

ORDINANCE NO.: 68-2016 (AS REVISED 8/23/16)
INTRODUCED BY: KUMIN AND LENTINE

AN ORDINANCE AMENDING SECTIONS 505.03 (ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED), 505.07 (CRUELTY TO ANIMALS GENERALLY), 505.071 (CRUELTY TO COMPANION ANIMALS), 505.17 (VICIOUS DOGS), AS WELL AS ADOPTING NEW SECTIONS 505.072 (NEGLECT OF ANIMALS) AND 505.22 (ASSAULTING POLICE DOG OR ASSISTANCE DOG), IN THE GENERAL OFFENSES CODE WITHIN THE CODIFIED ORDINANCES OF THE CITY, AND DECLARING AN EMERGENCY

WHEREAS, longtime Northeast Ohio television meteorologist Dick Goddard has dedicated considerable time, effort and resources to advocating for the more humane treatment and stronger protection of animals, especially in regards to domesticated dogs and cats, and, more recently, advocating for such goals to the 131st General Assembly, thereby prompting the General Assembly to revise several sections in the Ohio Revised Code (“ORC”) through legislation known as Sub. House Bill No. 60, and officially designated as Dick Goddard’s Law (“Goddard’s Law”), which Governor Kasich signed and becomes effective on September 13, 2016; and

WHEREAS, Council needs to revise and adopt new Sections in the City’s General Offenses Code so as to ensure uniform compliance with Goddard’s Law; and

WHEREAS to ensure uniform compliance with Goddard’s Law, which specifically revises and/or repeals ORC 959.131, 959.132, 959.99, 1717.06, 2921.321, 2921.13 to .18, and 4741.05, Council needs to revise Sections 505.03 (‘Annual Registration Of Dog Tags; Tags Required’), 505.07 (‘Cruelty To Animals Generally’), 505.071 (‘Cruelty To Companion Animals’), 505.17 (‘Vicious Dogs’) in, and adopt new Section 505.22 (‘Assaulting Police Dog Or Assistance Dog’) of the Codified Ordinances; and

WHEREAS, to also promote the underlying policy and goals of Goddard’s Law and similar regulations, Council must further revise the above-mentioned Sections, as well as adopt new Section 505.072 (‘Neglect Of Animals’);

NOW, THEREFORE, Be It Ordained by Council of the City of Richmond Heights, State of Ohio, that:

SECTION 1. Section 505.03, “Annual Registration of Dogs; Tags Required”, in Part Five, “General Offenses”, of the City’s Codified Ordinances is hereby amended as follows:

“505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

- (a) Except for guide dogs registered under Ohio R.C. 955.011 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 **Fiscal Officer**. 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) **No person shall own, keep or harbor a dog wearing a fictitious, altered or invalid registration tag or a registration tag not issued by the County Fiscal Officer in connection with the registration of such animal. (ORC 955.25)**

(c) 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. (ORC 955.99)”

SECTION 2. Section 505.07, “Cruelty To Animals Generally”, in Part Five, “General Offenses”, of the City’s Codified Ordinances is hereby amended as follows:

“505.07 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

* * *

(3) Carry or convey an animal in a cruel or inhumanee manner;

* * *

(c) Whoever violates this section is guilty of a ~~misdemeanor~~ **felony** of the ~~second~~ **fifth** degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.”

SECTION 3. Section 505.071, “Cruelty to Companion Animals”, in Part Five, “General Offenses”, of the City’s Codified Ordinances is hereby amended as follows:

“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, **including a “pet store” as defined in Ohio R.C. 956.01.** “Companion animal” does not include livestock or any wild animal.

* * *

(8) “Boarding kennel” has the same meaning as in Ohio R.C. 956.01.

(9) “Training kennel” means an establishment operating for-profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.

(10) “Serious physical harm” means any of the following:

A. Physical harm that carries an unnecessary or unjustifiable substantial risk of death;

B. Physical harm that involves either partial or total permanent incapacity;

C. Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain;

D. Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.

“Serious physical harm,” as used in this section, does not have the same meaning as used in section 505.22.

