

Sec. 18-59.1. - Vicious dogs.

- (a) It is unlawful for any person to own, harbor or possess a vicious dog, except as allowed by the provisions of this section.

The municipal court judge or hearing examiner may declare a dog vicious:

- (1) When evidence shows an attack or bite to a human is unprovoked and is a Level 4 or higher on the Dunbar scale, set forth in section 18-62; or
 - (2) When evidence shows an attack upon another domestic animal is unprovoked and is a Level 4 or higher on the Dunbar scale, and a pattern of vicious behavior such as habitually snapping, charging, growling, or otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet if afforded the opportunity, or if in the judgment of the court or administrative tribunal it causes any person to have a reasonable fear of immediate serious physical injury; or
 - (3) When evidence shows an attack or bite to a human is unprovoked and is less than a Level 4 on the Dunbar scale and pattern of vicious behavior such as habitually snapping, charging, growling, or otherwise manifests a disposition to bite, attack or injure any person, domestic animal or pet if afforded the opportunity, or if in the judgment of the court or administrative tribunal it causes any person to have a reasonable fear of immediate serious physical injury.
- (b) It is unlawful for any person to violate any restriction imposed by this section after a dog has been declared a vicious dog by order of the municipal court or by order of the hearing examiner.
- (c) Upon the filing of the affidavit of the director of public health and welfare, or of his designee, with the municipal prosecutor alleging the dog is a vicious dog, and upon the motion of the prosecutor, the judge of the municipal court may order any of the following: that the dog be seized and impounded, that the dog be impounded past the ten-day rabies observation period, or that the dog be 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.
- (d) Administrative process.
- (1) The city may at any time initiate an administrative hearing in writing to determine if a dog is vicious pursuant to this chapter. If a dog is being held pursuant to a municipal court order as an alleged vicious dog, the owner of the dog 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 dog is vicious. If the hearing examiner finds the dog to be vicious, 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.
 - (2) Any dog declared vicious by the hearing examiner may be ordered humanely euthanized upon the expiration of the appeal period.
 - (3) Any dog declared vicious by the hearing examiner and not ordered euthanized and as a condition of residing within the corporate limits of the city shall be required to meet the following mandated restrictions:
 - a. The dog or dogs must receive an identification microchip implant within one week of the order of the municipal court or administrative tribunal. The microchip used must be approved by the city department of public health and welfare. It shall be a violation of this Code for a microchip to be removed unless it is for a medical reason and then only by a licensed practicing veterinarian. The health authority must be notified immediately of said removal.

- b. The dog or dogs shall be securely confined indoors or in a securely enclosed and locked kennel or cage. The kennel or cage shall be the size appropriate to the size of the dog or dogs kept therein and shall provide adequate ventilation, shade from the sun, and protection from the elements. In the event of a dispute over the appropriate size, the guidelines of the state department of agriculture regulations for animal care facilities shall apply. The kennel or cage must be constructed with nine-gauge steel chain link. Such kennel or cage must have secure sides, a secure top, and secure bottom or floor attached to the sides, or the sides must be embedded in the ground. In addition, the kennel or cage must have a double-blind entrance and must be locked with a key or combination lock when such dog or dogs are within the structure. Any such kennel or cage must be located at least 25 feet from the nearest point to the dwelling of another, a church, a school or a place of business of another and must comply with all zoning and building regulations of the city.
 - c. The dog or dogs shall not be allowed by remedy to be removed from the city to a location outside of the city limits.
- (4) Any dog declared vicious by the hearing examiner and not ordered euthanized, and as a condition of residing within the corporate limits of the city, may be required to meet any or all of the following restrictions:
- a. The dog or dogs shall be spayed or neutered within one week of the ruling unless a duly licensed veterinarian practicing in the city or Greene County documents to the director of public health and welfare that medical conditions of the dog contradict sterilization. Such sterilization shall require surgical removal of the gonads. Verification that sterilization has taken place shall be presented to the director of public health and welfare by the licensed practicing veterinarian performing the procedure.
 - b. The dog or dogs shall be registered with the health department each year with the annual fee to be set at \$50.00.
 - c. All owners, keepers or harborers of any vicious dog must maintain in effect public liability insurance in a single incident amount of \$100,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such dog. A \$100,000.00 surety bond or letter of credit may be substituted for the insurance policy. All owners, keepers or harborers of vicious dogs shall present to the animal control officer a statement from all parties involved certifying that they have the required insurance policy, surety bond, or letter of credit.
 - d. When confined indoors, no vicious dog or dogs may be kept on a porch, patio or in any part of a house, building or structure that would allow the dog or dogs to exit such building on its own volition. No such dog or dogs may be kept in a house, building or structure when the windows are open. No vicious dog may be kept in a house, building or structure when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
 - e. No person shall permit a vicious dog or dogs to go outside its kennel, cage, or secure structure unless that person is age 18 or older, that person has the dog or dogs securely leashed to a buckle collar and on a leash no longer than six feet in length, and that person has physical control of the dog. Such dogs shall not be leashed to inanimate objects such as trees, posts and buildings. Additionally, all such dogs on a leash outside the dog's kennel, cage, or secure structure must be muzzled by a humane muzzling device sufficient to prevent the dog from biting persons or other animals.
 - f. The premises on which the dog or dogs are kept shall be clearly posted with signage warning the public of the following:

