

CHAPTER 351. LICENSING, REGULATING, AND MAINTENANCE OF DOGS AND CATS.

351.01. Appointment and Duties of Humane Officer. The Mayor shall appoint, subject to confirmation by the Common Council, some suitable person to be known as the Humane Officer, who shall hold this office for an indefinite period. The Humane Officer shall be supervised by the Chief of Police. The compensation for service shall be fixed annually by the City Council.

351.02. Running at Large Prohibited. No dogs or cats shall be permitted to run at large in the City of Ashland. This prohibition shall apply to licensed and unlicensed dogs and cats alike.

351.03. Impoundment/Disposal. It shall be the duty of the Humane Officer to catch, take and impound every dog and cat found to be running at large within the City in violation of this ordinance. He is hereby given the same powers as a special policeman for the above stated purpose. He shall have the power to pursue animals upon the premises of the owner and elsewhere. Each and every dog and cat caught and taken by him shall be conveyed to the pound and there solely kept for a period of seven (7) days from the time the animal is captured unless sooner released as hereinafter provided. The Humane Officer shall notify the owner personally, by telephone, or through the United States mail if such owner be known to the officer or can be ascertained with reasonable effort. Any person whose dog or cat has been impounded, may obtain its release by paying to the City Treasurer's office or any police officer on duty, the sum of twelve dollars (\$12) for an initial pick-up fee, plus six dollars (\$6.00) per day kennel fee for each day the animal was boarded and by obtaining a receipt therefor. If the dog or cat is unlicensed and required to be licensed, the owner shall also exhibit a receipt showing the payment of the license fee for the current year. Every person taking a dog or cat from the pound shall give a receipt therefore in a book to be kept for that purpose. The receipt shall describe the animal by some marks or identification. All animals remaining in the pound for a period of seven (7) days from the time of capture shall be disposed of in a proper and humane manner, or may be given to anyone willing to pay the license fee, if one is required.

351.04. Nuisance Dogs and Cats Prohibited. Nuisance dogs and cats are prohibited. A dog or cat shall be considered a nuisance if it:

(a) Damages, soils, defiles or defecates on private property other than the owners or on public walks and recreation areas, unless such waste is immediately removed and properly disposed of by the owner.

(b) Causes unsanitary, dangerous or offensive conditions.

(c) Causes a disturbance by excessive barking or other noise making.

(d) Chases vehicles or molests, attacks or interferes with persons or other domestic animals on public or private property.

351.05. Penalty. Any person violating the provisions of Sec. 351.02 or 351.04 shall be required to pay a forfeiture of twenty-five dollars (\$25) for the first offense and fifty dollars (\$50) for subsequent offenses.

351.06. Rabies Control Program. If a district is quarantined for rabies, all dogs within the district shall be kept securely confined, tied, leashed or muzzled. Any dog not confined, tied, leashed, or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The City Clerk shall promptly post, in at least three public places in the City, notices of quarantine.

351.07. Exemptions to Quarantine. A dog which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination, or other evidence is exempt from these quarantine provisions if a rabies vaccination tag or substitute tag is attached to the dog's collar.

351.08. Rabies Vaccinations. The owner of a dog shall have the dog vaccinated against rabies, by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated, as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian within three years after the previous vaccination.

351.09. Penalty. An owner who fails to have a dog vaccinated against rabies as required may be required to forfeit not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

351.10. Dog and Cat Licenses. The owner of a dog or cat more than five months of age on January 1 of any year or five months of age within the license year, shall annually on or before the date the dog or cat becomes five months of age pay the dog or cat license tax and obtain a license.

351.11. License Fee. There shall be license fees for neutered and un-neutered male dogs and spayed and un-spayed female dogs and cats and the fees for neutered male cats and dogs or spayed female cats and dogs will be allowed upon presentation of evidence that the dog or cat is neutered or spayed. The fee shall be one half (½) the regular fee if the dog or cat became 5 months of age after July 1 of the license year. The license year shall commence on January 1 and end on the following December 31. The prescribed fee shall be set forth in the City of Ashland Comprehensive Fee Schedule.

