



**CITY OF DUBLIN**  
**ADMINISTRATIVE ORDERS**  
**OF THE CITY MANAGER**

<b>ADMINISTRATIVE ORDER 1.26</b>
<b>TO:</b> City of Dublin Employees
<b>FROM:</b> Dana McDaniel, City Manager 
<b>SUBJECT:</b> Dangerous and Vicious Animals
<b>DATE:</b> January 3, 2022
<i>Supersedes and replaces Administrative Order 1.26, dated December 4, 2003 regarding Same Subject.</i>
<b>PROPONENT:</b> Office of City Manager

**1. PURPOSE**

This Administrative Order shall constitute the City's official policy regarding dangerous and vicious animals. In particular, the City is establishing a procedure to declare dogs as dangerous and/or vicious as defined in Section 91.28 of the Dublin Codified Ordinances.

**2. PROCEDURE**

A. Following a complaint to Dublin Non-Emergency Services that a dog has engaged in any activity that would qualify as dangerous and/or vicious as defined in Section 91.28 of the Dublin Codified Ordinances, a hearing shall be held in Dublin Mayor's Court. The owner, keeper, harbinger, or some other responsible person shall receive notice of the hearing by regular and certified mail as explained in Rule 3.5 Private Complaints of Dublin Mayor's Court Rules. Pursuant to Section 91.28 of the Dublin Codified Ordinances, any dog that, without provocation, engages in any of the following activities, shall be considered dangerous and/or vicious:

(1) Without provocation or while that dog is off the premises of its owner, keeper, or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or is not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top, has done any of the following:

(2) Caused injury, other than killing or serious injury, to any person;

(3) Killed another dog;

(4) Been the subject of a third or subsequent violation of division (c) of Section 955.22 of the Ohio Revised Code.

B. At the hearing, there are specific rules to follow in providing evidence contained in the Ohio Rules of Evidence. The principles of the common law of Ohio shall supplement the provisions of these rules, and the rules shall be construed to state the principles of the common law of Ohio unless the rule clearly indicates that a change is intended (Rule 102, Ohio Rules of Evidence) These rules can be complicated. The following, however, are some very basic considerations:

(1) Generally, a person may testify to facts about which she or he has firsthand knowledge. In other words, they can testify about things they actually saw or heard.

(2) A defendant may take the stand to testify on his or her own behalf. A defendant who is not represented by an attorney may testify in narrative form rather than asking themselves questions. If a defendant chooses to take the stand, the prosecutor will be allowed to ask him/her questions regarding their testimony.

(3) Photographs or other physical evidence (such as documents) may be presented to the court but they must be introduced and identified. How and when the evidence was obtained must be explained to the court. The court must also be provided with enough information to determine whether the evidence is what it purports to be and that it accurately represents what it claims to depict.

(4) The court may refuse to hear certain testimony or review certain physical evidence based upon the Ohio Rules of Evidence. While the court will generally explain the reason for its refusal, it will be impossible for the court to fully apprise you of the sum and substance of the evidentiary rules at trial.

C. Following the hearing, the Mayor, Magistrate or their designee shall make a determination that the dog is dangerous and/or vicious. Following this determination, any owner, keeper, harbinger, or some other responsible person, shall be required to abide by all of the requirements set forth in Dublin Codified Ordinances §§ 91.28 and 91.29.

D. Any owner, keeper, harbinger, or some other responsible person of a dog that has been declared to be dangerous and/or vicious as defined in Section 91.28 of the Dublin Codified Ordinances may appeal to the City Manager or their designee. A defendant shall have ten (10) days from the date of initial determination that the dog is dangerous and vicious. The owner, keeper, harbinger, or some other responsible person

shall receive notice of the appeal hearing by regular and certified mail. The appeal shall be a de novo review, where evidence and/or testimony must be produced that the dog engaged in activity that would qualify as dangerous and/or vicious as set forth above. The owner, keeper, harborer, or some other responsible person may produce evidence or testimony that the dog does not meet the above listed criteria.

### **3. CONCLUSION**

The City of Dublin has a responsibility to protect its residents and visitors from dangerous and vicious dogs. Accordingly, any dog that has been declared dangerous and/or vicious shall be required to abide by all the requirements set forth in Dublin Codified Ordinances §§ 91.28 and 91.29. All of the relevant sections regarding dangerous and vicious animals can be found in the Dublin Codified Ordinances. If any questions regarding dangerous and vicious animals arise, the employee or staff member should contact the Law Director's Office for assistance.