

## CHAPTER 618

### City of Beachwood Animals and Fowl

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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

Driving animals upon roadway - see TRAF. [404.04](#), [412.05](#)

Definitions generally - see GEN. OFF. [606.01](#)

Assaulting police dog or horse or handicapped assistance dog - see GEN. OFF. [642.08](#)

Offensive odors from places where animals are kept or fed - see GEN. OFF. [660.04](#)

**618.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE; MAXIMUM NUMBER OF DOGS PERMITTED.**

(a) No person, being the owner of or having charge of any dog shall permit it to run at large anywhere within the City, except upon the owner's property.

(b) "At large" means off the premises of the owner and not under control by leash, cord or chain.

(c) Not more than three dogs, excepting puppies not over three months old, may be kept in any single-family dwelling or in any separate suite in a multifamily dwelling within the City. "Dwelling," as used in this section, includes the lot or parcel of land on which the dwelling is located and all out-buildings located on the lot or parcel.

(Ord. 2008-128. Passed 9-15-08.)

**618.02 ABANDONING ANIMALS.**

No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01; Ord. 1969-54. Passed 7-7-69.)

**618.03 KILLING OR INJURING ANIMALS.**

No person shall maliciously, or willfully and without the consent of the owner, kill or injure any animal that is the property of another. This section does not apply to licensed veterinarian acting in an official capacity. (ORC 959.02; Ord. 1969-54. Passed 7-7-69.)

#### **618.04 POISONING ANIMALS.**

No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to any 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.

(ORC 959.03; Ord. 1969-54. Passed 7-7-69.)

**618.05 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 does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak or sunshade or a 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; or

(4) Keep animals, other than cattle, poultry or fowl, swine, sheep or goats, in an enclosure without wholesome exercise and change of air, or feed cows on food that produces impure or unwholesome milk.

(ORC 959.13)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section [698.02](#). 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.

## **618.051 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. "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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment in any of those specified manners.

(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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment or confinement in any of those specified manners.

(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)

**618.06 COLORING RABBITS AND BABY POULTRY; SALE OR DISPLAY OF POULTRY.**

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 baby 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)

**618.07 PEACE DISTURBANCES; DAMAGE TO PROPERTY.**

(a) No owner or person in charge or control of a dog, or owner or person in charge of a premises on which a dog is located, shall permit a dog nuisance to occur or continue within the City.

(b) For the purposes of this section, each of the following constitutes a dog nuisance:

(1) Permitting any dog unreasonably to cause annoyance, alarm or noise disturbance to any person or neighborhood by barking, whining, screeching, howling, or other like sounds which may be heard beyond the boundary of the owner, keeper or harbinger's property under conditions where the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of fifteen (15) minutes, or repeated episodes of intermittent noise lasting for a minimum period of thirty (30) minutes. It shall be an affirmative defense under this division that the animal was intentionally provoked by a party other than the owner to make such noise.

(Ord. 2017-95. Passed 7-10-17.)

**618.08 REGISTRATION OF DOGS REQUIRED.**

Except for guide, leader or listener dogs, or dogs in training to become guide, leader or listener 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 owner, keeper or harbinger of a dog more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by Ohio R.C. 955.01, nor shall he or she fail to pay the legal fee therefor. (ORC 955.21)

**618.09 HINDERING CAPTURE OF UNREGISTERED DOG.**

No person shall obstruct or interfere with anyone lawfully engaged in capturing an unregistered dog or making an examination of a dog wearing a tag.

(ORC 955.24)

**618.10 UNLAWFUL TAGS.**

No person shall own, keep or harbor a dog wearing a fictitious, altered or invalid registration tag or a registration tag not issued by the County Auditor in connection with the registration of such animal. (ORC 955.25)

**618.11 RABIES QUARANTINE; INSPECTION.**

(a) Whenever any animal has bitten any person, the Chief of Police or any member of the Police Department may order such animal quarantined in the County Dog Kennels or in a veterinarian's kennels for a period not longer than ten days, or may order the examination and inspection of such animal at the County Dog Kennels or by a qualified veterinarian immediately after such biting and ten days thereafter for the purpose of determining the presence of rabies or other communicable disease and preventing the spread of the same.

(b) If the owner or person in possession of such an animal fails or refuses to comply with such an order, any member of the Police Department may seize such animal and have it impounded in the County Dog Kennels for such time as may be necessary to examine or quarantine such animal for rabies or other communicable disease. Any expense or cost incurred by the City in connection with such examination or quarantine shall be charged to and collected from the owner of such animal.

(1964 Code §52.04)

(c) No person shall fail to cause an animal to be quarantined or inspected in conformity with the order referred to in subsection (a) hereof or obstruct or hinder any police officer of the City in the enforcement of any of the provisions of this section.

(Ord. 1970-135. Passed 11-16-70.)

## **618.12 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as hereinafter defined.

(b) Any animal which by biting or frequent or habitual barking, howling or yelping which constitutes a violation(s) of Section [618.07](#), or which in any way or manner injures or disturbs the quiet of any person or the community, or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be committing a nuisance. It shall be unlawful for any owner, keeper or harbinger of such animal to harbor or permit it to commit such nuisance.

(c) Any animal which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building or other public or private property, other than the property of the owner, keeper or harbinger of such animal, is hereby declared to be a nuisance.

