

County Council of Cuyahoga County, Ohio

Ordinance No. O2026-0002

Sponsored by: Councilmember Simon	An Ordinance amending Title 14 of the Cuyahoga County Code to establish a code of General Offenses, to prohibit the endangerment of companion animals, and to renumber the existing Cuyahoga County Animal Abuse Registry from Chapter 1401 to Chapter 1403.
Co-sponsored by: Councilmembers Kelly, Turner, Schleper, Sweeney, Gallagher, Conwell, Miller, Casselberry, Houser & Jones	

WHEREAS, Article I, Section 1.01 of the Cuyahoga County Charter authorizes the County to exercise concurrently all powers vested in municipalities by the Ohio Constitution, including the police power under Article XVIII, Section 3 to adopt and enforce local police regulations not in conflict with general law; and

WHEREAS, the confinement of companion animals in unattended motor vehicles during periods of extreme heat or cold poses a serious risk of suffering, injury, and death, and is a matter of legitimate local health, safety, and welfare concern within Cuyahoga County; and

WHEREAS, the County intends to supplement, and not to conflict with, the protections of Chapter 959 of the Ohio Revised Code, and intends that any provision of this Title yield to any directly and irreconcilably conflicting municipal ordinance as provided in Article I, Section 1.02 of the Charter; and

WHEREAS, the County established an Animal Abuse Registry by Ordinance No. O2016-0013 and wishes to recodify and amend that registry, and intends that its registration, adoption-prohibition, and penalty provisions apply only to persons convicted of or pleading guilty to felony animal cruelty on or after the effective date of this Ordinance; and

WHEREAS, establishing a Title 14 General Offenses Code provides an orderly framework for the County's enforcement of its criminal ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Title 14 of the Cuyahoga County Code is hereby amended to read as follows (additions underlined, deletions stricken):

Title 14: **General Offenses**

Chapter 1401: General Provisions and Penalty

Section 1401.01: Definitions

As used in this Title:

A. “Companion animal” has the same meaning as in Section 959.131 of the Ohio Revised Code;

B. “Person” has the same meaning as in Section 2901.01(B)(1)(a) of the Ohio Revised Code;

C. “Serious physical harm” to persons or animals means any of the following:

1. Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;

2. Any physical harm that carries an unnecessary or unjustified substantial risk of death;

3. Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;

4. Any physical harm that involves some permanent disfigurement, or that involves some temporary, serious disfigurement;

5. Any physical harm that involves acute pain of such duration as to result in substantial suffering, or that involves any degree of prolonged intractable pain.

D. “Motor vehicle” has the same meaning as in Section 4511.01(B) of the Ohio Revised Code.

Section 1401.02: Classification of Offenses

As used in this Title:

A. Offenses include misdemeanors of the first, second, third, and fourth degree, minor misdemeanors and offenses not specifically classified.

B. Regardless of the penalty which may be imposed, any offense specifically classified as a misdemeanor is a misdemeanor.

C. Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.

D. Any offense not specifically classified is a minor misdemeanor if the only penalty which may be imposed is a fine not exceeding one hundred dollars (\$100.00).

Section 1401.03: Common Law Offenses Abrogated

A. No conduct constitutes a criminal offense against the County unless it is defined as an offense in the County Code or any other County ordinance.

B. An offense is defined when one or more sections of the County Code state a positive prohibition or enjoin a specific duty, and provide a penalty for violation of such prohibition or failure to meet such duty.

C. This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law to enforce an order, civil judgment or decree.

Section 1401.04: Rules of Construction

A. Except as otherwise provided in subsection (C) hereof, sections of the County Code defining offenses or penalties shall be strictly construed against the County and liberally construed in favor of the accused.

B. Rules of criminal procedure and sections of the Ohio Revised Code providing for criminal procedure shall be construed so as to effect the fair, impartial, speedy and sure administration of justice.

C. Any provision of a section of the County Code that refers to a previous conviction of or plea of guilty to a violation of a section of the County Code or the Ohio Revised Code or of a division of a section of the County Code or Ohio Revised Code shall be construed to also refer to a previous conviction of or plea of guilty to a substantially equivalent offense under an existing or former law of this State, another state, or the United States or under an existing or former County or municipal ordinance.

