

CHAPTER 505

City of Bedford Heights: 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

Discharging firearms prohibited - see GEN. OFF. [549.10](#)

505.01 ENFORCEMENT BY ANIMAL WARDEN: POWERS AND DUTIES.

The City of Bedford Heights has determined to utilize the services of the City of Bedford's Animal Control Department. The City Manager of the City of Bedford shall appoint an Animal Warden or other person to enforce the terms of this Chapter and may designate other employees to assist the Animal Warden in this task. Such persons shall have the authority to enter all public and private property in the City of Bedford Heights, and to do all other things reasonable and necessary to enforce this Chapter. For purposes of this Chapter, the Animal Warden or designee shall be considered a law enforcement agent when engaged in his or her duty thereunder. Nothing contained herein shall prohibit the Animal Warden or other designated employee from destroying an animal when in his judgment such act is necessary and proper to protect life or property. Whenever the words Animal Warden appear in this Chapter, they shall be construed to mean Animal Warden or other persons designated by the City Manager of the City of Bedford.
(Ord. 2007-116. Passed 5-21-07.)

505.02 MAXIMUM NUMBER OF DOGS AND CATS PERMITTED.

(EDITOR'S NOTE: This section is reserved for future legislation.)

505.03 CERTAIN ANIMALS PROHIBITED.

(a) No person shall harbor, maintain or keep a rabbit hutch, goat pen or chicken coop with such animals therein, or any horse, cow, duck, turkey, geese or other fowl within the City limits.

(b) No mule, donkey, bovine, goat, sheep or swine shall be raised or kept in the City.

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

(Ord. 2007-116. Passed 5-21-07.)

505.04 BARKING OR HOWLING ANIMALS; IMPOUNDING AUTHORIZED.

(a) No owner, keeper or person in charge of any animal in the City shall permit such animal to bark, yelp, howl or bay in such manner or to such extent as disturbs the peace and quiet of the City or any resident thereof. The Animal Warden may take up and impound any animal.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense; a misdemeanor of the fourth degree for a second offense: and a misdemeanor of the third degree for third offense.

505.05 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) 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, adequate fence, supervision, or secure enclosure to prevent escape, or keep the dog under the reasonable control of some person.

(ORC 955.22)

(d) (1) Whoever violates this section is guilty of a minor misdemeanor for a first offense; a misdemeanor of the fourth degree for a second offense; and a misdemeanor of the third degree for a third offense.

(2) In addition to the penalties prescribed in subsection (d)(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.

(Ord. 2007-116. Passed 5-21-07.)

505.06 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.
(Ord. 2007-116. Passed 5-21-07.)

505.07 DANGEROUS, WILD, DOMESTICATED OR UNDOMESTICATED ANIMALS OR PETS PROHIBITED.

(a) No person shall harbor, maintain or control a wild, dangerous domesticated or undomesticated animal within the City.

(b) A "wild, dangerous domesticated or undomesticated animal" is an animal whose natural habitat is the wilderness and which, when maintained in human society is usually confined to a zoological park or exotic animal farm and which:

(1) Is a venomous snake or is a snake that is a constrictor of a sufficient size to be capable of harming infants or household pets; or

(2) Is an omnivorous or carnivorous animal that weighs more than twenty- five pounds (25 lbs.) which is a predator in its natural habitat; or

(3) Is an animal which, by reason of its size, strength or appetite, would, if restrained and free in the City, cause peril to persons, household pets, buildings, landscape or shrubbery; or

(4) Is an animal that makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the immediate vicinity of the animal; or

(5) Is an animal that emits offensive odors as to constitute a nuisance to persons in the vicinity of the animal; or

(6) Is, by illustration and without limitation to the following, a 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 or gavial and trained fighting animals. (SEE FORMER BHCO 505.20(c) for training fighting dogs)

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2007-116. Passed 5-21-07.)

