

CHAPTER 905
City of Berea: Animals

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CROSS REFERENCES

- See sectional histories for similar State law
- Power to restrain and impound animals - see Ohio R.C. 715.23
- Dog license required - see Ohio R.C. 955.05 et seq.
- Driving animals upon roadway - see TRAF. [703.05](#), [703.06](#)
- Offensive odors from places where animals kept or fed - see GEN. OFF. [921.08](#)
- Interfering with Police dogs - see GEN. OFF. [925.16](#) et seq.

905.01 DEFINITIONS.

As used in this chapter:

(a) "Animal" means any live or dead dog (*canis familiaris*), cat (*felix catus*), monkey (non-human primate mammal), guinea pig, hamster, rabbit or any other warm-blooded animal which is a domesticated pet, or used for exhibition purposes, or is intended for use in research, testing or experimentation. The term excludes livestock and poultry.

(b) "Livestock" means horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and any animals normally found in the wild state which are being kept for exhibition purposes or as private pets.

(c) "Poultry" means all domesticated fowl and all game birds which are legally held in captivity.

(d) "Owner" refers to any person, firm, association or corporation owning, keeping or harboring any animal, livestock or poultry.

(e) "Keeping" or "harboring" an animal, livestock or poultry includes allowing an animal, livestock or poultry to remain, be lodged, or fed within a building, enclosure or yard or maintaining such animal, livestock or poultry in one's custody or control.

(f) "At large" means off the premises of the owner, and not under his physical control by leash, cord, chain, tether or other physical control.

(g) "Animal shelter" means an open or enclosed accessory structure designed, built, altered, or used to temporarily or permanently house wild or domestic animals of any kind.

(h) "Dangerous dog" means a dog that, without provocation, and subject to paragraph (5) below meets any of the following:

(1) Has chased or approached in either a menacing fashion or an apparent attitude of attack;

(2) Has attempted to bite or otherwise endanger any person while that dog is off the premises of its owner, keeper or harbinger or some other responsible person;

(3) Is not physically restrained or confined in a locked pen which has a top, a locked fenced yard or other locked enclosure which has a top;

(4) "Dangerous dog" also includes, but is limited to, any dog whose owner has been found guilty of a violation of Section [905.02](#), at large, with respect to such dog, and any dog classified as a "dangerous dog" by the animal warden after the animal warden has received and investigated a complaint about such dog;

(5) "Dangerous dog" does not include the following: 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.

(i) "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.

(j) "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.

(k) "Vicious dog" means a dog that, without provocation, meets any of the following criteria:

(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 another dog.

(3) "Vicious dog" also includes, but is limited to, any dog classified as a vicious dog by the animal warden after investigation of any complaint of such dog as a vicious dog.

"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.

(l) "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.

(Ord. 90-158. Passed 9-17-90.)

905.02 ANIMALS RUNNING AT LARGE.

No owner of any animal, livestock or poultry shall permit such animal, livestock or poultry to run at large.
(Ord. 90-158. Passed 9-17-90.)

905.03 LIVESTOCK PERMITS.

(a) No person shall keep a barn, stable or enclosure for any livestock within the City without having first obtained a permit from the Director of Public Safety. Any such permit shall only be issued and used for keeping or harboring animals owned by the owner of the property or a person residing at the property for which the permit is issued. In no instance shall a permit holder rent or lease the property for use by animals not owned by the permit holder or accept any form of compensation for allowing an animal to be kept or harbored on the property other than an animal owned by the owner of the property or a person residing at the property which is subject to the permit. Such permit shall contain the name, age, breed, description and any special markings peculiar to such livestock.

(b) No permit shall be issued by the Director of Public Safety for any livestock unless the following conditions are met:

(1) The subplot or parcel of real property upon which such livestock shall be kept or harbored shall be not less than one acre in size for each such livestock.

(2) If such livestock shall be kept or harbored upon property not owned by the owner of such livestock, no permit shall be issued until there shall have been filed with the Director of Public Safety the written consent of the owner of the sub lot or parcel of property upon which such livestock shall be kept or harbored.

