ORDINANCE NO. 2025- 2096

AN ORDINANCE TO PROHIBIT AND PENALIZE THE BREEDING, SALE, AND TRANSFER OF UNALTERED ANIMALS WITHIN THE CITY OF CAMPBELL, OHIO.

WHEREAS, the uncontrolled breeding of companion animals contributes to overpopulation, increased euthanasia rates, and strain on municipal resources; and,

WHEREAS, it is in the best interest of public health, animal welfare, and responsible pet ownership to regulate and prevent the negligent failure to spay and neuter animals; and,

WHEREAS, Owners shall take reasonable and responsible actions to prevent unintended breeding, including but not limited to secure confinement of animals in heat, preventing uncontrolled outdoor roaming, and utilizing available birth control method; and,

WHEREAS, the City finds it necessary to hold individuals accountable for allowing the uncontrolled reproduction of pets due to intentional breeding, or the reckless, neglect, or failure to take reasonable preventative measures.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAMPBELL, STATE OF OHIO:

SECTION 1. **PURPOSE AND INTENT**

This ordinance is established to prohibit the breeding, sale, and transfer of animals, including dogs, cats, rabbits, ferrets, reptiles, exotic animals, snakes, chickens, birds, wildlife, and other animals by backyard breeders, hobby breeders, reckless breeders, and negligent breeders to protect animal welfare, reduce overpopulation, and eliminate unethical breeding practices. It aims to reduce the cruelty and neglect of animals, promote responsible animal ownership, and ensure animals are obtained through licensed and humane means.

SECTION 2. **DEFINITIONS**

1. **Animal/Companion Animal:** any animal kept for companionship or as a pet, including but not limited to dogs, cats, rabbits, ferrets, reptiles, exotic animal, snake, bird, chicken, wildlife or other animal.
2. **Intentional Breeding:** the deliberate mating of animals for the purpose of producing offspring.
3. **Unaltered Animal:** an animal that **has not been spayed or neutered**, meaning it still has its reproductive organs intact and is capable of breeding. An unaltered animal may also exhibit behaviors associated with mating instincts, such as roaming, marking territory, and aggression
4. **Altered Animal:** an animal, that **has been spayed (female) or neutered (male)** to prevent reproduction. This procedure involves surgically removing the reproductive organs. It can also have health and behavioral benefits, such as reducing aggression and the risk of certain cancers.:
5. **Backyard Breeder / Hobby Breeder:** a "Backyard Breeder" or "Hobby Breeder" refers to any person who owns and breeds a dog, cat, rabbit, ferret, reptile, exotic animal, snake, chicken, bird, wildlife or other animal and sells, transfers, or gives away the offspring for monetary gain or other compensation without possessing a valid animal facility license issued by the City of Campbell Zoning.
6. **Reckless or Negligent Animal Breeder**: Any individual who, through failure to act responsibly, allows a companion animal under their care to breed in an uncontrolled manner, either by:

   (a) Failing to spay or neuter the animal in the absence of a lawful exemption; or
   (b) Failing to take reasonable precautions to prevent unintended reproduction, including but not limited to confinement, separation, or use of appropriate birth control measures; or
   (c) Allowing or facilitating repeated litters, whether through sale, giveaway, or abandonment, without lawful breeding authorization.

7. **Reckless or Negligent Breeding:** The failure to take reasonable preventative measures causing the unplanned or unintentional production of offspring due to the failure to spay or neuter animals.

    - **Spaying (Ovariohysterectomy)** – Removal of the ovaries and usually the uterus in female animals.
    - **Neutering (Castration)** – Removal of the testicles in male animals.

SECTION 3. PENALTIES AND ENFORCEMENT

(a) Intentional Breeding: the intentional breeding of any animal is prohibited and constitutes a first-degree misdemeanor. Penalties include:

- Fine of up to $1,000.
- Imprisonment for up to six months.
- Mandatory spay/neuter of all involved animals at the owner's expense.
- If the animals are spayed/neutered through an animal rescue the owner will reimburse the animal rescue for the full amount.