D. Any provision of the County Code that refers to a section, or to a division of a section, of the County Code that defines or specifies a criminal offense shall be construed to also refer to an existing or former law of this State,

another state, or the United States, to an existing or former municipal or County ordinance, or to an existing or former division of any such existing or former law or ordinance that defines or specifies, or that defined or specified, a substantially equivalent offense.

Section 1401.05: Criminal Law Jurisdiction

A. A person is subject to misdemeanor prosecution and punishment in this County if any of the following occur:

- 1. The person commits an offense under the laws of this County, any element of which takes place in this County.**
- 2. While in this County, the person attempts to commit, or is guilty of complicity in the commission of, an offense in another jurisdiction, which offense is an offense under both the laws of this County or this State and the other jurisdiction, or, while in this County, the person conspires to commit an offense in another jurisdiction, which offense is an offense under both the laws of this County or this State and the other jurisdiction, and a substantial overt act in furtherance of the conspiracy is undertaken in this County by the person or another person involved in the conspiracy, subsequent to the person's entrance into the conspiracy. In any case in which a person attempts to commit, is guilty of complicity in the commission of, or conspires to commit an offense in another jurisdiction as described in this subsection, the person is subject to criminal prosecution and punishment in this County for the attempt, complicity, or conspiracy, and for any resulting offense that is committed or completed in the other jurisdiction.**
- 3. While out of this County, the person conspires or attempts to commit, or is guilty of complicity in the commission of, an offense in this County.**
- 4. While out of this County, the person omits to perform a legal duty imposed by the laws of this County, which omission affects a legitimate interest of the County in protecting, governing or regulating any person, property, thing, transaction or activity in this County.**
- 5. While out of this County, the person unlawfully takes or retains property and subsequently brings any of the unlawfully taken or retained property into this County.**

B. This County includes the land and water within its boundaries and the air space above such land and water, and real property outside the corporate limits, with respect to which this County has either exclusive or concurrent legislative jurisdiction. Where the boundary between this County and another jurisdiction is disputed, the disputed territory is conclusively presumed to be within this County for purposes of this section.

C. When an offense is committed under the laws of this County, and it appears beyond a reasonable doubt that the offense or any element of the offense took place either in this County or in another jurisdiction or jurisdictions, but it cannot reasonably be determined in which it took place, the offense or element is conclusively presumed to have taken place in this County for purposes of this section.

D. When a person is subject to criminal prosecution and punishment in this County for an offense committed or completed outside of this County, the person is subject to all specifications for that offense that would be applicable if the offense had been committed within this County.

E. Any act, conduct, or element that is a basis of a person being subject under this section to criminal prosecution and punishment in this County need not be committed personally by the person as long as it is committed by another person who is in complicity or conspiracy with the person.

F. This section shall be liberally construed, consistent with constitutional limitations, to allow this County the broadest possible jurisdiction over offenses and persons committing offenses in, or affecting, this County.

G. For purposes of subsection (A)(2) of this section, an overt act is substantial when it is of a character that manifests a purpose on the part of the actor that the object of the conspiracy should be completed.

Section 1401.06: Limitation of Criminal Prosecution

A. Except as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

1. For misdemeanor other than a minor misdemeanor, two years;
2. For a minor misdemeanor, six months.

B. If the period of limitation provided in subsection (A) hereof has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by his legal representative who is not himself a party to the offense.

C.

1. If the period of limitation provided in this section has expired, prosecution shall be commenced for the following offenses during the following specified periods of time:

- a. For an offense involving misconduct in office by a public servant at any time while the accused remains a public servant, or within two years thereafter;

b. For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter.

2. As used in this subsection:

a. An "offense is directly related to the misconduct in office of a public servant" includes, but is not limited to, a violation of Ohio Revised Code Sections 101.71, 101.91, 121.61 or 2921.13, division (F) or (H) of Ohio Revised Code Section 102.03, division (A) of Ohio Revised Code Section 2921.02, division (A) or (B) of Ohio Revised Code Section 2921.43, or division (F) or (G) of Ohio Revised Code Section 3517.13, that is directly related to an offense involving misconduct in office of a public servant.

b. For purposes of this Section, "Public servant" has the same meaning as in Section 2921.01(B) of the Ohio Revised Code.

D. An offense is committed when every element of the offense occurs. In the case of an offense of which an element is a continuing course of conduct, the period of limitation does not begin to run until such course of conduct or the accused's accountability for it terminates, whichever occurs first.