(3) A stable, barn or enclosure shall be required for the keeping or harboring of livestock. Such stable, barn or enclosure shall meet the requirement of the building and zoning laws and shall be kept in a sanitary condition, and shall not be nearer than fifty feet to a street or any property line, or municipal boundary line, nor nearer than one hundred feet to any dwelling. The provisions of subsection (3) shall not apply to stables presently in use on the Cuyahoga County Fairgrounds property.

(4) Non-domesticated livestock shall not be permitted unless the permit applicant shall demonstrate to the satisfaction of the Director of Public Safety that:

A. All reasonable precautions have been taken to securely cage or enclose the livestock and prevent the livestock from running at large; and

B. Such livestock will not present a threat to the public peace, health and safety if the livestock escapes its cage or enclosure.

The fee for any livestock permit shall be ten dollars (\$10.00) for any calendar year or part thereof. (Ord. 2014-47. Passed 5-19-14.)

905.03.01 POULTRY.

(a) No person shall keep or raise any poultry within the City of Berea unless the following conditions are met:

- (1) An accessory structure such as a pen, coop or other enclosure, with a fixed location secured to the ground, shall be required for the keeping or harboring of poultry;
- (2) Such pen, coop or other enclosure shall contain or be within or contiguous to an attached area surrounded by a fence, at least eighteen (18) inches in height, to allow the poultry to exercise;
- (3) Such pen, coop or other enclosure, including the fenced exercise area, shall meet the requirements of all building and zoning laws;
- (4) Such pen, coop or other enclosure, shall not be dilapidated;
- (5) Such pen, coop or other enclosure, including the adjacent yard area, shall be kept in a sanitary condition as determined by the Animal Control Officer or any inspector from the Building Department; As used herein, the term, "sanitary condition" means a condition that does not destroy the lawn or yard area, allow flies to breed, cause an odor offensive to an adjacent residence or business property or cause or allow the poultry to become ill.
- (6) Such pen, coop or other enclosure shall be completely located in the rear yard and no portion of the pen, coop or other enclosure, including the fenced exercise area, shall extend into any other yards;
- (7) There shall only be one pen, coop or other enclosure, for the keeping or harboring poultry permitted on a property;
- (8) There shall be no more than eight poultry animals kept or harbored on the property unless the property is at least ten thousand (10,000) square feet in area in which case, no more than twelve poultry animals may be kept on the property. If the property area exceeds one (1) acre in size more than 12 but no more than 24 poultry animals may be kept on the property;
- (9) There shall be no roosters kept or harbored on the property.

(b) On the effective date of this ordinance, any property owner who keeps or harbors more than the maximum number of poultry animals permitted by Subsection [905.03.01\(a\)\(8\)](#) of this Ordinance shall provide written notice, on a form provided by the City of Berea, to the City of Berea Animal Control Officer of the property address and number of poultry animals on the property. Such written notice shall be submitted no later than April 15, 2015. Following receipt of this notice, the Animal Control Officer shall inspect the property to confirm the number of poultry animals. Should the Animal Control Officer discover any other violation of Section [905.03.01](#) during this inspection, the Animal Control Officer shall notify the property owner immediately. Upon confirmation of the number of poultry animals by the Animal Control Officer, the property owner shall reduce the quantity of poultry pursuant to the following schedule:

Lot Size	Maximum Number of Poultry animals by January 1, 2016	Maximum Number of Poultry animals by January 1, 2017
Less than 10,000 square feet	12	8
More than 10,000 square feet but less than 1 acre	18	12
More than 1 acre	36	24

Any property owner who does not provide written notice to the City of Berea Animal Control Officer by April

15, 2015 of the number of poultry animals on a property shall be presumed to be keeping or harboring a quantity of poultry at or below the maximum quantity permitted by Subsection [905.03.01](#)(a)(8) of this ordinance and such property owner will be required to be in compliance with the maximum quantity permitted by this ordinance by April 16, 2015.

