

CHAPTER 505
City of Beachwood - 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, CATS, AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person, being the owner or in charge or control of any dog, cat, or other animal, shall permit or allow by any means or in any manner, such dog, cat, or other animal, to go or remain upon any public Street or place within the City except when accompanied by a responsible person and upon a leash. The length of a leash shall be no longer than that which is reasonably necessary to maintain control of a pet and to prevent the pet from trespassing on private property, or from chasing or attacking any person, animal or vehicle. As against the owner or person in charge or control of any such dog, cat, or other animal, evidence that such dog, cat, or other animal, was found at large upon any public street or place within the City shall be prima- facie evidence of a violation of this section.

(b) No person, being the owner or in charge or control of any dog, cat, or other animal, shall permit or allow by any means or in any manner, such dog, cat, or other animal, to go or remain on any city park property without reasonable restraint and leashed and under control. Reasonable restraint and under control is defined here as restraint which conforms to the animals weight, size, and strength, being controlled by a person who is of suitable age, size and discretion to control the animal.

(c) While on private property, it shall be unlawful to allow any dog, cat, or other animal, outdoors on private property unless the animal is leashed, or contained in a fence or under the control of a responsible individual. It shall be unlawful for any owner to allow his or her animal to cross outside the property line of its owner to any extent, including reaching over, under or through a fence. Any method of pet containment is not considered valid during a period of time when failure or lack of maintenance renders it non-effective. Visible signage to an electronic pet containment system must be posted.

(d) Whoever violates or fails to comply with this section is guilty of a minor misdemeanor and is subject to incremental increases in misdemeanor degrees with repeated offenses that occur within the first twelve (12) months of the first offense.

(Ord. 03-07. Passed 4-7-03.)

505.02 ANIMALS PROHIBITED IN THE CITY.

(a) Definitions:

(1) "Farm animals:

- A. Chickens, Ducks, Geese, or any other fowl
- B. Sheep, Goats, Horses, Cattle, Swine, or any other hoofed animal

(2) "Wild" or "dangerous" or "undomesticated animal": means an animal whose natural habitat is the wilderness and which, when maintained in a human society, is usually confined in a zoological park and which includes any of the following:

- A. Venomous creature. Includes spiders and reptiles.
- B. Constrictor snakes.
- C. Omnivorous or carnivorous animal that weighs more than twenty five (25) pounds and which is a predator in its natural habitat.
- D. Animal which by reason of its size, strength or appetite, would, if unrestrained and free in the city, cause peril to persons, household pets, buildings, landscape or shrubbery.
- E. Includes, but is not limited to the following: Lion, Tiger, Lynx, Mountain Lion, Jaguar, Cheetah, Leopard, Panther, Bear, Wolverine, Elk, Moose, Caribou, Elephant, Giraffe, Rhinoceros, Hippopotamus, Wolf, Wild Ox, Boar, Crocodile, Alligator, Caiman, Gavial. Including hybrids.

(b) No person shall own, harbor, or keep any farm animal with in the City.

(c) No person shall own, harbor or keep any wild, or dangerous or undomesticated animal within the City.

(d) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor. Whoever violates subsection (c) is guilty of a misdemeanor in the fourth degree for the first offense, a misdemeanor in the third degree for a second offense, and a misdemeanor in the second degree for the third offense. Each and every day during such period, may be deemed a separate offense.

(Ord. 03-07. Passed 4-7-03.)

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 provided by Ohio R.C. 955.16. Proof of registration must be produced within twenty-four (24) hours of request. Failure to provide proof of registration will result in a minor misdemeanor.

(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.
(Ord. 03-07. Passed 4-7-03.)

505.04 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal 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.
(ORC 959.99)

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. This section does not apply to a licensed veterinarian, or animal control officer/law enforcement officer acting in an official capacity, or to trespassing animals as set forth in Ohio R.C. 959.04.

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), 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.

(Ord. 03-07. Passed 4-7-03.)

