

CHAPTER 505

City of Amherst: Animals and Fowl

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CROSS REFERENCES

See sectional histories for similar State law

Owner or keeper liable for damages - see Ohio R.C 951.10

Dog registration - see Ohio R.C. 955.01

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(ORC 951.02)

(b) No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat, unless the dog is properly in leash.

(c) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape.

(2) Keep the dog under the reasonable control of some person.

(ORC 955.22)

(d) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(ORC 951.02)

(e) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(ORC 951.99)

(f) (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

(ORC 955.99)

505.02 IMPOUNDING AND DISPOSITION; RECORDS.

(a) A police officer or animal warden may impound every animal or dog found in violation of Section 505.01. If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If the dog is wearing a valid registration tag or the identity of the owner, keeper or harbinger is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harbinger that the dog has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog seized and impounded may be redeemed by its owner, keeper or harbinger at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.

(b) A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dog shall be kept by any poundkeeper.

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.
(ORC 955.99(D)).

505.04 ABANDONING ANIMALS OR FOWL.

(a) No owner or keeper of a dog, cat or other domestic animal or fowl shall abandon such animal. (ORC 959.01)

(b) Whoever violates 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.
(Ord. 14-32. Passed 7-28-14.)

505.05 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully kill or injure a farm animal, dog, cat or other domestic animal or fowl that is the property of another. This section does not apply to a professional butcher, a licensed veterinarian acting in an official capacity, or to trespassing animals as set forth in Ohio R.C. 959.04.

(b) Except as otherwise provided herein, whoever violates this section is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree.

(ORC 959.99(B))

505.06 POISONING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. This section does not apply to trespassing animals as set forth in Ohio R.C. 959.04.
(ORC 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(ORC 959.99(C))

505.07 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

(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) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(ORC 959.13)

(c) Whoever violates 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 subsection, 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.

(ORC 959.99(D))

505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

(1) "Companion animal" means 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 Ohio R.C. 956.01. "Companion animal" does not include livestock or any wild animal.

(2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.

(3) "Residential dwelling" means 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.

(4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.

(5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 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.

(7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(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 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 or 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.

(d) 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.

(e) Subsections (b), (c) and (d) 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 Ohio 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 Ohio R.C. Chapter 4741.

(ORC 959.131)

(f) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.

(4) 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 Ohio 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 Ohio R.C. 959.132.

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from 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.

(ORC 959.99)

505.08 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(b) Any coop, kennel and outdoor enclosure used to house animals or fowl must be kept in a sanitary condition and free from offensive odors. The coop, kennel and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. A property owner owning such animals and fowl shall not permit noxious odors or waste beyond the property owner's property boundaries.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 14-32. Passed 7-28-14.)

505.09 ANIMAL NOISE.

(a) No person shall keep or harbor any animal within the Municipality which, by frequent or habitual noise, barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any animal habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such animal.

(b) No person shall possess a rooster, cock-bird or other crowing birds within city limits.

(c) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 14-32. Passed 7-28-14.)

505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. Whenever it is reported to the Health Commissioner that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Health Commissioner. The dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense of the owner or harbinger. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harbinger. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptoms or behavior suggestive of rabies.

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

505.11 HUNTING PROHIBITED.

(a) Except as permitted by Section [505.18](#), no person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 04-67. Passed 7-12-04.)

505.12 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(ORC 925.62)

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

505.13 KENNELS; SANITATION, INSPECTION AND PERMITS; FEE.

(a) Definitions. As used in this section, certain terms are defined as follows:

(1) "Health kennel" means any structure or premise that is used as an animal clinic or hospital and is operated by a licensed veterinarian for the purpose of healing, operating or boarding of any dog, cat or other domesticated or wild animal or fowl. Health kennels shall be governed by State of Ohio regulations.

(2) "Commercial kennel" means any structure or premise in which caring, breeding or housing of dogs, cats or other domesticated animals is done for monetary or compensation reasons. There is no limitation as to the numbers of animals kept in a commercial kennel.