- (b) No person shall knowingly **cause serious physical harm to a companion animal** or 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~~

Torture, torment, or commit an act of cruelty 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~~

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 lack of adequate shelter;

- (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, **or** 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, **or** 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 **knowingly** 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~~

Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty 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;~~

Deprive the companion animal of necessary sustenance; **or** 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 expected that the companion animal would become sick or suffer in any other way as a result or due to the deprivation; or~~ confinement;

(3) 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 is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.

(e) **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) Torture, torment, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water; 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 or confinement;

(3) 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 lack of adequate.

(f) Subsections (b), ~~and (c)~~, **(d), and (e)** 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)

(g) Penalty:

(1) Whoever violates subsection (b) ~~and (d)~~ hereof is guilty of a ~~misdemeanor~~ **felony** of the first **fifth** degree ~~on a first offense. On each subsequent offense such person is guilty of a felony of the fifth degree~~ and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on the first offense. On each subsequent offense such person is guilty of a misdemeanor the first degree.

(3) **Whoever violates subsection (e) 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)

(h) Notwithstanding any part of Ohio R.C. that otherwise provides for the distribution of fine moneys, the clerk of court shall forward all fines the clerk collects that are so imposed for any violation of this section to the Director of Finance of the City or the Treasurer of the State whose county humane society or law enforcement agency is to be paid the fine money as determined under this section. The Director of Finance or the Treasurer to whom the fines are forwarded shall pay the fine moneys to the county humane society or the applicable county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this section, the county humane society shall use the fine moneys either to provide the training that is required for humane agents under Ohio R.C. 1717.06 or to provide additional training for humane agents.”

SECTION 4. Chapter 505, “Animals And Fowl”, of Part Five, “General Offenses”, of the City’s Codified Ordinances, is hereby amended to add new Section 505.72, “Neglect of Animals”, as follows:

“505.072 NEGLECT OF ANIMALS.

- (a) No owner or keeper of a dog, cat, or other domestic animal shall cause any condition that may lead to permanent injury, death, or harm to such animal.**
- (b) No person shall keep any animal in a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation, or mud saturated.**
- (c) Animals shall be allowed to exercise and have freedom of movement as necessary to reduce stress and maintain good physical condition. Said space shall be kept free of standing water, mud, accumulated waste and debris.**
- (d) No person who owns or keeps an animal shall fail to provide the animal all of the following needs:**

- (1) Clean, potable drinking water at all times, and suitable food, of sufficient quality and quantity as to ensure normal growth and the maintenance of normal body weight;
 - (2) Food and water receptacles that are kept clean and disinfected, and located so as to avoid contamination by feces or other wastes;
 - (3) Necessary veterinary care;
 - (4) Adequate shelter from the elements, including, but not limited to, wind, rain, snow, heat, sunlight and cold temperatures.
- (e) Unlawful restraint of animals. The owner of an animal may restrain an animal on a tether for a reasonable period, provided adequate food, water and shelter from the elements is provided. Tethering is prohibited:
- (1) Between the hours of 10:00 p.m. and 6:00 a.m.;
 - (2) If a heat advisory has been issued by a local or state authority or jurisdiction;
 - (3) If a tornado warning has been issued for the jurisdiction by the National Weather Service;
 - (4) If the tether is less than 20 feet, provided the tether does not allow the animal to touch the fence or cross the property line or cross onto a public easement;
 - (5) If the tether is attached by means of a pinchtype, prongtype, or choketype collar or if the collar is unsafe or is not properly fitted;
 - (6) If the tether inhibits the animal's free movement or causes injury or entanglement;
 - (7) If the animal does not have access to shade, dry shelter, and a tip-proof water supply
- (f) Confinement. Except as set forth elsewhere in this Chapter:
- (1) Dogs shall not be continuously confined to a garage as their primary residence.
 - (2) Any dogs confined within a fenced yard must have adequate space for exercise based on a dimension of at least 100 square feet for one dog, plus an additional 30 square feet for each additional dog.
 - (3) For owners or persons having custody of a dog kept in an outside dog run or dog kennel, the enclosure shall meet the 100 square foot requirement for the first dog with an additional 30 square feet for every additional dog in the same enclosure.
 - (4) When outdoor temperatures reach freezing levels, all dogs, cats and small animals shall be provided adequate shelter, protected from the elements.
 - (5) All enclosures shall be of sufficient height to prevent the dog from escaping.

