

CHAPTER 618
Animals

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CROSS REFERENCES

See section histories for similar State law
 Power to restrain and impound animals - see Ohio R.C. 715.23
 Animal Warden - see ADM. 127.13
 Dog Park Advisory Board - see ADM. Ch. 144
 Driving animals upon roadway - see TRAF. 404.04, 412.05
 Offensive odors from places where animals are kept or fed - see GEN. OFF. 660.04

618.01 DEFINITIONS.

As used in this chapter:

- (a) "Coop" and "Cage" means a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.
- (b) "Enclosure" means a set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.
- (c) "Farm Animal" includes any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm and is not an "exotic animal" and is not a house pet such as a dog, cat or similar.
- (d) "Horse" includes a pony, donkey, mule, burro, or any other equine animal.

- (e) "Predatory Bird" includes an owl, hawk, falcon, eagle, or similar bird that feeds principally by catching living prey.
- (f) "Stable" means any structure or building used for the keeping, lodging, or feeding of horses.
(Ord. 1971-122. Passed 12-14-71; Ord. 2022-45. Passed 5-24-22.)

618.02 ANIMALS AT LARGE; ABANDONING ANIMALS.

(a) No person, being the owner or having charge of horses, ducks, chickens or animals shall permit the same to run at large on any public street or upon any unenclosed lands within the corporate limits.

(b) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.
(Ord. 1971-122. Passed 12-14-71; Ord. 2022-45. Passed 5-24-22.)

Statutory reference:

Similar state law, see R.C. § 959.01

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.

618.025 DOGS REQUIRED TO WEAR TAGS.

(a) No owner of a dog, except a dog constantly confined to a registered kennel, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog's failure at any time to wear a valid tag shall be prima facie evidence of a lack of registration and shall subject any dog found not wearing such tag to impoundment, sale or destruction. (ORC 955.10)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 955.99(B))

618.03 DOGS; OWNER'S OBLIGATIONS.

(a) No owner, keeper, harbinger, or person having charge or control of any dog, licensed or unlicensed, in the Municipality, shall permit it to run at large in any street or upon any unenclosed land in the Municipality.

(b) No person shall keep or harbor any dog which howls or barks to the annoyance of the inhabitants of the Municipality and no person shall create, continue, contribute to or suffer such nuisance to exist.

(c) Any police officer or person appointed by the Mayor shall have the authority to impound any dog which, by loud and frequent or habitual barking, howling or yelping, shall cause annoyance or disturbance to the residents, or any dog found running at large contrary to the provisions of this section. Dogs so impounded, if licensed, shall be returned to their owners and if not licensed shall be delivered to the County Dog Warden.

(d) The owner or keeper of any dog which has bitten any person shall immediately cause such dog to be delivered and confined by a licensed veterinarian for a period of not less than ten days. In the event that the owner or keeper is unable to have such dog confined by a licensed veterinarian, he or she shall deliver such dog to any police officer or person appointed by the Mayor, which police officer or person shall cause the dog to be delivered to the County Dog

Warden for the required confinement. Any costs involved in the confinement of the dog shall be paid by the owner or keeper of the dog.
(Ord. 1971-122. Passed 12-14-71.)

(e) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.

618.035 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

(a) No person, being the owner, keeper or harbinger of any dog or cat over the age of three months, shall fail to have such animal currently immunized against rabies by a licensed veterinarian.

(b) All owners or keepers, as described in division (a) of this section, shall maintain a record of such immunization as provided by a veterinarian. They shall provide said proof of immunization to the Animal Warden upon inquiry.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 1998-9. Passed 2-24-98.)



