

GENERAL INFORMATION

Subject

- Request - Study of Limiting Number of Dogs in Residential Zoning
- Applicant - Toledo City Council
One Government Center, Suite 2120
Toledo, OH 43604

STAFF ANALYSIS

Toledo City Council requested the Toledo City Plan Commission complete a study to examine the benefits of adopting regulations limiting the number of dogs an individual living within the boundaries of the City of Toledo may own, and creating a special use permit process that would allow the legal ownership of more than five dogs. The study was initiated with the passage of Resolution #409-24 on September 11, 2024. Plan Commission staff completed a study concerning the codification of dog limits in the Toledo Municipal Code Subsection 1104.1200 Animal Shelters and Kennels by City Council. Staff findings and recommendations are outlined in this report.

Existing Agencies with Enforcement Authority in the City of Toledo

To gain a better understanding of how dog related concerns are handled in the City of Toledo, staff spoke with those agencies and city departments with authority to handle dog related concerns. Following is a list of those contacted with a brief overview of their authority and responsibilities:

Lucas County Auditor's Office

The Lucas County Auditor's Office oversees the licensing/registration of dogs in Lucas County, including the City of Toledo. The Ohio Revised Code (ORC) Section 955.01 requires that every person who owns, keeps, or harbors a dog more than three months of age, shall file in the office of the county auditor an application for registration. In addition to the registration of individual dogs, the County Auditor's Office also is also responsible for registration of dog kennels per the ORC. The ORC defines a dog kennel as an establishment that keeps, houses, and maintains adult dogs for the purpose of breeding the dogs for a fee or for sale. The Auditor's Offices maintains all the records concerned with the registration of dogs and dog kennels as required by the ORC.

STAFF ANALYSIS (cont'd)

Lucas County Canine Care and Control

Lucas County Canine Care and Control essentially functions as the dog warden for Lucas County, including the City of Toledo. They enforce Chapter 955 - Dogs of the ORC. For example, they are responsible for such things as patrolling Lucas County and the City of Toledo and seizing and impounding stray and homeless dogs; seeking medical care for sick and injured dogs; investigating and confirming valid dog licenses; investigating dog bites; and handling nuisance, dangerous and vicious dogs.

Toledo Code Compliance

The Toledo Code Compliance Division is responsible for responding to complaints, eliminating nuisances, and enforcing health and safety regulations as it pertains to property maintenance and zoning codes in the City of Toledo. For example, Code Compliance responds to and investigates complaints, and issues citations for violations for destruction to property or junk and debris (excessive dog waste, deteriorated/abandoned dog houses) that are a result of having a dog on a property.

Toledo Humane Society

The Toledo Humane Society is responsible for investigating animal cruelty and neglect by enforcing Chapter 959 - Offences Relating to Domestic Animals of the ORC. For example, they respond to cruelty and neglect complaints, investigate and seize any animals as needed. In addition, they provide temporary shelter and care for animals while seeking permanent homes.

Toledo Lucas County Health Department

Ohio State law requires that whenever a person is bitten by a dog or other animal, report of such bite shall be made within twenty-four hours to the health commissioner. The Toledo Lucas County Health Department intakes these reports. Those related to dog bites are referred to Lucas County Canine Care and Control.

Toledo Plan Commission

The Plan Commission is responsible for enforcing the City of Toledo Planning and Zoning Code, Part 11 of the Toledo Municipal Code. The Planning and Zoning Code addresses animal related uses by defining them and identifying where such uses are permitted. The Code defines the following uses: animal shelter, dog run, exercise area, fully enclosed animal shelter/kennels, kennel, sales and grooming, and veterinary. In addition, Section 1104.1200 - Animal Shelter and Kennels outlines use specific regulations for animal shelters and kennels. The Plan Commission is responsible enforcing these regulations by ensuring that the use specific standards are adhered to.

STAFF ANALYSIS (cont'd)**Toledo Police Department**

The Toledo Police Department is responsible for enforcing Section 507.06 - Animals of the Anti-Noise Law in Chapter 507, Part 5 of the Toledo Municipal Code. This Section of the Code states “that no owner, keeper or harbinger of any animal shall permit or suffer such animal to continuously or frequently bark, howl or emit other audible sounds which create unreasonable, excessive or offensive noise to the annoyance or discomfort of any person of ordinary sensibilities in the vicinity of such animal”. The Police Department responds to and investigates noise complaints related to dogs and issues citations for violations.