505.06 POISONING ANIMALS.

(a) No person shall maliciously, or willfully administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal. No person shall, willfully 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 ORC.

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

(Ord. 03-07. Passed 4-7-03.)

505.07 CRUELTY TO ANIMALS GENERALLY.

No person shall:

- (a) 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; (ORC 959.13 (A)[1])
- (b) 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. 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; (ORC 959.13 (A) [2])
- (c) Carry or convey an animal in a cruel or inhuman manner; (ORC 959.13 (A) [3])
- (d) Any person charged with animal neglect (C.O. [505.08](#)) who upon notification did not resolve the problem immediately will be charged with this section.
- (e) Whoever violates this section is guilty of a misdemeanor of the second degree.
(Ord. 03-07. Passed 4-7-03.)

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 NEGLECT OF ANIMALS.

For the sake of public health, comfort or enjoyment of any people, and for the animal's well being, no animal should be kept in unsanitary conditions. No person shall maintain or keep an animal in unsanitary conditions, including; accumulation of feces, and odor, insect or rodent infestation. Anyone who keeps an animal must provide the following:

(a) Clean potable drinking water at all times, and suitable food of sufficient quantity to ensure normal growth and maintenance or normal body weight.

(b) Food and water receptacles kept clean and disinfected and located so as to avoid contamination by feces.

(c) Necessary veterinary medical care when the animal exhibits signs of pain or suffering.

(d) Provide the animal shelter to ensure protection from elements, which is appropriate to the animals weight and type of hair-coat. Such shelters must also provide sufficient space to allow any animal the ability to turn about freely and lie in a normal position. The shelter must be in an area providing sufficient shade by natural or artificial means to protect the animal from direct rays of sun at all times, and must supply sufficient ventilation. All areas must be regularly cleaned and sanitized. Accumulated feces must be removed on a regular basis to control disease parasites.

(e) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense. If the violation is not resolved immediately upon notification, the owner, keeper or harbinger will be charged with cruelty to animals. Whoever violates or is left unresolved, shall constitute a second offense under Cruelty to Animals.

(Ord. 03-07. Passed 4-7-03.)

505.09 CLAIMED ANIMALS.

In order to claim and redeem any impounded animal from the city kennel, the owner, keeper or harborer thereof shall submit to the Law Enforcement Officer or Animal Control Officer proof of ownership. Further, as consideration of release, the owner, keeper or harborer of a dog, shall show proof of county dog license registration of that animal. Finally as a condition of release, the owner, keeper or harborer shall pay all fees and cost in connection to the impoundment. (Ord. 03-07. Passed 4-7-03.)

505.10 FEES AND COSTS.

The following fees and costs shall accrue with regard to the impoundment of animals:

The seizing and impounding of an
animal

Kennel Fee for feeding and housing
Per twenty four (24) hour period*

*Kennel impoundment fees to be placed in the appropriate fund for the use of buying kennel supplies.

**Subject to prevailing kennel/boarding fees whichever is greater. If animal is picked up within 24 hours of notification, kennel fees will be waived.

(Ord. 03-07. Passed 4-7-03.)

505.11 RABIES VACCINATION OF DOGS REQUIRED.

(a) Any person owning, keeping or harboring any dog or cat over the age of six (6) months shall be required to have such animal currently immunized against rabies by a licensed veterinarian.

(b) All owners, keepers and harborers as described in section (a) hereof shall maintain a record of such immunization as provided by a veterinarian and produce proof of such immunization to any law enforcement officer.

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

(Ord. 03-07. Passed 4-7-03.)

505.12 UNSANITARY CONDITIONS: ODORS.

(a) No person shall own any animal in the municipality so as to create noxious, or offensive odors or unsanitary conditions that cause a risk to the health, comfort, or safety of the public.

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

(Ord. 03-07. Passed 4-7-03.)

