

## 92.25 Control of dogs.

A.

For the purpose of this section, the following words and phrases shall have the following meanings ascribed to them:

"American Bulldog." Any American Bulldog or Old Country Bulldog, or any mixed breed of dog which contains, as an element of its breeding, the breed of American Bulldog or Old Country Bulldog as to be identifiable as partially of the breed of American Bulldog or Old Country Bulldog.

"At large." Off the premises of the owner.

"Canary Dog." Any Canary Dog or Perro de Presa Canario, or any mixed breed of dog which contains, as an element of its breeding, the breed of Canary Dog or Perro de Presa Canario as to be identifiable as partially of the breed canary dog or Perro de Presa Canario.

"Muzzle." A leather, wire, or device that, when fitted over an animal's snout, prevents biting and eating.

"Owner." Any person owning, keeping, possessing, harboring, maintaining, or having the care, custody, or control of an animal.

"Premises which are not exclusively controlled by the owner." Any real property or part thereof that:

1.  
The owner of the dog does not hold the title to in fee simple or by leasehold;  
or
2.  
Another, other than an immediate family member of the owner of the dog, holds an easement or right-of-way on said property or part thereof; or
3.  
An owner or leaseholder of the real property has given access to the subject property to a person other than the owner of the dog who is not a member of the owner of the dog's immediate family; or
4.  
Is part of the public rights-of-way owned by the City of Akron whether or not the right-of-way is improved with streets, sidewalks, paving or other improvements; or
- 5.

The owner of the dog does not otherwise have exclusive control over.

"Pit Bull." Any Staffordshire Bull Terrier, American Pit 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, American Pit Bull Terrier, or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

"Unsecured." Not securely confined indoors, or not securely restrained by means of a collar and chain, pen, fence or similar physical device, and in such a manner which effectively prevents the dog from going beyond the premises of the owner.

"Vicious dog." Any dog that is the subject of a violation of §§ [92.25\(B\)\(2\)](#) through (6), and is found by a court to be a continuing threat or danger to the public.

B.

Any person owning, keeping, possessing, harboring, maintaining, or having the care, custody or control of a dog shall be strictly liable if such dog is found to:

1.  
Be at large within the city unless securely attached upon a leash held in the hand of a person in a manner which continuously controls the dog.
2.  
Snap at or attempt to bite or attempt to cause physical harm to any other person, domestic animal or feline, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner.
3.  
Cause physical harm to the property of another while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner.
4.  
Bite or otherwise cause physical harm to any person, domestic animal, or feline, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner.
5.  
Bite or otherwise cause physical harm to mail carriers, utility workers, City of Akron employees, delivery persons, or any police or emergency persons while the dog is on the premises of the owner or the premises under the control of the owner.
6.  
Cause serious physical harm to any person, unless the dog:

- a. Was being teased, tormented or abused by a person, or
- b. Was coming to the aid or defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means to carry out illegal or criminal activity;
- c. Caused serious physical harm to any person while such person was committing or attempting to commit a criminal trespass or other criminal offense on the premises of the owner, keeper, or harbinger of the dog.

C.

Defenses.

- 1. It shall be an affirmative defense to a violation of § 92.25(B) that the dog was:
  - a. Securely confined in an automobile or cage which was adequately ventilated.
  - b. Being exhibited at a public dog show, zoo, museum, or public institution.
- 2. No public law enforcement agency or member thereof, or a licensed private law enforcement agency or member thereof, shall be convicted of any violation of this section where the dog is owned by the agency and being utilized for law enforcement purposes.

D.

No person shall own, keep, possess, harbor, maintain, or have the care, custody, or control of a dog within the city when such dog has been ordered by a court to be banned from the city or destroyed.

E.

Any person owning, keeping, possessing, harboring, maintaining, or having the care, custody, or control of a Pit Bull, Canary Dog or American Bulldog or vicious dog shall:

- 1. Identify the dog by having the dog wear, at all times, a fluorescent green collar available upon payment of a fee, from Customer Service;
- 2.

Post on the premises, in a conspicuous place where the dog is kept, at least one city-issued warning sign available, upon payment of a fee, from Customer Service. The sign shall be visible and capable of being read from the public highway or street;

3.

Identify the dog by having the dog tattooed with a code number provided by the Customer Service Division;

4.

Notify the Customer Service Division within twenty-four hours if the Pit Bull, Canary Dog or American Bulldog or vicious dog has died or has been sold or donated, and provide the Customer Service Division with the name, address, and telephone number of the new owner;

5.

Keep the dog secured at all times by one of the following means:

a.

Keep the dog inside the owner's home;

b.

Keep the dog in a locked enclosure which has a top, and has a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches;

c.

Keep the dog muzzled and on a chain-link leash that is not more than six feet in length which is held in the hand of a person who is of suitable age and discretion and is outside with the dog.

6.

Pay a fee and annually, between January 2 and January 20, and whenever a dog is newly obtained, register the dog with the Customer Service Division; at the time of registration provide proof of liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than fifty thousand dollars because of damage or bodily injury to or death of a person caused by the dog and shall provide a certificate of insurance to Customer Service at the time the collar required by [§ 92.25\(E\)\(1\)](#) is obtained;

7.

Ensure that the dog does not go unconfined on the premises of another or be at large within the city;

8.

Annually license the dog, if the dog is more than three months of age, with the County Auditor. Failure of any dog at any time to wear a valid license tag shall be prima facie evidence of lack of licensing;

9.

Vaccinate the dog against rabies by a licensed veterinarian at least once every three years; a tag indicating that said dog has been vaccinated against rabies must be worn by the dog at all times. Failure of any dog at any time to wear the rabies vaccination tag issued by the licensed veterinarian who administered the vaccine shall be prima facie evidence of the dog's lack of vaccination against rabies;

10.

Provide two color photos of the dog to Customer Service at the time the collar required by § 92.25(E)(1) is obtained. Provide one color photo of dog showing the tattoo number after the dog has been tattooed.

F.

In order to prevent annoyance or injuries to the public health, safety, repose or comfort, subsections B, D, and E of this section are strict liability offenses.

*(Ord. 614-2003; Ord. 722-1999; Ord. 132-1998; Ord. 23-1994; Ord. 87-1991; Ord. 30-1991; Ord. 656-1989; Ord. 294-1989; Ord. 33-1989; Ord. 763-1987)*

## **92.26 Seizure.**

A.

In the event that an animal warden or law enforcement agent has probable cause to believe that a vicious dog is being harbored or cared for in violation of this chapter, or that a pit bull is being harbored or cared for in a manner that violates § 92.25(E), the warden or agent may petition a court of competent jurisdiction to order the seizure and impoundment of the vicious dog or pit bull pending trial.

B.

In the event that a warden or agent has probable cause to believe that a vicious dog is running at large, then the warden or agent may seize and impound the dog without seeking prior court order.

C.

Nothing within this section shall be construed to limit the authority of the warden or his deputy from otherwise seizing any animal maintained in violation of this code which presents an immediate risk of physical harm to any person or property.