Nothing in this subsection or any other subsection shall be interpreted as allowing any violations of Subsections [905.03.01](#)(a)(1), (2), (3), (4), (5), (6) or (9) after the effective date of this ordinance. Any property owner who keeps or harbors more than the maximum number of poultry animals permitted by Subsection [905.03.01](#)(a)(8) of this Ordinance, has properly provided written notice to the City of Berea Animal Control Officer by April 15, 2015, and violates Subsection [905.03.01](#)(a)(7) may, if necessary, keep and maintain the number of pens, coops or other enclosures which exist on the property on the effective date of this Ordinance until such time as the property comes in to compliance with Subsection [905.03.01](#)(a)(8), regulating the numbers of allowed poultry animals, and no later than January 1, 2017.

(c) Any violation of any provision of this Section shall be considered a nuisance, and in addition to any penalties provided in Sections [905.99](#), the nuisance may be abated by the City of Berea pursuant to Chapter [931](#) of the Codified Ordinances of the City of Berea.

(Ord. 2015-18. Passed 3-2-15.)

905.04 NUISANCE CONDITIONS PROHIBITED.

- (a) No person shall keep or harbor any animal, livestock or poultry in the Municipality so as to create offensive odors or unsanitary conditions.
- (b) No person owning, keeping or harboring any animal, livestock or poultry shall permit such animal, livestock or poultry to dig, urinate, defecate or otherwise damage any public property or private property other than the subplot or parcel owned or occupied by such owner, keeper or harborer of such animal, livestock or poultry; provided that this prohibition shall not apply to private property onto which the owner, keeper or harborer shall have permission of the owner of the private property to walk the animal, livestock or poultry, and also provided the person owning, keeping or harboring the animal, livestock or poultry shall immediately removal all feces deposited by such animal, livestock or poultry and dispose of same in a sanitary manner.
- (c) No person shall keep or harbor any animal, livestock or poultry within the Municipality which, by frequent and habitual howling, yelping, barking or other activity, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace and quiet of the community or as to annoy, disturb or endanger the comfort, repose or health of persons occupying property in the neighborhood.
- (d) No person shall keep or harbor any animal, livestock or poultry in or about an animal shelter adjoining to or abutting upon any lot upon which another person resides, or any street or highway, or so near thereto as to constitute a threat to the preservation of the health, safety or general welfare of the public. All places maintained for the harboring or keeping of an animal, livestock or poultry shall be maintained in a clean and sanitary condition, free from rats, mice, filth, vermin, rubbish or collection of feces.
- (e) No person owning, keeping or harboring any animal, livestock or poultry shall take, lead or carry such animal, livestock or poultry into any store or place of business, or permit or allow such animal, livestock or poultry to enter any store or place of business within the City except the office of a veterinarian or pet shop or other place of business for the purpose of obtaining services therein offered to such an animal, livestock or poultry, provided, however, this subsection shall not apply to a disabled person accompanied by a dog trained to assist such disabled person.
- (f) No person shall own, keep or harbor within this Municipality any animal, livestock or poultry which is vicious, or a perennial or continued nuisance or which constitutes a threat to the health or safety of the public. The owner, keeper or harborer of any animal, livestock or poultry determined by a court of appropriate jurisdiction to be vicious or a perennial or continued nuisance, or a threat to the health or safety of the public, shall forthwith remove such animal, livestock or poultry from the Municipality and if such animal, livestock or poultry is not forthwith removed from the Municipality, the Chief of Police may cause the animal, livestock or poultry to be impounded and destroyed.
- (g) No owner or rider shall ride, lead or permit a horse to travel on or traverse any sidewalk, treelawn or lawn area within the City.
- (h) No person shall do any of the following:
- (1) Own, keep or harbor more than three dogs, excepting puppies under three months old, in or on the premises of any dwelling unit within the City, unless the zoning lot upon which the dogs are kept have a minimum area of 4,000 square feet for each dog kept on such zoning lot regardless of the number of persons keeping or harboring dogs on such lot.
 - (2) Regularly keep or harbor more than two dogs outside of a fully enclosed structure between the hours of 10:00 p.m. and 7:00 a.m.
 - (3) Regularly keep or harbor one or more puppies under age three months outside of a dwelling unit.
- (i) A violation of any provision of this section shall constitute a nuisance, and in addition to any penalty provided by Section [905.99](#) for such a violation, the nuisance may be abated in the manner provided in the Ohio Revised Code or Chapter [931](#).

