

Farm Management

Ohio law covers dog misdeeds, too

MAN'S best friend can become a problem for its owner when it decides to bite someone or something. Even the best-behaved dog can unexpectedly bite. Ohio has several laws that specifically apply to dogs and their behavior. The actions and remedies that are available to someone subject to a dog bite depend upon which law is applicable to a specific situation.

The law classifies dogs as either vicious or non-vicious. A vicious dog is defined under Ohio law as a pit bull, a dog that has injured or killed a person, or a dog that has killed another dog. The owner of a vicious dog has a higher duty to restrain the dog. Vicious dogs must be kept in a locked enclosure with a top or on a tether that is adequate to restrain it. Additionally, liability insurance must be maintained for at least \$100,000 by the owner. Clearly, the law disfavors ownership of vicious dogs and increases the potential liability of those who own them.

Non-vicious dogs are only required to be confined to the owner's property by any reasonable means.

It is inevitable that an unwanted dog will wander onto someone's property. If the dog does not leave and either does not have an owner or the owner is unknown, the best option is to call the county game warden and have the dog removed.

Some property owners may be tempted to take care of a stray dog by shooting and killing it. The law does allow trespassing

Country Counsel

By ROBERT MOORE

dogs to be killed, but only a dog "that is chasing or approaching in a menacing fashion or apparent attitude of attack, that attempts to bite or otherwise endanger, or that kills or injures a person; or a dog that chases, threatens, harasses, injures or kills livestock, poultry, other domestic animal, or other animal, that is the property of another person, except a cat or another dog."

In essence, a dog can be killed if it is attacking, biting or being aggressive toward people and livestock. Interestingly, the law does not allow a dog to be killed if it is attacking another dog or a cat.

Liability limits

The owner of a dog that causes injury to a person or damage to property is liable for the dog's actions. The liability could include medical bills for a bite or monetary damages for injured or killed livestock.

Dog owners are not liable for injuries caused to people who are criminally trespassing or committing some other criminal act other than

a minor misdemeanor.

Another interesting aspect of Ohio law is that door-to-door salespeople are provided special protection by making a dog owner liable for any injuries they may suffer due to a dog bite, even if they are on the property without invitation.

Livestock owners whose livestock are injured or killed by a dog should seek compensation from the dog owner. If the dog has no owner or the owner is unknown, the livestock

owner may submit a claim to the county dog warden. Under Ohio law, the county is obligated to pay livestock owners for their loss provided the dog has no known owner and the claim is for legitimate livestock loss.

Ohio dog law may be a bit antiquated, but nonetheless it controls the rights and obligations of dog owners and property owners. The law clearly favors protecting a person's safety and well-being above dogs but also does provide some protection to dogs and their owners.

Anyone with a vicious dog or a dog that has aggressive tendencies toward people should limit the opportunities for contact between the dog and people. Property owners have the right to have unwanted dogs removed from their properties but not an absolute right to kill the dog unless it is a threat, as previously described.

Since most farmers and landowners come into contact with dogs, whether intentionally or unintentionally, an understanding of laws applying to dogs can help limit liability or ensure that rights are being protected.



Moore is an attorney with
Wright Law Co. LPA
614-791-9112
rmoore@wright-law.net

If you have legal questions for this column,
email them to
twhite@farmprogress.com.

**It took years to make it a farm...
It takes one call to keep it safe.**

Call
811 Know what's below.
Call before you dig.

The soil on your farm or ranch is rich with nutrients and minerals...
AND underground gas, oil and water pipelines.

CALL BEFORE YOU DIG in order to notify utility companies who will be affected by the excavation. This service is FREE.

No one digs more dirt than America's farmers and ranchers. Understanding what is below ground will help you DIG SAFELY above ground. CALL BEFORE YOU DIG!



www.commongroundalliance.com
www.call811.com



www.kindermorgan.com/public_awareness

ANNUAL RYEGRASS AS A COVER CROP

**IMPROVE SOIL
STRUCTURE.
CONTROL EROSION.
INCREASE YIELDS.**

“ KB Royal Annual Ryegrass allows me to control erosion, break through compacted soil and increase water infiltration. These benefits along with the personal service are substantial to my operation. ”

Cameron Mills
Walton, Indiana

To find the KB Seed distributor nearest you,
call **1-866-716-SEED (7333)**.

**KB SEED
SOLUTIONS**
SEED FOR FUTURE GENERATIONS

www.kbseed.com