618.04 INJURING ANIMALS.

(a) No person shall purposely or knowingly, and without the consent of the owner, kill or injure any domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity.
(ORC 959.02; Ord. 1971-122. Passed 12-14-71.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

618.05 CARE REQUIREMENTS; CRUELTY PROHIBITED.

(a) No owner/guardian, keeper or person in charge of any animals shall do or fail to do anything, which is cruel or inhumane, including but not limited to:

- (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;
- (2) Fail to provide sufficient and wholesome food; potable water; shade and weatherproof enclosure of such size as will permit movement and simultaneously facilitate the preservation of body heat by the animals. It shall have sufficient quantity of suitable bedding material consisting of straw, cedar shavings, or the equivalent. The floor will be solid and raised off the ground. The entrance shall be covered with a flexible wind-proof material or a self-closing swinging door. A garage, shed or other structure, not designed and built specifically for an animal, should not be considered suitable housing, unless otherwise specifically found by the animal control officer. Furthermore, no person who owns any animals shall fail to provide such animal adequate opportunity for exercise; regular veterinary care and when needed, veterinary care for injury or illness, to treat injury or illness, unless the animal is instead humanely euthanized; or other care as is needed for the health or well-being of such kind of animal; or
- (3) Carry or convey an animal in a cruel or inhuman manner;
- (4) Leave any animal unattended in a vehicle when such vehicle does not have adequate ventilation and temperature to prevent suffering, disability or death to such animal. For the purpose of this division, if attempts to locate the vehicle owner fail, any law enforcement officer or animal control officer may take action necessary to rescue a confined animal to remove the threat of further serious harm. The owner/guardian, keeper, or person in charge will be liable for all reasonable and necessary impound, board and medical fees. No officer or agent taking action shall be liable for damages necessary to rescue the confined animal.

(c) Any animal impounded for being kept in violation of this section may be humanely euthanized upon advice of a licensed veterinarian, registered veterinarian technician and/or by the Supervisor if he or she deems it necessary to relieve suffering. The cost for care and treatment of any animal impounded under this section shall be charged to the owner/guardian, keeper, or person in charge, whether or not they seek to regain custody of such animal.

(d) The owner/guardian, keeper, or person in charge of any animal who has been charged under this section who fails to appear in court on the scheduled date to enter a plea or fails to appear on any additional court dates, after entering a plea, without permission from the judge or authorized court employee, will have 14 days from that date to settle the matter with the

court. Failure to comply will result in the animal being held at the shelter to become the property of the City, allowing it to be adopted or, if necessary, humanely euthanized.

(e) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. (Ord. 2018-78. Passed 10-23-18.)

618.051 CRUELTY TO COMPANION ANIMALS.

(a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Animal rescue for dogs." Has the same meaning as in R.C. § 956.01.
- (2) "Boarding kennel." Has the same meaning as in R.C. § 956.01.
- (3) "Captive white-tailed deer." Has the same meaning as in R.C. § 1531.01.
- (4) "Companion animal." Any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in R.C. § 956.01. "Companion animal" does not include livestock or any wild animal.
- (5) "Cruelty." Has the same meaning as in R.C. § 1717.01.
- (6) "Dog kennel." Means an animal rescue for dogs, a boarding kennel, or a training kennel.
- (7) "Federal Animal Welfare Act." The "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. §§ 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.
- (8) "Livestock." Means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.
- (9) "Practice of veterinary medicine." Has the same meaning as in R.C. § 4741.01.
- (10) "Residential dwelling." A structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (11) "Serious physical harm." Means any of the following:
 - A. Physical harm that carries an unnecessary or unjustifiable substantial risk of death;
 - B. Physical harm that involves either partial or total permanent incapacity;
 - C. Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain.
- (12) "Torment." Has the same meaning as in R.C. § 1717.01.
- (13) "Torture." Has the same meaning as in R.C. § 1717.01.

- (14) "Training kennel." Means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.
- (15) "Wild animal." Has the same meaning as in R.C. § 1531.01.
- (b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill or commit an act of cruelty against a companion animal.
- (c) No person shall knowingly cause serious physical harm to a companion animal.
- (d) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:
- (1) Torture, torment, or commit an act of cruelty against the companion animal;
 - (2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
 - (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.
- (e) No person who confines or who is the custodian or caretaker of a companion animal shall recklessly deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water.
- (f) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly do any of the following:
- (1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;
 - (2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of the deprivation or confinement;
 - (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.
- (g) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:
- (1) Torture, torment, or commit an act of cruelty against the companion animal;

- (2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;
- (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(h) Divisions (b), (c), (d), (e), (f), and (g) of this section do not apply to any of the following:

- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
- (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under R.C. Chapter 4741;
- (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
- (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
- (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under R.C. Chapter 4741.