WARNING A VICIOUS DOG IS PRESENT ON THIS PROPERTY IS NOT ALLOWED OUT OF HOUSE OR PEN WITHOUT LEASH AND MUZZLE. REPORT VIOLATIONS.

The sign shall be visible and capable of being read from the street, road or highway that abuts the premises. In addition, the sign must include a picture or symbol that conveys the idea of a vicious dog to small children that cannot read.

- g. Any dog or dogs declared vicious by the hearing examiner cannot be sold, given away, or ownership otherwise transferred without the expressed permission of the director of public health and welfare.
 - h. Reserved.
 - i. Refusal or failure to comply with any of the mandated or hearing examiner-ordered restrictions or authorized inspection shall constitute a violation of this Code and, in addition, shall be considered as justifiable grounds for the hearing examiner to order further restrictions or euthanization of the dog or dogs.
- (5) 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.
- (e) Criminal process. Any person found guilty of a violation prescribed in subsection (a) or (b) 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).
 - (f) Any dog or dogs maintained and utilized by any governmental law enforcement agency shall not be considered a vicious dog so long as it is maintained and utilized for law enforcement purposes.

(G.O. No. 6229, § 2, 9-28-2015)

Editor's note— G.O. No. 6229, § 2, adopted September 28, 2015, enacted provisions intended for use as section 18-59. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as section 18-59.1.

See also editor's note at section 18-7.

Sec. 18-60. - Restricted dogs.

