

Village of Mogadore

135 South Cleveland Avenue

Mogadore, OH 44260

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COUNCIL MEETING AGENDA

Wednesday, June 4, 2025

5:30 p.m.

1. Moment of Reflection – Ms. Miller
2. Pledge to the flag
3. Roll Call
4. Approval of the Agenda
5. Minutes from May 21, 2025, council meetings presented for changes, corrections, and adoption
6. Comments from the Audience on the pending legislation
7. Committee Reports
8. Old Business – None.
9. New Business –

Ordinance 2025-30 – Mr. Yoho – Sponsor: Safety Committee (Exhibit A)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 90 OF THE CODIFIED ORDINANCES ENTITLED “ANIMALS”, AND DECLARING AN EMERGENCY.

10. Comments
 1. Public
 2. Council
 3. Law Director
 4. Village Engineer
 5. Clerk-Treasurer
 6. Mayor
11. Adjournment

RECORD OF ORDINANCES

Ordinance No. 2025-30

Passed , 2025

SPONSOR: SAFETY COMMITTEE

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 90 OF THE CODIFIED ORDINANCES ENTITLED “ANIMALS”, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 90 of the Codified Ordinances of the Village, entitled “Animals” provides certain regulations concerning the keeping and licensing of animals in the Village; and

WHEREAS, Section 90.01 of the Codified Ordinances of the Village, entitled “Dogs or Other Animals Running at Large; Nuisance, Dangerous or Vicious Dogs; Hearings” provides regulations concerning the leashing and keeping of dogs and provides certain penalties for the failure to do so; and

WHEREAS, Section 90.27 of the Codified Ordinances of the Village, entitled “Dogs Tags” provides for the registration of dogs and provides certain penalties for failure to do so; and

WHEREAS, Section 90.28 of the Codified Ordinances of the Village, entitled “Nuisance, Dangerous and Vicious Dog Defined; Transfer of Ownership Certificate; Form Stating Dog’s Behavior” provides certain provisions concerning the keeping and ownership of nuisance, dangerous and vicious dogs, and provides certain penalties for the violation of those provisions; and

WHEREAS, Section 90.29 of the Codified Ordinances of the Village, entitled “Failure to Register Dog or Dog Kennel” provides a penalty for failure to register, or license dogs and kennels; and

WHEREAS, Section 90.30 of the Codified Ordinances of the Village, entitled “Hindering the Capture of Unregistered Dog” provides a penalty for hindering the capture of an unregistered dog; and

WHEREAS, Section 90.31 of the Codified Ordinances of the Village, entitled “Unlawful Tag” provides a penalty for owning or keeping a dog with a fictitious, altered or invalid registration tag; and

WHEREAS, this Council desires to strengthen and clarify the penalties for the violations of Sections 90.01 and 90.27-.31 of the Codified Ordinances of the Village, and to make other necessary revisions and clarifications; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to amend Sections 90.01 and 90.27-.31 of the Codified Ordinances of the Village as set forth on Exhibit A.

RECORD OF ORDINANCES

Ordinance No. 2025-30

Passed _____, 2025

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby amends Sections 90.01 and 90.27-.31 of the Codified Ordinances of the Village as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediately strengthening and clarifying the penalty, and other, provisions of the aforementioned Sections of the Codified Ordinance of the Village to ensure consistency and staunch enforcement of said regulations, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

Michael Raddish, Council President Date

Michael Rick, Mayor Date

Attest:

Scott Varney, Clerk-Treasurer

EXHIBIT A

ORDINANCE 2025-30

AMENDMENTS TO SECTIONS 90.01 & 90.27 - 90.31

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

...

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

(1) **Definitions.**

(a) As used in this §90.01 of these Codified Ordinances division (B), DANGEROUS DOG, NUISANCE DOG and VICIOUS DOG each has the same meaning as in R.C. § 955.11.

(b) As used in this division (B), LEASH and TEATHER do not include electronic leashes.

(c) As used in this division (B), FENCE, ENCLOSURE, and PEN do not include electric fences.

(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, harbinger, or handler shall fail at any time to do 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, or secure enclosure to prevent escape;

(b) Keep the dog under the reasonable control of some person, by means of a leash.