505.13 NUISANCE CONDITIONS PROHIBITED.

(a) No owner or keeper or person having custody or control of any animal shall allow or permit such animal to commit a nuisance on any public property or upon private property other than that of the owner or keeper or person who has accepted custody or control of such animal, provided that the foregoing shall not apply to street gutters. It shall be the duty of all persons having control of animal to curb such animal and immediately remove all feces and dispose of same in a sanitary and proper manner, in order to carry out the intent of this section. The word "nuisance" as used herein means urination and defecation.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 03-07. Passed 4-7-03.)

505.14 BARKING OR HOWLING ANIMALS.

(a) No person shall keep or harbor any animal within the City which, by frequent or habitual barking, howling, yelping, screeching or biting disturbs the peace, quiet and good order of the City or endangers the repose or health of persons in the City. Any person who allows 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. However, it is deemed that no nuisance exists if any time such animal howls, barks, screeches or bites it is in response to a trespass on the property of the owner, or in response to the teasing, tormenting or abusing of such animal on the owner's property.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 03-07. Passed 4-7-03.)

505.15 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by any animal a report of such bite shall be made to the Police Chief within 24 hours. All animals deemed by the County Health Officials as an animal susceptible to rabies shall be quarantined under an order issued by the Police Chief. The animal 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 Police Chief and shall be at the expense of the owner or harbinger. Quarantine shall continue until the Police Chief determines that the animal 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 Police Chief requires the animal 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 Police Chief 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 animal shall be released from quarantine unless and until it has been properly vaccinated against rabies.

(b) No person shall fail to comply with the requirements of this section or with any order of the Police Chief made pursuant thereto, nor fail to immediately report to the Police Chief any symptoms or behavior suggestive of rabies.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 03-07. Passed 4-7-03.)

505.16 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by any means within the City, whether with or without a license or in or out of season.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 03-07. Passed 4-7-03.)

505.17 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.
(Ord. 03-07. Passed 4-7-03.)

505.18 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.

(Ord. 03-07. Passed 4-7-03.)

505.19 DANGEROUS AND VICIOUS DOGS.

As used in this chapter, certain terms are defined as follows:

(a) "Dangerous dog" means a dog that caused injury other than killing or serious injury to any person, or kills another dog, cat or other domestic animal while off the premises of the owner. Dangerous dog does not include a police dog that has caused injury other than killing or serious injury to any person or has killed another dog, cat or other domestic animal while the police dog is being used to assist law enforcement officers in the performance of his official duties.

(b) "Menacing fashion," means that a dog could cause any person being chased or approached to reasonably believe that the dog could cause physical injury to that person.

(c) "Owner" means any person owning, keeping, possessing, harboring, maintaining, or having the care, custody, or control of a dog or the parents or guardian of a minor owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog.

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

(e) "Serious injury" means any of the following:

(1) Any physical harm that carries a substantial risk of death;

(2) Any physical harm that involves a permanent incapacity, whether partial or total or a temporary substantial incapacity;

(3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

(4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain;

(f) "Vicious dog" (as defined in ORC 955.11 (A) (4)(46) means a dog that, without provocation:

(1) Has killed or caused serious injury to any person;

(2) "Vicious Dog" does not include either of the following:

A. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

B. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.

(g) "Provocation" means that any dog was teased, tormented or abused by a person or that the dog was coming to the aid or defense of a person who was not engaged in illegal activity, and whose person or property was in imminent danger of physical harm.

(Ord. 12-41. Passed 5-21-12.)

505.20 DETERMINATION OF DANGEROUS AND VICIOUS DOGS.

(a) Whenever a complaint is made to the Police Department or the Animal Control Officer, of the presence of a dangerous or vicious dog within the city, the Chief of Police or designee shall promptly inspect or cause an inspection of the premises on which it is alleged that such animal is being kept.

(b) The Chief of Police or designee shall determine that a dog is dangerous pursuant to this chapter upon proof by a preponderance of the evidence of any of the following:

(1) Without provocation, the dog has caused injury other than killing or serious injury to any person.

