

§ 90.01 DOGS OR OTHER ANIMALS RUNNING AT LARGE; DANGEROUS OR VICIOUS DOGS.

(A) *Animals running at large.*

(1) A person who is the owner or has charge of any animal shall not permit it to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or permit them to go upon any private yard, lot, or enclosure without the consent of the owner of the yard, lot, or enclosure.

(2) No person shall cause animals to be herded, kept, or detained for the purpose of grazing on premises other than those owned or occupied by the owner or keeper thereof without the consent of the owner of the premises.

(3) The running at large of such animal in or upon any of the places mentioned in divisions (A)(1) and (A)(2) above is prima facie evidence that it is running at large in violation of this section.

(R.C. §§ 951.01, 951.02)

(4) Whoever violates this division (A) is guilty of a misdemeanor of the fourth degree.
(R.C. § 951.99)

(5) The owner or keeper of an animal described herein who permits it to run at large in violation of this section, is liable for all damages caused by such animal upon the premises of another without reference to the fence which may enclose such premises.
(R.C. § 951.10)

(B) *Dogs running at large; dangerous or vicious dogs; debarked or surgically silenced vicious dogs.*

(1) As used in this section, *DANGEROUS DOG* and *VICIOUS DOG* have the same meanings as in R.C. § 955.11.

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

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

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

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

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

(a) While the dog is on the premises of the owner, keeper, or harborer, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained.

(b) While the 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: keep the dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top; 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 a person in close enough proximity to that dog so as to prevent it from causing injury to any person; or muzzle that dog.

(5) No owner, keeper, or harborer 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 \$100,000 because of damage or bodily injury to or death of a person caused by the vicious dog.

(6) No person shall do any of the following:

(a) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog;

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

(c) Falsely attest on a waiver form provided by the veterinarian under division (B)(7) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(7) 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 dog. The written waiver form shall include all of the following:

(a) The veterinarian's license number and current business address;

(b) The number of the license of the dog if the dog is licensed;

(c) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

(d) The signature of the owner of the dog attesting that the owner's dog is not a vicious dog;

(e) A statement that R.C. § 955.22(F) prohibits any person from doing any of the following:

1. Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dog;

2. Possessing a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

3. Falsely attesting on a waiver form provided by the veterinarian under R.C. § 955.22(G) that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(8) It is an affirmative defense to a charge of a violation of division (B)(6) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division (B)(7) of this section and that attests that the dog is not a vicious dog.
(R.C. § 955.22) (Rev. 2002)

(C) *Penalty.*

(1) Whoever violates divisions (B)(2) or (B)(3) above shall be fined not less than \$25 or more than \$100 on a first offense; and on each subsequent offense, shall be fined not less than \$75 or more than \$250 and may be imprisoned for not more than 30 days.

(2) In addition to the penalties prescribed in division (C)(1) above, if the offender is guilty of a violation of division (B)(2) or (B)(3) above, 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.

(3) If a violation of division (B)(4) above involves a dangerous dog, whoever violates that division is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (B)(5) above. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(4) If a violation of division (B)(4) above involves a vicious dog, whoever violates that division is guilty of one of the following:

(a) On a first offense, a misdemeanor of the first degree if the dog causes injury other than killing or serious injury to any person. The person shall be guilty of a felony on each subsequent offense and shall be prosecuted under appropriate state law. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(b) A felony on a first or subsequent offense if the dog kills or seriously injures a person and shall be prosecuted under appropriate state law. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(5) Whoever violates division (B)(5) above is guilty of a misdemeanor of the first degree.

(6) Whoever violates division (B)(6) above is guilty of a felony to be prosecuted under appropriate state law. Additionally, the court shall order that the vicious dog be humanely destroyed by as licensed veterinarian, the County Dog Warden, or the County Humane Society. (R.C. § 955.99(E) - (H), (J)) (Rev. 2001)

Statutory reference:

§ 90.02 CONFINING ANIMAL FOUND AT LARGE; PUBLICATION OF NOTICE; LIEN.

A person finding an animal at large in violation of § 90.01 may, and a law enforcement officer of the municipality on view or information shall, take and confine such animal, forthwith giving notice thereof to the owner or keeper, if known, and if not known, by publishing a notice describing such animal at least once in a newspaper of general circulation in the county or municipality wherein the animal was found. If the owner or keeper does not appear and claim the animal and pay the compensation prescribed in § 90.04 for so taking, advertising, and keeping it within ten days from the date of such notice, such person or the county shall have a lien therefor and the animal may be sold at public auction as provided in R.C. § 1311.49, and the residue of the proceeds of sale shall be paid and deposited by the Treasurer in the general funds of the county.

(R.C. § 951.11)

§ 90.03 UNAVOIDABLE ESCAPES.

If it is proven that an animal running at large in violation of § 90.01 escaped from its owner or keeper without his or her knowledge or fault, the animal shall be returned to its owner or keeper upon payment of the compensation prescribed in § 90.04 for its taking, advertising and keeping. (R.C. § 951.12)

§ 90.04 FEES.