

ORDINANCE NO.: 74 -2015
INTRODUCED BY: Mayor Roche

AN ORDINANCE TO AMEND SECTIONS 505.17 AND 505.20 OF THE
CODIFIED ORDINANCES OF THE CITY OF RICHMOND HEIGHTS, OHIO,
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Richmond Heights, Ohio desires to maintain the health, safety, and welfare of its residents by regulating the ownership and control of dogs, irrespective of breed, as held by the Ohio Supreme Court; and

WHEREAS, the City's ordinances need to be amended to be in compliance with Ohio Supreme Court precedent and recently revised state law.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1. Section 505.17 of the General Offenses Code of the Codified Ordinances of the City of Richmond Heights is amended to read as follows:

505.17 VICIOUS DOGS.

(a) Definitions:

(1) Any dog with a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of humans or domestic animals;

(2) As the term is used in this section, "vicious" dog means:

A. Any dog which has been judicially or administratively determined, pursuant to Section 505.20, to have a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or

B. Any dog which has been judicially or administratively determined, pursuant to Section 505.20, to have attacked a human being or other domestic animal; or

C. Any pit bull terrier, which shall be herein defined as any Terrier breed of dog or any mixed breed of dog which contains 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.

(3) A vicious dog is "unconfined", as the term is used in this section, if such dog is not confined on the premises of the person described in subsection (e) hereof as follows:

A. If the dog is outside, it must be in a securely enclosed pen or dog run area which has secure sides and a secure top attached to all sides, and which has a secure floor or bottom attached to all sides of the pen or which is embedded in the ground no less than two (2) feet. Such pen or dog run area shall be locked with a key or combination lock at all times when the animal is within the structure.

— B. If the dog is inside, it may not be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure. A vicious dog may not be kept on a patio, porch or in any part of a house or structure which would allow the animal to exit the building on its own volition, whether or not such dog is on a chain or leash.

— (b) No person owning or harboring or having the care or custody of a vicious dog shall permit such dog to go unconfined on the premises of such person.

— (c) No person owning or harboring or having the care of a vicious dog shall permit such dog to go beyond the premises of such person unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

— (d) No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to unprovoked attacks upon humans or domestic animals.

— (e) No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the City any vicious dog.

— (f) Any person owning or harboring or having the care or control of any vicious dog shall maintain a policy of insurance in an amount not less than two hundred thousand dollars (\$200,000) for each occurrence and insuring such person against any claim, loss, damage or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the vicious dog. Such person shall produce evidence of such insurance upon the request of a law enforcement officer.

— (g) In the event that a law enforcement officer has probable cause to believe that a vicious dog is being harbored or cared for in violation of subsections (b), (d), (e) or (f) hereof, the law enforcement officer may petition a court of competent jurisdiction to order the seizure and impoundment of the vicious dog pending trial. In the event that a law enforcement officer has probable cause to believe that a vicious dog has gone beyond the premises of a person owning, harboring, or having the care or control of the dog, in violation of subsection (c) hereof, the law enforcement officer may seize and impound the vicious dog pending trial.

— (h) No person shall own, harbor, care for, or control a vicious dog within the City until such dog has been registered at the Division of Police on such form(s) as prescribed by the Chief of Police. Persons owning, harboring, caring for or controlling a vicious dog upon the effective date of this section, shall register such dog with the Division of Police within sixty days of the effective date of this provision.

— (i) Penalty.

— (1) Whoever violates any provision of this section, other than subsection (h) herein, shall be guilty of a misdemeanor of the first degree. Whoever violates subsection (h) herein shall be guilty of a misdemeanor of the fourth degree and shall be required to comply with the requirements of subsection (h).

— (2) Whoever is found guilty of any subsequent offense of violating this section shall be guilty of a misdemeanor of the first degree and shall be fined one

~~thousand dollars (\$1,000), which fine shall be mandatory and shall not be suspended or remitted.~~

~~(3) Any vicious dog which attacks a human or domestic animal may be ordered destroyed when, in the court's judgment, such vicious dog represents a continuing threat of serious harm to humans and domestic animals.~~

~~(4) Any person found guilty of violating this Section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expense as may be required for the destruction of any such dog.~~

505.17 NUISANCE, DANGEROUS AND VICIOUS DOGS; PENALTIES.

(a) As used in this section:

(1)(A) "Dangerous dog" means a dog that, without provocation, and subject to subsection (B), 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 Section 505.17(b).

(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.

(2) "Menacing fashion" means a dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3)(A) "Nuisance dog" means, subject to subsection (B), a dog that without provocation and while off the premises of its owner, keeper, or harborer has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

(B) "Nuisance dog" does not include a police dog that, while being used to assist one or more law enforcement officers in the performance of official duties, has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

(4) "Police dog" means 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.

