

Sec. 18-2. - Minimum fine for certain violations; reckless owners.

- (a) Any person who has violated provisions of this chapter more than three times in an 18-month period shall be fined a minimum of \$200.00 for the fourth offense and \$400.00 for the fifth offense and each offense thereafter occurring during an 18-month period. Any person who has been found guilty of more than three offenses during an 18-month period shall be required as a condition of releasing any animal impounded by the city to post a bond with the court equal to the minimum penalty for the offense as established by this section, which bond shall be subject to forfeiture to the city if the person is found guilty of a violation of this chapter. In addition to the fine, such person shall pay for all costs of keeping the animal. All such animals shall be disposed of by the city in accordance with the procedures set forth in section 18-55 if the person charged fails to pay the minimum fine assessed by the court plus the costs of keeping the animal as set forth in this chapter.
- (b) It is hereby found and declared that certain persons have committed either such severe or repeated violations of this chapter that they are reckless owners, and a judgment of the hearing examiner shall include revocation of the person's right to own, harbor or possess animals (with the type or types of animal to be determined by the hearing examiner) for a specified amount of time.
 - (1) Definition. A person may be found to be a reckless owner if:
 - a. The person has been convicted of one or more violations of this chapter on three separate occasions within a 24-month period; or
 - b. Sufficient proof is presented that the person is guilty of animal cruelty under section 18-9;
 - c. The person owns, harbors or possesses a dog that has been determined to be vicious, restricted, or a nuisance and has not complied with the subsequent requirements of this chapter; or
 - d. The person owns, harbors or possesses a dog that has been accused of attacking a domestic animal or biting a person, and the owner, harborer, or possessor of such a dog fails to surrender the dog to the animal control authority or fails to comply with the requirements of this chapter.
 - (2) It is unlawful for any person to violate any restriction imposed by this section after a person has been declared a reckless owner by order of the municipal court or by order of the hearing examiner.
 - (3) Upon the filing of the affidavit of the director of public health and welfare, or of his designee, with the municipal prosecutor alleging a person is a reckless owner, and upon the motion of the prosecutor, the judge of the municipal court may order any of the following: that all domestic animals owned, possessed, or controlled by the person be seized and impounded during the pendency of charges and appeal and not be released while the charges or appeal are pending without order of the municipal judge, upon the recommendation from the hearing examiner.
 - (4) Administrative process.
 - a. The city may at any time initiate an administrative hearing in writing to determine if a person is a reckless owner pursuant to this chapter. If an animal is being held pursuant to a municipal court order because its owner is an alleged reckless owner, the owner of the animal may request an administrative hearing in writing. The hearing shall be held in accordance with the procedure set forth in Article X of the Land Development Code and shall be held within 25 days of the request unless continued based upon a showing of good cause. The hearing examiner, as appointed by the city manager, shall take evidence and determine if the facts support a finding that the person is a reckless owner. If the hearing examiner finds the person to be a reckless owner, an order shall be entered consistent with the remedies set forth in this section. No penalty provided for in section 1-7 shall be imposed by the hearing examiner. The hearing examiner shall not be a judge of the municipal court.

- b. Upon entry of such declaration and order, unless a review of such order is filed in accordance with this section, such reckless owner shall be required to surrender any or all of his or her animals to the animal control authority within 24 hours, as ordered by the hearing examiner. Failure to surrender such animals is a criminal violation of this act that shall result in prosecution as well as immediate impoundment by the animal control authority upon issuance of a warrant of the municipal court for the authority to seize the animals. Such surrendered or impounded animals shall immediately become the property of the animal control authority and be disposed of pursuant to section 18-55 after the expiration of the appeal period.
- (5) Administrative review. Any party aggrieved by an administrative decision pursuant to subsection (d) may appeal by filing a request for review with the Greene County Circuit Court no later than the 30th day after the issuance of the administrative decision.
- (6) It shall be unlawful for a reckless owner to fail to surrender any or all animals, as ordered by the hearing examiner, within 24 hours or to subsequently own, possess, or have control over any animal for a period of 24 months from the date of entry of the declaration and order.
- (7) Criminal process. Any person found guilty of a violation prescribed in subsection (f) by a judge of the municipal court shall, upon conviction thereof, be punished as provided by section 1-7, and each and every instance of violation shall be a separate offense. A judge of the municipal court shall not impose any penalty listed in subsection (d).

(G.O. No. 6229, § 1, 9-28-2015; G.O. No. 6327, § 1, 12-12-2016)

Editor's note— G.O. No. 6229, § 1, adopted September 28, 2015, amended section 18-2 in its entirety to read as herein set out. Formerly, section 18-2 pertained to minimum fine for certain violations; termination of property rights in animal, and derived from the Code of 1981, § 5-19.9.