E. A prosecution is commenced on the date an indictment is returned or an information filed, or on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation or other process is issued, whichever occurs first. A prosecution is not commenced by the return of an indictment or the filing of an information unless reasonable diligence is exercised to issue and execute process on the same. A prosecution is not commenced upon issuance of a warrant, summons, citation or other process, unless reasonable diligence is exercised to execute the same.

F. The period of limitation shall not run during any time when the corpus delicti remains undiscovered.

G. The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused absented himself from this County or concealed his identity or whereabouts is prima-facie evidence of his purpose to avoid prosecution.

H. The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this State, even though the indictment, information or process that commenced the prosecution is quashed or the proceedings on the indictment, information or process are set aside or reversed on appeal.

I. The period of limitation for a violation of any provision of this General Offenses Code that involves a physical or mental wound, injury, disability or condition of a nature that reasonably indicates abuse or neglect of a child under eighteen years of age or of a child with a developmental disability or physical impairment under twenty-one years of age shall not begin to run until either of the following occurs:

1. The victim of the offense reaches the age of majority.
2. A public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, in the county in which the child resides or in which the abuse or neglect is occurring or has occurred has been notified that abuse or neglect is known, suspected, or believed to have occurred.
3. For purposes of this Section, "peace officer" has the same meaning as in Section 2935.01 of the Ohio Revised Code.

Section 1401.07: Requirements for Criminal Liability

A. Except as provided in subsection (B) hereof, a person is not guilty of an offense unless both of the following apply:

1. The person's liability is based on conduct that includes either a voluntary act, or an omission to perform an act or duty that the person is capable of performing;
2. The person has the requisite degree of culpability for each element as to which a culpable mental state is specified by the language defining the offense.
3. As used in this Section, possession is a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of the possessor's control of the thing possessed for a sufficient time to have ended possession.

B. When the language defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in the section, then culpability is not required for a person to be guilty of the offense. The fact that one subsection of a section plainly indicates a purpose to impose strict liability for an offense defined in that subsection does not by itself plainly indicate a purpose to impose strict criminal liability for an offense defined in other subsections of the section that do not specify a degree of culpability.

C.

1. When language defining an element of an offense that is related to knowledge or intent or to which mens rea could fairly be applied neither specifies culpability nor plainly indicates a purpose to impose strict liability, the element of the offense is established only if a person acts recklessly.

2. Subsection (C)(1) of this section does not relieve the prosecution of the burden of proving the culpable mental state required by any definition incorporated into the offense.

D. Voluntary intoxication may not be taken into consideration in determining the existence of a mental state that is an element of a criminal offense. Voluntary intoxication does not relieve a person of a duty to act if failure to act constitutes a criminal offense. Evidence that a person was voluntarily intoxicated may be admissible to show whether or not the person was physically capable of performing the act with which the person is charged.

E. As used in this Section, "Intoxication" includes, but is not limited to, intoxication resulting from the ingestion of alcohol, a drug, or alcohol and a drug. Reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition, are involuntary acts.

Section 1401.08: Culpable Mental States

A. A person acts purposely when it is the person's specific intention to cause a certain result, or when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is the offender's specific intention to engage in conduct of that nature.

B. A person acts knowingly, regardless of purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person subjectively believes that there is a high probability of its existence and fails to make inquiry or acts with a conscious purpose to avoid learning the fact.

C. A person acts recklessly when, with heedless indifference to the consequences, the person perversely disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person perversely disregards a substantial and unjustifiable risk that such circumstances are likely to exist.

D. A person acts negligently when, because of a substantial lapse from due care, the person fails to perceive or avoid a risk that the person's conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to

circumstances when, because of a substantial lapse from due care, the person fails to perceive or avoid a risk that such circumstances may exist.

E. When the section defining an offense provides that negligence suffices to establish an element thereof, then recklessness, knowledge or purpose is also sufficient culpability for such element. When recklessness suffices to establish an element of an offense, then knowledge or purpose is also sufficient culpability for such element. When knowledge suffices to establish an element of an offense, then purpose is also sufficient culpability for such element.

F. As used in this Section, "culpability" means purpose, knowledge, recklessness or negligence, as defined in Section 2901.22 of the Ohio Revised Code.

Section 1401.09: Attempt

A. No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct that, if successful, would constitute or result in the offense.