(i) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this section to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys either to provide the training that is required for humane society agents under R.C. § 1717.061 or to provide additional training for humane society agents.
(R.C. § 959.131)

- (j)
 - (1) Whoever violates division (b) or (e) of this section is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.
 - (2) Whoever violates division (c) of this section is guilty of a felony to be prosecuted under appropriate state law.
 - (3) Whoever violates division (d) of this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
 - (4) Whoever violates division (f) of this section is guilty of a felony to be prosecuted under appropriate state law.

- (5) Whoever violates division (g) of this section is guilty of a misdemeanor of the first degree.
- (6)
 - A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in R.C. § 959.132, any or all of the companion animals in that person's ownership or care. The 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.
 - B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under R.C. § 959.132.
- (7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section has a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.
(R.C. § 959.99(E))

Statutory reference:

Impoundment of companion animals; notice and hearing, see R.C. § 959.132

618.06 ABUSE OF ANIMALS.

- (a) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against an animal.
- (b) The operator of a motor vehicle, which strikes any animal, shall, as soon as possible, report the accident to the animal control officer or the Police Department.
- (c) No person shall offer to give any live animal as a prize or business inducement.
- (d) No person shall sell within the City any animal or fowl whose owning is prohibited by this chapter or sell or display any animal that has been artificially dyed or colored.
- (e) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal either upon his or her own lands or the lands of another.
- (f) No person shall use a spring steel trap in the City limits, except rat and mousetraps.
- (g) No person shall willfully kill any bird or molest the nest of such birds.
- (h) No person shall, without the knowledge or consent of the owner/guardian, hold or retain possession of any animal of which he or she is not the owner/guardian for more than 72 hours without first reporting the possession of such animal to the animal control officer.
- (i) (1) This section shall not preclude authorized pest control activities performed by any of the following individuals:

- A. Persons certified by the Ohio Department of Agriculture; or
- B. Persons under their direct supervision; or

- C. Any other governmental agency; or
 - D. Any persons engaged in pest control activities upon or within premises under their control or supervision.
- (2) However, any materials used for pest control purposes shall meet the following conditions:
- A. The materials shall be approved by either the United States Environmental Protection Agency or the Ohio Environmental Protection Agency; and
 - B. Materials shall be applied in strict accordance with the labeled directions; and
 - C. The materials shall be applied in a manner that does not create a substantial risk of harm to any animal or bird other than the targeted pests.
- (3) Individuals described in paragraphs (i)(1)A. and (i)(1)B. of this section shall give prior notice of their pest control activities to the office of the Animal Control Officer. Any person authorized to conduct pest control activities under and in accordance with this division shall dispose of the resultant carcasses in a reasonable manner.

(j) This section shall not apply to a licensed veterinarian, an authorized animal protective league or agency, a member of the safety department of any political subdivision, or the Animal Control Officer or County Health Officer, acting within the scope of their authority and in their official capacities and in accordance with any applicable State, Federal or local Municipal law.

(k) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the fourth degree.
(Ord. 1971-122. Passed 12-14-71; Ord. 2018-78. Passed 10-23-18.)

618.07 SALE OF BABY FOWL AND RABBITS.

(a) No person shall sell, offer for sale, barter or give away living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than six.

(b) No person shall sell, offer for sale, barter, give away or display living baby chicks, rabbits, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color.

(c) This section shall not be construed to prohibit the sale or display of natural baby chicks, rabbits, ducklings or other fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them for commercial purposes.
(Ord. 1971-122. Passed 12-14-71.)

(d) Whoever violates this section is guilty of a misdemeanor of the third degree.

618.08 PERMIT TO KEEP ANIMALS. (REPEALED)

(EDITOR'S NOTE: Section 618.08 was repealed by Ordinance 2022-45, passed May 24, 2022.)

618.09 ISSUANCE OF PERMIT; CONDITIONS. (REPEALED)

(EDITOR'S NOTE: Section 618.09 was repealed by Ordinance 2022-45, passed May 24, 2022.)

618.10 LOCATION OF STABLES.

Stables shall be located on a lot as an accessory structure and regulated in conformity with the building and zoning laws of the City.
(Ord. 1971-122. Passed 12-14-71.)