351.12. Proof of Vaccination. Proof of a rabies vaccination and a booster shot, if applicable, is required prior to purchase of a dog license.

351.13. Late Fee. The Treasurer shall assess and collect a late fee of \$5.00 from every dog or cat owner of a dog or cat five months of age or older, if the owner failed to obtain a license prior to

April 1 of each year or within 30 days of acquiring ownership or bringing into the City a licensable dog or cat, or if the owner failed to obtain a license on or before the dog or cat reached licensable age.

351.14. Exemption of Service Animals. Every animal specially trained as a service animal shall be exempt from licensing and every taxpayer owning such an animal shall annually receive a free license from the local Collection Officer upon application therefore.

351.15. Licenses and Collar Tag. Upon payment of the required license tax on any dog or cat, the collection officer shall execute and issue to the owner a license for such a dog or cat. The license shall be in the form prescribed by the Department of Agriculture and shall state the date of its expiration, shall bear a serial number, the owner's name and address, and the name, sex, spayed or unspayed, breed and color of the dog or cat licensed, and a duplicate copy of the license shall be kept on file.

351.16 Unlicensed Dogs or Cats Impounded, Without a Collar, Presumed to be Unlicensed. The fact that a dog or cat is without a license attached to a collar shall be presumptive evidence that the dog or cat is unlicensed. No action shall be maintained for an injury to or the destruction of a dog or cat without a tag, unless it appears affirmatively that the dog or cat is duly licensed and that a tag has been properly attached to the collar of the dog or cat and it had been lost or removed without the knowledge or consent of the owner, or that the dog or cat is not required to be licensed.

351.17. No License. It shall be unlawful for any person to harbor or permit to remain about his premises a dog or cat for which no license exists and for which one is required.

351.18. Dangerous and Vicious Dog Definitions.

(a) "Dangerous Dog:" Any dog which is capable of inflicting death or serious injury on a person or another animal and which:

- (1) Has, without provocation, attacked or bitten a person engaged in a lawful activity; or,
- (2) Has, while off the property of its owner and without provocation, killed or seriously injured another animal; or
- (3) Has, without provocation, chased, confronted or approached a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack, or
- (4) Has exhibited a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation; or
- (5) Has acted in a manner that causes or should cause its owner to know that it is potentially vicious.

(b) “Vicious Dog:” Any dog which:

- (1) Has caused death or serious injury to a person engaged in a lawful activity;
- (2) Has, on two or more occasions within a 12-month period, attacked or bitten without provocation a person engaged in a lawful activity;
- (3) Has, on two or more occasions within a 12-month period, while off the property of its owner and without provocation, killed or seriously injured another animal; or
- (4) Has been trained for dog fighting or is owned or kept for the purpose of dog fighting.

(c) “Owner.” Includes any person having a right or property in a dog, and any person who keeps or harbors a dog or has it in his care, or who acts as its custodian, and any person who permits a dog to remain on or about any premises occupied by him.

351.19. Prohibitions and Limitations. It shall be unlawful for any person to keep within the city any vicious dog. Upon finding that a dog is vicious, a court of competent jurisdiction may order the dog to be impounded and destroyed, or to be removed from the city. It shall be unlawful for any person to keep within the city any dangerous dog, except in compliance with a permit issued by the Humane officer under section 351.21 below.

351.20. Complaints of Dangerous and Vicious Dogs; Processing of Complaints.

(a) Verbal Complaints. Any person may make a verbal or written complaint to the city humane officer of a dog which the complainant believes to be dangerous and vicious. The complaint shall include sufficient information to enable the humane officer to ascertain the location and owner of the dog and shall also include the reasons why the complainant believes the dog to be vicious or dangerous. In the case of a verbal complaint, the complaint shall be put in writing by the humane officer. A copy of the complaint shall then be mailed by the humane officer to the owner of the dog at the owner’s last known address.

(b) Investigations. Within 10 days of the making of the complaint, the humane officer shall undertake an investigation to determine whether the dog identified in the complaint is vicious or dangerous. Such investigation shall include an opportunity for the owner of the dog to present evidence to the humane officer pertinent to the viciousness or dangerousness of the dog, and may include interviews with the complainant and other person having personal knowledge regarding the dog and observations of the dog in its normal habitat.