(b) Reckless or Negligent Animal Breeding: No person shall engage in reckless negligent animal breeding as defined in this ordinance. Penalties include:

- First Offense: A civil penalty of up to $750.
- Second Offense and Subsequent Offenses: Treated as a first-degree misdemeanor, with penalties including fines up to $1,000 and/or imprisonment for up to six months.
- Mandatory spay/neuter of all involved animals at the owner's expense.
- If the animals are spayed/neutered through an animal rescue/organization the owner will reimburse the animal rescue for the full amount.

SECTION 4. **PROHIBITED SALE OR ADVERTISING OF ANIMALS** The act of publicly advertising, posting, or listing any animal for sale or transfer shall be considered prima facie evidence of a violation of this ordinance.

(a) **Unlawful Acts:** Advertising, selling, or facilitating the transfer of any unaltered animal through any platform, medium, or public forum is prohibited.
(b) **Penalties:**

- Such actions shall be punishable as a first-degree misdemeanor, with a fine up to $1,000.

SECTION 5. **EXCEPTIONS**

1. **Licensed Facilities and Organizations:** facilities licensed or permitted by the City of Campbell Zoning for animal welfare, including shelters, animal rescues, or nonprofit rescues, are exempt and may operate within the scope of their license.
2. **Rehoming an Animal:** Rehoming an already altered animal through any platform, medium, or public forum is allowed, provided proof through a veterinary record is provided to the adopter or law **enforcement authority**, confirming that the animal has been spayed or neutered.
3. Rehoming fees may be charged to ensure that altered animals are adopted into responsible homes.
4. A licensed veterinarian provides written certification that the spay / neuter procedure would endanger the animal's health.
5. The animal is lawfully registered as a breeding animal with an approved permit.
6. The owner has obtained an exemption for working, service, or show animals.

SECTION 7. **PROHIBITED SEPARATION OF PUPPIES AND KITTENS**

(a) Unlawful Acts: it shall be unlawful for any person to separate puppies from their mother before the age of 9 weeks or kittens before the age of 12 weeks. This prohibition applies to both intentional and unintentional litters, ensuring the proper care and socialization of the animals during their formative stages.

(b) Penalties:

- Any person found violating this provision shall be charged with a first-degree misdemeanor, punishable by a fine of up to $1,000 and/or imprisonment for up to 180 days, at the court's discretion.
- Subsequent offenses the fine shall be up to **$1,000.**

SECTION 8. **ENFORCEMENT AUTHORITY**

The Campbell City Police, the Campbell City Zoning Department, the Mahoning County Dog Warden's office, any Mahoning County Humane Society, Mahoning County Sheriff's Department or any state of Ohio agency with enforcement authority shall have the authority to enforce this ordinance, investigate complaints, and impose penalties.

SECTION 9. **SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this ordinance is deemed invalid by a court, the remaining provisions shall remain in effect.

SECTION 10. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 10 **DAY OF** APRIL **2025.**

JOSEPH MAZZOCCA **COUNCIL PRESIDENT**

ATTEST:

DINA HAMILTON, CLERK OF COUNCIL

ORDINANCE SPONSORS: COUNCIL MEMBERS: O'BRYAN CAPPITTE, MAZZOCCA, STANKO

APPROVED:

GEORGE LEVENDIS, MAYOR

FILED WITH THE MAYOR: 4-17-2025
APPROVED BY THE MAYOR: 4-17-2025

APPROVED AS TO FORM:

LAMPRINI MATHEWS, DIRECTOR OF LAW

I, Dina Hamilton, Clerk of Council of the City of Campbell, County of Mahoning and State of Ohio, do hereby certify that the foregoing ORDINANCE is a true and correct copy of ORDINANCE No. 2025-2096, passed in Council on the 10th day of APRIL 2025, and now on file in the files of my office.

CLERK OF COUNCIL