behaves in a nuisance, vicious, or dangerous way; and

WHEREAS, City of Cuyahoga Falls Codified Ordinances are being updated to match the newer state law; and

WHEREAS, it is timely to make other updates to the City of Cuyahoga Falls Codified Ordinances regarding dogs being off leash in dog parks and stray cats being neutered or spayed and released.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State of Ohio, that:

Section 1. Chapter 505 "Animals and Fowl" of Part 5 "General Offenses Code" of the Codified Ordinances of the City of Cuyahoga Falls shall be amended to the language attached as Exhibit A (new text underlined; deleted text in ~~strikethrough~~), and incorporated into this ordinance.

Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and for the reason that the City's animal ordinances should be consistent with State law; and provided it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law

Passed: _____ _____

President of Council

_____

Clerk of Council

Approved_____ _____

Mayor

9/28/26

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505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of any fowl or animal shall permit such fowl or animal to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another. The owner or person having charge of every animal shall at all times keep such animal confined upon the premises of the owner or keeper, or under their continuous physical control ~~or in the case of a dog on a leash held in the hand of a person,~~ in a manner which continuously controls the animal. The provisions of this subsection (a) shall not apply to cats running at large in that portion of the City formerly known as Northampton Township. It shall not be a violation of this ordinance to capture and release a cat for the purpose of spaying or neutering it and returning it to its approximate location.

~~(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 harborer of any dog shall permit such dog to go beyond the premises of such owner or keeper, unless such dog is properly under continuous physical control or on a leash.~~

~~(1) Such a dog may not be allowed to snap at or attempt to bite or attempt to cause physical harm to any person;~~

~~(2) Cause physical harm to the property of another, including other domestic animals;~~

~~(3) Or bite or otherwise cause physical harm to any person.~~

(b) Except as provided in division (h) of this section, no owner, keeper, or harborer 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 harborer 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 (B) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply.

(c) 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.

(d) 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

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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.

(e) 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 Summit County Animal Control at the owner's expense.

Until the court makes a final determination and during the pendency of any appeal and at the discretion of Summit County Animal Control, 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) 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 Summit County Animal Control at the owner's expense.

Until the court makes a final determination and during the pendency of any appeal and at the discretion of Summit County Animal Control, 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.

(g) 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.

(h) It shall be an affirmative defense to a violation of this section that the animal was:

(1) Securely confined in a vehicle or cage which was adequately ventilated while off the premises of the owner;

(2) A dog that has not been found to be dangerous or vicious being used for lawful hunting purposes or training for the purpose of hunting while accompanied by a license number or participating in field trials;

(3) Being exhibited at a public show, zoo, museum, or public institution;

(4) Engaged in activity expressly approved by the laws of the State; or

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(5) Owned by a public law enforcement agency or licensed private law enforcement agency or member thereof and the animal was being utilized for law enforcement purposes~~.~~;

(6) A dog that has not been found to be an aggressive dog, nuisance dog, dangerous dog, or vicious dog, and is in a fenced section of a City maintained dog park if the dog and its owner, handler or keeper are following all of the rules as posted.

(i) Unless otherwise specified, whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

~~(1) Whoever violates subsection (b)(1) or (2) is guilty of a fourth degree misdemeanor. Whoever is found guilty of a second offense of subsection (b)(1) or (2) shall be guilty of a first degree misdemeanor.~~

~~(2) Whoever violates subsection (b)(3) shall be guilty of a first degree misdemeanor.~~

505.04 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.~~011~~021 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. 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) A person who is the owner, keeper, or harborer of a dangerous dog or vicious dog shall register the dog in accordance with Revised Code 955.02 (C).

(~~b~~c) Whoever violates ~~this~~ section (a) is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(d) Whoever violates section (b) is guilty of a misdemeanor of the fourth degree for a first offense and a misdemeanor of the third degree on each subsequent offense.