505.08 KILLING OR INJURING ANIMALS/ASSAULTING OR HARASSING POLICE DOG, HORSE OR ASSISTANCE DOG.

(a) No person shall maliciously, or willfully and without the consent of the owner, kill or injure a farm animal, dog, cat, or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian, law enforcement officer, dog warden or other city personnel acting in an official capacity nor shall it apply to a person acting in self defense.

(b) No person shall taunt, tease or torment any dog or horse used by the Police Department of the City in the performance of the functions or duties of the Police Department. whether or not such dog or horse is performing duties at the time of the offense.

(c) No person shall interfere or meddle with any dog or horse used by the Police Department of the City, during the course of activities being performed on behalf of the Police Department.

(d) Whoever violates subsection (a) hereof, if the value of the animal is three hundred dollars (\$300.00) or less, is guilty of a second degree misdemeanor; if the value of the animal is over three hundred dollars (\$300.00), is guilty of a first degree misdemeanor. Whoever violates subsection (b) or (c) of this section is guilty of a misdemeanor of the first degree.

(e) No person shall recklessly do any of the following:

- (1) Taunt, torment, or strike an assistance dog;
- (2) Throw an object or substance at an assistance dog;
- (3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:

including placing food or any other object or substance into that area;

- A. Inhibits or restricts the assisted or served person's control of the dog;
- B. Deprives the assisted or served person of control of the dog;
- C. Releases the dog from its area of control;
- D. Enters the area of control of the dog without the consent of the assisted or served person,

E. Inhibits or restricts the ability of the dog to assist the assisted or served person.

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

(f) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The assistance dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.

(2) The assistance dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.

(g) (1) Whoever violates subsection (e) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

(2) Whoever violates subsection (f) hereof is guilty of assaulting an assistance dog. If the violation results in physical harm to the dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the dog, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the dog, such violation is a felony and shall be prosecuted under appropriate State law.

(3) In addition to any other sanction or penalty imposed for the offense under this section, whoever violates subsection (e) or (f) of this section is responsible for the payment of all of the following:

A. Any veterinary bill or bill for medication incurred as a result of the violation by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of subsection (e) or (f) of this section;

B. The cost of any damaged equipment that results from the violation;

C. If the violation did not result in the death of the assistance dog that was the subject of the violation and if, as a result of that dog being the subject of the violation, the dog needs further training or retraining to be able to continue in the capacity of an assistance dog, the cost of any further training or retraining of that dog by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;

D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to that dog to the extent that the dog needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog and of any further training of a new assistance dog by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog that was the subject of the violation.

(h) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.

(i) As used in this section:

(1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

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

(3) "Serious physical harm" means any of the following:

A. Any physical harm that carries a substantial risk of death;

B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;

C. Any physical harm that causes acute pain of a duration that results in substantial suffering.

(4) "Assistance dog", "blind", and "mobility impaired person" have the same meanings as in Ohio R.C. 955.011.

(ORC 2921.321)

(j) This section only applies to an offender who knows or should know at the time of the violation that the assistance dog that is the subject of a violation under this section is an assistance dog.

(Ord. 2007-116. Passed 5-21-07.)

505.09 POISONING ANIMALS.

(a) No person shall maliciously, or willfully and without 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)

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

(ORC 959.99(C))

505.091 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)

505.10 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 stock 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.

(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.

(Ord. 2007-116. Passed 5-21-07.)

505.11 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY.

(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 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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2007-116. Passed 5-21-07.)

505.12 REGISTRATION OF DOGS 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 owner, keeper or harbinger of a dog more than three months (3 mos.) of age, nor owner of a dog kennel shall fail to file an application for registration required by Ohio Revised Code Section 955.01, nor shall he fail to pay the legal fee therefor.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense. (Ord. 2007-116. Passed 5-21-07.)

505.13 HINDERING CAPTURE OF UNLICENSED DOG.

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

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2007-116. Passed 5-21-07.)

