

City of Cincinnati
An Ordinance No. _____

RLT
TAN/PA

- 2014

MODIFYING the provisions of Chapter 701, “Animals, Birds, Fowl,” of Title VII, “General Regulations,” of the Cincinnati Municipal Code by amending Sections 701-2, “Leash Required,” and 701-23, “Abusing Dog”; and **MODIFYING** the provisions of Chapter 701, “Animals, Birds, Fowl,” of Title VII, “General Regulations,” of the Cincinnati Municipal Code by ordaining new Section 701-8-A, “Pit Bulls to be Registered” and 701-60, “Animal Task Force”; and **MODIFYING** the provisions of Title XV, “Code Compliance And Hearings,” by amending Sections 1501-3, “Class A Civil Offenses,” 1501-5, “Class B Civil Offenses,” 1501-9, “Class D Civil Offenses,” 1501-14, “Class E1 Civil Offenses,” and 1501-99, “Civil Fines”; and further **MODIFYING** the provisions of Title XV, “Code Compliance And Hearings,” of the Cincinnati Municipal by ordaining new Section 1501-16, “Class E2 Civil Offenses.”

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Sections 701-2, “Leash Required,” and 701-23, “Abusing Dog,” of Chapter 701, “Animals, Birds, Fowl,” of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 701-2. – Leash Required; Responsibility for Injury.

- (A) No owner, keeper, harborer, or handler of any dog shall fail at any time to do either of the following:
 - (1) While that dog is on the premises of the owner, keeper, harborer, or handler, keep the dog physically confined or restrained by a leash, adequate fence, supervision, or secure enclosure to prevent escape; or
 - (2) While that dog is off the premises of the owner, keeper, harborer, or handler, keep that dog on a chain-link leash that is not more than six feet in length.

- (B) No owner, keeper, harborer, or handler of any dog shall fail at any time to have the leash controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent the dog from causing injury or severe injury to any person or domestic animal.

(C) Criminal Penalty for Severe Injury. Whoever violates subsection 701-2(B) which results in severe injury to any person or domestic animal shall be guilty of a misdemeanor of the first degree.

(D) Civil Penalties.

(1) Severe Injury. A violation of subsection 701-2(B) which results in severe injury to any person or domestic animal shall constitute a Class E2 Civil Offense.

(2) Injury. A violation of subsection 701-2(B) which results in injury to any person or domestic animal shall constitute a Class B Civil Offense.

(3) Leash. Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, a violation of subsection 701-2(A) shall constitute a Class A Civil Offense.

(E) Educational Training; Sterilization. In the event that a person is held liable for the criminal or civil penalties enumerated in subsection (C), (D)(1), or (D)(2) of this section or section 701-23 of this chapter, that person shall, at that person's sole expense, take an educational training course and spay or neuter the dog. For purposes of this section, "educational training course" means a course provided by a local humane society or, with approval of the city manager, a similar course provided by another entity.

~~The owner or harbinger of a harmless dog, not on the premises or in a motor vehicle, shall keep said dog on a leash of such length to keep the dog from annoying others. A harmless dog may be unleashed if either of the following is applicable:~~

~~a. The dog is in training, a competition, or show or~~

~~b. The dog is on property with the permission of the property owner.~~

Sec. 701-23. Abusing Dog; Dog Fighting.

No person shall beat, abuse or injure any animal of the dog kind in an immoderate, cruel or unnecessary manner, and no person shall open or keep a dog pen or dog pit for the purpose of causing or permitting dogs to fight, or to cause or set dogs to fight. A violation of this section shall constitute a Class E1 Civil Offense.

Section 2. That existing Sections 701-2, "Leash Required," and 701-23, "Abusing Dog," of Chapter 701, "Animals, Birds, Fowl," of the Cincinnati Municipal Code are hereby repealed.

Section 3. That new Sections 701-8-A, "Pit Bulls to be Registered," and 701-60, "Animal Task Force," of Chapter 701, "Animals, Birds, Fowl," of the Cincinnati Municipal Code are hereby enacted to read as follows:

Sec. 701-8-A. Pit Bulls to be Registered.

- (A) *Definitions.* For purposes of this section, "pit bull dog" is hereby defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as 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.
- (B) *Registration.* Within seven days of taking possession of a pit bull dog, the owner or harbinger of the dog shall provide the Cincinnati Police Department with the following:
- (1) Current color photographs of the dog showing the front face, side head, and whole body of the dog, and any other identifying characteristic such as color marking or scars;
 - (2) The name, address, and phone number of the owner or harbinger;
 - (3) A fifty dollar (\$50) registration fee;
 - (4) Evidence of liability insurance, in an amount of not less than \$100,000, protecting against injury or death caused by the dog; and
 - (5) Evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.
- (C) *Change of Contact Information.* If registered, the owner or harbinger of a pit bull dog shall notify the Cincinnati Police Department of a change of address or phone number within seven days.
- (D) *Change of Ownership.* If the pit bull dog has been sold, given away, or if control of said dog has in any other manner been transferred for more than 48 consecutive hours, the owner or harbinger of a pit bull dog shall notify the Cincinnati Police Department within 24 hours of the name and address of the individual harboring the dog.
- (E) *Duty to Notify the Police Department.* The owner or harbinger of a pit bull dog shall immediately notify the Cincinnati Police Department when the dog is loose or has attacked a person.