(2) Without provocation, the dog has killed another dog, cat or other domestic animal.

(c) The Chief of Police shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence that:

(1) Without provocation; the dog has killed or caused serious injury to any person.

(d) If the Chief determines that a dangerous/vicious dog is being kept within the City, the Chief shall determine the individual, firm or corporation who from the records in the Auditors office of Cuyahoga County, appears to be the owner of the dog, or if such information is not available, the titled owner of the property upon which the dog is kept, and shall, within five days, cause written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Chief of Police shall cause a copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises on which the dog is kept, or if there is no individual in possession of the premises, he shall cause a copy of the notice to be posted on premises.

(e) The notice required by this section (c) hereof shall state, in brief, the findings with respect made to the dangerous or vicious nature of the dog. The notice shall further state that the owner must comply with the requirements of this chapter within thirty days after service of the notice.

(f) Police dogs are exempt from these provisions for all actions occurring in the course of their duties. (Ord. 12-41. Passed 5-21-12.)

505.21 APPEAL PROCEDURE.

(a) The owner of a dog who has been served with a notice pursuant to Section [505.20](#) (d) may, within seven days after receipt of such notice, make a written demand to the Chief of Police for a hearing on the question of whether the dog is dangerous or vicious as defined in Section [505.19](#).

(b) Every effort should be made to hold a hearing no later than ten days following receipt of written demand to the Chief of Police and at least three days notice of the hearing shall be given to the individual, who made the demand for the hearing.

(Ord. 03-07. Passed 4-7-03.)

505.22 REGISTRATION OF DANGEROUS OR VICIOUS DOGS.

(a) Any person owning, keeping, possessing, maintaining or having the care, custody or control of a dangerous or vicious dog shall:

(1) Register the dog with the police department annually, between January 2 and January 20, and whenever a dog is newly obtained.

(2) At the time of registration provide proof of liability insurance as required by Section [505.23](#) (a). (Ord. 03-07. Passed 4-7-03.)

(3) Identify the dog by having the dog tattooed with a code number or a microchip implanted at the owner's expense. In the event that said animal has a history of aggressive behavior within the City of Bay Village, said dog will be required to have a tattoo. Provide the Police Department with that code number and two color photos of the dog. One photo should clearly show the tattoo number on the dog and the other should be a clear photo of the whole dog. (Ord. 04-27. Passed 3-1-04.)

(4) Provide two color photographs of the dog annually.

(5) Post on the premises, in a conspicuous place where the dog is kept, at least one City-issued sign available, upon payment of thirty dollars (\$30.00) for each sign from the Police Department. The sign shall be visible and capable of being read from the public highway or street and will include the wording: "DANGEROUS or VICIOUS." The Animal Control Officer will determine sign language. This sign shall be maintained and remain in place during the possession of the animal.

(6) Notify the Police Department within seventy two hours, if the dangerous or vicious dog has died, or has been sold or donated and provide the Police Department with the names, address and telephone number of the new owner.

(b) Whoever fails to register a dangerous or vicious dog as provided in this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for a second offense and a misdemeanor of the third degree for the third offense. Each and every day during such period of noncompliance with this section may be deemed a separate offense.

(Ord. 03-07. Passed 4-7-03.)

505.23 INSURANCE FOR VICIOUS DOGS.

(a) No owner 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 to property or bodily injury to or death of a person caused by the vicious dog.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree on the first offense, a third degree misdemeanor on the second offense, and a second-degree misdemeanor on the third offense. Each and every day during such period of noncompliance with this section may be deemed a separate offense. (Ord. 03-07. Passed 4-7-03.)

505.24 RESTRAINT OF DANGEROUS OR VICIOUS DOGS.

(a) No owner or person in charge of a dangerous or vicious dog shall fail to do one of the following:

(1) Keep the dog securely inside of the owner's home.

(2) Keep the dog in a locked enclosure at least five feet by ten feet, which has a secure top and sides.