618.11 FENCED LOT REQUIRED.

(a) No person shall keep a horse or pony on any lot within the City unless adequate fencing is provided so as to keep such animal securely confined. Such fencing shall conform to all building and zoning laws.
(Ord. 1983-43. Passed 4-12-83; Ord. 2022-45. Passed 5-24-22.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

618.12 SANITATION.

(a) All stables, yards and corrals where a horse or pony is kept shall be maintained in a sanitary condition and shall be kept clean and in good repair so as to prevent the breeding of flies and the emission of deleterious and offensive odors.
(Ord. 1983-43. Passed 4-12-83; Ord. 2022-45. Passed 5-24-22.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

618.13 APPLICATION OF CHAPTER.

The provisions of this chapter shall apply to all stables erected or constructed after the first adoption of this chapter (Ordinance 1970-69, passed June 9, 1970). The provisions of this chapter shall apply to all horses or ponies hereafter kept within the City except that those persons who presently maintain any number of horses in excess of the amount allowed by this chapter, upon securing a permit for such horses within 30 days of the effective date of this chapter (Ordinance 1971-122, passed December 14, 1971), shall have the right to continue to maintain such number of horses.
(Ord. 1983-43. Passed 4-12-83; Ord. 2022-45. Passed 5-24-22.)

618.14 COSTS OF CONFINEMENT BORNE BY OWNER.

Whenever it is necessary for the City to take charge of or confine any horse, cat, dog, fowl or other animal, the City shall recover from the owner thereof the cost of such capture and confinement prior to the release of such fowl or animal. Such cost shall include fifty dollars (\$50.00) for taking charge of or confinement and shall include boarding charges at the rate of ten dollars (\$10.00) per day or any part thereof.
(Ord. 1978-83. Passed 9-26-78; Ord. 2022-45. Passed 5-24-22.)

618.15 MINIMUM FINE WHERE CONFINEMENT NECESSARY.

If the City impounds any animal, pursuant to the provisions of this chapter, because of a violation of any of the provisions of this chapter, the minimum fine levied against the violator shall be twenty dollars (\$20.00) and no court shall suspend any part of such minimum fine.

618.16 KEEPING WILD, DANGEROUS OR UNDOMESTICATED ANIMALS PROHIBITED.

(a) No person shall keep, maintain or have in his or her possession or under his or her control a wild, dangerous or undomesticated animal within the City.

(b) As used in this section, a "wild, dangerous or undomesticated animal" means an animal which is not an ordinary household pet, but which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 1981-114. Passed 9-8-81.)

618.17 VICIOUS DOGS. (REPEALED)

(EDITOR'S NOTE: Section 618.17 was repealed by Ordinance 1990-56, passed May 8, 1990. See Section 618.21.)

618.18 NUISANCE CONDITIONS PROHIBITED.

- (a)
- (1) No person shall keep, harbor any animal or fowl in the City so as to create offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
 - (2) No person shall purposely or knowingly, feed, bait or in any manner provide access to food to any wild animal or waterfowl in said City, on lands either publicly or privately owned.
 - (3) No person shall recklessly, purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed, birdseed, or fruit grain in a manner that would constitute an attractant to any wild animal (including feral cats) or waterfowl.

(Ord. 2012-29. Passed 4-24-12; Ord. 2015-43. Passed 6-9-15.)

(b) No person, whether the owner or person in charge or control of an animal, shall permit the animal to destroy or damage any lawn, tree, shrub, plant, building or other property, other than the property of such owner or person in charge or control, by scratching, digging, defecating, urinating or by any other means.

(c) No person, whether the owner or person in charge or control of any dog or cat, shall permit the dog or cat to commit a nuisance by the discharge of such animal's excreta upon any public or private property, other than on the property of such owner, within the City. Where the owner or person in charge or control of such animal immediately thereafter removes and disposes of such excreta in a sanitary manner, such nuisance shall be considered abated.

(d) No person shall own, keep or harbor any dog or other animal in the City that repeatedly bites other persons or animals, or habitually barks or howls, or repeatedly violates division (a), (b) or (c) of this section, or Section 618.17, all of which are a menace to the health, comfort or safety of the public. A violation of this subsection is hereby declared to be a nuisance.