(5) "Serious injury" means 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.

(6)(A) "Vicious dog" means a dog that, without provocation and subject to subsection (B), has killed or caused serious injury to any person. "Vicious dog" does not include either of the following:

(B)(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 harborer of the dog.

(7) "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) Dogs at Large.

(1) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of any dog shall fail at any time to do either of the following:

(A) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harborer by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

(B) Keep the dog under the reasonable control of some person.

(c) Dangerous Dogs Regulations. Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of a dangerous dog shall fail to do the following:

(1) While the dog is on the premises of the owner, keeper, or harborer, securely confine it at all times in a locked pen that has a top.

(2) While the dog is off the premises of the owner, keeper, or harborer, 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 such a person in close enough proximity to that dog so as to prevent it from causing injury to any person; or muzzle that dog.

(d) Prohibited Acts. No person who has been convicted of or pleaded guilty to three or more violations of Section 505.17(b) involving the same dog and no owner, keeper, or harborer of a dangerous dog shall fail to do the following:

(1) 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;

(2) Obtain a dangerous dog registration certificate from the county auditor pursuant to Section 505.17(h), 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;

(3) Notify the local dog warden immediately if any of the following occurs:

- (A) The dog is loose or unconfined.
- (B) 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.
- (C) The dog attacks another animal while the dog is off the property of the owner of the dog.

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

(e) Debarking. No person shall do any of the following:

- (1) Debark or surgically silence a dog that the person knows or has reason to believe is a dangerous dog;
- (2) Possess a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;
- (3) Falsely attest on a waiver form provided by the veterinarian under Section 505.17(f) that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(f) Veterinarian waiver. 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:

- (1) The veterinarian's license number and current business address;
- (2) The number of the license of the dog if the dog is licensed;
- (3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;
- (4) The signature of the owner of the dog attesting that the owner's dog is not a dangerous dog;
- (5) A statement that R.C. § 955.22(F) prohibits any person from doing any of the following:
 - (A) Debarking or surgically silencing a dog that the person knows or has reason to believe is a dangerous dog;
 - (B) Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;
 - (C) 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.

(g) Defense to Debarking. It is an affirmative defense to a charge of a violation of Section 505.17(e) that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver for that

complies with Section 505.17(f) and that attests that the dog is not a dangerous dog.

(h)(1) Dangerous Dog Registration. The County Auditor 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:

- (A) A fee of \$50;
- (B) The person's address, phone number, and other appropriate means for the local dog warden or County Auditor to contact the person;
- (C) With respect to the person and the dog for which the registration is sought, all of the following:
 - (i) 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;
 - (ii) Either satisfactory evidence of the fact that the dog has been neutered or payed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;
 - (iii) Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

(2) Upon the issuance of the dangerous dog registration certificate to the owner of a dog, the County Auditor 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 Section 505.17(h)(3)(B) and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

(3) Obligations Upon Relocation.

(A) 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 within ten days of relocating to the new address.

(B) 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:

- (i) Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the County Auditor of the new county;
- (ii) Provide written notice of the new address to the County Auditor of the county where the owner previously resided.

(4) 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.

(i) Sales and Transfers.

(1) 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. 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 five dollars.

(2) 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.

(3) Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous dog, the seller or other transferor shall give to the buyer or other 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:

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

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

- (i) "Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."
- (ii) "Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."
- (iii) "Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

(4) No seller or other transferor of a dog shall fail to comply with the applicable requirements of Sections 505.17(i)(1) to (3).

(j) Penalties

(1) Whoever violates Section 505.17(i)(4) because of a failure to comply with Section 505.17 (i)(1) is guilty of a minor misdemeanor.

(2) Whoever violates Section 505.17 (i)(4) because of a failure to comply with Section 505.17(i)(2) or (3) is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(3)

(A) Whoever violates section R.C. § 955.21, R.C. § 955.22(B), or commits a violation of Section 505.17(b) that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense,

and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

(B) In addition to the penalties prescribed in Section 505.17(j)(3)(A), if the offender is guilty of a violation of R.C. § 955.22(B) or a violation of Section 505.17(b) 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.

(4)

(A) Whoever commits a violation of Section 505.17(b) that involves a nuisance dog is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of Section 505.17(b) 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 Section 505.17(j)(4)(A), if a violation of Section 505.17(b) 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.

(C) Whoever commits a violation of Section 505.17(b) that involves a dangerous dog or a violation of Section 505.17(c) is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree 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 Section 505.17(d)(1). 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 Section 505.17(b) 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 Section 505.17(c) or at the county dog pound at the owner's expense.