(c) Determinations. Upon completion of the investigation, the humane officer shall determine whether the dog identified in the complaint is vicious or dangerous.

- (1) If the humane officer determines that the dog is neither vicious nor dangerous, the humane officer shall inform the complainant and the owner of the determination, and no

further action shall be taken on the complaint.

(2) If the humane officer determines that the dog is vicious, the humane officer shall put the determination in writing, as well as the reasons supporting it. The humane officer shall then personally serve this written determination on the owner and, in addition, shall notify the owner that the dog must be destroyed or removed from the city. The humane officer may issue a summons or warrant against the owner of a vicious dog and immediately impound the dog.

(3) If the humane officer determines that the dog is dangerous, the humane officer shall put the determination in writing as well as the reasons supporting it. The humane officer shall then personally serve this determination on the owner and, in addition, shall notify the owner of the requirements to keep a dangerous dog in the City as provided by Section 351.21.

351.21. Requirements for Keeping a Dangerous Dog in the City of Ashland. Upon receipt of a determination by the animal humane officer that a dog is dangerous, the owner may keep the dog within the City only so long as the owner complies with the requirements set forth in this section. The requirements are as follows:

(a) That the owner obtain a Permit from the Humane Officer and pay a one time \$50 permit fee.

(b) That the owner immediately notify the humane officer in the event the dog is loose and unconfined, has attacked or injured a human being or another animal, has been sold or given to another person, or has died;

(c) That the dog, while on the property of the owner, be confined indoors or in a securely enclosed and locked structure, suitable to prevent the entry of children and designed to prevent the dog from escaping;

(d) That the owner display one or more signs on his property which provide a clear warning to children of all ages and adults that a dangerous dog is present on the property;

(e) That, while off the owner's property, the dog be muzzled, restrained in a particular manner, or both, and the dog must be under the control of an adult;

(f) That the owner make the dog available for inspection by the humane officer at reasonable times upon reasonable notice.

351.22. Appeal. If an owner disagrees with the humane officer's determination that a dog is dangerous or vicious, the owner may commence an action in the Circuit Court for Ashland County for a certiorari review of the humane officer's determination. Such action shall be commenced within ten (10) days after the owner's receipt at the humane officer's determination. If no action is filed in accordance with this section, the humane officer's determination shall be

final. If the court finds any error in the humane officer's determination which renders the determination erroneous or void, it shall remand the determination to the humane officer for further action in accordance with the Court's determination and retain jurisdiction of the matter until the humane officer has made a determination in accordance with the court's order.

351.23. Killing Certain Animals That Cannot be Safely Taken Up and Impounded.

If any vicious or dangerous dog or any dog, cat or other animal suspected of, or having rabies, found at large, cannot be safely taken up and impounded, the dog or other animal may be slain by any police officer. Such animal's head shall be examined for rabies.

351.24. Reports of Animal Bites.

(a) Any owner whose animal bites a person shall immediately notify the humane officer, the health department or police department of the city.

(b) It shall be the duty of every physician and medical practitioner practicing in the city and of every hospital in the city to report to the humane officer or the health department the name and address of any person treated for bites or wounds inflicted by animals, together with all available information necessary for rabies control.

(c) It shall be the duty of every veterinarian practicing in the city to report to the humane officer or the health department the name and address of the owner of any animal treated for bites or wounds inflicted by any other animal, together with all available information necessary for rabies control.

351.25. Penalty. Any person, firm or corporation violating any provision of Sections 351.18 through 351.24 shall be fined not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

351.26. Cruelty to Animals.

(a) Abuse. No person shall cruelly beat, frighten, overburden or abuse any animal or bird, or use any device or chemical substance whereby pain, suffering or death may be caused, whether belonging to himself or another, except that reasonable force may be used to drive off vicious or trespassing animals.

(b) Abandonment. No person shall abandon any animal, bird or transport any animal or bird in a cruel manner.

