

**ORDINANCE NO. 181-2007**

**TITLE: AMENDING BARBERTON CODIFIED ORDINANCES  
SECTION 618.19, "DANGEROUS DOGS"**

**AN ORDINANCE AMENDING SECTION 618.19, "DANGEROUS DOGS," OF THE BARBERTON CODIFIED ORDINANCES, TO ENACT A BAN OF PIT BULL DOGS AND IMPOSING CERTAIN CONDITIONS AND EXCEPTIONS FOR ANY CONTINUED OWNERSHIP OF A PIT BULL WITHIN CITY LIMITS, AND DECLARING AN EMERGENCY.**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1:** That Section 618.19, "Dangerous Dogs," of the Barberton Codified Ordinances, shall hereby be amended by adding sub-sections k, l, and m, and be so noted in **bold print** as follows:

**618.19 DANGEROUS DOGS.**

(a) As used in this section, "dangerous dog" means and includes:

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

(2) Any dog which attacks a human being or domestic animal without provocation; or

(3) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

(4) The term "dangerous dog" shall include Pit Bull Terriers. The term "Pit Bull Terrier" is hereby defined as any Staffordshire Bull Terrier breed of dog, any American Staffordshire breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

No dog shall be deemed dangerous if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.

(b) No person owning, harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on the premises of such person. A dangerous dog is "unconfined" if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of such person. Such open or dog run area must have either a secure top or sides that are at least six feet high. If the pen or structure has no bottom secured to the sides, or if a dog is a type which burrows, the sides must be imbedded into the ground not less than one foot. Such pen or structure shall be set back at least four feet from any adjacent property line. Such structure shall be clearly marked with a sign containing the words "Dangerous Dog." Further, a sign shall also be placed on the premises where the pen or structure is located so as to be clearly legible from the public street or sidewalk adjacent to the premises, indicating that a dangerous dog is located on said premises.

(c) No person owning, harboring or having the care or custody of a dangerous dog shall suffer or 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 human beings or domestic animals.

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

(f) Any person owning, harboring or having the care or custody of any dangerous dog shall maintain a policy of insurance in an amount not less than one hundred thousand dollars (\$100,000) insuring such person against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts of the dangerous dog. Such person shall file a copy of such insurance policy with the Police Division.

(g) If a law enforcement agent has probable cause to believe that a dangerous dog is being harbored or cared for in violation of divisions (b), (c) or (d) of this section, the law enforcement agent may petition a court of competent jurisdiction to order the seizure and impoundment of the dangerous dog pending trial. If a law enforcement agent has probable cause to believe that a dangerous dog is being harbored or housed in violation of division (c) or (d) of this section, the law enforcement agent may seize and impound the dangerous dog pending trial.

(h) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. For a second offense, whoever violates any of the provisions of this section is 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, and may be imprisoned for not more than six months.

(i) Any dangerous dog which attacks a human being or another domestic animal may be ordered destroyed when, in the court's judgment, such dangerous dog represents a continuing threat of serious harm to human beings or domestic animals.

(j) Any person found guilty of violating this section shall pay all expenses, including shelter, food 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 such dog.

**(k) No Pit Bull Terrier, as it is defined in subsection (a) of the within ordinance, shall be kept, stored, harbored, maintained, owned and/or housed within the city limits unless all of the following conditions are met as approved by the City Safety Director:**

**(1) Anyone owning, harboring, or having the care or custody of a Pit Bull Terrier shall have registered the dog or dogs with the County of Summit, State of Ohio, no later than the effective date of the within ordinance and written verification of the same is provided to police upon request and kept on file with the City;**

**(2) The owner has never been convicted anywhere with keeping a dangerous dog, or some other similar law and the dog has never been declared by a court to be a dangerous dog;**

**(3) The owner has never been convicted more than twice for dog at large and/or any other "leash law" type violation;**

**(4) The owner has never been convicted of cruelty to animals and/or any similar offense;**

**(5) The pit bull or pit bulls have been spayed/neutered as of the effective date of the ordinance and written verification of the same is provided to police upon request and kept on file with the City;**

**(6) The dog owner does not currently owe the City of Barberton any other outstanding fines or penalties;**

**(7) The dog owner has properly insured the dog per the requirements of the within ordinance and has provided the City with proof of same pursuant to this current ordinance governing pit bull ownership;**

**(8) The dog has had a scannable microchip implanted so as to permit verifiable identification and/or tracking by City officials. Such microchip implant must be obtained at the owner's cost and verification that same has been obtained must be kept on file with the City;**

**(9) The dog owner has complied with this ordinance with respect to any and all of its other provisions including, but not limited to, any requirements regarding the proper enclosure and restraint of dogs;**

**(l) For purposes of subsection (k), the term "owner" is hereby defined to include any individual and/or entity who is temporarily in custody and/or possession of a pit bull.**

**(m) Subsections (k) and (l) shall take effect on February 1, 2008.**

**SECTION 2:** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

**SECTION 3:** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Barberton and the inhabitants thereof, for the reason that it is necessary for immediate preservation of the safety of the inhabitants of the City, and provided it receives the necessary votes required by the City Charter, and it shall, therefore, be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2007

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved \_\_\_\_\_ 2007

\_\_\_\_\_  
Mayor