B. It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the attempt was either factually or legally impossible under the attendant circumstances, if that offense could have been committed had the attendant circumstances been as the actor believed them to be.

C. No person who is convicted of committing a specific offense or of complicity in the commission of an offense, shall be convicted of an attempt to commit the same offense in violation of this section.

D. It is an affirmative defense to a charge under this section that the actor abandoned the actor's effort to commit the offense or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.

E. Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense is an offense of the same degree as the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt. An attempt to commit any other misdemeanor is a misdemeanor of the next lesser degree than the misdemeanor attempted. In the case of an attempt to commit an offense other than a violation of Ohio Revised Code

Chapter 3734 that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony under the Ohio Revised Code, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. An attempt to commit a minor misdemeanor is not an offense under this section.

F. As used in this section, “drug abuse offense” has the same meaning as in Ohio Revised Code Section 2925.01.

Section 1401.10: Conspiracy

A. No person, with purpose to commit or to promote or facilitate the commission of aggravated murder, murder, kidnapping, abduction, compelling prostitution, promoting prostitution, trafficking in persons, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, engaging in a pattern of corrupt activity, corrupting another with drugs, a felony drug trafficking, manufacturing, processing or possession offense, theft of drugs, or illegal processing of drug documents, the commission of a felony offense of unauthorized use of a vehicle, illegally transmitting multiple commercial electronic mail messages or unauthorized access of a computer in violation of Ohio R.C. 2923.421 or the commission of a violation of any provision of Ohio Revised Code Chapter 3734, other than Ohio Revised Code Section 3734.18, that relates to hazardous wastes, shall do either of the following:

1. With another person or persons, plan or aid in planning the commission of any of the specified offenses;
2. Agree with another person or persons that one or more of them will engage in conduct that facilitates the commission of any of the specified offenses.

B. No person shall be convicted of conspiracy unless a substantial overt act in furtherance of the conspiracy is alleged and proved to have been done by the accused or a person with whom the accused conspired, subsequent to the accused's entrance into the conspiracy. For purposes of this section, an overt act is substantial when it is of a character that manifests a purpose on the part of the actor that the object of the conspiracy should be completed.

C. When the offender knows or has reasonable cause to believe that a person with whom the offender conspires also has conspired or is conspiring with another to commit the same offense, the offender is guilty of conspiring with that other person, even though the other person's identity may be unknown to the offender.

D. It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the conspiracy was impossible under the circumstances.

E. A conspiracy terminates when the offense or offenses that are its objects are committed or when it is abandoned by all conspirators. In the absence of abandonment, it is no defense to a charge under this section that no offense that was the object of the conspiracy was committed.

F. A person who conspires to commit more than one offense is guilty of only one conspiracy, when the offenses are the object of the same agreement or continuous conspiratorial relationship.

G. When a person is convicted of committing or attempting to commit a specific offense or of complicity in the commission of or attempt to commit the specific offense, the person shall not be convicted of conspiracy involving the same offense.

H.

1. No person shall be convicted of conspiracy upon the testimony of a person with whom the defendant conspired, unsupported by other evidence.

2. If a person with whom the defendant allegedly has conspired testifies against the defendant in a case in which the defendant is charged with conspiracy and if the testimony is supported by other evidence, the court, when it charges the jury, shall state substantially the following:

"The testimony of an accomplice that is supported by other evidence does not become inadmissible because of the accomplice's complicity, moral turpitude, or self-interest, but the admitted or claimed complicity of a witness may affect the witness' credibility and make the witness' testimony subject to grave suspicion, and requires that it be weighed with great caution.

It is for you, as jurors, in light of all the facts presented to you from the witness stand, to evaluate such testimony and to determine its quality and worth or its lack of quality and worth".

3. "Conspiracy", as used in subsection (H)(1) of this section, does not include any conspiracy that results in an attempt to commit an offense or in the commission of an offense.

I. The following are affirmative defenses to a charge of conspiracy:

1. After conspiring to commit an offense, the actor thwarted the success of the conspiracy under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.

2. After conspiring to commit an offense, the actor abandoned the conspiracy prior to the commission of or attempt to commit any offense that was the object of the conspiracy, either by advising all other conspirators of the actor's abandonment, or by informing any law enforcement authority of the existence of the conspiracy and of the actor's participation in the conspiracy.