- (a) It is unlawful for any person to own, harbor or possess a restricted dog, except as allowed by the provisions of this section. The director of health or his designee, the hearing examiner, or municipal judge may declare a dog restricted:
 - (1) When evidence shows an attack or bite to a human is unprovoked and is determined to be at a Level 2 or higher on the Dunbar scale, set forth in section 18-62; or
 - (2) When evidence shows an attack upon another domestic animal is unprovoked and is determined to be at a Level 2 or higher on the Dunbar scale, and a pattern of vicious behavior such as habitually snapping, charging, growling, or otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet if afforded the opportunity, or if in the judgment of the court or administrative tribunal it causes any person to have a reasonable fear of immediate serious physical injury; or
 - (3) In the absence of a bite, when sufficient evidence, including testimony of an animal control officer, is presented to show the dog or dogs display characteristics such as habitually snapping, charging, growling, or otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet if afforded the opportunity, or if in the judgment of the court or administrative tribunal it causes any person to have a reasonable fear of immediate serious physical injury.
- (b) It is unlawful for any person to violate any restriction imposed by this section after a dog has been declared a restricted dog by the director of health, his designee, or by order of the municipal court or by order of the hearing examiner.
- (c) Any dog declared restricted by the director of health shall be required to meet the following mandated restrictions for 24 months as a condition of residing within the corporate limits of the city:
 - (1) The dog or dogs must receive an identification microchip implant. The microchip used must be approved by the city department of public health and welfare. It shall be a violation of this Code for a microchip to be removed unless it is for a medical reason and then only by a licensed practicing veterinarian. The health authority must be notified immediately of said removal.
 - (2) The dog or dogs shall be spayed or neutered within 30 days of the ruling unless a duly licensed veterinarian practicing in the city or Greene County documents to the director of public health and welfare that medical conditions of the dog contradict sterilization. Such sterilization shall require surgical removal of the gonads. Verification that sterilization has taken place shall be presented to the director of public health and welfare by the licensed practicing veterinarian performing the procedure.
 - (3) The dog shall be securely confined indoors, in a securely enclosed and locked kennel or cage, or securely restrained as set forth herein.
 - a. The kennel or cage shall be the size appropriate to the size of the dog or dogs kept therein and shall provide adequate ventilation, shade from the sun, and protection from the elements. In the event of a dispute over the appropriate size, the guidelines of the state department of agriculture regulations for animal care facilities shall apply. The kennel or cage must be constructed with nine-gauge steel chain link. Such kennel or cage must have secure sides, a secure top, and secure bottom or floor attached to the sides, or the sides must be embedded in the ground. In addition, the kennel or cage must have a double-blind entrance and must be locked with a key or combination lock when such dog is within the structure. Any such kennel or cage must be located at least 25 feet from the nearest point to the dwelling of another, a church, a school or a place of business of another and must comply with all zoning and building regulations of the city.
 - b. When confined indoors, the dog may not be kept on a porch, patio or in any part of a house, building or structure that would allow the dog to exit such building on its own volition. No such dog or dogs may be kept in a house, building or structure when the

windows are open. No restricted dog may be kept in a house, building or structure when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

- c. No person shall permit a restricted dog to go outside its kennel, cage, or secure structure unless that person is age 18 or older, that person has the dog securely leashed to a buckle collar and on a leash no longer than six feet in length, and that person has physical control of the dog. Such dogs shall not be leashed to inanimate objects such as trees, posts and buildings. Additionally, all such dogs on a leash outside the dog's kennel, cage, or secure structure must be muzzled by a humane muzzling device sufficient to prevent the dog from biting persons or other animals.
- (4) The dog shall be registered with the health department for two years with the annual fee to be set at \$50.00.
- (5) The premises on which the dog or dogs are kept shall be clearly posted with signage, provided by the department of health, warning the public of the following:

WARNING RESTRICTED DOG IS PRESENT ON THIS PROPERTY THAT IS NOT ALLOWED OUT OF HOUSE OR PEN WITHOUT LEASH AND MUZZLE. REPORT VIOLATIONS.

The sign shall be visible and capable of being read from the street, road or highway that abuts the premises. In addition, the sign must include a picture or symbol that conveys the idea of a vicious dog to small children that cannot read.

- (6) The dog or dogs shall not be allowed by remedy to be removed from the city to a location outside of the city limits.
 - (7) Any restricted dog cannot be sold, given away, or ownership otherwise transferred without the expressed permission of the director of public health and welfare.
 - (8) Refusal or failure to comply with any of the mandated or hearing examiner-ordered restrictions or authorized inspection shall constitute a violation of this Code and, in addition, shall be considered as justifiable grounds for the hearing examiner to order further restrictions of the dog or dogs and to declare the owner reckless according to the procedure set forth in section 18-2.
- (d) Upon the filing of the affidavit of the director of public health and welfare, or of his designee, with the municipal prosecutor alleging the dog is a restricted dog, and upon the motion of the prosecutor, the judge of the municipal court may order any of the following: that the dog be seized and impounded, that the dog be impounded past the ten-day rabies observation period, or that the dog be impounded during the pendency of charges and appeal and not be released until the condition set forth in subsection (c) are met, without order of the municipal judge upon the recommendation from the hearing examiner.
 - (e) Administrative review.
 - (1) The city may at any time initiate an administrative hearing in writing to determine if a dog is restricted pursuant to this chapter. If a dog has been declared restricted by the director of health, the owner of the dog may request an administrative hearing in writing within ten days of the declaration, to challenge the declaration. 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 dog is restricted. If the hearing examiner finds the dog to be restricted, 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.