505.19 RABIES VACCINATION.

(a) Every person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog or cat shall have the dog or cat vaccinated against rabies by a licensed veterinarian at least once every three years. Failure of any dog or cat to wear the rabies vaccination tag issued by the licensed veterinarian who administered the vaccine shall be prima facie evidence, which the owner may rebut with proof of proper vaccination, of the dog's or cat's lack of vaccination against rabies. A person who captures and releases a cat for the purpose of spaying or neutering it and returning it to its approximate location shall not be found to be in violation of this section.

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

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505.20 VICIOUS, ~~AGGRESSIVE~~ NUISANCE, AND DANGEROUS DOG DEFINITIONS.

As used in this chapter and as they relate to dogs, certain terms are defined as follows:

~~(a) "Dangerous dog" has the same meaning as in Ohio R.C. 955.11.~~

~~(b) "Menacing fashion" has the same meaning as in Ohio R.C. 955.11.~~

(~~e~~a) "Owner" means any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog or the parents or guardian of a minor owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog.

~~(d) "Police dog" has the same meaning as in Ohio R.C. 955.11.~~

~~(e) "Serious injury" has the same meaning as in Ohio R.C. 955.11.~~

~~(f) "Vicious dog" has the same meaning as in Ohio R.C. 955.11.~~

~~(g) "Without provocation" has the same meaning as in Ohio R.C. 955.11.~~

(~~h~~b) "Aggressive dog" means a dog that without provocation has attacked, bitten or caused physical harm to another dog or caused physical harm or killed any other domestic animal. This designation was used in a previous version of these codified ordinances. Dogs which were found to be aggressive shall continue to be subject to the requirements as described herein.

(c) "Vicious dog" means a dog that has been designated as such in accordance with the Cuyahoga Falls Codified Ordinances, the Revised Code, or a court, 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.

(d) "Dangerous dog" means a dog that has been designated as such in accordance with the Cuyahoga Falls Codified Ordinances, the Revised Code, a court, 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.

(e) "Nuisance dog" means a dog that has been designated as such in accordance with Cuyahoga Falls Codified Ordinances, the Revised Code, a court, 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.

(f) "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.

(g) "Dog kennel" or "kennel" means an establishment that keeps, houses, and maintains adult dogs, as defined in the Codified Ordinances of Cuyahoga Falls or 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.

(h) "Premises" means the property owned or rented by the owner, keeper, or harborer of a dog.

(i) "Animal shelter for dogs" has the same meaning as in these Codified Ordinances or Section 956.01 of the Revised Code.

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505.21 DETERMINATION OF DANGEROUS, NUISANCE, ~~AGGRESSIVE~~ OR VICIOUS DOGS.

~~(a) Whenever a complaint is made to the Police Department of the presence of a dangerous nuisance, aggressive or vicious dog within the City, the Chief of Police, his designee or the investigating officer shall promptly inspect or cause an inspection to be made of the premises on which it is alleged that such animal is being kept.~~

~~(b) The Chief of Police, his designee or the investigating officer shall determine that a dog is dangerous, aggressive or vicious pursuant to this chapter upon proof by clear and convincing evidence.~~

~~(c) If the Chief, his designee or the investigating officer has reason to believe that a dangerous, aggressive or vicious dog is being kept within the City, the Chief, his designee or the investigating officer shall notify the owner of that dog by certified mail with a return receipt requested, or in person of both of the following.~~

~~(1) That the investigating officer, chief of police or his designee has designated the dog as a dangerous nuisance, aggressive or vicious dog, as applicable.~~

~~(2) That the owner, keeper or harborer 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.~~

~~(d) The notice required by subsection (c) hereof shall state, in brief, the findings with respect to the dangerous aggressive or vicious nature of the dog. The notice shall further state that the owner, keeper or harborer must comply with the requirements of this chapter within thirty days after service of the notice as well as comply with the requirements of Ohio R.C. 955.22(I).~~