- (g) **No person who shelters an animal from the elements by means of an animal shelter, a cage, or a pen shall fail to conform it to the following requirements:**
- (1) **The shelter, cage or pen shall be appropriate to the animal's size, weight and other characteristics, with sufficient space to allow the animal to turn about freely;**
 - (2) **The shelter, cage or pen shall provide sufficient shade to allow the animal to escape the direct rays of the sun at all times;**
 - (3) **The shelter, cage or pen shall be regularly cleaned and sanitized;**
 - (4) **The shelter, cage or pen shall be waterproof;**
 - (5) **The shelter, cage or pen shall be insulated from the cold weather or heated to keep the animal warm and free from frostbite.**
- (h) **Whoever violates this section is guilty of neglect of animals, a felony of the fifth degree.**
- (i) **All fines collected for violations of this section shall be first paid to cover expenses incurred with regard to the care of the animal from the time it was taken into custody. The balance of the fine, if any, or such part thereof as determined by the court, may be paid to the society or association for the prevention of cruelty to and/or humane treatment of animals, if there is one in the City; otherwise, at all times shall be paid to the general fund.**
- (j) **Whoever violates this section is guilty of a felony of the fifth degree. The court may order the offender to forfeit the animal and may provide for its disposition, including, but not limited to, relinquishment of the animal to the society or association for the prevention of cruelty to and/or humane treatment of animals.”**

SECTION 5. Subsection (a) of Section 505.17, “Vicious Dogs”, in Part Five, “General Offenses”, of the City’s Codified Ordinances is hereby amended as follows:

“505.17 VICIOUS DOGS.

(a) Definitions:

1. Any dog, **excepting a “police dog” as defined in Section 505.22,** with a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of humans or domestic animals;
2. As the term is used in this section, “vicious” dog means:
 - A. Any dog which has been judicially or administratively determined, pursuant to Section 505.20, to have a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or
 - B. Any dog which has been judicially or administratively determined, pursuant to Section 505.20, to have attacked a human being or other domestic animal; or

- C. Any pit bull terrier, which shall be herein defined as any Terrier breed of dog or any mixed breed of dog which contains an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

D. No police dog shall be determined to be a vicious dog.

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SECTION 6. Chapter 505, "Animals And Fowl", of Part Five, "General Offenses", of the City's Codified Ordinances, is hereby amended to add new Section 505.22, "Assaulting Police Dog Or Assistance Dog", as follows:

"505.22 ASSAULTING POLICE DOG OR ASSISTANCE DOG.

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog when either:

- (1) The police dog is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.**
- (2) The police dog is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is a police dog.**

(b) No person shall recklessly do any of the following:

- (1) Taunt, torment, or strike a police dog;**
- (2) Throw an object or substance at a police dog;**
- (3) Interfere with or obstruct a police dog, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog, in a manner that does any of the following:**
 - A. Inhibits or restricts the law enforcement officer's control of the police dog;**
 - B. Deprives the law enforcement officer of control of the police dog;**
 - C. Releases the police dog from its area of control;**
 - D. Enters the area of control of the police dog without the consent of the law enforcement officer, including placing food or any other object or substance into that area;**
 - E. Inhibits or restricts the ability of the police dog to assist a law enforcement officer.**
- (4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog;**
- (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or**

attempting to bite or otherwise endanger a police dog that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog.

(c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog when either:

(1) The dog is assisting or serving a blind, deaf, hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.

(2) The dog is not assisting or serving a blind, deaf, hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.

(d) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:

A. Inhibits or restricts the assisted or served person's control of the dog;

B. Deprives the assisted or served person of control of the dog;

C. Releases the dog from its area of control;

D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the dog to assist the assisted or served person.