(e) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. (Ord. 1982-167. Passed 2-22-83.)

618.19 REMOVAL, IMPOUNDMENT AND DESTRUCTION OF VICIOUS ANIMALS. (REPEALED)

(EDITOR'S NOTE: Section 618.19 was repealed by Ordinance 1990-56, passed May 8, 1990. See Section 618.21.)

618.20 REPORTING ESCAPES.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his or her custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he or she discovers or reasonably should have discovered the escape, report it to:

- (1) A law enforcement officer of the Municipality and the County Sheriff;
and
- (2) The Clerk of Council.

(b) If the office of the Clerk of Council is closed to the public at the time a report is required by division (a) of this section, then it is sufficient compliance with division (a)(2) of this section if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 2927.21)

618.21 DANGEROUS AND VICIOUS ANIMALS.

(a) Keeping Dangerous or Vicious Animals. No person shall keep, harbor or own any dangerous or vicious animal within the City, except in accordance with this section.

(b) Keeping Animals for Fighting. No person shall keep, harbor or own any animal for the purpose of fighting, or train any animal for the purpose of causing or encouraging such animal to make unprovoked attacks, cause injury or otherwise threaten the safety of human beings or domestic animals.

(c) Selling, Breeding or Buying Vicious Animals. No person shall possess with intent to sell, offer for sale, breed, buy or attempt to buy a vicious animal within the City.

(d) Dangerous Animals and Vicious Animals Defined.

- (1) An animal is deemed to be a dangerous animal when:
 - A. It has, without provocation, caused serious injury to a human being or domestic animal, or
 - B. It has a known propensity, tendency or disposition, without provocation, to cause serious injury to a human being or domestic animal, or

- C. It has been designated to be a dangerous animal after a hearing by the Director of Service, and
 - D. The public safety can be protected by the owner or custodian of the animal exercising reasonable control over the animal.
- (2) An animal is deemed to be a vicious animal when:
- A. It has, without provocation, caused serious injury to a human being or domestic animal, or
 - B. It has a known propensity, tendency or disposition, without provocation, to cause serious injury to a human being or domestic animal, or
 - C. It has been designated to be a vicious animal after a hearing by the Director of Service, and
 - D. The public safety cannot be protected by the owner or custodian of the animal exercising reasonable control over the animal.
- (e) Impoundment of Animals.
- (1) Any police officer or health officer of the City, including the Animal Warden, shall have the authority but not the duty to summarily and immediately impound any animal which:
 - A. Has attacked, bitten or otherwise injured any human being or domestic animal; or
 - B. Has a known propensity, tendency or disposition, without provocation, to attack, cause injury to or otherwise threaten the safety of human beings or domestic animals.
 - (2) When damage is imminent, any such officer may enter and inspect private property to enforce the provisions of this section.
 - (3) Any person keeping or harboring an animal sought to be impounded shall surrender such animal to the police officer or health officer upon demand.
 - (4) If the animal cannot be safely taken up and impounded, it may be slain forthwith by the police officer or health officer.
- (f) Alternative Confinement.
- (1) In lieu of such animal being impounded, the animal warden may direct that the animal be confined at the owner's or custodian's expense either in an approved veterinary facility, or at the owner's or custodian's residence, or outside the City. In such case, the owner or custodian:
 - A. Shall not remove the animal from the veterinary facility or residence or bring the animal into the City without the prior written approval of the animal warden, and
 - B. Shall make the animal available for observation and inspection by police officers and health officers of the City, including the Animal Warden.
 - (2) The Animal Warden may have such impounded or confined animal permanently identified by photo and other identification.

(g) Hearing by Director of Service. Within ten days of such animal being impounded or confined, the Director of Service shall conduct a hearing to determine whether the animal is a dangerous animal or a vicious animal. The City shall make residential service of notice of the time, place and purpose of the hearing, at least three days before the hearing, upon the owner or custodian of the animal, any persons requesting notice, and any persons known to have relevant knowledge or information regarding the animal.

(h) Evidence of Dangerous Animal or Vicious Animal.