(3) "Private kennel" means any structure or premise used as an accessory use, to a principal dwelling located in an area zoned R-1 and R-3 or nonconforming use, in which four dogs, cats or other domesticated animals are housed or kept for pets, hunting, dog shows, field and obedience trials or for guarding of property of the principle use. At no time shall more than four dogs over the age of three months be housed in a private kennel.

(4) "Fowl Coop" means any structure or premise used as an accessory use, to a principal dwelling located in an area zoned R-1 or nonconforming use, in which up to four members of the fowl family are housed or kept for pets. Unless a variance is granted for lots with an area of less than one (1) acre, at no time shall a resident own or possess more than four members of the fowl family. All fowl shall be provided with a covered, predator-proof coop or cage that is well ventilated and designed to be easily accessed for cleaning. The coop shall allow at least four (4) square feet per fowl. Fowl shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Fowl shall not be allowed out of these enclosures unless they are monitored by the owner or other individuals residing at said residence.

A. Said enclosure may have a fenced outdoor pen/range which may not exceed 144 square feet. The height of the same must be a minimum of 48 inches with a covered or fenced roof.

B. All Building Department regulations, requirements and permits for out-buildings or accessory buildings shall apply to the building or installation of any fowl enclosure.

C. Setback: There shall be a 15 foot minimum set back from any side lot line; there shall be a 15 foot minimum setback from the rear lot line; the enclosure shall not be permitted beyond the back building line of any residential enclosure; no coops, pens or ranges may be permitted within 40 feet of neighboring resident's door or window. In the event the structure is not blocked from center road side view, the permit holder must block the view with a permitted item, e.g. fence, shrubbery, other structure.

D. Sanitation. The fowl coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. Noxious odors beyond property boundaries shall not be permitted. The provisions set forth in subsection (c) below and Section [505.08](#) shall apply.

E. Lots of one (1) acre or more. Residents may possess more than the number (N) of chickens stated in (a)(4) in proportion to their lot size. Said number shall be multiplied in the following manner:

Lot Size	1 acre - less than 2 acres	2 acres - less than 3 acres	3 acres - less than 4 acres	4 acres - less than 5 acres
Number of fowl:	$N \times 2$	$N \times 3$	$N \times 4$	$N \times 5$

(5) "Shelter" means any room or cage which houses a dog or cat and shall be of a size not smaller than six foot by eighteen foot by six foot height with a concrete pad. Not more than one dog or cat shall be contained in six foot by eighteen foot by six foot shelter except when breeding.

(b) Animal Restraint. All animals in any kennels when not in their shelters shall be restrained by a fence or leash.

(c) Sanitary Conditions. All private and commercial kennels shall dispose of animal waste by using chemical means so as not to cause undue discomfort in the area. In commercial/private kennels and fowl coops or enclosures used to house fowl, throughout the months of April through September when the temperature reaches seventy-five degrees or above, waste shall be disposed of every forty-eight hours. At temperatures below seventy-five degrees waste shall be disposed of every seventy-two hours. For all other months of the year, waste shall be disposed of every seventy-two hours.

(d) Inspection and Permits. Private or commercial kennel, fowl coop and enclosure permits shall be

obtained from the Building Department. Inspection shall be made upon a written or oral complaint of a citizen or neighbor. All inspections may be made by the Police Department. Citations for violations of Amherst Codified Ordinances, Ohio Revised Code or other governing law shall be issued by the Police Department.

(e) Violations. Whoever violates any provision of this section shall be issued a citation to correct the violation within thirty days. If after thirty days, the violation still exists, the owner or operators shall be cited for a minor misdemeanor violation for the continuing violation.

(f) No person, firm or corporation shall keep, operate or maintain a private or commercial kennel without obtaining a permit as required herein and paying a twenty-five dollar (\$25.00) fee for the current year. Fees will not be prorated. Permits expire December 31st of each year, regardless of when permit was issued.

(g) Fowl Enclosure Permit. With exception to students studying poultry, FFA members or 4-H members as described below, permit fees for the housing structure (coops, pens, ranges) in addition to other applicable Building fees, shall be in accordance with the current fees as listed in these codified ordinances to cover any future fee structure changes. The yearly registration fee will only to be waived pending written verification of participation in an educational program. All building permit fees to remain. Said requester must submit a building and plot plan as well as the following items:

(1) The name, phone number, and address of the applicant.