~~(e) Police dogs are exempt from these provisions for all actions occurring in the course of their duties.~~

(a) If a Cuyahoga Falls Police Officer has probable cause to believe that a dog in Cuyahoga Falls committed a nuisance dog act, dangerous dog act, or vicious dog act, the officer shall proceed as follows:

(1) (a) If the officer determines that it is safe to have that dog remain in the custody of the dog's owner, keeper, or harborer and the dog's act did not result in the killing of a person or serious injury to a person, the officer may designate the dog as a nuisance dog, dangerous dog, or vicious dog. Upon such designation, the officer shall notify the owner, keeper, or harborer of that dog, by certified mail or in person, of both of the following:

(i) That the officer has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable;

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(ii) That the owner, keeper, or harborer 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 Stow Municipal Court.

(b) If the owner, keeper, or harborer of the dog disagrees with the designation, the owner, keeper, or harborer, 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 Stow Municipal Court. The hearing and decision of the court shall be consistent with Ohio Revised Code 955.23.

(2) If Summit County Animal Control or other authorized person holds or intends to hold the dog in custody in accordance with this section, Summit County Animal Control or other authorized person shall petition the Stow Municipal Court 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.

(b) If the officer has probable cause to believe that a dog in their jurisdiction committed a nuisance dog act, dangerous dog act, or vicious dog act and the officer determines that it is safe to have the dog remain in the custody of the dog's owner, keeper, or harborer, the dog shall be held in the possession of the owner, keeper, or harborer 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 the Codified Ordinances of Cuyahoga Falls 505.26 or division (A) of section 955.24 of the Revised Code. The owner, keeper, or harborer 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.

(c) If a police officer has probable cause to believe that a dog in their 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 Summit County Animal Control or authorized person if one or both of the following occurs:

(1) A police officer 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.

(2) 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.

~~505.22 APPEAL PROCEDURE.~~

~~(a) The owner of a dog who has been served with a notice that the dog has been determined to be aggressive may, within seven days after receipt of such notice, make a written demand to the Director of Public Safety for a hearing on the question of whether the dog is aggressive. Every effort should be made to hold a hearing no later than fifteen days following receipt of a written demand to the Director of Public Safety and at least three days' notice of the hearing shall be given to the individual who made the written demand for the hearing.~~

~~(b) If the owner, keeper or harborer of a dog determined to be dangerous or vicious, as applicable, seeks to appeal the determination, the owner, keeper, or harborer may request a hearing in the Stow Municipal Court pursuant to Ohio R.C. 955.222(C).~~

~~505.23 HEARING PROCEDURE FOR AGGRESSIVE DOGS.~~

~~(a) All hearings requested pursuant to the provisions of Section 505.22(a) shall be conducted before the Animal Appeals Board. The Board shall be composed of the Law Director or designee, a doctor of veterinary medicine designated by the Director of Public Safety, and an officer of the Humane Society of Greater Akron. The Board may affirm, reverse or modify the finding that a dog is aggressive by a majority vote. A quorum of the members may meet and reach a decision if scheduling conflicts so require.~~

~~(b) A copy of the decision of the Board shall be served upon the person who made the written demand for the hearing, by certified mail with a return receipt requested. The decision of the Board shall be final and conclusive, unless an appeal is timely filed in a court of competent jurisdiction.~~

~~(c) All hearings held by the Board pursuant to this chapter shall be administrative in nature. At all hearings conducted pursuant to this section, any party may be represented by legal counsel. The rules of evidence utilized by the courts shall not be applicable in hearings before the Board. The Board is hereby empowered to subpoena witnesses and take testimony under oath.~~

505.24 REGISTRATION OF DANGEROUS, NUISANCE, ~~AGGRESSIVE~~ OR VICIOUS DOGS.

(a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dangerous, aggressive, nuisance, or vicious dog, including those found to be so by other governmental bodies and under former versions of the Cuyahoga Falls Codified Ordinances, shall in addition to any requirements dictated by the court, county or state:

(1) Register the dog with the Police Department annually, between January 2 and January 31, and whenever a dog is newly obtained;

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(2) At the time of registration provide proof of liability insurance if required by Section 505.26 (b)(1) and a copy of any annual dog registration certificate and/or tag issued by the county auditor;

(3) Provide the dog's microchip number;

(4) Provide a color photo of the dog to the Police Department annually upon registration;

(5) Post on the premises, in a conspicuous place where the dog is kept, at least one City-issued warning sign available upon payment of a fee of ten dollars ($10.00) from the Police Department. The sign shall be visible and capable of being read from the public highway or street;

(6) Notify the Police Department within ten (10) days if the dog has died or has been sold or donated, and provide the Police Department with the name, address and telephone number of the new owner; and

(7) Pay an annual registration fee of twenty-five dollars ($25.00) to cover the administrative expenses associated herewith.

(b) Whoever fails to register a ~~dangerous, aggressive or vicious~~ dog as provided in this section is guilty of a misdemeanor of the third degree. Each and every day during such period of noncompliance with this section may be deemed a separate offense.

~~505.25 INSURANCE FOR VICIOUS DOGS.~~

~~(a) No owner of a vicious dog 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 one hundred thousand dollars ($100,000) because of damage to property or bodily injury to or death of a person caused by the vicious dog.~~

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

505.26 ~~RESTRAINT OF DANGEROUS AGGRESSIVE OR VICIOUS DOGS.~~ <u>NUISANCE, VICIOUS, OR DANGEROUS DOG OWNERSHIP REQUIREMENTS.</u>

~~(a) No owner of a dangerous, aggressive or vicious dog shall fail to do one of the following:~~

~~(1) Keep the dog inside the owner's home;~~

~~(2) Keep the dog in a securely locked fenced yard deemed suitable for the dog by the Police Chief, his designee or the investigating officer or a locked enclosure at least five feet by ten feet which has a secure top and sides. If the enclosure has no bottom securely attached to the sides, the sides must be embedded into the ground no less than two feet or it must have a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches;~~

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~~(3) Keep the dog muzzled on a chain-link leash that is not more than six feet in length which is held in the hand of a person who is of suitable age, size and discretion to control the dog and who is outside with the dog.~~

~~(b) It is an affirmative defense to a charge of violation of this section that the dog was otherwise kept in a manner in compliance with this chapter, and that the dog was lawfully engaged in hunting or in training for the purpose of hunting and accompanied by the owner, keeper or harborer.~~

~~(c) Whoever violates this section is guilty of a misdemeanor of the first degree.~~

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

(1) While that dog is outdoors, but on the premises of the owner, keeper, or harborer, securely confine 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 harborer, 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 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 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.

(b) No owner, keeper, or harborer 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;

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(2) Provide proof of that liability insurance upon request to any law enforcement officer, Summit County Animal Control, or public health official charged with enforcing this section;

(3) Notify Summit County Animal Control 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, keeper, or harborer 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, keeper, or harborer of the dog.

(4) If the dog is sold, given to another person, or dies, notify the county auditor and Summit County Animal Control 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.

(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 that the person's dog is not a vicious or dangerous dog or otherwise provide false information on that written waiver form.

(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 or vicious dog;

(5) A statement that 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;

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(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 that the person's dog is not a vicious or dangerous dog or otherwise provide false information on that written waiver form.

(e) It is an affirmative defense to a charge of a violation of division (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 this section and that attests that the dog is not a vicious or dangerous dog.

(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 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 a vicious or dangerous dog to be humanely destroyed by a licensed veterinarian or Summit County Animal Control 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 Summit County Animal Control. 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 Summit County Animal Control 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 nuisance, 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 harborer, 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."

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(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."