505.14 UNLAWFUL TAGS.

(a) 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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2007-116. Passed 5-21-07.)

505.15 INJURING BIRDS.

(a) No person shall shoot, trap, hunt or molest in any manner any bird or fowl or their nests unless such birds or fowl congregate in such numbers and in such manner that they constitute a public nuisance and a danger to the public welfare.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 2007-116. Passed 5-21-07.)

505.16 GENERAL RABIES QUARANTINE.

(a) Whenever, in the judgment of the Animal Warden, it is determined that rabies is or may be prevalent in the City, he shall quarantine all animals in the City. During such quarantine, no owner, keeper or person in charge of any animal shall, with the knowledge of such quarantine, permit an animal to leave the premises where such animal lives. Such quarantine order shall be considered an emergency. Animals found at large in violation of such quarantine order may be impounded or destroyed within the discretion of the Animal Warden.

(b) No person shall violate a rabies quarantine order issued under Ohio Revised Code Section 955.26.

(c) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree.
(Ord. 2007-116. Passed 5-21-07.)

505.17 QUARANTINE PROCEDURE AND COMPLIANCE.

(a) (1) Whenever it is shown that any animal has bitten any person or shows signs of being infected with rabies, the owner, keeper or person having custody or possession of such animal, shall, within twenty-four hours (24 hrs.) following the biting incident or upon direction from the Animal Warden, for any reason stated in this section, take and remove such animal to a qualified veterinarian for examination and, subsequently, on the tenth (10th) day following such original examination by the veterinarian, permit re-examination of such animal by the veterinarian. After such animal is first examined, it shall be confined during the ten-day (10-day) period until the second examination is completed in either the animal clinic, kennel or hospital where examined, or secured at the home of the owner, keeper or person having custody or possession of the animal, in an area inaccessible to the public at large.

(2) The owner, keeper or person having custody or possession of such animal shall then submit to the Animal Warden, within twenty-four hours (24 hrs.) following the last examination, a written report signed by the examining veterinarian, setting forth therein the dates of examination of such animal and the results thereof.

(3) If the animal dies prior to the tenth (10th) day of examination, as hereinbefore provided, the owner, keeper or person having custody or possession of such animal shall immediately contact the Animal Warden, who shall arrange for the removal of the animal to a qualified laboratory for examination. Under no circumstances shall the owner or keeper of the animal purposely destroy the animal prior to compliance with the requirements of this section.

(4) No owner, keeper or person having custody or possession of such an animal shall fail or refuse to remove and take such animal for the examinations required herein, or fail to comply the submission of the report as required, or fail to notify the Animal Warden immediately upon the death of the animal, or purposely destroy such animal prior to compliance with the requirements of this section.

(b) If the owner or person having custody or possession of such animal fails to comply with any such order of the Animal Warden within twenty-four hours (24 hrs.) of the notification that such order has been issued and served upon such owner or person having custody or possession, the Animal Warden or any police officer may take such animal into custody and place the same in quarantine, at the expense of the owner or person having custody or possession of such animal.

(Ord. 2007-116. Passed 5-21-07.)

505.18 IMPOUNDING AND DISPOSITION.

The Animal Warden shall impound every animal or dog found in violation of Section [505.05](#). If such dog is found not wearing a valid dog license tag, the Division of Police shall turn it over forthwith to an officer charged by law with the custody and disposal of such dogs. If such dog is wearing a valid dog license tag or the identity of the owner or custodian is otherwise established, the Division shall immediately give notice to the licensee, owner or custodian that the dog has been impounded. Such notice may be by telephone or by ordinary mail to the last known address of such licensee, owner or custodian. The dog shall not be released except upon the payment of a fine and reasonable expenses for its taking and keeping. Any dog remaining unclaimed within ten (10) days of the mailing of written notice or of actual notice thereof shall be sold or otherwise disposed of as provided by law.