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

(a) While the dog is on the premises of the owner, keeper, or harbinger, 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.

(b) While the dog is off the premises of the owner, keeper, or harbinger, 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 person who has been convicted of or pleaded guilty to three or more violations of division (B)(3) of this section involving the same dog and no owner, keeper, or harbinger of a dangerous dog shall fail to do the following:

(a) Obtain liability insurance 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 dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official charged with enforcing this section;

(b) Obtain a dangerous dog registration certificate from the County Auditor or Fiscal Officer pursuant to division (B)(9) of this section, affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;

(c) Notify the Mogadore Police Department and County Animal Control immediately if any of the following occurs:

1. The dog is loose or unconfined.

2. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.

3. The dog attacks another animal while the dog is off the property of the owner of the dog.

(d) If the dog is sold, given to another person, or dies, notify the County Auditor or Fiscal Officer within ten days of the sale, transfer, or death.

(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 dangerous dog;

(b) Possess a dangerous 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 dangerous 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 dangerous 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 dangerous 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 dangerous 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 dangerous 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 dangerous dog.

(9) (a) The County Auditor **or Fiscal Officer** shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is 18 years of age or older, and who provides the following to the County Auditor **or Fiscal Officer**:

1. A fee of \$50;
2. The person's address, phone number, and other appropriate means for the local dog warden or County Auditor **or Fiscal Officer** to contact the person;
3. With respect to the person and the dog for which the registration is sought, all of the following:
 - a. Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;
 - b. Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;
 - c. Satisfactory evidence of the fact that the person has posted and will continue to post clearly visible signs at the person's residence warning both minors and adults of the presence of a dangerous dog on the property;
 - d. Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

(b) Upon the issuance of a dangerous dog registration certificate to the owner of a dog, the County Auditor **or Fiscal Officer** shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure in division (B)(9)(c)2. of this section and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

(c) 1. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the County Auditor **or Fiscal Officer** within ten days of relocating to the new address.

2. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address:

a. Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the County Auditor **or Fiscal Officer** of the new county;

b. Provide written notice of the new address to the County Auditor **or Fiscal Officer** of the county where the owner previously resided.

(d) The owner of a dangerous dog shall present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing this section.

(C) Hearing.

(1) The municipal court or county court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

(2) If a person who is authorized to enforce this chapter has reasonable cause to believe that a dog in the person's jurisdiction is a nuisance dog, dangerous dog, or vicious dog, the person shall notify the owner, keeper, or harbinger of that dog, by certified mail or in person, of both of the following:

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

(b) That the owner, keeper, or harbinger of the dog may request a hearing regarding the designation in accordance with this division (C). The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or harbinger resides.

(3) If the owner, keeper, or harbinger of the dog disagrees with the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, as applicable, the owner, keeper, or harbinger, not later than ten 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 municipal court or county court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harbinger. At the hearing, the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog. The owner, keeper, or harbinger of the dog or the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog may appeal the court's final determination as in any other case filed in that court.

(4) A court, upon motion of an owner, keeper, or harbinger or an attorney representing the owner, keeper, or harbinger, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harbinger until the court makes a final determination under this section or during the pendency of an appeal, as applicable. 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 division (B)(4) that apply to dangerous dogs regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or harbinger of the dog shall

not be required to comply with any other requirements established in this Code or the Ohio 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.

(5) If a dog is finally determined under this division (C), or on appeal as described in this division (C), to be a vicious dog, § 90.28(D) and divisions (B)(4) to (B)(9) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog, and § 90.38 applies with respect to the dog as if it were a dangerous dog, and the court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harbinger in that manner. As part of the order, the court shall require the owner, keeper, or harbinger to obtain the liability insurance required under division (B)(5)(a) in an amount described in division (D)(4)(b) of this section.

~~—(6) As used in this division (C), NUISANCE DOG, DANGEROUS DOG, and VICIOUS DOG have the same meanings as in R.C. § 955.11.~~

(D) Penalty.