Conclusion and Recommendation

Speaking with the different agencies assisted with just beginning to understand the issue at hand. It is clear that there is a need for public information on who to contact for what in concern to dog related issues. All of the agencies noted that they do work with each other and refer the public to the respective agencies as needed. This is helpful, but most likely doesn't help with the frustration the public may have. A mixed response was give when asked about instituting a limit on the number of dogs allowed per owner. Some were positive, some indifferent and others not sure it would solve the concern. Most important was getting to the real concern. For instance, one person noted that the intent of limiting is good, but they were not sure there was a real need to do so. They did note as others had, that issues they have seen with the number of dogs are with breeders. There is an overall need to address breeding practices in an effort to help with the dog population in general. Another concern dealt with enforcement. Specifically, that there is not enough “teeth” in the law to make people comply, or want to comply. It was also noted that enforcement is also needed after hours and on weekends, as this is the time most issues arise. One person also noted that it would be helpful to have a roundtable discussion with all parties involved.

City Council's request for a study to limit the number of dogs permitted noted that regular complaints are received about having multiple dogs and also running “doggy daycares”. The current regulations do not permit day cares for dogs in any residential zoning district. Therefore, any such facility operating at this time may be cited and required to cease operations. In concern to adding language to address multiple dogs in Section 1104.1200 - Animal Shelters and Kennels, this would not limit the number of dogs throughout the entire City limits. Animal shelters and animal kennels, as well as all other uses related to dogs, are limited to specific commercial and industrial districts. In looking at other comparable cities, some did have limits on dogs in their zoning ordinances; however, they were related to kennels or dog day cares which are limited to commercial and/or industrial zoning districts. Staff also contacted the City of Oregon, OH. Their definition for a dog kennel is the keeping and care of more than three dogs that are more than six months old. Their Building & Zoning Inspection Commissioner indicated that they use this to limit the number of dogs throughout the City of Oregon. While this works for Oregon, it would not translate well to the City of Toledo as the definition for kennels and all other dog related uses are commercial in nature. As zoning and zoning ordinances are typically meant to include standards and regulations pertaining to how a property can be used, it is the opinion of staff that the Planning and Zoning Code is not the appropriate place for placing limits on the number of dogs a person may own.

STAFF ANALYSIS (cont'd)

In speaking with the different agencies it became clear that how dog related issues are addressed in the City of Toledo is fragmented and not cohesive as each entity has authority to handle specific areas and cases often involve multiple areas, requiring multi-agency involvement. Additionally, since each entity has their own specific responsibility, the public may not be aware of all the respective agencies and what they do, which can lead to confusion and frustration. Staff is in agreement with City Council that there is a need for clear and concise regulations/information; however, creating an additional regulation limiting the number of dogs one can own, will not help to solve this concern. It will instead add an additional layer to already confusing regulations and enforcement structure and may not address the actual issue. Staff is also of the opinion that the Planning and Zoning Code is not the appropriate place for such a standard. Staff therefore recommends that no change be made in TMC§1104.1200 at this time. Staff instead recommends that City Council look at forming a committee, to include the above noted agencies, to further discuss dog related issues in the City of Toledo.

STAFF RECOMMENDATION

Staff recommends that the Toledo City Plan Commission recommend no change at this time to the Planning and Zoning Code concerning M-14-24, Study of Limiting Number of Dogs in Residential Zoning, to the Toledo City Council for the following reason:

- 1. Based on information gathered from other agencies that enforce regulations concerning dog related issues, additional coordination and discussions are needed to determine how best to address dog related concerns in the City of Toledo.

ZONING TEXT AMENDMENT
 TOLEDO CITY PLAN COMMISSION
 REF: M-14-24
 DATE: April 10, 2025
 TIME: 2:00 P.M.

CITY COUNCIL
 ZONING AND PLANNING COMMITTEE
 DATE: May 14, 2025
 TIME: 4:00 P.M.

LK