(Ord. 2007-116. Passed 5-21-07.)

505.19 COURT ORDER TO REMOVE OR DESTROY ANIMAL.

In addition to any penalty provided herein, if the court determines that any animal, on one (1) or more occasions, has bitten or attacked any person or domestic animal without provocation, or if the court determines that the owner of the animal has habitually permitted such animal to run at large, or violated this Chapter on one (1) or more occasions, the court may, in order to protect the health, welfare, safety and property of the City's inhabitants, order that such animal be removed from the City or destroyed.
(Ord. 2007-116. Passed 5-21-07.)

505.20 HUNTING PROHIBITED.

(a) 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. 2007-116. Passed 5-21-07.)

505.21 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(1) 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, or bites or causes physical harm to another dog, cat or other domestic animal, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or is 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) A. "Vicious dog" means a dog, that without provocation and subject to subsection (a) (4) B. hereof, meets any of the following:

1. Has killed or caused serious injury to any person;
2. Has caused injury, other than killing or serious injury to any person, or has killed or caused serious injury to another dog, cat or other domestic animal.
3. Is a "pit bull terrier." The ownership, keeping or harboring of such a dog shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog.

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 harbinger of the dog.

C. "Pit bull terrier" as used herein includes, but is not limited to, any American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.

(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.

(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 indoors in a building, 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 restrained 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 the locked enclosure that has a top; or

B. Have the leash or tether controlled by a person who is of suitable age and discretion to physically be able to keep the dog under control 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 person in close enough proximity to that dog so as to prevent it from causing injury to any person or animal; or

C. Muzzle the dog. The muzzle must be made in a manner that will not interfere with the dog's vision or respiration but must prevent it from biting any person or animal.

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain and maintain 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) per vicious dog because of damage or bodily injury to or death of a person or domestic animals caused by the vicious dog. Such person shall produce evidence of such insurance upon the request of a law enforcement agent.
(ORC 955.22)

(d) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that subsection is guilty 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 the offender 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 Animal 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. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Animal 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.

(g) Any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses for the destruction of any such dog.

(h) When any person being the owner or having custody or control of any dog is charged with a violation of this Chapter, the court may, upon motion of any party or its own motion, order the seizure and impoundment of the dog pending trial. In the event that a law enforcement officer or agent has probable cause to believe that a dangerous or vicious dog is running at large, he or she may seize and impound the dog without seeking a prior court order. Nothing within this section shall be construed to prevent a law enforcement officer or agent from seizing or destroying any animal which presents an immediate risk of physical harm to any person, domestic animal, or property.

(Ord. 2007-116. Passed 5-21-07.)

505.211 DETERMINATION OF A DANGEROUS OR VICIOUS DOG.

(a) Whenever a complaint is made to the Animal Warden, employed by or under contract with the City for animal control services, of the presence of a dangerous or vicious dog within the City, the Animal Warden or designee shall promptly inspect or cause an inspection to be made of the premises on which it is alleged that such animal is being kept.

(b) The Animal Warden or designee shall determine that a dog is dangerous pursuant to the chapter upon proof by a preponderance of the evidence that such dog meets the definition of a dangerous dog as provided for in Section [505.21](#).

(c) The Animal Warden or designee shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence that such dog meets the definition of a vicious dog as provided for in Section [505.21](#) of this chapter.

(d) If the Animal Warden or designee determines that a dangerous or vicious dog is being kept within the City, the Animal Warden or designee shall then determine the individual, firm or corporation who from the records in the Auditor's 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 a written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested or by personal service. If service of such written notice is unable to be perfected, then the Animal Warden 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 or she shall cause a copy of the notice to be posted on the premises.

(e) The notice required by subsection (d) hereof shall state, in brief, the findings with respect 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 (30) 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. 2007-116. Passed 5-21-07.)