(1) (a) Whoever violates division (B)(2) of this section or commits a violation of division (B)(3) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be **guilty of a minor misdemeanor and shall be fined not less than \$25 \$50 or more than \$100 \$150** on a first offense, and ~~on each subsequent offense shall be~~ **guilty of a misdemeanor of the fourth degree and shall be fined not less than \$75 \$100 or more than \$250 and may be imprisoned for not more than 30 days.**

(b) In addition to the penalties prescribed in division (D)(1)(a) of this section, if the offender is guilty of a violation of division (B)(2) of this section or a violation of division (B)(3) of this section that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, 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.

(2) (a) Whoever commits a violation of division (B)(3) of this section that involves a nuisance dog is guilty of a minor misdemeanor **and shall be fined not less than \$100 or more than \$150** on the first offense and ~~on each subsequent offense involving the same dog shall be guilty of~~ a misdemeanor of the fourth degree **and fined not less than \$150 or more than \$250 and may be imprisoned for not more than 30 days.** ~~on each subsequent offense involving the same dog.~~ Upon a person being convicted of or pleading guilty to a third violation of division (B)(3) of this section involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.

(b) In addition to the penalties prescribed in division (D)(2)(a) of this section, if a violation of division (B)(3) of this section involves a nuisance dog, the court may order the 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.

(3) Whoever commits a violation of division (B)(3) of this section that involves a dangerous dog, or a violation of division (B)(4) of this section is guilty of a misdemeanor of the fourth degree **and shall be fined not less than \$150 or more than \$250 and may be imprisoned for not more than 30 days** on a first offense and ~~on each subsequent offense involving the same dog shall be guilty of~~ a misdemeanor of the third degree **and fined not less than \$250 or more than \$500 and may be imprisoned for not**

more than 60 days 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) of this section. 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 at the owner's expense. With respect to a violation of division (B)(3) of this section that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with division (B)(4) of this section or at the county dog pound at the owner's expense.

(4) (a) Whoever commits a violation of division (B)(3) of this section that involves a vicious dog is guilty of one of the following:

1. A felony to be prosecuted under appropriate state law if the dog kills or seriously injures a person. 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 at the owner's expense.

2. A misdemeanor of the first degree and subject to a fine of no less than \$250 or more than \$1,000 and may be imprisoned for not more than 180 days if the dog causes serious injury to a person. 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 at the owner's expense.

(b) If the court does not order the vicious dog to be destroyed under division (D)(4)(a)2. of this section, the court shall issue an order that specifies that § 90.28(D) and divisions (B)(4) to (B)(9) of this section apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that § 90.38 applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (B)(5)(a) of this section in an amount, exclusive of interest and costs, that equals or exceeds \$100,000. Until the court makes a final determination and during the pendency of any appeal of a violation of division (B)(3) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with

(5) Whoever violates division (B)(5)(a) or (b) of this section is guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(6) Whoever violates division (B)(6)(a), (B)(6)(b), or (B)(6)(c) of this section is guilty of a felony to be prosecuted under appropriate state law. Additionally, the court shall order that the dog involved in the violation be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society. Until the court makes a final determination and during the pendency of any appeal of a violation of division (B)(6)(a), (B)(6)(b), or (B)(6)(c) of this section and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of division (B)(4) of this section or at the county dog pound at the owner's expense.

(7) Whoever violates division ~~(B)(5)(a)~~, (B)(5)(c), or (B)(5)(d) of this section is guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(8) Whoever violates division (B)(9)(d) of this section is guilty of a minor misdemeanor **and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.**

(9) (a) If a dog is confined at the county dog pound pursuant to division (D)(3), (D)(4), or (D)(6) of this section, the county dog warden shall give written notice of the confinement to the owner of the dog. If the county dog warden is unable to give the notice to the owner of the dog, the county dog warden shall post the notice on the door of the residence of the owner of the dog or in another conspicuous place on the premises at which the dog was seized. The notice shall include a statement that a security in the amount of \$100 is due to the county dog warden within ten days to secure payment of all reasonable expenses, including medical care and boarding of the dog for 60 days, expected to be incurred by the county dog pound in caring for the dog pending the determination. The county dog warden may draw from the security any actual costs incurred in caring for the dog.

(b) If the person ordered to post security under division (D)(9)(a) of this section does not do so within ten days of the confinement of the animal, the dog is forfeited, and the county dog warden may determine the disposition of the dog unless the court issues an order that specifies otherwise.