(Ord. 90-158. Passed 9-17-90.)

905.05 ABANDONING, INJURING, HUNTING AND TRAPPING ANIMALS, LIVESTOCK OR POULTRY; USE OF ANIMALS, LIVESTOCK OR POULTRY AS PRIZES.

(a) No person owning, keeping or harboring any animal, livestock or poultry shall abandon such animal, livestock or poultry.

(b) 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 acting in an official capacity.

(c) The hunting of animals, livestock or poultry within the Municipality is prohibited.

(d) The use of leghold type traps for the trapping of animals within the City is prohibited.

(e) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another.

(f) 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 (f)(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.

(6) No pets, animals, poultry or livestock shall be offered or given as a prize, premium or advertising device to any individual person unless sold by a person, firm, partnership or corporation engaged in the business of selling animals for agricultural or wildlife purposes.

(Ord. 90-158. Passed 9-17-90.)

**905.06 KEEPING OR HARBORING DANGEROUS OR VICIOUS ANIMALS PROHIBITED;
BREEDING, SALE PROHIBITED.**

(a) No person shall keep, harbor or own any dangerous animal in the City except in compliance with the provisions of this chapter.

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

(c) No person shall possess with intent to sell, offer for sale, breed, buy or attempt to buy any dangerous or vicious animal in the City.

(Ord. 90-158. Passed 9-17-90.)

905.07 ANIMAL WARDEN.

(a) The Animal Warden shall hold the position established by the Municipal Employee Classification Plan and Compensation Schedule and shall be appointed by the Director of Public Safety. The Animal Warden shall not be on the classified list of the Division of Police, nor eligible for participation in the Police Pension and Disability Fund.

(b) It shall be the duty of the Animal Warden, and he shall have the authority, to enforce the provisions of this chapter and the laws of the State relative to the licensing, impounding, boarding and disposition of animals, livestock or poultry within the corporate limits; however, no police or other officer of this City, charged with the responsibility of enforcing the ordinances of this City and the laws of this State, shall be relieved of such responsibility.

(c) In addition to the other duties enumerated herein, the Animal Warden shall receive and investigate complaints about "dangerous dogs" and "vicious dogs" as defined in Section [905.01](#). In addition to those criteria set forth in the definition section herein, the Animal Warden may, in making a determination as to whether or not an animal is a dangerous or vicious animal, consider the following evidence:

(1) Any previous history of the animal attacking, biting or causing injury to human beings or domestic animals. As used in this section, "bite" means any penetration of the skin by the teeth of such animal.

(2) The nature and extent of all injuries inflicted and the number of victims involved in any attack by the animal.

(3) The place where the bite, attack or injury occurred.

(4) The presence or absence of any provocation for the bite, attack or injury.

(5) The extent to which clothing or other property was damaged or destroyed.

(6) Whether or not the animal exhibits any characteristic of being trained for fighting or attack, or other evidence to show such training or fighting.

(7) Whether or not the animal exhibits characteristics of aggression or unpredictable temperament or behavior in the presence of human beings or domestic animals.

(8) The manner in which the animal has been trained, handled and maintained by its owner or custodian.

(9) Any other relevant evidence brought to the attention of the Animal Warden concerning the animal.

(10) Any other relevant evidence brought to the attention of the Animal Warden regarding the ability of the owner or custodian to protect the public safety if the animal is permitted to remain in the City.

(d) Where the Animal Warden, upon complaint and investigation finds that an animal is a dangerous or vicious animal, the Animal Warden shall cite the owner, keeper or harbinger of such animal to court for violation of Section [905.06](#) of this chapter. Such citation shall be in the form provided for in Section [905.07\(f\)](#).

(e) The Animal Warden shall be provided with a badge designating his office, and such other uniform, vehicles and equipment necessary to carry out his duties; however, any vehicles used for picking up and impounding animals, livestock or poultry shall be clearly marked on both sides with the following: "Animal Warden".