505.212 APPEAL PROCEDURE.

(a) The owner of a dog who has been served with a notice pursuant to Section [505.211](#) may, within calendar seven days after receipt of such notice, make a written demand to the Safety Director for a hearing on the question of whether the dog is dangerous or vicious as defined in Section [505.21](#).

(b) Every effort should be made to hold a hearing no later than fifteen (15) calendar days following receipt of written demand to the Safety Director at his or her office and at least three (3) days notice of the hearing shall be given to the individual who made the written demand for the hearing. Service of the notice of the hearing shall be in the same manner as provided in Section [505.211](#).

(Ord. 2007-116. Passed 5-21-07.)

505.213 HEARING PROCEDURE.

(a) All hearings requested pursuant to the provisions of Section [505.212](#) shall be conducted before the Animal Appeals Board. The Board shall be composed of the Police Chief or his or her designee as Chairman; a doctor of veterinary medicine, County Dog Warden, obedience instructor or other experienced professional dog handler designated by the Mayor; and a Bedford Heights resident appointed by the Mayor. The Board may after the hearing affirm, reverse or modify the finding that a dog is dangerous or vicious by a majority vote.

(b) A copy of the decision of the Board shall be served upon the person who made the written demand for the hearing, by certified mail with a return receipt requested. The decision of the Board shall be final and conclusive.

(c) All hearings held by the Board pursuant to this chapter shall be administrative in nature. At all hearings conducted pursuant to this section, any party may be represented by legal counsel. The rules of evidence utilized by the courts shall not be applicable in hearings before the Board. The Board is hereby empowered to subpoena witnesses and take testimony under oath. (Ord. 2007-116. Passed 5-21-07.)

505.214 REGISTRATION OF DANGEROUS OR VICIOUS DOGS.

(a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dangerous or vicious dog as defined in Section [505.21](#) shall:

(1) Register the dog with the Chief of Police or his or her designee annually between January 2 and January 20, and whenever a dangerous or vicious dog is newly obtained, born in the case of a pit bull terrier, or newly declared to be dangerous or vicious as provided in Section [505.211](#) upon such forms as may be supplied by the Chief of Police or his or her designee for such purpose;

(2) At the time of registration of a vicious dog, provide proof of liability insurance as required by Section [505.21\(c\)](#);

(3) Provide two current color photos of the dangerous or vicious dog to the Chief of Police or his or her designee annually upon registration;

(4) Post on the premises, in a conspicuous place where the dog is kept, at least one City issued warning sign available, upon payment of a fee of ten (\$10.00) dollars from the Chief of Police or his or her designee. The sign shall be visible and capable of being read from the public highway or street and corner houses shall post at least two (2) such signs;

(5) Notify the Chief of Police or his or her designee immediately if the dangerous or vicious dog is on the loose, is unconfined, or has attacked any person or another animal, or within seventy-two (72) hours if the dangerous or vicious dog has died or when transfer of ownership or possession has occurred, and provide the Chief of Police or his or her designee with the name, address and telephone number of the new owner; and

(6) Pay an annual registration fee of twenty-five dollars (\$25.00) to cover the administrative expenses associated herewith;

(7) Identify the dangerous or vicious dog by having a microchip implanted in the dog by a licensed veterinarian together with registration in the database maintained by the veterinarian.

(b) Whoever fails to register a dangerous or vicious dog or make required notifications as provided in this section is guilty of a misdemeanor of the first degree.

(Ord. 2007-116. Passed 5-21-07.)

505.215 INSPECTIONS; OBSTRUCTION.

(a) Any person owing, 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 private property, other than within any private structure unless otherwise authorized by law, by any law enforcement officer or agent in the performance of his or her duties under the provisions of this Chapter.

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

(c) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the second degree.
(Ord. 2007-116. Passed 5-21-07.)

505.22 ANIMAL DEFECATION.

(a) No owner or person in charge of any animal shall permit such animal, while at large or upon a leash in the City, to defecate upon any public land or any private land other than the land where the owner or person in charge of such animal resides.

