

If the animal dies before the hearing, the farmer will be awarded the fair market value of the animal on the date in which it received its death/ injury not to exceed \$500. Funds shall be paid by voucher five days after the approval of the county commissioners has been entered. If the owner of the animal does not agree with the valuation of the animal by the county commissioners, an appeal can be filed in the probate court within 30 days after the determination by the county commissioners has been made. No more than three witnesses may be called by either party and the court shall make a final determination as to the fair market value of the animal. That value shall not exceed \$500 dollars per animal or the uninsured amount of the loss or injury.

If a farmer owns or harbors an unregistered dog on the date of the injury or death of their animal(s) by a trespassing dog, the farmer may not recover funds from the Dog and Kennel Fund.

### **Injuries or Deaths by Coyotes**



If the owner of an animal believes that its death or injury was caused by a coyote and that the fair market value of the animal is \$25 dollars or greater, the owner should do the following within 72 hours after the loss or injury has been discovered:

1. Notify the dog warden by telephone, and
2. Photograph the injuries sustained by the animal

The dog warden will then investigate the claim to determine if the injuries or death were caused by a predator. If the dog warden feels that the injuries were made by a predator, then the evidence is sent to the local wildlife officer for investigation. If the claim is approved by the dog warden and supported by the wildlife officer, the Department of Agriculture will hear the owner's case.

The owner of the animal will then need to fill out a report of indemnification. This must be filled out in quadruplicate. Upon request, the dog warden will assist the animal owner in filling out the form. Within 30 days of discovery of the injury or death, the owner must submit all evidence of injury along with the indemnification forms to the Ohio Department of Agriculture. Copies of

this form must be sent to the dog warden and wildlife officer as well. The department will allow or disallow the claim based on the evidence provided. If the claim is allowed, the department will make a final determination regarding the fair market value of the animal that was injured or killed. The funds will not be paid for those animals covered by insurance or to owners who have received \$500 or more in the previous year from this fund. If a farmer disagrees with the fair market value assessed by the Ohio Department of Agriculture, they can appeal the decision as set forth in Ohio Revised Code section 955.51 - 955.53.

*This brochure is meant to be an educational tool and should not be perceived as legal advice. If you feel that you need more information regarding an incident involving Ohio's dog laws, please contact an attorney.*

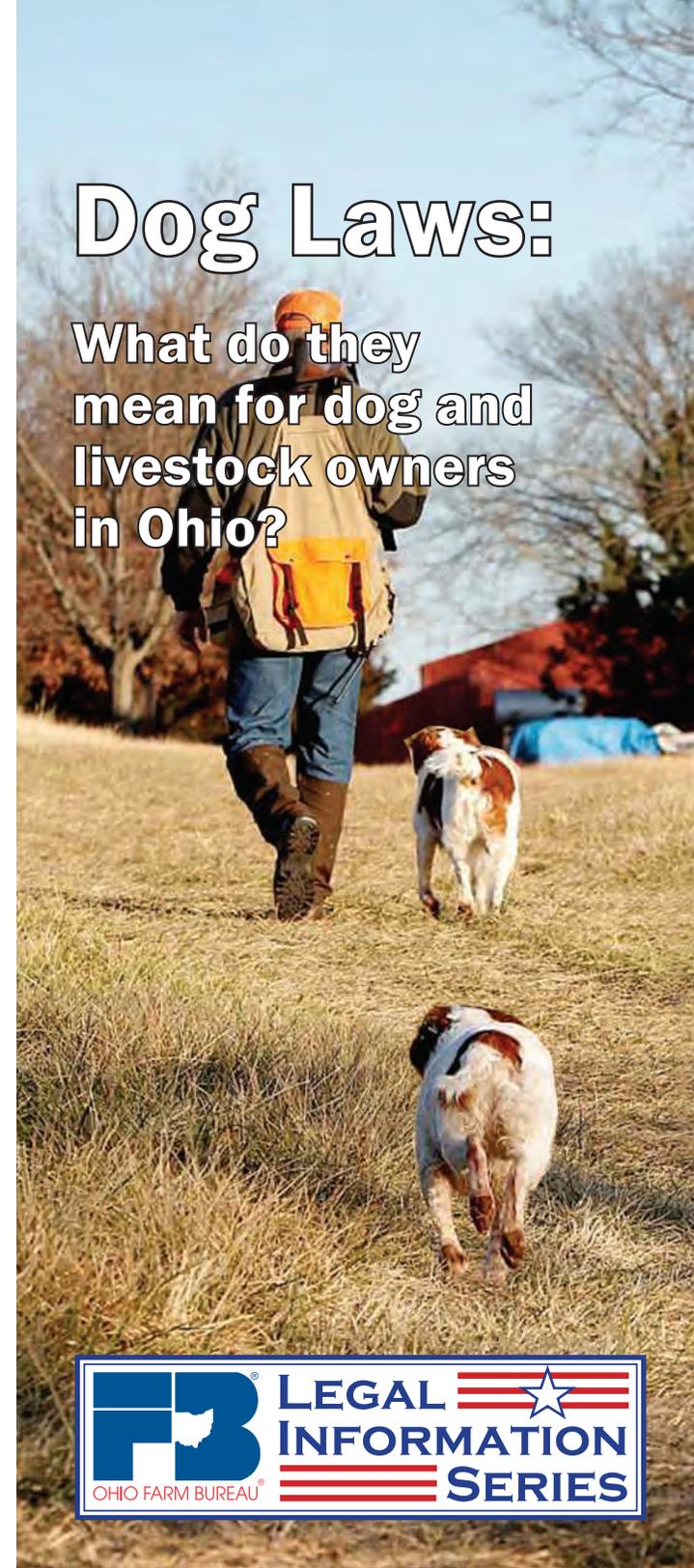
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*Other Resources:*  
**For more information, contact your local dog warden, county commissioners, or the Ohio Department of Agriculture regarding dog laws, the Dog and Kennel Fund, and Coyote claims respectively.**



# Dog Laws:

## What do they mean for dog and livestock owners in Ohio?



## Requirements for all Dogs

Every dog over three months of age is to be licensed. No dog shall be harbored, kept or owned without displaying a current and valid dog registration tag from the county where the dog is kept.

