

Summary for Council

Ordinance No.: 605-2026

Legislative Purpose: To repeal all sections in Chapter 604 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended by various ordinances, relating to dogs that pose a threat to Public Safety; and enact new Sections 604.01, 604.02, 604.03, 604.04, 604.05, 604.06, and 604.99 relating to Nuisance, Dangerous and Vicious Dogs

Legislative Summary:

Ordinance No. 605-2026 repeals existing Chapter 604 of the Codified Ordinances of the City of Cleveland, 1976, and replaces it with a new Chapter 604, *Nuisance, Dangerous, and Vicious Dogs*, comprising new Sections 604.01, 604.02, 604.03, 604.04, 604.05, 604.06, and 604.99. The new chapter establishes the operational and legal framework through which the Division of Animal Care and Control will receive complaints regarding dogs that may pose a threat to public safety, refer qualifying information to the Cuyahoga County Dog Warden for investigation and designation under R.C. Chapter 955, impose interim confinement requirements pending final designation, and exercise seizure authority following a serious incident.

This legislation is necessary to align Cleveland's local ordinance framework with House Bill 247 of the 136th General Assembly (Avery's Law), which substantially amended R.C. Chapter 955 effective March 20, 2026. Under R.C. Chapter 955 as amended, statutory authority to designate a dog as a nuisance, dangerous, or vicious dog is vested in the county dog warden or other authorized person under R.C. 955.23. Cleveland Animal Control Officers do not have the authority to independently issue designations under state law. The new chapter resolves this operational gap by establishing a parallel local enforcement scheme that channels referrals to the County Dog Warden while preserving the City's ability to require interim public-safety protections, conduct seizures upon probable cause, impose municipal penalties for noncompliance, and provide due process notice to affected dog owners.

The principal provisions of the ordinance are summarized below:

- **Section 604.01 — Definitions.** Defines key terms including “Animal Control Officer,” “County Dog Warden,” “dangerous dog act,” “nuisance dog act,” “vicious dog act,” “dog owner,” “qualifying information,” and “serious injury.” Definitions are aligned with R.C. 955.01 and R.C. 955.22, as amended, to ensure consistency between municipal and state enforcement.
- **Section 604.02 — Collecting and Submitting Information to the County Dog Warden.** Requires an Animal Control Officer who receives qualifying information to collect relevant evidence and submit it to the Cuyahoga County Dog Warden within thirty (30) days for investigation and potential designation. Requires retention of all submitted information in the files of the Division of Animal Care and Control consistent with the records retention schedule.
- **Section 604.03 — Notice to Dog Owner.** Requires that the dog owner be served with written notice contemporaneously with or promptly following submission of information to the County Dog Warden. Authorizes service by regular U.S. mail to the last known address, personal service, or posting at the primary entrance of the last known address. Specifies the minimum content of the notice, including a citation to the implicated provisions of R.C. Chapter 955, a description of the interim confinement requirements, contact information for the County Dog Warden, and the date of notice.

- **Section 604.04 — Interim Confinement and Restraint Requirements.** Imposes interim confinement and restraint obligations upon the dog owner during the pendency of the County Dog Warden's investigation, mirroring the requirements applicable to dangerous dogs under R.C. 955.22 and R.C. 955.24. Requires secure enclosure on the owner's premises; off-premises restraint by leash not exceeding six (6) feet under direct physical control of a competent handler, with humane muzzling; and prohibits transfer of ownership or possession during the interim period without prior written notification to the Division. Establishes a sixty (60) day default duration, extended automatically pending the conclusion of any court proceeding regarding designation, including any appeal.
- **Section 604.05 — Seizure of Dogs Following Attack; Post-Seizure Procedures.** Establishes seizure authority where an Animal Control Officer has probable cause to believe a dog has committed a nuisance, dangerous, or vicious dog act and either (i) the totality of the circumstances renders continued possession by the owner unsafe, or (ii) the act resulted in the death of or serious injury to a person. Establishes notice procedures for seized dogs, including personal service when the owner is present, mailing or posting when the owner is absent, and posting at the City Kennel where the owner cannot be identified. Coordinates with the ten (10) day post-seizure hearing requirement under R.C. 955.23 and requires the Division to take all reasonable steps to ensure the hearing is timely scheduled. Allocates impoundment costs to the dog owner unless the court determines the dog is not to be designated. Provides limited exemptions for police dogs acting in the performance of official duties, dogs acting in defense of person or property against trespass or other criminal conduct, and conduct determined by the Animal Control Officer to be playful, nonaggressive, or age-appropriate. Includes a controlling-law clause providing that R.C. Chapter 955 governs in the event of any conflict and that this Section is intended to supplement, not supplant, state authority.
- **Section 604.06 — Severability.** Standard severability clause preserving the validity of remaining provisions in the event any portion of Sections 604.01 through 604.05 is declared invalid or preempted by federal or state law.
- **Section 604.99 — Penalties.** Establishes a minor misdemeanor penalty for a first offense violation of the interim confinement requirements following proper notice under Section 604.03, escalating to a misdemeanor of the fourth degree on second or subsequent offenses. Each day of continued violation constitutes a separate offense. Authorizes seizure and impoundment of any dog found in violation of the interim confinement requirements, with associated costs assigned to the dog owner. Penalties under this Section are cumulative with, and not in lieu of, any penalties imposed under R.C. Chapter 955.