- (1) The Director of Service may hear and consider any relevant evidence offered by any person desiring to provide such evidence at the hearing.
- (2) In making a determination as to whether the impounded or confined animal is a dangerous animal or a vicious animal, the following evidence may be considered:
 - A. Any previous history of the animal attacking, biting or causing injury to human beings or domestic animals;
 - B. The nature and extent of all injuries inflicted and the number of victims involved;
 - C. The place where the bite, attack or injury occurred;
 - D. The presence or absence of any provocation for the bite, attack or injury;
 - E. The extent to which clothing or other property was damaged or destroyed;
 - F. Whether the animal exhibits any characteristics of being trained for fighting or attack, or other evidence to show such training or fighting;
 - G. Whether the animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or domestic animals;
 - H. The manner in which the animal has been trained, handled and maintained by its owner or custodian;
 - I. Any other relevant evidence concerning the animal; and
 - J. Any other relevant evidence regarding the ability of the owner or custodian or the City to protect the public safety if the animal is permitted to remain in the City.
- (3) Within three days of such hearing, the Director of Service shall issue a written decision based upon all of the facts known to the Animal Warden.

(i) Decision of Director of Service.

- (1) If it is determined by the Director of Service that the animal represents a continuing threat of serious harm to human beings or domestic animals, but that the public safety can be protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the Director of Service shall be to designate the animal to be a "dangerous animal."
- (2) If it is determined by the Director of Service that the animal represents a continued threat of serious harm to human beings or domestic animals, and that the public safety cannot be protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the Director of Service shall be to designate the animal to be a "vicious animal."

- (3) If it is determined by the Director of Service that the animal does not represent a continued threat of serious harm to human beings or domestic animals, the decision of the Director of Service shall be to make no designation of the animal, and it shall be released to its owner or custodian. Such determination, however, shall not be deemed to preclude a later determination that such animal is a dangerous animal or a vicious animal under division (d) of this section.
- (j) Disposition of Vicious Animals.
- (1) It shall be unlawful for any person to own, possess, harbor or keep any animal designated by the Director of Service, after a hearing, to be a vicious animal.
 - (2) Any animal designated by the Director of Service, after a hearing, to be a vicious animal, if not already impounded by the City, shall be immediately surrendered to the Director of Service or a police officer.
 - (3) Any animal declared by the Director of Service, after a hearing, to be a vicious animal shall be humanely destroyed.
 - (4) The Director of Service shall issue an order authorizing the destruction of the vicious animal to take place no earlier than five days following the written decision by the Director of Service designating the animal to be a vicious animal. If the owner or custodian of the vicious animal, within such period, files a notice of appeal of the Director of Service's decision with a court of competent jurisdiction, and serves the Director of Service with a copy of the notice of appeal, and removes the animal from the City pending such appeal, the City shall stay the order of destruction pending the appeal.
- (k) Disposition of Dangerous Animals.
- (1) The Animal Warden, after a hearing by the Director of Service, may issue an order for the owner or custodian to remove any dangerous animal from the City, or, in the alternative, may impose reasonable terms, conditions and restrictions for the training, handling and maintenance of such dangerous animal, which terms, conditions and restrictions the Animal Warden determines are necessary to protect the public health, safety and welfare, including, but not limited to, the following:
 - A. To keep the animal, while on the premises of its owner or custodian, confined indoors or in a securely enclosed pen or "dog run" area which shall have six feet high or a secure top, and shall have its bottom secured to its sides or imbedded at least one foot into the ground.
 - B. To keep the animal, while off the premises of its owner or custodian, securely muzzled, leashed with a chain no longer than three feet and having tensile strength of no less than 300 pounds, and under the control of a person eighteen years of age or older who is physically capable of restraining the animal.
 - C. To immediately inform any government or utility company employees and anyone else who comes on the property with implied consent or peaceably and lawfully, of the animal's dangerousness and to inform applicable public agencies again if the animal is moved to another location.