(2) The size and location of the subject property.

(3) A proposal containing the following information.

A. The number of hens the applicant seeks to keep on the property.

B. A description of any coops or cages or outdoor enclosures providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties.

C. FFA Members, 4-H members and students in comparable educational entities: A person raising chickens for educational purposes are exempt from the payment of the permit fee so long as the person evidences the participation in said exempt educational entity with written documentation from an educator or advisor from the same.

D. Permit Renewal. Permits will be granted on an annual basis. If the permit holder has not received any city citations (e.g. police, building department or other) for the permit holder's keeping of chickens, violations of city codes, ordinances or rules or other citations related to said chickens, the permit will be presumptively renewed and the applicant may continue to keep chickens under the terms and condition of the initial permit. A \$25.00 Renewal Fee will apply. The city may revoke the permit at any time if the permittee does not follow the terms of the permit, if the city receives complaints regarding the permit holder's keeping of chickens, or the city finds that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.

(Ord. 14-32. Passed 7-28-14.)

505.14 HORSES AND LIVESTOCK ON SIDEWALKS OR TREELAWNS.

- (a) No person shall ride or lead a horse or livestock on sidewalks or treelawns located within the City.
(Ord. 72-31. Passed 6-26-72.)
- (b) Whoever violates this section is guilty of a minor misdemeanor.

505.15 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his 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 discovers or reasonably should have discovered the escape, report it to:

(1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and

(2) The Clerk of the Municipal Legislative Authority.

(b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with subsection (a) hereof 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)

505.16 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(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 been designated to be a dangerous animal after a hearing by the Lorain County Animal

Warden; and

C. The public safety can be protected by the owner, keeper or harbinger of the animal exercising reasonable control over the animal. (Ord. 03-42. Passed 3-24-03.)

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(4) 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 been designated to be a vicious animal after a hearing by the Lorain County Animal

Warden; and

C. The public safety cannot be protected by the owner, keeper or harbinger of the animal exercising reasonable control over the animal.

(Ord. 03-42. Passed 3-24-03.)

(5) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(ORC 955.11)

(b) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of a dangerous or vicious dog shall fail to do either of the following:

(1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

(2) While that dog is off the premises of the owner, keeper or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

A. Keep that dog in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top;

B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

C. Muzzle that dog.

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in 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 person caused by the vicious dog. (Ord. 99-141. Passed 11-8-99.)

(d) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (c) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

(e) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:

(1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious

dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

(2) A misdemeanor of the first degree if the dog causes injury other than killing or serious injury, to any person.

(f) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. (ORC 955.99; Ord. 87-88. Passed 12-14-87.)

(g) Impoundment.

(1) Any police officer or health officer, including the Lorain County Animal Warden, shall have the authority but not the duty to summarily and immediately impound any animal which has attacked, bitten or otherwise injured any human being or domestic animal, or which has a known propensity, tendency or disposition, without provocation, to attack, cause injury 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 this chapter.

(3) Any person keeping or harboring an animal sought to be impounded shall surrender such animal to a police officer or health officer upon demand.

(4) If an animal cannot be safely taken up and impounded, it may be slain forthwith by a police officer or health officer.

(5) Whoever violates this section shall be subject to the penalties provided in subsection (e).

(h) Alternative Confinement.

(1) In lieu of an 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, at the owner's or custodian's residence or outside the City. In such case, the owner, keeper or harbinger 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 Lorain County Animal Warden, and shall make the animal available for observation and inspection by police officers and health officers of the City, including the Lorain County Animal Warden.

(2) The Lorain County Animal Warden may have such impounded or confined animal permanently identified by photo and other identification.

(3) Whoever violates this section shall be subject to the penalties provided in subsection (e). The court shall order the payment of veterinarian fees and other costs associated with the attack by a dangerous or vicious animal on another animal or human.

