
**PART SIX - GENERAL OFFENSES CODE / CHAPTER 618 Animals / 618.18
DANGEROUS ANIMALS.**

618.18 DANGEROUS ANIMALS.

(a) As used in this section "dangerous animal" means and includes any mammal, amphibian, reptile or fowl which is of a species which is wild by nature, and of a species which, due to its size, vicious nature or other characteristic, is dangerous to human beings. Such animals include, but are not limited to, lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species whose average adult weight is twenty pounds or more, foxes, elephants, rhinoceroses, alligators, crocodiles and all forms of venomous, poisonous or constricting reptiles. "Dangerous animal" does not include gerbils, hamsters, guinea pigs, mice or rabbits.

(b) No person shall possess, keep or maintain a dangerous animal in the City.

(c) The provisions of this section shall not apply to the keeping of dangerous animals in the following cases:

(1) The keeping of such animals in zoos, bona fide education or medical institutions, museums or any other place where they are kept as live specimens for the public view or for the purpose of instruction or study;

(2) The keeping of such animals for exhibition to the public by a circus, carnival or other exhibit or show;

(3) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment; or

(4) The keeping and offering for sale of such animals by a bona fide commercial pet shop establishment.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.
(Ord. 107-1981. Passed 7-13-81.)

**PART SIX - GENERAL OFFENSES CODE / CHAPTER 618 Animals / 618.19
DANGEROUS DOGS.**

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 pen 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 subsection (b), (c) or (d) hereof, 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 subsection (c) or (d) hereof, 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.
(Ord. 113-1987. Passed 4-13-87; Ord 115-1989. Passed 7-10-89.)

618.13 BARKING DOGS.

(a) No person shall keep, harbor or maintain, within the City, any dog which, by loud, frequent or habitual barking, yelping or howling, disturbs the peaceful living of any person or makes such a noise as is likely to cause inconvenience or annoyance to persons of ordinary sensibilities.

(b) It is prima-facie unlawful, during any hours of the day, for a person to keep, harbor or maintain a dog that barks, howls or yelps for more than ten minutes substantially uninterrupted in an area zoned residential under the Barberton Zoning Code, or any amendments thereto, or in a commercial area adjacent to said residential area.

(c) None of the provisions of subsections (a) and (b) hereof shall apply to owners, operators or employees of duly licensed veterinary hospitals; owners, operators or employees of duly licensed kennels or animal boarding establishments; and blind persons when the dog serves as a guide or leader.

(d) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense and shall be subject to the penalty provided in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 46-1992. Passed 4-27-92.)

BARKING DOG COMPLAINT FORM

DOG OWNER'S NAME: _____

ADDRESS: _____ PHONE: _____

IDENTIFICATION/DESCRIPTION OF DOG: _____

NEIGHBORS WHO CAN ALSO VERIFY COMPLAINT

NAME: _____ ADDRESS: _____

PHONE: _____

NAME: _____ ADDRESS: _____

PHONE: _____

BARKING OCCURRED:

DATE	TIME	DURATION	LOCATION
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

YOUR NAME: _____

ADDRESS: _____

PHONE: _____

AFTER YOU HAVE COMPLETED THE ABOVE INFORMATION, CONTACT THE BARBERTON PROSECUTOR'S OFFICE AT 848-6728 FOR AN APPOINTMENT. THIS FORM IS FURNISHED TO YOU FOR YOUR CONVENIENCE BY THE BARBERTON POLICE DEPARTMENT. IF WE CAN BE OF FURTHER ASSISTANCE, PLEASE CONTACT US AT 745-2181.