- (2) Any dog declared restricted by the hearing examiner shall be ordered to comply with any or all of the restrictions set forth in subsection (c).
- (f) Appeal. Any party aggrieved by an administrative decision pursuant to subsection (e) 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.
- (g) Criminal process. Any person found guilty of a violation prescribed in subsection (a) or (b) 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 (c).
- (h) Any dog or dogs maintained and utilized by any governmental law enforcement agency shall not be considered a restricted dog so long as it is maintained and utilized for law enforcement purposes.

(G.O. No. 6229, § 3, 9-28-2015; G.O. No. 6327, § 4, 12-12-2016)

Sec. 18-61. - Nuisance dogs.

- (a) It is unlawful for any person to own, harbor or possess a nuisance dog, except as allowed by the provisions of this section. The director of health or his designee, the hearing examiner, or municipal judge may declare a dog a nuisance when a dog has been found running at large in violation of section 18-53 more than one time within a 12-month period.
- (b) It is unlawful for any person to violate any restriction imposed by this section after a dog has been declared a nuisance dog by the director of health or by order of the municipal court or by order of the hearing examiner.
- (c) Any dog declared a nuisance by the director of health shall be required to meet the following mandated restrictions for 24 months as a condition of residing within the corporate limits of the city:
 - (1) The dog or dogs must receive an identification microchip implant. The microchip used must be approved by the city department of public health and welfare. It shall be a violation of this Code for a microchip to be removed unless it is for a medical reason and then only by a licensed practicing veterinarian. The health authority must be notified immediately of said removal.
 - (2) The dog or dogs shall be spayed or neutered within 30 days of the ruling unless a duly licensed veterinarian practicing in the city or Greene County documents to the director of public health and welfare that medical conditions of the dog contradict sterilization. Such sterilization shall require surgical removal of the gonads. Verification that sterilization has taken place shall be presented to the director of public health and welfare by the licensed practicing veterinarian performing the procedure.
 - (3) The dog shall be registered with the health department for 24 months with the annual fee to be set at \$50.00.
- (d) Refusal or failure to comply with any of the mandated or hearing examiner-ordered restrictions shall constitute a violation of this Code and, in addition, shall be considered as justifiable grounds for the hearing examiner to declare the owner reckless according to the procedure set forth in section 18-2.
- (e) Administrative review.
 - (1) The city may at any time initiate an administrative hearing in writing to determine if a dog is a nuisance pursuant to this chapter. If a dog has been declared a nuisance by the director of health, the owner of the dog may request an administrative hearing in writing within 30 days of the declaration, to challenge the declaration. 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 dog is a nuisance. If the hearing examiner finds the dog to be a nuisance, 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.
 - (2) Any dog declared a nuisance by the hearing examiner shall be ordered to comply with any or all of the restrictions set forth in subsection (c).
- (f) Appeal. Any party aggrieved by an administrative decision pursuant to subsection (e) 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.
- (g) Criminal process. Any person found guilty of a violation prescribed in subsection (a) or (b) 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 (c).
- (h) Any dog or dogs maintained and utilized by any governmental law enforcement agency shall not be considered a nuisance dog so long as it is maintained and utilized for law enforcement purposes.

(G.O. No. 6229, § 3, 9-28-2015; G.O. No. 6327, § 5, 12-12-2016)

Sec. 18-62. - Dunbar scale.

- (a) *Level 1.* Obnoxious or aggressive behavior but no skin-contact by teeth.
- (b) *Level 2.* Skin-contact by teeth but no skin-puncture. However, may be skin nicks (less than one-tenth of an inch deep) and slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures.
- (c) *Level 3.* One to four punctures from a single bite, which may have lacerations in a single direction, caused by victim pulling hand away, owner pulling dog away, or gravity (little dog jumps, bites and drops to floor).
- (d) *Level 4.* One to four punctures from a single bite, with deep bruising around the wound (such as when a dog held on and bore down) or lacerations in both directions (such as when a dog held on and shook its head from side to side).
- (e) *Level 5.* Multiple-bite incident with at least two Level 4 bites or multiple-attack incident with at least one Level 4 bite in each.
- (f) *Level 6.* Victim dead.

(G.O. No. 6229, § 3, 9-28-2015)