(c) Not more than ten days after the court makes a final determination under division (D)(3), (D)(4), or (D)(6) of this section, the county dog warden shall provide the owner of the dog with the actual cost of the confinement of the dog. If the county dog warden finds that the security provided under division (D)(9)(a) of this section is less than the actual cost of confinement of the dog, the owner shall remit the difference between the security provided and the actual cost to the county dog warden within 30 days after the court's determination. If the county dog warden finds that the security provided under division (D)(9)(a) of this section is greater than that actual cost, the county dog warden shall remit the difference between the security provided and the actual cost to the owner within 30 days after the court's determination.

~~—(10) As used in this division (D), NUISANCE DOG, DANGEROUS DOG, and VICIOUS DOG have the same meanings as in R.C. § 955.11.~~

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§ 90.27 DOG TAGS.

(A) No owner of a dog, except a dog constantly confined to a dog kennel registered under R.C. Chapter 955 or one licensed under R.C. Chapter 956, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog found not wearing at any time a valid tag shall be prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction.

(B) Whoever violates division (A) of this section shall be guilty of a minor misdemeanor **and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.**

§ 90.28 NUISANCE, DANGEROUS AND VICIOUS DOG DEFINED; TRANSFER OF OWNERSHIP CERTIFICATE; FORM STATING DOG'S PRIOR BEHAVIOR.

(A) As used in this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS DOG.

(a) A dog that, without provocation, and subject to division (b) of this definition, has done any of the following:

1. Caused injury, other than killing or serious injury, to any person;
2. Killed another dog;
3. Been the subject of a third or subsequent violation of R.C. § 955.22(C) or any substantially equivalent municipal ordinance.

(b) "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

MENACING FASHION. A dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

POLICE DOG. 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.

SERIOUS INJURY. 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;
- (d) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

VICIOUS DOG.

(a) A dog that, without provocation and subject to division (b) of this definition, has killed or caused serious injury to any person.

(b) "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

2. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

WITHOUT PROVOCATION. A dog acts WITHOUT PROVOCATION when it was not teased, tormented, or abused by a person, or it 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) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the County Auditor or Fiscal Officer. A transfer of ownership shall be recorded by the Auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of \$5.

(C) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(D) Within ten days after the transfer of ownership or possession of any dog, if the seller or transferor of the dog has knowledge that the dog is a dangerous dog, the seller or other transferor shall give to the buyer or transferee, the Board of Health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides a completed copy of a written form on which the seller shall furnish the following information:

- (1) The name and address of the buyer or other transferee of the dog;
- (2) The age, sex, color, breed and current registration number of the dog;

(3) In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

“Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred.”

“Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred.”

“Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred.”

(4) The dog warden of the county in which the seller resides furnishes the form to the seller at no cost.

(E) No seller or other transferor of a dog shall fail to comply with the applicable requirements of divisions (B) to (D) of this section.

(F) (1) Whoever violates division (E) of this section because failure to comply with division (B) of this section is guilty of a minor misdemeanor **and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree**

and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(2) Whoever violates division (E) of this section because failure to comply with division (C) or (D) of this section is guilty of a minor misdemeanor on a first offense and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days ~~and of a misdemeanor of the fourth degree on each subsequent offense.~~

§ 90.29 FAILURE TO REGISTER DOG OR DOG KENNEL.

(A) No owner, keeper, or harbinger of a dog more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by R.C. § 955.01, nor shall he or she fail to pay the legal fee therefor.

(B) Whoever violates this section is guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

§ 90.30 HINDERING THE CAPTURE OF UNREGISTERED DOG.

(A) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unlicensed dog or making an examination of a dog wearing a tag.

(B) Whoever violates this section is guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days.

(C) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.

§ 90.31 UNLAWFUL TAG.

(A) 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 Auditor or Fiscal Officer in connection with the registration of that animal.

(B) Whoever violates this section is guilty of a minor misdemeanor and shall be fined not less than \$50 or more than \$150, and on each subsequent offense involving the same dog shall be guilty of a misdemeanor of the fourth degree and shall be fined not less than \$100 or more than \$250 and may be imprisoned for not more than 30 days..