- D. To obtain liability insurance with an insurer authorized to write liability insurance in the State of Ohio providing coverage for each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a human being caused by the animal.
- (2) If the owner or custodian of the dangerous animal files a notice of appeal of the Director of Service's decision with a court of competent jurisdiction, the order of the Animal Warden to remove the dangerous animal from the City or to impose reasonable terms, conditions and restrictions which the Animal Warden deems are necessary to protect the public health, safety and welfare shall not be stayed pending the appeal.
- (3) If the owner or custodian of an impounded or confined dangerous animal wishes to reclaim and remove it from the City, the Animal Warden shall release it, provided that the animal is taken to its new location outside the City immediately and directly upon its release. No person to whom such animal is released shall fail to remove the animal immediately and directly from the City.
- (l) (EDITOR'S NOTE: Division (l) was deleted by Ord. 2022-28, passed April 12, 2022.)
- (m) Police Dogs Exempt. The terms "dangerous animal" and "vicious animal," as used in this section, do not include police dogs that have been trained and may be used to assist law enforcement officers in the performance of their official duties.
- (n) Penalties.
- (1) Whoever violates this section is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.
- (2) If a violation of this section involves an animal designated by the Director of Service, after a hearing, to be a dangerous animal, whoever violates this section is guilty of a misdemeanor of the third degree.
- (3) If a violation of this section involves an animal designated by the Director of Service, after a hearing, to be a vicious animal, whoever violates this section is guilty of a misdemeanor of the second degree.
- (4) If a violation of this section involves an animal designated by the Director of Service, after a hearing, either to be a dangerous animal or a vicious animal, and if the animal kills or seriously injures a human being, whoever violates this section is guilty of a misdemeanor in the first degree.
(Ord. 1990-50. Passed 5-8-90; Ord. 2022-28. Passed 4-12-22.)

618.22 TEASING OR STRIKING DOGS USED BY POLICE DIVISION.

- (a) No person shall maliciously or willfully tease or strike dogs used by the Police Division.
- (b) A person commits the offense of teasing or striking dogs used by the Police Division if he or she willfully and maliciously taunts, torments, teases, beats or strikes any dog used by the Police Division in the performance of the functions or duties of such Division, or interferes with or meddles with any such dog used by such Division or any member thereof in the performance of the functions or duties of such Division or of such officer or member.

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. (Ord. 1990-131. Passed 9-11-90.)

618.23 INJURING OR KILLING DOGS USED BY POLICE DIVISION.

(a) No person shall maliciously or willfully, and without the consent of the owner, injure or kill any dog used by the Police Division.

(b) A person commits the offense of injuring or killing a dog used by the Police Division if he or she willfully or maliciously tortures, mutilates, injures or kills any dog used by the Police Division in the performance of the functions or duties of such Division.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 1990-131. Passed 9-11-90.)

618.24 BEEKEEPING.

(a) The keeping or harboring of bees, including but not limited to honey bees and bumble bees, shall be limited to a maximum of two hives on a minimum lot size of 11,000 square feet, and no more than four hives on a one-half acre lot, in a residential zone only. For purposes of this division only, "lot size" shall include sidewalk areas, tree lawns or any other areas behind the street curb-line within the public right-of-way which fronts upon the property, which shall harbor the bees.

(b) A beehive must be kept a minimum of twenty-five feet from property lines, and the bees' flight pattern must be directed away from a neighbor's entrances and lines of traffic.

(c) A water source must be provided on the premises, placed a minimum of five feet from the property line.

(d) Neglected bees, as determined by the County Apiary Inspector, are prohibited.

(e) The failure to remove, or authorize the removal of, any natural or manmade hive or nest, or other living quarters for bees, (including but not limited to honey bees and bumble bees), wasps, yellow jackets and hornets, within three days after notice is served by the Building Commissioner upon the owner/guardian and /or occupant, shall be prima facie evidence that bees (including but not limited to honey bees and bumble bees), wasps, yellow jackets and hornets, are being kept or harbored on the premises by such owner/guardian and/or occupant.

(f) Anyone who owns or possesses bees in the State of Ohio is required to complete an annual registration by June 1st with the Cuyahoga County Health Department.

(g) Whoever violates this section is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 2018-78. Passed 10-23-18.)

618.25 PROCEDURE AND FEES FOR ADOPTING ANIMALS.

(a) Any animal not recovered by its owner within 30 days may be offered for adoption, for an additional 60 days, to a new adult owner. After a total 90 day holding period the animal may be transferred to a foster or an animal rescue organization. If kennel space is available after the 90-day holding period, the Animal Control Officer may recommend keeping the animal for a longer time period as approved by the Police Chief.