- (F) *Failure to Register.* A violation of subsection 701-8-A shall constitute a Class D Civil Offense.

Sec. 701-60. Animal Task Force.

- (A) There shall be an animal task force on canine aggression whose duty it shall be to advise the mayor and council on the establishment of appropriate practices and policies regarding animals and the safety of the public.
- (B) The animal task force shall be composed of ten members. Each member shall be appointed by the mayor to serve without compensation and shall be residents of the city. There shall be at least one member engaged in each of the following fields: animal behaviorist, veterinarian, media, business management, media, and public relations. The chief of police or his designee shall serve as a permanent member. The remaining members shall be selected from the community at large.
- (C) Each member shall serve a term of two years. As the term of each member expires, the mayor shall appoint a successor. The mayor shall make appointments to fill vacancies caused by the death or resignation of members in unexpired terms.
- (D) The animal task force shall meet as often as necessary but at least semi-annually, shall elect its officers, and adopt its own operating procedures consistent with city practice and policy. The animal task force shall take the following actions:
- (1) coordinating efforts among local organizations
 - (2) developing an action plan
 - (3) establishing dog bite prevention priorities
 - (4) generating public and legislative support for dog bite control
 - (5) identifying dog bite reporting sources
 - (6) interpreting data
 - (7) identifying and obtaining resources for program activities (educational, financial, staffing)
 - (8) providing technical expertise for the program
 - (9) recommending goals and objectives for prevention

Section 4. That Sections 1501-3, "Class A Civil Offenses," 1501-5, "Class B Civil Offenses," 1501-9, "Class D Civil Offenses," 1501-14, "Class E1 Civil Offenses," and 1501-99, "Civil Fines," of Title XV, "Code Compliance And Hearings," of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 1501-3. Class A Civil Offenses.

A person who violates a standard of conduct set forth in a section or chapter of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class A Civil Offense. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine specified in § 1501-99 for the first violation of a Class B Civil Offense.

| | | |
|----|----------|---|
| a. | § 511-1 | Advertising on Vehicles. |
| b. | § 511-33 | Front Yard Parking. |
| c. | § 514-11 | Parking Restrictions. |
| d. | § 604-17 | Unapproved Bird, Fowl or Animal Feeding. |
| e. | § 701-19 | Order to Muzzle Dogs. |
| f. | § 701-27 | Loud Dog. |
| g. | § 701-29 | Prohibiting Dogs from Running at Large. |
| h. | § 701-30 | Dog Excrement Removal. |
| i. | § 721-63 | Gutter Crossings. |
| j. | § 721-65 | Obstructing Gutters. |
| k. | § 721-93 | Temporary Driveway Permits. |
| l. | § 723-5 | Encumbering Sidewalks. |
| m. | § 723-9 | Regulations for Wholesale Produce Areas. |
| n. | § 723-11 | Retail Sidewalk Display. |
| o. | § 723-12 | Free Standing Business or Identification Signs (Sandwich Boards) on Sidewalk. |
| p. | § 723-13 | Temporary Encumbrances. |
| q. | § 723-17 | U.S. Mail Boxes. |
| r. | § 723-23 | Ground and Debris on Street or Sidewalk. |
| s. | § 723-29 | Sprinkling Roadways in Congested District. |
| t. | § 723-31 | Sprinkling Before Sweeping. |
| u. | § 723-37 | Unloading Heavy Material on Streets or Sidewalks. |
| v. | § 723-39 | Inscribing Names or Advertising Matter on Sidewalks Unlawful. |
| w. | § 723-57 | Removal of Snow. |
| x. | § 723-59 | Ice on Sidewalks. |

| | | |
|------------|----------------------|---|
| y. | § 723-65 | Displaying House Numbers. |
| z. | § 723-69 | Removing House Numbers. |
| aa. | § 723-79 | Fire Kettle Permit. |
| bb. | § 729-5 | Waste Containers; Requirements. |
| cc. | § 729-15 | Containers to be Removed from Collection Points. |
| dd. | § 729-87(a) | Recyclable Materials - Taking Recyclables. |
| ee. | § 729-87(b) | Recyclable Materials - Destruction of Container. |
| ff. | § 729-87(c) | Recyclable Materials - Relocation of Container. |
| gg. | § 729-87(d) | Recyclable Materials - Failure to Remove Container from Collection Point. |
| hh. | § 911-17 | Posting Bills on Streets. |
| ii. | § 1123-11(b) | Vacant Foreclosed Property Registration - Failure to maintain accurate information. |
| jj. | § 1123-11(c) | Vacant Foreclosed Property Registration - Failure to maintain the property in accordance with the maintenance provisions. |
| <u>kk.</u> | <u>§ 701-2(D)(3)</u> | <u>Leash Required; Responsibility for Injury (<i>Leash</i>)</u> |