351.27. Food and Water. No person owning or having custody of any animal or bird shall neglect or fail to provide it with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the animal or bird in good health.

351.28. Shelter.

(a) Providing Shelter. No person shall fail to provide any animal or bird in his charge with shelter from inclement weather or to ensure the protection and comfort of the animal or bird.

(b) Overheating. When sunlight is likely to cause overheating or discomfort to any animal or bird, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun.

(c) Animals Kept Outdoors. Dogs and cats kept outdoors for more than one hour at a time must be provided with moisture proof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable. Whenever the outdoor temperature is below 40 degrees F, clean bedding material shall be provided in such shelters for insulation and to retain the body heat of the animals.

351.29. Leashes. If animals are kept leashed on their premises, there shall be provided at least six feet of free untangled leash.

351.30. Licensing of Dog Kennels. The Clerk shall make, in triplicate, a list of the names of persons owning and operating kennels and the number of dogs kept in each. The term “kennel” means any establishment wherein or whereon more than two dogs or cats over the age of five (5) months are kept for the purpose of breeding, sale or sporting purposes.

351.31. Kennel Licenses. Any person who keeps or operates a kennel may, in lieu of the license fee for each dog required by this ordinance, apply to the City Treasurer for a kennel license for the keeping or operating of such kennel. Such person shall pay for the license year a license fee of \$35 for a kennel of 12 or fewer dogs and an additional \$3 for each dog in excess of 12. Upon payment of the required kennel license fee and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the City Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Prior to the issuance of a Kennel license, verification shall be made that the kennel is in compliance with the city zoning requirements.

351.32. Kennel License Tags. Kennel license tags shall be made in a form so that they may be readily distinguishable from the individual tags for the same year. The licensee of a kennel shall at all times keep one such tag attached to the collar of each dog over five (5) months old kept by him under kennel license. Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing any tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless he is on leash or temporarily for the purposes of hunting, breeding, trial or show.

351.33. Regulation of Kennels. Kennels shall be operated in accordance with the following requirements:

- (a) All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
- (b) The quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
- (c) Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.
- (d) Food supplies shall be stored in rodent proof containers, and food and water containers shall be kept clean.
- (e) Litter and/or bedding materials shall be changed as often as necessary to prevent an odor nuisance.
- (f) Feces shall be removed from yards, pens and enclosures daily and stored in tightly covered metal containers until final disposal.
- (g) Yards, pens, premises and animals shall be kept free of insect infestations.
- (h) No odor nuisances shall be permitted.
- (i) Prior to the issuance of a Kennel license, verification shall be made that the kennel is in compliance with the city zoning requirements.

351.34. Pet Shops. A pet shop shall mean a business establishment where domesticated mammals, birds, or reptiles are kept for sale; provided, however, a kennel shall not be included within this definition.

(a) Operation. Pet shops shall be operated in accordance with the requirements set forth in Section 351.26.

(b) Dogs to be Immunized Against Rabies. No pet shop operator shall sell or offer for sale any dog six or more months old unless the dog has been vaccinated against rabies by use of an approved live, attenuated rabies virus vaccine administered by a licensed veterinarian. A certificate of vaccination identifying the dog, including its approximate age, date of vaccination and signed by the vaccinating veterinarian shall be given to the purchaser at the time the sale is made.

(c) Record of Sale. Every pet shop operator shall keep a record of every dog or cat sold by his establishment setting forth the date and source of acquisition, date of rabies vaccination, the date of sale and the name and address of the purchaser. Such records shall be maintained on the pet shop premises for at least one (1) year following the date of sale of each dog and cat, and such records shall be open to the public.

(d) Sale of Bats, Foxes, Raccoons and Skunks Prohibited, Except De-scented Skunks. No pet shop shall engage in the purchase, keeping, or sale of any species of bats, foxes, raccoons or skunks, except descented skunks.

351.36. Penalties. The penalties for violating any of the provisions of this Chapter for which there is no specifically stated penalty, shall be a forfeiture of not less than \$100.00 nor more than \$500.00.

351.37. Noise From Animals. Noise from animals shall be regulated by Chapter 202.

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