

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-150389
		C-150423
Plaintiff-Appellee,	:	C-150424
		TRIAL NOS. M-15CRB-11104
vs.	:	M-15CRB-11103
		M-15CRB-10513
WADE HILL, JR.,	:	
		<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

On three separate occasions, defendant-appellant Wade Hill, Jr., was cited because his dogs were running loose and not on a leash. Since he had previously been convicted for the same conduct within the preceding 12 months, each violation was elevated to a misdemeanor of the fourth degree. Hill was convicted after a bench trial in all three cases, which have been consolidated for the purposes of appeal. In one assignment of error, Hill claims that his convictions were improper because the city ordinance under which he was convicted was impermissibly vague. We affirm.

The due-process provision of the Fourteenth Amendment requires a statute to adequately describe prohibited or required conduct. *Kolender v. Lawson*, 461 U.S. 352, 357, 103 S.Ct. 1855, 75 L.Ed.2d 903 (1983). A statute is void for vagueness if it “fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute * * * [or if] it encourages arbitrary and erratic arrests and convictions.” *Papachristou v. Jacksonville*, 405 U.S. 156, 162, 92 S.Ct. 839, 31 L.Ed.2d 110 (1972), quoting *United States v. Harriss*, 347 U.S. 612, 617, 74 S.Ct. 808, 98 L.Ed. 989 (1954).

OHIO FIRST DISTRICT COURT OF APPEALS

Hill was convicted of violating Forest Park City Ordinance 96.11(A) which states that:

[i]t shall be unlawful for any person, the owner or one having charge of or harboring any animal to permit the animal to be unconfined at any place within the corporate limits except within a building or other confined area from which the animal cannot escape. Any animal not so confined or on a leash may be impounded * * *.

The ordinance explains that an animal is unconfined when it is not restrained by a fence that has a method of latching, an “invisible” fence, other secure enclosure, or “other security device” designed to keep the dog within the yard. See Forest Park City Ordinance 96.11(B).

In his pro se brief, Hill did not explain why he believes that the ordinance is vague. Having reviewed the applicable language, we hold that the ordinance under which Hill was convicted gave fair notice of the conduct that is prohibited, and would not encourage arbitrary or erratic arrests and convictions. A dog owner in Forest Park must keep his or her dog in their home, in a yard with a fence or other enclosure, or on a leash. We overrule Hill’s sole assignment of error and affirm the judgments of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., MOCK and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on March 23, 2016
per order of the court _____.
Presiding Judge