J. Whoever violates this section is guilty of conspiracy. Conspiracy is a misdemeanor of the first degree when the most serious offense that is the object of the conspiracy is aggravated murder, murder, or a felony of any degree. When the most serious offense that is the object of the conspiracy is a misdemeanor, conspiracy is a misdemeanor of the next lesser degree than the most serious offense that is the object of the conspiracy.

K. This section does not define a separate conspiracy offense or penalty where conspiracy is defined as an offense by one or more sections of This Title, other than this section. In such a case, however:

1. With respect to the offense specified as the object of the conspiracy in the other section or sections, subsection (A) hereof defines the voluntary act or acts and culpable mental state necessary to constitute the conspiracy;
2. Subsections (B) to (I) hereof are incorporated by reference in the conspiracy offense defined by the other section or sections of This Title.

L.

1. In addition to the penalties that otherwise are imposed for conspiracy, a person who is found guilty of conspiracy to engage in a pattern of corrupt activity is subject to divisions (B)(2) and (3) of Ohio Revised Code Section 2923.32, division (A) of Ohio Revised Code Section 2981.04 and division (D) of Ohio Revised Code Section 2981.06.

Section 1401.11: Enhancing Penalty for Subsequent Offense

Wherever this Title requires or allows an enhanced penalty for a subsequent offense, the previous enhancing offense shall include an identical or substantially similar offense brought under provisions of the Ohio Revised Code or any ordinance of any County or municipality within the State. Substantially similar includes those offenses which are identical to the subsequent offense charged under this Title, except for differences in penalty, identification of municipality or location, grammatical or organizational differences and other non-substantive differences.

Section 1401.12: Application and Conflict

The provisions of this Title shall apply within all the incorporated and unincorporated area of the County. Where a provision of a municipal ordinance exists that is in direct and irreconcilable conflict with a provision of this General Offenses Code, then if the offense is committed within the municipality, the provision of the municipal ordinance shall apply and the conflicting provision of this Title shall not apply, but only to such conflicting section or subsection and only to the extent of conflict. Provisions of identical or substantially identical offenses or differences in penalties provided for an offense shall not be construed as a conflict.

Section 1401.13: Payment of Fines to County Fiscal Officer

All fines levied under this Title shall be paid by the clerk of courts to the County Fiscal Officer.

Section 1401.14: Penalties for Misdemeanors

A. Financial Sanctions. In addition to imposing court costs pursuant to Ohio Revised Code Section 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under This Title, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section and, if the offender is being sentenced for a criminal offense as defined in Ohio Revised Code Section 2930.01, shall sentence the offender to make restitution pursuant to this section and Ohio Revised Code Section 2929.281. If the court, in its discretion or as required by this section, imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

1. Restitution.

a. The court shall determine the amount of restitution to be paid by the offender. The victim, victim's representative, victim's attorney, if applicable, the prosecutor or the prosecutor's designee, and the offender may provide information relevant to the determination of the amount of restitution. The amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to or is required to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim, victim's

representative, victim's attorney, if applicable, or victim's estate disputes the amount of restitution. The court shall determine the amount of full restitution by a preponderance of the evidence.

b. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or the victim's estate against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio Revised Code Section 3937.18.

c. The court may order that the offender pay a surcharge, of not more than five percent (5%) of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

d. The victim, victim's attorney, if applicable, or the attorney for the victim's estate may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate but shall not reduce the amount of restitution ordered, except as provided in Ohio Revised Code Section 2929.281(A).

2. Fines. A fine in the following amount:

a. For a misdemeanor of the first degree, not more than five hundred dollars (\$500.00);

b. For a misdemeanor of the second degree, not more than four hundred dollars (\$400.00);

c. For a misdemeanor of the third degree, not more than three hundred dollars (\$300.00);

d. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);

e. For a minor misdemeanor, not more than one hundred dollars (\$100.00).

3. Reimbursement of costs of sanctions.

a. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

i. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio Revised Code Section 2951.021 and the costs of global positioning system device monitoring;

ii. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental

treatment, and the costs of repairing property damaged by the offender while confined.

b. The amount of reimbursement ordered under subsection (A)(3)(a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio Revised Code Section 2929.37. In addition, the offender may be required to pay the fees specified in Ohio Revised Code Section 2929.38.