(d) No person, being the owner, keeper or harbinger of any animal shall allow or permit such animal to commit a nuisance upon any school grounds, City park or other public property, or upon any private property other than that of the owner, keeper or harbinger of such animal, without the permission of the owner of such property. Where the owner, keeper or harbinger of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such nuisance shall be considered abated.

(Ord. 2017-95. Passed 7-10-17.)

**618.121 ABATEMENT OF NUISANCE.**

No person being the owner, keeper or harbinger of any animal shall continue to keep or harbor within this City any animal which is or creates a nuisance as defined by Section [618.12](#), unless such animal is confined or otherwise kept under strict control as to abate the nuisance, and in the case of a dangerous or vicious dog, is restrained and confined in accordance with the provisions of this chapter. (Ord. 1999-17. Passed 1-19-99.)

### **618.13 IMPOUNDING OF DOGS.**

It shall be the duty of the Police Department to take up and impound every dog found in violation of Section [618.01](#) or [618.07](#). If such a dog is not wearing a valid license tag, the Police Department shall turn it over forthwith to an officer charged by law with the custody of dogs and shall immediately give the owner, if he can be found, written notice that the dog has been taken up. The dog shall not be released except on payment of the reasonable expense of taking it up and keeping it, as determined by the Chief of Police, but not less than two dollars (\$2.00), and any dog not reclaimed within seven days after receipt of notice by the owner, or within ten days of taking it up if the owner cannot be found, shall be destroyed or otherwise disposed of at the discretion of the person in charge of the Police Department.

(1964 Code §62.03)

**618.14 HUNTING PROHIBITED.**

The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means.  
(Ord. 1969-54. Passed 7-7-69.)

**618.15 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY.**

The owner, keeper or harbinger of any animal which damages or destroys public or private property shall be held liable for the full value of the property damaged or destroyed in addition to any penalty imposed for a violation of any of the provisions of this chapter.

(Ord. 1969-64. Passed 7-7-69.)

**618.16 REMOVAL OR DESTRUCTION OF VICIOUS ANIMALS.**

In addition to the penalty provided in Section [698.02](#), the Municipal Court may order the owner or person in custody or possession of any animal which is determined by the Court to be a vicious animal or a perennial nuisance, or which constitutes a serious threat to the health or safety of the public, to forthwith remove such animal from the City. If such animal is not removed from the City in compliance with such order, the Court may order the Chief of Police to cause the animal to be impounded and destroyed.  
(Ord. 1972-89. Passed 6-12-72.)

**618.17 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 the Municipality.

(b) If the office of the Clerk of the Municipality is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with paragraph (a) (2) hereof if the owner or keeper makes the report within one hour after the office is next open to the public. (ORC 2927.21)

## **618.18 DANGEROUS AND VICIOUS DOGS.**

(a) As used in this section:

(1) "Dangerous dog" is defined as follows:

A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harborer and not under

the reasonable control of its owner, keeper, harborer or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top.

B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(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) "Vicious dog" is defined as follows:

A. "Vicious dog" means a dog that, without provocation and subject to paragraph (a)(4)B. hereof, meets any of the following requirements:

1. Has killed or caused serious injury to any person; or
2. Has caused injury, other than killing or serious injury to any person, or has killed another dog.  
(Ord. 2014-111. Passed 10-6-14.)

B. "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or 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;
2. 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 harborer of the dog.

(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(A))

(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, harborer, or handler of the dog, no owner, keeper, or harborer 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 harborer, 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 harborer, 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 harborer 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. (ORC 955.22)

(d) If a violation of subsection (b) hereof involves a dangerous dog, then, in addition to the penalty provided in Section [698.02](#), the court may order the offender to personally supervise the dangerous dog that he or she 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 County Dog Warden or the County Humane Society. (ORC 955.99(F))

(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 felony of the fourth degree on a first or subsequent offense if the dog kills or seriously injures a person. Prosecution shall be made under Ohio R.C. 955.22(D) and the penalty shall be as provided in Ohio R.C. 2929.11. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the County Dog Warden or the County Humane Society.

(2) A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense. Prosecution for the misdemeanor shall be under this section and the penalty shall be as provided in Section [698.02](#). Prosecution for the felony shall be under Ohio R.C. 2929.11. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden or the County Humane Society.

(3) A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to any person. The penalty shall be as provided in Section [698.02](#). (ORC 965.99(G))

(f) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section [698.02](#). (ORC 955.99)

## **618.19 FARM ANIMALS**

### (a) Definitions.

(1) "Domestic farm animal" means a goat or sheep.

(2) "Farm animal" means any farm animal other than a domestic farm animal including, but not limited to, a horse, mule, pig, alpaca, llama, and cow.

(3) "Fowl" includes geese, turkeys, ducks, chickens and any other similar type of animal. Fowl does not include roosters.

(b) No person shall keep any fowl or domestic farm animal within the City except as provided in Section [1155.05](#).

(c) No person shall keep any farm animal within the City.

(d) No person shall keep any rooster within the City.

(Ord. 2012-18. Passed 5-7-12.)

**618.99 PENALTY.**

(EDITOR'S NOTE: See Section [698.02](#) for general Code penalty if no specific penalty is provided.)