(Ord. 03-42. Passed 3-24-03.)

505.17 VOIDING ANIMAL EXCREMENT.

(a) No person being the owner or having charge of dogs, cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(b) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, or adequate fence, supervision or secure enclosure to prevent escape, or under reasonable control of some person.

(c) The running at large of any such animal in or upon any of the places mentioned in this section is prima facie evidence that it is running at large in violation of this section.

(d) Any person having charge of any dog while away from the premises of the owner or person in charge of the animal shall have on their person the appropriate container to hold dog feces.

(e) The feces deposited by the defecation of any animal upon any public land, street or right of way or upon the land of any private property owner other than the owner of the animal or the person in charge thereof, and which creates an unsanitary and unhealthy condition is hereby declared a nuisance. Where the owner or person in charge or in control of the animal immediately, and before taking such animal from the area where the defecation occurred, cleans the area and removes the feces and disposes of it in a sanitary manner in a proper receptacle, the nuisance shall be considered abated.

(f) No person shall dispose of dog feces on any property other than the property of the owner or person in charge of the animal.

(g) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(h) Whoever violates subsections (b), (c), (d), (e) or (f) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(i) In addition to the penalties prescribed in subsection (h) hereof, if the offender is guilty of a violation of subsections (b), (c) or (d) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

(Ord. 02-09. Passed 1-28-02.)

505.18 HUNTING PRESERVES.

(a) Provided such land satisfies the requirements set forth below, the owner or owners of land shall have the right to designate such land as a hunting preserve. To effect such designation, the owner or owners of such land shall file a designation with the Director of Public Safety and Service, on a form prescribed by the Director.

(b) A hunting preserve must be at least four hundred (400) acres in area in one continuous block of land. The boundaries of each hunting preserve shall be clearly defined by posting signs, at intervals of not less than one hundred (100) feet, around the perimeter of such preserve. Each such sign must be at least 10" x 14" and must clearly identify the land as a hunting preserve.

(c) No hunting or use of any weapon shall be permitted within six hundred (600) feet of any boundary of a hunting preserve.

(d) Hunting within a hunting preserve shall be by shotgun, bow and arrow, pistols, or primitive weapons only. No other weapons may be used for hunting. As used herein, "primitive weapons" means weapons that are single-shot, muzzleloading rifles, thirty-eight caliber or larger; or muzzleloading shotguns using single ball; or longbow and arrow; or a crossbow having a working safety and a stock more than twenty-five inches in length.

(e) This section does not authorized anyone to hunt within or use any weapon on any property without the permission of the owner.

(f) This section shall not be construed to permit the use of land in violation of Amherst's Zoning Code (Title Five of Part Eleven of Amherst's Codified Ordinances.)
(Ord. 04-67. Passed 7-12-04.)

505.19 SHOOTING RANGES.

(a) Provided such range is operated in accordance with the requirements set forth below, the owner or owners of land shall have the right to designate such land as a shooting range. To effect such designation, the owner or owners of such land shall file a designation with the Director of Public Safety and Service, on a form prescribed by the Director.

(b) The boundaries of land on which a shooting range is operated shall be clearly defined by posting signs, at intervals of not less than one hundred (100) feet, around the perimeter of such land. Each such sign must be at least 10" x 14" and must clearly identify the land as a shooting range.

(c) No shooting or use of any weapon shall be permitted within six hundred (600) feet of any boundary of the land on which a shooting range is operated.

(d) Each shooting range must comply with the rules adopted by the chief of the division of wildlife pursuant to Ohio R.C. 1533.84.

(e) As used in this section, "shooting range" means an outdoor facility operated for the purpose of shooting with firearms or archery equipment.

(f) This section does not authorize anyone to hunt within or use any weapon on any property without the permission of the owner.

(g) This section shall not be construed to permit the use of land in violation of Amherst's Zoning Code (Title Five of Part Eleven of Amherst's Codified Ordinances).

(Ord. 04-67. Passed 7-12-04.)

505.99 PENALTY.

(EDITOR'S NOTE: See Section [501.99](#) for penalties applicable to any misdemeanor classification.)