- (b) The Animal Control Officer shall collect such fees for animal adoption as follows:
- (1) Canine adoption fee: Adult: one hundred dollars (\$100.00); puppy; two hundred dollars (\$200.00); seniors: seventy-five dollars (\$75.00); previously spayed or neutered: seventy-five dollars (\$75.00).
 - (2) Feline adoption fee: Adult: seventy-five dollars (\$75.00); kitten: one hundred dollars (\$100.00); previously spayed or neutered: sixty dollars (\$60.00).
 - (3) Veterans and individuals age 60 or older shall receive a twenty-five dollar (\$25.00) discount on adoption fees.
 - (4) Modifications can take place with the recommendation of the Animal Control Officer and approval of the Police Chief.
- (c) Such rabies vaccination as is prescribed in Section 618.035 shall also be required.

(d) If any dog or cat has not reached maturity, the owner shall agree in writing to have such animal at a specified place and date for neutering or spay. Such owner shall be required to have such animal currently immunized against rabies by a licensed veterinarian before neutering or spaying. Any owner who fails to have such pet spayed or neutered within 30 days after the specified date shall forfeit ownership of said animal. All dogs or cats old enough for neutering/spaying shall be altered either through the Cleveland Animal Protective League or by the owner's own veterinarian. In the latter case, such alteration shall be at the owner's expense, and a representative of the Middleburg Heights Animal Kennel shall make all appointments for surgery for the owner.

(e) Anyone found in violation of the City adoption agreement and/or Chapter 618 of the Middleburg Heights Codified Ordinances and who fails to correct the violation within 48 hours, shall forfeit the adopted animals to the Middleburg Heights Kennel, and shall be subject to a fine in the amount of one hundred dollars (\$100.00).
(Ord. 2019-16. Passed 3-12-19.)

618.26 KEEPING OF FARM ANIMALS.

(a) The regulations of this section are established to permit the keeping of farm animals in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

(b) The keeping of chickens, ducks, and rabbits, and the cages, coops, and enclosures for the keeping of such animals in residential districts shall be governed by the following regulations:

- (1) Number. No more than six such animals shall be kept on a parcel of land used or zoned as a residential lot.
- (2) Horses and Ponies. No person shall keep or raise any horse or pony within the Municipality without having first obtained an application form and registration as prescribed by the Division of Animal Control and shall set forth the name, age, breed, description and any special markings peculiar to such animal and the name, address, and telephone number of the owner and/or keeper of such animal. The fee for such permit shall be five dollars (\$5.00) for each animal so registered. The City must be notified upon any changes to the registration such as acquiring a new farm animal or upon the death of a farm animal. All persons must conform to the zoning laws of the City.

- (3) Prohibited Animals. No roosters, geese, turkeys, peacocks, Guineafowl, cows, steer, camelidae, goats, sheep, or pigs may be kept in any residential district. No predatory birds may be kept on any residential property.
- (4) Coops, Cages and Enclosures. Chickens, ducks, and rabbits shall be provided with a covered, predatory-proof coop, cage or enclosure that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals exclusive of areas used for storage of materials. The total area of all coops, cages or enclosures on a lot shall not be greater than thirty-two square feet for up to six animals. Coops, cages, and enclosures singly or in combination shall not exceed twelve feet in height. All coops must comply with the zoning laws of the City.
- (5) Enclosures and Fences. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten square feet of area for each bird.
- (6) Sanitation and Nuisances. Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
- (7) Animal or Bird Noise. It shall be unlawful for any person or party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.
- (8) Building Permits. A building permit shall be required for the installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no building permit shall be required for cages or coops that are not permanently attached to the ground.
- (9) Enforcement. The Division of Building and/or Animal Control shall have the authority to inspect any property to determine compliance with the regulations of this Section regarding the construction and permitted placement of enclosures, fences, cages, coops, stables, and other structures used in the keeping of farm animals and shall have the authority to enforce the regulations of this Section as they apply to such matter.
- (10) Penalty. Whoever violates section 618.26 is guilty of a misdemeanor of the third degree.
(Ord. 2022-45. Passed 5-24-22)