Sec. 1501-5. Class B Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class B Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

- (a) Class B Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

| | | | Civil Fine for Subsequent Offense |
|-----|----------|--------------------------------|--|
| (1) | § 511-31 | Storage of Unlicensed Vehicles | Class B |

| | | | |
|------|--------------|--|---------|
| (2) | § 720-15 | Public [Stormwater] Facilities | Class C |
| (3) | § 720-29 | [Stormwater] Permits and Plan Review | Class B |
| (4) | § 721-83 | Street Contractor's License | Class C |
| (5) | § 723-3 | Unauthorized Wires, etc., in Streets | Class C |
| (6) | § 1219-3 | Material Subject to Spontaneous Ignition | Class B |
| (7) | § 1219-7 | Baled Material | Class B |
| (8) | § 1219-9 | Combustible Containers | Class B |
| (9) | § 1219-15 | Fire Doors, Shutters and Windows | Class B |
| (10) | § 1219-29 | Drip Pans | Class B |
| (11) | § 1219-41 | Exhaust Fans | Class B |
| (12) | § 1219-45 | Gas Shutoff Valves | Class B |
| (13) | Chapter 1225 | Smoking and the Use of Open Flame | Class B |
| (14) | § 1231-11 | Obstructing Fire Hydrants | Class B |
| (15) | § 718-9 | Advertising in the Public Right-of-Way | Class C |
| (16) | Chapter 765 | Special Event Permits | Class B |
| (17) | § 1601-7 | Early Fire Warning System | Class C |

(b) Class B Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

| | | | Civil Fine for Subsequent Offense |
|------|-----------|--|--|
| (1) | § 413-25 | Sidewalk or Street Parking | Class C |
| (2) | § 503-25 | Damaging Street Surface | Class C |
| (3) | § 506-63 | Driving on Sidewalk Area | Class C |
| (4) | § 506-64 | Driving Over New Pavement | Class C |
| (5) | § 721-25 | Sale of Land on Private or Undedicated Streets | Class D |
| (6) | § 721-41 | Street Opening Without Permit Unlawful | Class D |
| (7) | § 721-61 | Warning Lights; Barriers | Class D |
| (8) | § 721-109 | Sidewalk Covering Over Sub-space; Prohibited Materials | Class D |
| (9) | § 721-111 | Support for Sidewalk Covering Over Sub-space | Class D |
| (10) | § 723-1 | Street Obstructions | Class C |

| | | | |
|------|---------------|---|----------------|
| (11) | § 723-33 | Sweeping Onto Sidewalk or Roadway | Class C |
| (12) | § 729-7 | Setting Out Containers | Class B |
| (13) | § 729-9 | Setting Out Containers on Property Abutting Alleys | Class B |
| (14) | § 729-27 | Removal of Dead Animals | Class B |
| (15) | § 729-29 | Depositing Garbage on Public or Private Property | Class B |
| (16) | § 729-41 | Disposal of Combustible Garbage | Class B |
| (17) | § 729-53 | Transporting Putrescible Commercial By-Products | Class B |
| (18) | § 729-69 | Unloading Waste on Sidewalks | Class B |
| (19) | § 729-75 | Escaping Hot Water or Steam | Class B |
| (20) | § 1219-5 | Accumulated Waste and Waste Receptacles | Class B |
| (21) | § 1219-13 | Trap Doors | Class B |
| (22) | § 1221-7 | Smoking and Use of Open Flame | Class B |
| (23) | § 701-2(D)(2) | <u>Leash Required; Responsibility for Injury (Injury)</u> | <u>Class B</u> |