(5)

(A) Whoever commits a violation of Section 505.17(b) that involves a vicious dog is guilty of one of the following:

(1) A felony of the fourth degree if the dog kills 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 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 Section 505.17(j)(5)(A)(2), the court shall issue an order that specifies that Section 505.17(c) and Sections 505.17(c) to (i) apply with respect to the dog and the owner, keeper, or harborer of the dog as if the dog were a dangerous dog and that R.C. § 955.54 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 Section 505.17(d)(1) in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand dollars. Until the court makes a final determination and during the pendency of any appeal of a violation of Section 505.17(b) and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions described in Section 505.17(c) or at the county dog pound at the owner's expense.

(6) Whoever violates R.C. § 955.01(A)(2) is guilty of a misdemeanor of the first degree.

(7) Whoever violates Section 505.17(d)(2) is guilty of a misdemeanor of the fourth degree.

(8) Whoever violates Sections 505.17(e) is guilty of a felony of the fourth degree. 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 Sections 505.17(e) and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions of Section 505.17(c) or at the county dog pound at the owner's expense.

(9) Whoever violates Sections 505.17(d)(1), (3), or (4) is guilty of a minor misdemeanor.

(10) Whoever violates Section 505.17(h)(4) is guilty of a minor misdemeanor.

Section 2. Section 505.20 of the General Offenses Code of the Codified Ordinances of the City of Richmond Heights is amended to read as follows:

505.20 DESIGNATION OF DOG AS "VICIOUS"; APPEAL.

~~(a) A dog may be determined to be "vicious", as defined in subsections (1)A. and B. of subsections 505.17(a), and thus subject to the requirements of Section 505.17, in one of the two following ways:~~

~~(1) A court of competent jurisdiction may declare the dog to be vicious in an independent or related civil or criminal proceeding; or~~

~~(2) The Chief of Police or his designee may provide written notice to the owner or other person harboring or having care or control of the dog that the Chief of Police or his designee has determined the dog to be vicious. Such notice shall be given by personal service, ordinary mail, or by posting on the property at which the person resides. Any person aggrieved by the order of the Chief of Police or his designee hereunder may appeal such order in writing to the~~

~~Richmond Heights Zoning Board of Appeals, which decision shall be the final decision of the City. Such appeal shall be filed within five (5) working days of the date of notice, and heard within twenty (20) working days of the date the appeal is filed. The filing of a notice of appeal hereunder shall stay the requirements of Section 505.17, but shall not preclude the Chief of Police or his designee or the Cuyahoga County Board of Health from impounding the dog if otherwise permitted by this chapter or other provision of law and shall not in any way relieve the owner or other person harboring or having care or control of the dog from civil or criminal liability for injury or damage caused by the dog or for violations of provisions of this chapter other than Section 505.17.~~

~~—(b) The provisions of this section are not applicable to dogs classified as vicious pursuant to the provisions of subsection (a)(1)C. of Section 505.17.~~

505.20 DESIGNATION OF DOG AS NUISANCE, DANGEROUS, OR VICIOUS; HEARING AND APPEAL

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

(2) If the Chief of Police or his designee has reasonable cause to believe that a dog in the City of Richmond Heights is a nuisance dog, dangerous dog, or vicious dog, the Chief or his designee shall notify the owner, keeper, or harborer of that dog, by certified mail or in person, of both of the following:

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

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

(3) If the owner, keeper, or harborer 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 harborer, 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 that has territorial jurisdiction over the residence of the dog's owner, keeper, or harborer. 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 harborer 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 harborer or an attorney representing the owner, keeper, or harborer, 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 harborer 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 Section 505.17(c) that applies 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 harborer 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 section, or on appeal as described in this section, to be a vicious dog, Section 505.17(i) and Section 505.17(c) to (i) apply with respect to the dog and the owner, keeper, or harborer of the dog as if the dog were a dangerous dog, and R.C. § 955.54 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 harborer in that manner. As part of the order, the court shall require the owner, keeper, or harborer to obtain the liability insurance required under Section 505.17(d)(1) in an amount described in Section 505.17(j)(5)(B).

(6) As used in this section, "nuisance dog", "dangerous dog", and "vicious dog" have the same meanings as in R.C. § 955.11 and Section 505.17.

SECTION 3. Existing Sections 505.17 and 505.20, and any and all ordinances or parts thereof in conflict herewith are repealed.

SECTION 4. It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

A. **SECTION 5.** This Ordinance is declared to be an emergency measure necessary for the preservation of the public health, safety and general welfare of the citizens of the City of Richmond Heights, and for the further reason that it is necessary to protect the public from nuisance, dangerous, and vicious dogs in compliance with the law of Ohio; wherefore, this Ordinance shall take effect and be in force immediately upon its passage by Council and its signature by the Mayor.

PASSED: _____

David H. Roche, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council