B. Jail Terms.

1. Except as provided in Ohio Revised Code Sections 2929.22 or 2929.23, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:

a. For a misdemeanor of the first degree, not more than one hundred eighty days;

b. For a misdemeanor of the second degree, not more than ninety days;

c. For a misdemeanor of the third degree, not more than sixty days;

d. For a misdemeanor of the fourth degree, not more than thirty days.

2.

a. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentenced in intermittent confinement or may authorize a limited release of the offender as provided in Ohio Revised Code Section 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.

b.

i. If a prosecutor, as defined in Ohio Revised Code Section 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding

the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.

ii. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.

3. If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio Revised Code Section 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.

4. If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio Revised Code Section 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio Revised Code Sections 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio Revised Code Section 2929.37, both of the following apply:

a. The court shall specify both of the following as part of the sentence:

i. If the person is presented with an itemized bill pursuant to Ohio Revised Code Section 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.

ii. If the person does not dispute the bill described in subsection (B)(4)(a)(i) of this section and does not pay the bill by the times specified in Ohio Revised Code Section 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.

b. The sentence automatically includes any certificate of judgment issued as described in subsection (B)(4)(a)(ii) of this section.

C. Organizations. Regardless of the penalties provided in subsections (A) and (B) hereof, an organization convicted of an offense pursuant to this subsection (C) shall be fined, in accordance with this section. The court shall fix the fine as follows:

<u>Type of Misdemeanor</u>	<u>Maximum Fine</u>
<u>First degree</u>	<u>\$5,000.00</u>
<u>Second degree</u>	<u>\$4,000.00</u>
<u>Third degree</u>	<u>\$3,000.00</u>
<u>Fourth degree</u>	<u>\$2,000.00</u>
<u>Minor</u>	<u>\$1,000.00</u>
<u>Misdemeanor not specifically classified</u>	<u>\$2,000.00</u>
<u>Minor misdemeanor not specifically classified</u>	<u>\$1,000.00</u>

1. When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this subsection (C).

2. When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this subsection (C), then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.

3. This subsection (C) does not prevent the imposition of available civil sanctions against an organization convicted of an offense, either in addition to or in lieu of a fine imposed pursuant to this subsection (C).

4. As used in this section, “organization” means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust or other commercial or legal entity. “Organization” does not include an entity organized as or by a governmental agency for the execution of a governmental program. For jurisdictional purposes, the definition of “person” as defined in Section 2901.01(B)(1)(a) of the Ohio Revised Code includes an “organization.”

D. Forfeiture or Prohibition: In accordance with Section 959.132 of the Ohio Revised Code, with respect to violations of Section 1402.01, a court may order a person who is convicted of or pleads guilty to forfeit to an impounding agency

any or all of the companion animals in that person's ownership or care. A court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

Section 1401.15: Enforcement, Prosecution, and Venue

A. The Cuyahoga County Sheriff and any peace officer, as defined in Section 2935.01 of the Ohio Revised Code, acting within that officer's territorial jurisdiction, may enforce this Title, including by issuing citations and making arrests to the extent authorized by law.

B. An offense under this Title is committed in the County if any element of the offense occurs within the County, and shall be brought in a court of competent jurisdiction over offenses committed within that territory.

C. Nothing in this Title shall be construed to confer jurisdiction upon any court beyond that provided by general law.

Chapter 1402: Offenses Relating to Domestic Animals

Section 1402.01 Prohibitions Concerning Companion Animals

A. In addition to the prohibitions concerning companion animals enumerated in Section 959.131(D) of the Ohio Revised Code, no person who confines or who is the custodian or caretaker of a companion animal shall negligently leave the companion animal unattended in a motor vehicle for more than ten minutes where the ambient temperature outside is above 70-degrees Fahrenheit or below 30-degrees Fahrenheit or where sickness or suffering to the companion animal could be expected to reasonably result. This Section does not apply to a companion animal left unattended in an enclosed portion of a motor vehicle wherein appropriate interior temperature controls are in actual use.

B. If an offender violates paragraph (A) of this Section, they shall be guilty of one of the following:

1. Except as otherwise provided in this section, the offender who violates paragraph (A) of this Section is guilty of a minor misdemeanor.

2. If the offender previously has been convicted of an offense under this section or of any offense involving neglect or physical abuse of a companion animal, the offender who violates paragraph (A) of this Section is guilty of a misdemeanor of the third degree.

3. If the violation of paragraph (A) of this Section results in Serious physical harm to the companion animal involved, the offender is guilty of a misdemeanor of the first degree.