505.27 INSPECTIONS; OBSTRUCTION.

(a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dangerous, nuisance, aggressive or vicious dog, including those found to be so by other governmental bodies and under former versions of the Cuyahoga Falls Codified Ordinances, shall be deemed to have given consent to an inspection of private property, other than within any private structure unless otherwise authorized by law, by any law enforcement officer for the purpose of determining compliance with the requirements of this chapter.

(b) No person, with purpose to prevent, obstruct or delay the performance by a law enforcement officer of any authorized act within his official capacity, shall do any act which hampers or impedes said official in the performance of his lawful duties under the provisions of this chapter.

(c) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the second degree.

505.28 ~~SERIOUS PHYSICAL HARM BY DANGEROUS, AGGRESSIVE OR VICIOUS DOGS.~~ VICIOUS, DANGEROUS, AND NUISANCE DOG ACTS.

~~(a) No person, being the owner or having the care, custody or control of any dangerous, aggressive or vicious dog within the City, whether hunting, training or otherwise, shall allow such dog to cause serious physical harm to any person, except in defense of such owner's person or property.~~

~~(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not a defense to a violation of this section.~~

~~(c) Whoever violates this section is guilty of a misdemeanor and shall be fined not more than five thousand dollars ($5,000) or sentenced to a term of incarceration of not more than one year or both.~~

(a) As used in this section:

(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;

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(c) Engaging in a dangerous dog act after the dog has been designated as a dangerous dog under these Codified Ordinances or 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 harborer, 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 Cuyahoga Falls Codified Ordinance 505.02(b) or 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;

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(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) "Livestock" does not include poultry.

(b) (1) No owner, keeper, or harborer 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 harborer 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 harborer 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 harborer 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 harborer 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 Summit County Animal Control 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 Summit County Animal Control 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.

~~**505.29 PHYSICAL HARM BY DANGEROUS, AGGRESSIVE OR VICIOUS DOGS.**~~

~~(a) No person, being the owner or having the care, custody or control of any dangerous, aggressive or vicious dog within the City, whether hunting, training or otherwise, shall allow such dog to cause physical harm to any person, except in defense of such owner's person or property, or to cause serious physical harm to another dog, cat or other domestic animal.~~

~~(b) Lack of intent on the part of such person to allow such dog to injure a person, other dog, cat or other domestic animal, or the lack of knowledge of the violent propensities of such dog, is not a defense to a violation of this section.~~

~~(c) Whoever violates this section is guilty of a misdemeanor of the first degree.~~

505.30 MENACING BY DOGS.

(a) No person, being the owner or having custody or control of any dangerous, aggressive, nuisance, or vicious dog, including those found to be so by other governmental bodies and under former versions of the Cuyahoga Falls Codified Ordinances, and while off the premises of the owner, shall knowingly cause or allow such dog to menace any person, except in defense of such owner's person or property.

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

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505.31 IMPOUNDMENT; DESTRUCTION OF DOGS.

(a) When any person, being the owner or having custody or control of any dog is charged with a violation of this chapter, the court may, upon motion of any party or its own motion, order the seizure and impoundment of the dog pending trial.

(b) In the event that a law enforcement officer has probable cause to believe that a dangerous, nuisance, aggressive, or vicious dog is running at large, he may seize and impound the dog without seeking prior court order.

(c) Nothing within this section shall be construed to prevent a law enforcement officer from seizing or destroying any animal which presents an immediate risk of physical harm to any person or property.

(d) Any dog that attacks and injures any person or another dog, cat or domestic farm animal shall be ordered humanely destroyed when, in the court's judgment, such dog represents a continuing threat of ~~serious~~ harm to persons or other such animals. The Chief of Police or his designee may petition a court of competent jurisdiction for an order to humanely destroy any dog impounded pursuant to this chapter which represents a threat of harm to any person caring for such animal. The court shall order any dog that kills or causes serious physical harm to any person, other than a person then committing a criminal trespass or other crime of violence upon the premises of the owner of such dog, humanely destroyed.