If the enclosure has no bottom securely attached to the sides, the sides must be embedded into the ground no less than two feet or must have a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches. All fencing must conform to the City of Bay Village Building Standards.

(3) Keep the dog securely muzzled, making sure such muzzle does not interfere with the dogs breathing. Also, the dog must be fitted with a proper collar that will prevent the dog slipping out of it or breaking through it, and attach a substantial leash to the collar that conforms to the dogs weight, size and strength, not more than four feet in length which is held in the hand of a person who is of suitable age, size and discretion to control the dog and who is outside with the dog.

(b) Whoever violates this section is guilty of a misdemeanor in the fourth degree on the first offense, a misdemeanor of the third degree in the second offense and a misdemeanor of the second degree on the third offense.

(Ord. 03-07. Passed 4-7-03.)

505.25 INSPECTION OBSTRUCTION.

(a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dangerous or vicious dog shall be deemed to have given consent to an inspection of the property, other than within any private structure unless otherwise authorized by law, by any law enforcement officer or the Animal Control Officer for the purpose of determining compliance with the requirements of this chapter.

(b) No person, with purpose to prevent, obstruct or delay the performance by law enforcement officer or the Animal Control Officer of any authorized act within his official capacity, shall do any act which hampers or impedes said official in the performance of his lawful duties under the provisions of this chapter.

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

(Ord. 03-07. Passed 4-7-03.)

505.26 SERIOUS PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the city, shall allow such dog to cause serious physical harm to any person, except in defense of such owner's person or property.

(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not defense to a violation of this section.

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

(Ord. 03-07. Passed 4-7-03.)

505.27 PHYSICAL HARM BY DANGEROUS OR VICIOUS DOGS.

(a) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the City, shall allow such a dog to cause physical harm to any person, except in defense of such owner's person or property, or to cause physical harm to another dog, cat, or other domestic animal.

(b) Lack of intent on the part of such person to allow such dog to injure another, or the lack of knowledge of the violent propensities of such dog, is not defense to a violation of this section.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree.
(Ord. 03-07. Passed 4-7-03.)

505.28 IMPOUNDMENT: DESTRUCTION OF DOGS.

(a) When any person, being the owner or having custody or control of any dog charged with a violation of this chapter, the court may, upon motion of any party or it's own motion, order the seizure and impoundment of the dog pending trial.

(b) In the event that a Law Enforcement Officer or the Animal Control Officer has probable cause to believe that a dangerous or vicious dog is running at large, he/she may seize and impound the dog without seeking prior court order.

(c) Nothing in this section shall be construed to prevent a Law Enforcement Officer or Animal Control Officer from seizing or destroying any animal which presents an immediate risk of physical harm to any person or property.

(d) Any dog that attacks and injures any person, another dog or cat, shall be humanely destroyed when, in the courts judgment, such dog represents a continuing threat of serious harm to persons or other such animals. The Chief of Police may petition the court of competent jurisdiction for an order to humanely destroy any dog impounded pursuant to this chapter which represents a threat of harm to any person caring for such animal. The court shall order any dog that kills or causes serious physical harm to any person, other than a person committing a criminal trespass or other crime of violence upon the premises of the owner of such dog, humanely destroyed. (Ord. 03-07. Passed 4-7-03.)

505.29 KEEPING BANNED DOGS.

(a) No person shall own, keep, possess, harbor, maintain or have the care, custody or control of a dog within the city when such dog has been banned by order of a court of competent jurisdiction from any municipality, county, township or other political subdivision.

(b) Compliance with the requirements of this chapter is not a defense to a violation of this section.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. Each and every day during such period may be deemed a separate offense.

(Ord. 03-07. Passed 4-7-03.)