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf, hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

(e) Penalty:

(1) Whoever violates subsection (a) hereof is guilty of assaulting a police dog, and shall be punished as follows:

- A. Except as otherwise provided in this section, assaulting a police dog is a misdemeanor of the second degree. If the violation results in the death of the police dog, assaulting a police dog is a felony of the third degree and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the violation results in serious physical harm to the police dog other than its death, assaulting a police dog is a felony of the fourth degree. If the violation results in physical harm to the police dog other than death or serious physical harm, assaulting a police dog is a misdemeanor of the first degree.
- B. In addition to any other sanction imposed for assaulting a police dog, if the violation of subsection (a) hereof results in the death of the police dog, the sentencing court shall impose as a financial sanction a mandatory fine under Ohio R.C. 2929.18(B)(10). The fine shall be paid to the law enforcement agency that was served by the police dog that was killed, and shall be used by that agency only for one or more of the corresponding purposes enumerated under Ohio R.C. 2929.321.
- C. After payment of the costs described in subsection (e)(1)(B) hereof, if applicable, payment of the cost of further training of the replacement dog that is needed to train it to the level of training that had been achieved by the dog that was killed.
- (2) Whoever violates subsection (b) hereof is guilty of harassing a police dog, and shall be punished as herein described. Except as otherwise provided in this subsection, harassing a police dog is a misdemeanor of the second degree. If the violation results in the death of the police dog, harassing a police dog is a felony of the third degree. If the violation results in serious physical harm to the police dog, but does not result in its death, harassing a police dog, is a felony of the fourth degree. If the violation results in physical harm to the police dog, but does not result in its death or in serious physical harm to it, harassing a police dog is a misdemeanor of the first degree.
- (3) Whoever violates subsection (c) hereof is guilty of assaulting an assistance dog, and shall be punished as herein described. Except as otherwise provided in this division, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in the death of the assistance dog, assaulting an assistance dog is a felony of the third degree. If the violation results in serious physical harm to the assistance dog other than its death, assaulting an assistance dog is a felony of the fourth degree. If the violation results in physical harm to the assistance dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree.
- (4) Whoever violates subsection (d) hereof is guilty of harassing an assistance dog, and shall be punished as herein described. Except as otherwise provided in this division, harassing an assistance dog is a

misdemeanor of the second degree. If the violation results in the death of the assistance dog, harassing an assistance dog is a felony of the third degree. If the violation results in serious physical harm to the assistance dog, but does not result in its death, harassing an assistance dog is a felony of the fourth degree. If the violation results in physical harm to the assistance dog, but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

(5) In addition to any other sanction or penalty imposed for the offense under this section, Ohio R.C. 2929, et seq., or any other provision of the Revised Code or this Chapter, whoever violates subsection (a), (b), (c), or (d) hereof is responsible for the payment of all of the following:

A. Any veterinary bill or bill for medication incurred as a result of the violation by the Municipality regarding a violation of subsection (a) or (b) hereof or by the blind, deaf, hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of subsection (c) or (d) hereof;

B. The cost of any damaged equipment that results from the violation;

C. If the violation did not result in the death of the police dog or the assistance dog that was the subject of the violation and if, as a result of that dog being the subject of the violation, the dog needs further training or retraining to be able to continue in the capacity of a police dog or an assistance dog, the cost of any further training or retraining of that dog by a law enforcement officer or by the blind, deaf, hearing impaired, or mobility impaired person assisted or served by the assistance dog;

D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or the assistance dog that was the subject of the violation to the extent that the dog needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog and of any further training of a new police dog or a new assistance dog by a law enforcement officer or by the blind, deaf, hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog that was the subject of the violation.

(f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. 4741, et seq.

(g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or assistance dog that is the subject of a violation under this section is a police dog or an assistance dog.

(h) Definitions. As used in this section:

(1) “Physical harm” means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(2) “Police dog” means a dog that has been trained, and may be used, to assist the City’s Division of Police or any other law enforcement officers in the performance of their official duties.

(3) “Serious physical harm” means any of the following:

A. Any physical harm that carries a substantial risk of death;

B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;

C. Any physical harm that causes acute pain of a duration that results in substantial suffering.

“Serious physical harm,” as used in this section, does not have the same meaning as used in Section 505.071.

(4) “Assistance dog,” “blind,” and “mobility impaired person” have the same meanings as in Ohio R.C. 955.011.”

SECTION 7. 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, including Ohio R.C. 121.22.

SECTION 8. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, its residents and visitors, for the further reason that this Ordinance must be immediately effective so that the public is more adequately protected from the dangers of certain animals, so that the rights of owners of such animals are protected pursuant to the aforesaid Goddard’s Law, and animals are adequately protected; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

David H. Roche, *Mayor*

APPROVED: _____

ATTEST: _____
Betsy Traben, *Clerk of Council*

Eloise Cotton-Henry, *President of Council*