(f) In the exercise of his duties, the Animal Warden is hereby authorized to issue, on a form provided by the City, a citation to any person found by him to be in violation of Chapter [905](#) of the Codified Ordinances of the City, containing a notice to answer the charge against him in the Berea Municipal Court on a date at least five days after the alleged violation. The Animal Warden shall cause the original of the notice to be filed with the Court, a duplicate copy to be filed with the record section of the Police Department, and shall retain a duplicate copy in a file maintained by him. The citation shall include pertinent information and shall be sworn to as required by the general laws of the State in respect to a complaint charging commission of the offense alleged in the citation to have been committed.

(Ord. 90-158. Passed 9-17-90.)

905.08 POUND.

The Animal Warden shall provide a suitable place, either within or outside the municipal limits, for the keeping of impounded animals, livestock or poultry in a humane manner, and the making of proper provision for the feeding and care of such animals, livestock or poultry.

(Ord. 90-158. Passed 9-17-90.)

905.09 LICENSE AND REGISTRATION REQUIRED.

All dogs owned, kept or harbored in the City shall be licensed and registered in accordance with the laws of the State, if over three months of age.

(Ord. 90-158. Passed 9-17-90.)

905.10 IMPOUNDING.

The Animal Warden or any police officer shall have the authority, but not the duty, to apprehend any animal, livestock or poultry found running at large in violation of Section [905.02](#), and to impound or cause to be impounded such animal, livestock or poultry in the City Pound or other suitable place. The Animal Warden, upon receiving any animal, livestock or poultry shall enter, in a register maintained in the Police Division Headquarters, the breed, color and sex of such animal, livestock or poultry and other pertinent information within his knowledge, and if such animal, livestock or poultry is licensed, he shall enter the name and address of the owner and the number of the license tag. This section shall not apply to dangerous, wild or non-domestic animals, vermin and rodents running at large or kept or harbored in violation of this chapter, which shall be destroyed. Nothing in this section shall create any liability of the City or of any of its officers, agents or employees for their failure to apprehend any animal pursuant to this section.
(Ord. 90-158. Passed 9-17-90.)

905.11 NOTICE TO OWNER AND REDEMPTION.

Within twenty-four hours after the impounding of an animal, livestock or poultry, the owner, if known, shall be notified of such impounding. The owner of any animal, livestock or poultry so impounded may reclaim such animal, livestock or poultry upon presentation of a license if the animal is a dog, and upon payment to the Chief of Police of an impounding fee of twenty dollars (\$20.00) plus boarding charges at the rate of ten dollars (\$10.00) per day. One-half of the fees collected under this section shall be remitted semi-annually by the City Finance Director to the Berea Animal Rescue Fund (A.R.F.) for as long as A.R.F. permits animal housing services per agreement between A.R.F. and the City.

(Ord. 2005-64. Passed 10-3-05.)

905.12 DISPOSITION OF ANIMALS, LIVESTOCK OR POULTRY.

(a) Dogs and cats which have been seized by the Animal Warden and impounded shall be kept, housed and fed for at least twenty-four hours. At the expiration of such time, unless previously redeemed by the owner thereof, such dog or cat may be surrendered to the County Dog Pound of Cuyahoga County, Ohio.

(b) Animals, livestock or poultry other than dogs and cats which have been impounded shall be kept, housed and fed for at least twenty-four hours. At the expiration of such time, unless previously redeemed by the owner thereof, such animals, livestock or poultry may be released into the custody of the County Animal Protective League or to a zoo or farm, or shall be destroyed in a humane manner.

(Ord. 90-158. Passed 9-17-90.)

905.13 RECORDS AND RECEIPTS.

A record of all animals, livestock or poultry impounded and disposition of the same, the owner's name and address where known, and a statement of impounding fees and costs assessed against such animals, livestock or poultry shall be kept by the Chief of Police and he shall furnish a copy thereof to the Director of Finance of the City and shall turn over all moneys received by him to the Director of Finance.

(Ord. 90-158. Passed 9-17-90.)

905.14 CONFINEMENT OF CERTAIN DOGS.

Any dog of fierce, or dangerous propensity found running at large shall be taken up and impounded and shall not be released except upon approval by the Director of Public Safety and after payment of the impounding fee and costs as provided in Section [905.11](#); provided, however, that if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any police officer. Any dog of a vicious propensity shall be taken up and impounded and shall not be released except in accordance with the orders of the Municipal Court.