4. If the offender commits an offense under this section with respect to multiple companion animals, each companion animal shall be considered separate victims for purposes of merger.

C. Immunity from liability for damage resulting from forcible entry of a motor vehicle for purpose of removing an animal.

1. A person shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing an animal from the vehicle as provided by, and subject to the conditions of Ohio Revised Code Section 959.133.

~~Chapter 1401~~ **Chapter 1403**: Animal Abuse Registry

~~Section 1401.01~~ **Section 1403.01**: Definitions

As used in this chapter of the Cuyahoga County Code:

A. "Animal shelter" has the same meaning as in section 4729.01 of the Ohio Revised Code.

B. "Companion animal" has the same meaning as in section 959.131 of the Ohio Revised Code.

C. "Dog kennel" has the same meaning as in section 959.131 of the Ohio Revised Code.

D. "Felony animal cruelty" means any violation of chapter 959 of the Ohio Revised Code that constitutes a felony offense or any violation of section 2921.321 of the Ohio Revised Code that constitutes a felony offense.

E. "Humane society" has the same meanings as in section 935.01 of the Ohio Revised Code.

F. "Law enforcement officer" has the same meanings as in section 935.01 of the Ohio Revised Code.

G. "Pet store" has the same meaning as in section 956.01 of the Ohio Revised Code.

~~Section 1401.02~~ **Section 1403.02**: Registry Established

A. For purposes of the registry established under paragraph (B) of this section, an individual who has been convicted or pleaded guilty to felony animal cruelty in Cuyahoga County shall submit the following information to the Cuyahoga County Sheriff not later than thirty days after being convicted or pleading guilty to such violation:

1. The individual's name, address and date of birth;
2. The statutory violation to which the individual was convicted or pleaded guilty;
3. Any additional information that the Sheriff considers necessary.

B. The Cuyahoga County Sheriff, in coordination with the Clerk of Courts and the Chief Information Officer, shall establish and maintain a registry of individuals who have been convicted of or pleaded guilty to felony animal cruelty. The sheriff shall make the registry available to local and state law enforcement agencies, animal shelters, humane societies, dog kennels, pet stores and animal rescue agencies through a searchable registry on the county's web site accessible to the public. The registry shall include all of the information submitted under paragraph (A) of this section as well as a photograph of the registrant.

~~Section 1401.03~~ **Section 1403.03**: Prohibition on Adoption

A. No person listed on the registry established in ~~section 1401.02~~ **Section 1403.02** shall **knowingly** adopt, purchase, or harbor a companion animal from any animal shelter, dog kennel, pet store, or other person, or act as custodian or caretaker of a companion animal within Cuyahoga County. Each month of non-compliance shall constitute a separate violation.

~~Section 1401.04~~ **Section 1403.04**: Penalty

A. Whoever violates section 1403.03 of this chapter shall pay a civil fine of ~~\$500.00 dollars~~ **five hundred dollars (\$500.00)** for each violation. Violations may be appealed to the Cuyahoga County Debarment Review Board established under Section 205.06 of this code. The Cuyahoga County Debarment Review Board may adopt rules of procedure to adjudicate any appeals described herein. **No fine shall accrue until the County has given the person written notice of the violation and a period of not less than thirty days to cure the non-compliance.**

B. Fines collected pursuant to this section shall be used to cover reasonable and necessary expenses for enforcing the prohibition on adoption and the costs of maintaining the registry established in ~~Section 1401.02~~ **1403.02**.

SECTION 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Simon, seconded by Mr. Kelly, the foregoing Ordinance was duly enacted.

Yeas: Conwell, Jones, Turner, Houser, Simon, Kelly, Sweeney, Casselberry
Gallagher, Schleper and Miller

Nays: None

<u>Dale Miller</u>	<u>7/8/2026</u>
County Council President	Date
<u>Chris Ronayne</u>	<u>7/9/2026</u>
County Executive	Date
<u>Andria Richardson</u>	<u>7/8/2026</u>
Clerk of Council	Date

First Reading/Referred to Committee: June 9, 2026
Committee(s) Assigned: Public Safety & Justice Affairs

Additional Sponsorships Requested on the Floor: June 9, 2026

Additional Sponsorships Requested in Committee: June 16, 2026

Additional Sponsorships Requested on the Floor: July 7, 2026

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