505.30 DOG FIGHTING.

(a) Animal Fights ORC 959.15: No person shall knowingly engage in or be employed at cockfighting, bearbaiting or pitting an animal against another. No person shall receive money for the admission of another to a place kept for such purpose. No person shall use, train or possess any animal for seizing, detaining or maltreating a domestic animal. Any person, who knowingly purchases a ticket of admission to such place or is present thereat or witnesses such spectacle, is an aider and abettor. Whoever violates this section, is guilty of a misdemeanor of the fourth degree.

(b) Dog Fighting Offenses, Investigations, Confiscation of Dogs and Equipment, ORC 959.16: No person shall do any of the following:

- (1) Promote, engage in or be employed at dog fighting.
- (2) Receive money for the admission of another person to a place kept for dog fighting.
- (3) Sell, purchase, possess or train a dog for dog fighting.
- (4) Use train or possess a dog for seizing, detaining or maltreating a domestic animal.
- (5) Purchase a ticket of admission to or be present at a dog fight.
- (6) Witness a dog fight if it is presented as a public spectacle.

(c) The Department of Agriculture may investigate complaints and follow up rumors of dog fighting activities and may report any information so gathered to an appropriate prosecutor or law enforcement agency.

(d) Any peace officer, as defined in Section 2935.01 of the Revised Code, shall confiscate any dogs that have been, are, or are intended to be used in dog fighting and any equipment or devices used in training such dogs or as part of dog fights.

(e) Whoever violates this section, is guilty of a misdemeanor of the first degree.
(Ord. 03-07. Passed 4-7-03.)

505.31 STRICT LIABILITY.

(a) The provisions of Sections [505.01](#) through [505.30](#) are specifically intended to impose strict liability.
(Ord. 03-07. Passed 4-7-03.)

505.32 ENFORCEMENT.

The Animal Control Officer and Division of Police of the City of Bay Village are responsible for the enforcement of this chapter. The powers and authority granted under this chapter shall be supplemental to the powers and authority already provided for by the Ohio Revised Code relating to local animal control regulations.

(Ord. 03-07. Passed 4-7-03.)

505.33 FEEDING OF DEER PROHIBITED.

(a) Definitions. In this section "food" means corn, fruit, oats, hay, wheat, alfalfa, salt or mineral blocks, grain, vegetables, human food scraps, commercially sold wildlife feed, birdseed, or livestock feed. "Food" does not include shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen from trees to the ground.

(b) Feeding of Deer Prohibited. No person shall intentionally feed deer or make food available for consumption by deer on private or public property within the City of Bay Village. A person shall be presumed to have intentionally fed deer, or made food available for consumption by deer, if the person places food or causes food to be placed on the ground or any alternative feed venue outdoors.

(c) Affirmative Defense. It is an affirmative defense to prosecution under this section if a person places food, in good faith, for the purpose of feeding domestic animals owned and located on the involved property.

(d) Penalty. Whoever violates this Section shall receive a warning on the first offense, and is guilty of a minor misdemeanor on subsequent offenses. Penalty shall be as provided in Section [501.99](#). (Ord. 12-37. Passed 5-7-12.)

505.99 PENALTY.

(a) Whoever violates any provision of Sections [505.01](#), [505.02](#), [505.08](#), and [505.09](#), is guilty of a minor misdemeanor and shall be punished as provided in Section [501.99](#)(b), provided however, that any person who is cited for a violation under the above referred to sections may appear at the police station within seventy-two hours of the time appearing on such citation and enter a plea of guilty and pay a waiver fine of forty-five dollars (\$45.00). After the expiration of the seventy-two hour period, any person so cited may appear at the police station and enter a plea of guilty to such charge and pay a waiver fine of sixty dollars (\$60.00), provided a summons has not been issued for such person or a warrant issued for the arrest of such person. In the event of the issuance of a summons or warrant, the matter shall be docketed in Rocky River Municipal Court and the penalties shall be as provided in Section [501.99](#) (b).

(b) Penalties for other sections of this chapter shall be as stated in Section [501.99](#) (b).
(Ord. 03-07. Passed 4-7-03.)