(b) The owner or person in charge of any animal which defecates on any such prohibited land shall immediately clean such defecation and cause its removal to a proper receptacle.

(c) The owner or person in charge of any animal shall keep the property where he resides in a clean and sanitary condition by regularly removing the defecation of his animal to prevent accumulations.

(d) The defecation of any animal is hereby declared to be a nuisance and to create an unsanitary and unhealthy condition by causing an accumulation of insects and bacteria.

(e) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor.

(Ord. 2007-116. Passed 5-21-07.)

505.23 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

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

(b) All owners or keepers as described in subsection (a) hereof shall maintain a record of such immunization as provided by a veterinarian. They shall provide said proof of immunization to any person so inquiring.

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

(Ord. 2007-116. Passed 5-21-07.)

505.24 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. 2007-116. Passed 5-21-07.)

505.25 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal in the City 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 by any of the following

(1) Biting, habitual or frequent barking, howling or yelping or 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; or

(2) Scratching, digging or defecating upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal.

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

(Ord. 2007-116. Passed 5-21-07.)

505.26 DISPOSAL OF DEAD ANIMALS.

(a) No person who finds in any portion of the City, whether on the streets, public properties or places or private property thereof, the dead body of any animal not killed for use in connection with any lawful purpose, shall fail to contact the Animal Warden to arrange for disposal of such body.

(b) Whenever any such dead animal body is found upon any private property within the City, no owner of such property shall, upon receiving knowledge thereof fail to contact the Animal Warden to arrange for disposal of such body.

(c) Whenever it is possible to identify the owner of the animal whose dead body is so found in any portion of the City, notification of such fact shall be given to such owner, if such owner is a resident of the City.

(d) When it is impossible to locate and notify such owner, when such owner is not a resident of the City and in any and all other cases when it is the opinion of the Animal Warden that immediate disposal of the body is necessary, the Animal Warden is hereby authorized and directed to make suitable arrangements for the burial or disposal of such body at a cost to the Municipality of not more than two dollars (\$2.00).

(Ord. 2007-116. Passed 5-21-07.)

505.27 OWNER LIABLE FOR PROPERTY DAMAGE.

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 this chapter.

(Ord. 2007-116. Passed 5-21-07.)

505.28 PRIMA FACIE EVIDENCE OF RUNNING AT LARGE AND NO REGISTRATION.

(a) The running at large of an animal in or upon any of the places mentioned in Section [505.05](#) herein is prima facie evidence that it is running at large in violation of that section.

(b) Failure of any dog at any time to wear a valid registration tag shall be prima- facie evidence of lack of registration in violation of Section [505.12](#) herein and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

(Ord. 2007-116. Passed 5-21-07.)

505.29 DEFINITION OF OWNER.

For purposes of this Chapter, "owner" means any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of an animal.
(Ord. 2007-116. Passed 5-21-07.)

505.30 FEEDING OF WILDLIFE AND STRAY ANIMALS PROHIBITED.

(a) No person shall provide food for dogs, cats, deer, geese, ducks, raccoons, fowl, or other wild animals or wildlife by setting such food out on any public property or within a fifteen-yard radius of any private residence or public roadway. This section does not apply to animals owned by a person or song birds fed from an elevated stationary feeder, which is at least forty-eight inches from ground level and built of such design and construction as to minimize the potential for food and/or seed from spilling or dropping to the ground.

(b) No person maintaining a bird feeder in accordance with this section shall allow spilled food or seed to remain under or around the stationary feeder.

(c) Whoever violates this section is guilty of a minor misdemeanor for the first offense, a fourth degree misdemeanor for the second offense and each subsequent offense, the penalties for which are outlined in Section [501.99](#) of the Codified Ordinances.

(Ord. 2010-113. Passed 10-5-10.)

505.99 PENALTY.

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