Sec. 1501-9. Class D Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class D Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class D Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

| | | | Civil Fine for Subsequent Offense |
|-----|----------|----------------------------|-----------------------------------|
| (1) | § 720-13 | Private Facilities | Class E |
| (2) | § 720-45 | Notice of Violations | Class E |
| (3) | § 720-69 | Notice to Correct Drainage | Class E |

| | | | |
|------|--------------|--|---------|
| (4) | Chapter 855 | Rooming Houses | Class D |
| (5) | Chapter 895 | Outdoor Advertising Signs | Class D |
| (6) | Chapter 1101 | Administration, Cincinnati Building Code | Class E |
| (7) | Chapter 1106 | General and Specialty Contractors | Class E |
| (8) | Chapter 1117 | Housing Code | Class E |
| (9) | Chapter 1119 | Building Hazard Abatement Code | Class E |
| (10) | Title XIV | Zoning Code | Class E |
| (11) | § 1201-21 | Maintenance | Class D |
| (12) | § 1201-33 | Evacuation | Class D |
| (13) | § 1201-35 | Spills and Leaks | Class D |
| (14) | Chapter 1235 | Detectors, Early Fire Warning Systems | Class D |
| (15) | § 1123-11(a) | Vacant Foreclosed Property Registration - Failure to register a vacant, foreclosed property. | Class E |

(b) Class D Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

| | | | Civil Fine for Subsequent Offense |
|------|--------------|--|-----------------------------------|
| (1) | § 718-25 | Secret Street Uses | Class E |
| (2) | § 721-59 | Taking Material from Streets | Class E |
| (3) | § 729-63 | Dumping | Class E |
| (4) | § 761-14 | Eviction or Retaliation by Landlord | Class E |
| (5) | Chapter 891 | Home Improvement | Class E |
| (6) | § 1201-47 | Failure to Comply with Orders | Class D |
| (7) | § 1219-21 | Causing Fire Through Negligence | Class D |
| (8) | Chapter 1251 | Fire Starting Apparatus | Class D |
| (9) | § 759-3 | Use of a Motor Vehicle for Prostitution or Solicitation | Class D |
| (10) | § 759-4 | Use of a Motor Vehicle to Facilitate a Drug Related Crime | Class D |
| (11) | Chapter 722 | Management and Control of the Use of the City Right-of-Way | Class E |
| (12) | Chapter 730 | Commercial Waste Franchises | Class E |

| | | | |
|------|---------|----------------------------|---------|
| (13) | 701-8-A | Pit Bulls to be Registered | Class D |
|------|---------|----------------------------|---------|

Sec. 1501-14. Class E1 Civil Offenses.

A person who violates a standard of conduct set forth in Cincinnati Municipal Code Section 701-23, Section 318-13(d) or Section 320-11(a) is liable for the civil fine specified in Section 1501-99 for a Class E1 Civil Offense.

Sec. 1501-99. – Civil Fines.

The civil fines for civil offenses are:

| Offense | Initial Civil Fine | If Delinquent | If Sent For Collection |
|-----------------|--------------------|-------------------|------------------------|
| Class A | \$50.00 | \$100.00 | \$150.00 |
| Class A1 | \$87.50 | \$175.00 | \$262.50 |
| Class B | \$100.00 | \$200.00 | \$300.00 |
| Class B1 | \$175.00 | \$350.00 | \$437.50 |
| Class C | \$200.00 | \$400.00 | \$500.00 |
| Class C1 | \$350.00 | \$700.00 | \$875.00 |
| Class D | \$500.00 | \$1,000.00 | \$1,250.00 |
| Class E | \$1,000.00 | \$2,000.00 | \$2,500.00 |
| Class E1 | \$10,000.00 | \$10,000.00 | \$10,000.00 |
| <u>Class E2</u> | <u>\$5,000.00</u> | <u>\$5,000.00</u> | <u>\$5,000.00</u> |
| Class F | \$15,000.00 | \$15,000.00 | \$15,000.00 |

Neither the City of Cincinnati, the federal government, the State of Ohio, nor any city, federal, or state agency or political subdivision is liable for a civil fine imposed pursuant to this Title.

Section 5. That existing Sections 1501-3, “Class A Civil Offenses,” 1501-5, “Class B Civil Offenses,” 1501-9, “Class D Civil Offenses,” 1501-14, “Class E1 Civil Offenses,” and 1501-99, “Civil Fines,” of Title XV, “Code Compliance And Hearings,” of the Cincinnati Municipal Code are hereby repealed.

Section 6. That Section 1501-16, "Class E2 Civil Offenses," of Title XV, "Code Compliance And Hearings," of the Cincinnati Municipal Code is hereby enacted to read as follows:

Sec. 1501-16. - Class E2 Civil Offenses.

A person who violates a standard of conduct set forth in Cincinnati Municipal Code Section 318-13(d) is liable for the civil fine specified in Sec. 1501-99 for a Class E2 Civil Offense.

A person who violates a standard of conduct set forth in a section or chapter of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class E2 Civil Offense.

| | | |
|-----|---------------|---|
| (a) | § 701-2(D)(1) | Leash Required; Responsibility for Injury |
|-----|---------------|---|

Section 7. That this ordinance shall take effect and be in force from and after February 6, 2015.

Passed: _____, 2014

Mayor

Attest: _____
Clerk

Additions underscored; deletions struck-through.