Every dog is to be confined to the owner's property or under control of the owner. This means no owner, keeper or harborer of any dog shall fail to keep it either physically confined upon the premises by a leash, tether, adequate fence, or secure enclosure to prevent escape or under reasonable control of some person. Dogs lawfully engaged in hunting are exempt.

A dog owner whose dog runs loose on property, either public or private, is subject to a fine.

The penalty for a first offense is a mandatory \$25 - \$100 fine plus court costs. Each subsequent offense has a mandatory \$75 - \$250 fine plus court costs and the owner may be imprisoned up to 30 days. The courts may also order the dog owner to personally supervise the dog and/or the dog to complete obedience training.

Counties, townships, and municipalities can enact ordinances that focus on control of dogs. Those regulations may be stricter than the Ohio Revised Code but they cannot conflict with any regulation set forth in the Ohio Revised Code.



## Additional Requirements for Dangerous or Vicious Dogs

**A dangerous dog is defined as:** any dog that has attempted to bite or approach in a menacing fashion or endanger a person while the dog is:

1. Off the owner's property and not under reasonable control of the owner or a responsible person, or
2. Not physically restrained in a locked enclosure (with top), locked fence, chain, etc.

**Penalties for offenses related to dangerous dogs include:**

- a. Fourth degree misdemeanor for a first offense;
- b. Third degree misdemeanor on each subsequent offense;
- c. The courts may also order the dog to be personally supervised and/or the dog to complete obedience training. The courts may also require the owner to

obtain \$50,000 liability insurance on the dog or the dog to be humanely destroyed.

**A vicious dog is defined as:**

1. Any dog that has killed or caused serious injury to any person.
2. Any dog that has caused injury to any person or has killed another dog.
3. Any dog that belongs to a breed commonly known as a pit bull dog.

**Penalties for offenses related to vicious dogs include:**

- a. If the dog is a vicious dog that has killed or caused serious injury to any person, the penalty is a fourth degree felony and the court shall order the dog to be humanely destroyed.
- b. If the dog is a vicious dog and has caused injury to a person or killed another dog, the penalty is a first degree misdemeanor for the first offense and a fourth degree felony for each subsequent offense.

All owners of vicious dogs are required to obtain \$100,000 in liability insurance.

Counties, townships, and municipalities can enact ordinances that focus on control of dangerous and vicious dogs. Those regulations may be stricter than the Ohio Revised Code but they cannot conflict with any regulation set forth in the Ohio Revised Code.

*NOTE: Dangerous and vicious dogs are exempt from criminal penalty if it can be proven that the dog was teased, tormented, abused or defending a person not involved in an illegal activity, a criminal offense on the property of another, or trespassing. Police dogs being used to assist law enforcement officers in the performance of their official duties are exempt as well as dogs lawfully engaged in hunting and accompanied by a licensed hunter.*

## Transfer of Ownership of Dogs

Prior to the transfer of dog ownership or possession, all behavioral propensities of the dog shall be described in a written notice as requested. Within 10 days after the transfer of ownership or possession of a dangerous/vicious dog, the seller/transferor shall give written notice to the dog warden, Health Department, and buyer (in the county where the buyer/transferee resides) by completing the form supplied by the dog warden. Failure to do so is a violation of the law. The penalty for a violation of this law is a minor misdemeanor for a first offense and a fourth degree misdemeanor for each subsequent offense.

## Dogs and Livestock

If a dog chases, threatens, harasses, injures, or kills livestock, poultry, or other domestic animals, it can be killed at the time of that chasing, approaching, threatening, harassment, or attempt at killing or injuring. A landowner can only shoot the dog if it is engaged in the acts stated above. Once a dog has retreated or is running off of or away from the property, a landowner has no right by law to shoot. If a person legally shoots and injures a dog that violates these rules, that person is not liable for injuries to the dog.

## Dog and Kennel Fund Claims

Part of the annual registration fees paid by dog owners within a county goes toward the Dog and Kennel Fund. This money is used to help pay for injuries or loss of animals that are harmed by trespassing dogs. In the event that an animal with a fair market value of more than \$10 has been injured or killed by a trespassing dog, the injury or loss should be reported to the county commissioners or local dog warden no more than three days after the death or injury occurred.

Once the incident is reported, the local dog warden will go to the farm to investigate the injury or death. The owner of the animal will provide the investigator with the kind, grade, quality, and assessed fair market value of the animal, the nature and extent of the injury, and identify the place where the injury or loss occurred. If at the end of the investigation the warden finds all of the owner's statements to be true and agrees with the fair market value presented, the warden will certify the record and send it to the county commissioners. If the dog warden does not agree with the owner's statements or does not agree with the fair market value assessment, the record will not be certified. The farmer then has the right to challenge the dog warden's ruling and be heard by the county commissioners. Two witnesses to the attack will be needed to testify or provide statements that support the farmer's claim.

The county commissioners, at their next regular meeting after the claims have been certified or appealed, will hear the evidence presented. They will award an amount no greater than \$500 per animal to farmers with certified claims or farmers whose appeals they find substantiated.

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