(a) As used in this section, "dangerous dog" and "vicious dog" have the same meanings as in Section [905.01](#).

(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 under reasonable control of some person, except when the dog is lawfully engaged in hunting accompanied by the owner, keeper or harbinger or a handler.

(d) No owner, keeper or harbinger of a dangerous dog shall fail to do either of the following, except when the dog is lawfully engaged in hunting or training for the purpose of hunting, accompanied by the owner, keeper, harbinger or a handler;

(1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a locked pen which has a top, locked fenced yard, or other locked enclosure which 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 it 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 which has a top, locked fenced yard, or other locked enclosure which 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 a 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.

(Ord. 90-158. Passed 9-17-90.)

905.15 QUARANTINE OF ANIMALS.

(a) Whenever it is established that any animal as defined in subsection (a), (b) or (c) of Section [905.01](#) has bitten any person, or shows any signs of being with rabies, the owner or person having custody or possession of such animal shall contact the Cuyahoga County Board of Health and shall thereupon treat and handle such animal in full accordance with the requirements of the Cuyahoga County Board of Health.

(b) In the event that the owner or person having custody or possession of such animal shall fail to comply with the regulations and requirements of the Cuyahoga County Board of Health, then any police officer or the Animal Warden of the City make take such animal into custody and, at the expense of the owner or person having custody or possession of such animal, treat and handle such animal in accordance with the requirements of the Cuyahoga County Board of Health.

(Ord. 90-158. Passed 9-17-90.)

905.16 RELATIONSHIP TO ZONING ORDINANCE.

The keeping or harboring of animals, livestock or poultry shall be permitted only when the requirements of the Zoning Code of the City and of all other applicable laws and ordinances have been met, in addition to the requirements of this chapter.

(Ord. 90-158. Passed 9-17-90.)

905.17 FAIRGROUNDS.

(a) The provisions of this chapter shall not apply to the keeping and harboring of animals, livestock or poultry exhibited or displayed upon the Cuyahoga County Fairgrounds during such time that the fair or animal, livestock or poultry show is in progress and three days before and three days after such fair or show is open to the public, except that no person owning, keeping or harboring any animal, livestock or poultry shall permit such animal, livestock or poultry to run at large upon such Fairgrounds or elsewhere.

(b) The permit requirement set forth in Section [905.03](#) of this Chapter shall not apply to the Fairgrounds property. (Ord. 2014-47. Passed 5-19-14.)

905.18 ANIMAL OWNER LIABLE FOR DAMAGE TO PUBLIC PROPERTY.

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

(Ord. 90-158. Passed 9-17-90.)

905.19 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

- (a) The owner, keeper or harbinger of any dog or cat over the age of six 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. 97-79. Passed 11-3-97.)

905.99 PENALTY; DISPOSITION.

(a) Whoever violates any provisions of this chapter for which no other penalty is provided is guilty of a minor misdemeanor.

(b) Whoever violates Section [905.05](#)(a), (b), (c), (d), (e) or (f) is guilty of a misdemeanor of the first degree. In addition, for a violation of Section [905.05](#)(f)(1) or (2), the court may order the offender to forfeit the animal, after a forfeiture hearing, and may provide for its disposition including, but not limited to, the sale of the animal. If an animal is forfeited and sold pursuant to this section, 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.

(c) Whoever violates Section [905.06](#)(a), (b) or (c) is guilty of a misdemeanor of the first degree.

(d) Whoever violates Section [905.14](#)(d) is guilty of a misdemeanor of the first degree.

(e) Any animal declared by the court, after hearing, to be a vicious animal shall be humanely destroyed at the expense of the owner, keeper or harbinger of such animal, or removed permanently from the City. If the court determines that such animal shall be destroyed, then the destruction of the vicious animal shall take place not earlier than five days following the order by the court for such destruction. In the event of an appeal during such time period, such destruction shall be stayed pending the appeal.

(Ord. 2001-22. Passed 3-5-01.)