

CHAPTER 505

Village of Bratenhal: Animals

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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. [549.08](#)

505.01 DEFINITIONS.

As used in this chapter, the following definitions shall apply:

- (a) "Animal" means any live or dead dog, cat, monkey, guinea pig, hamster, rabbit or any other warm-blooded animal or cold-blooded animal in the reptile family that 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) "Dangerous dog" is defined as follows:
 - (1) "Dangerous dog" means a dog that, without provocation, and subject to subsection (b)(2) 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 other animal, as defined in Section [505.01\(a\)](#), while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper or harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, or other locked enclosure which has a top.
 - (2) "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.
- (c) "Livestock" means horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kid, swine and any animals normally found in the wild state which are being kept for exhibition purposes or as private pets.
- (d) "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.
- (e) "Owner, keeper or harbinger" means a person who owns, provides shelter or cares for an animal, or otherwise has control of or is responsible for such animal.
- (f) "Police dog" means a dog that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.
- (g) "Poultry" means all domesticated fowl and all game birds that are being held in captivity.
- (h) "Vicious dog" is defined as follows:
 - (1) "Vicious dog" means a dog that, without provocation, and subject to subsection (h)(2) hereof:
 - A. Has killed or caused serious injury to any person or animal as defined in Section [505.01\(a\)](#);
 - (2) "Vicious dog" does not include either of the following:
 - A. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties; or
 - B. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.
- (i) "Without provocation" means that a dog was:
 - (1) Not teased, tormented or abused by a person;
 - (2) 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; or
 - (3) In the case of another domestic animal, that the dog was not attacked by such animal or that such animal was not running at large.

(Ord. 3602. Passed 6-19-13.)

505.02 LIVESTOCK AND POULTRY PROHIBITED.

(a) No person shall keep or harbor within the Village any livestock, poultry, or animal whose natural habitat is the wilderness or is usually confined to a zoological park.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 3136. Passed 6-19-02.)

505.03 DOGS RUNNING AT LARGE.

(a) No owner, keeper or harbinger of any dog shall permit such dog to run at large upon any public place, or upon the premises of another, except in the designated enclosed dog park of the Village of Bratenahl. Any dog shall be deemed running at large when such dog is not inside a resident structure, secure fence, electric fence or pen, on a leash and held by a person capable of controlling such dog or tethered in such a manner as to prevent its getting on the public right of way or on another's property.

(b) Testimony that the dog was not on the property of its owner, keeper or harbinger, or was not held securely in leash by a person accompanying such dog when found shall be prima-facie evidence that the dog was not under control. The running at large of any such dog in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(c) Whoever violates Section [505.03](#)(a) on a first offense will receive a written warning. Whoever violates Section [505.03](#)(a) on a second offense is guilty of a misdemeanor of the fourth degree and each subsequent violation of this section hereof within a period of three (3) years of the first violation shall be a misdemeanor of the third degree.

(d) Notwithstanding the above, a violation of Section [505.03](#)(a) shall be a misdemeanor of the second degree when such dog is found to have attacked or bitten a person either while at large, or when leashed and not on the property of its owner, keeper or harbinger, and a misdemeanor of the third degree when such dog is found to have attacked or bitten another animal as defined in Section [505.01](#)(a) while at large, or while leashed but not under the control of the owner, keeper or harbinger as described herein. Each subsequent violation of this subsection within a period of three (3) years shall be a misdemeanor of the first degree in the event a person is attacked or bitten, and a misdemeanor of the second degree in the event an animal as defined in Section [505.01](#)(a) is attacked or bitten.

(Ord. 3602. Passed 6-19-13.)

505.04 IMPOUNDING AND DISPOSITION.

(a) In addition to other penalties applicable to violations of Section [505.03](#), it shall be the duty of the members of the Police Department to take up and impound every dog found in violation of Section [505.03](#) or any animal, as defined in Section [505.01](#)(a), which is abandoned, neglected, mistreated or stray. If the animal impounded is a dog, and such dog is not wearing a valid registration tag, the Police Department shall turn it over forthwith to an officer charged by law with the custody and disposal of such dogs. If the dog is wearing a valid registration tag, or the identity of the owner, keeper or harbinger of the dog or other animal impounded can be otherwise reasonably determined, notice shall be given by regular mail to such owner, keeper or harbinger at the last known address that the dog or other animal has been impounded and unless redeemed within five (5) days of the mailing of written notice the animal may be euthanized following humane procedures, or placed in another facility according to law.

(b) Any animal seized and impounded hereunder may be redeemed by its owner, keeper or harbinger at any time prior to the applicable redemption period upon the payment of all lawful costs assessed against the animal and upon providing, in the case of a dog, a valid registration tag if it has none. In the case of a vicious dog seized and impounded pursuant to the provisions of this chapter, in addition to the requirements herein, such vicious dog shall not be released until after trial or otherwise upon the approval of the Village Prosecutor or upon order of the Court.

(c) The Village may assess a fee of twenty-five dollars (\$25.00) to cover costs relative to the seizure of any animal. Any and all other expenses related to seizing, impounding or harboring, by the Village, of any dog shall be the responsibility of the owner, keeper or harbinger of such dog.

(Ord. 3136. Passed 6-19-02.)

505.05 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

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

(b) Whoever violates this section guilty of a minor misdemeanor.
(Ord. 3136. Passed 6-19-02.)

505.06 ABANDONING ANIMALS.

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

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

(Ord. 3136. Passed 6-19-02.)

505.07 INJURING OR KILLING OF ANIMALS.

(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, or other Village personnel acting in an official capacity, nor shall it apply to a person acting in self-defense.

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree.

(Ord. 3136. Passed 6-19-02.)

505.08 POISONING ANIMALS.

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

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 3136. Passed 6-19-02.)

505.09 NUISANCE CONDITIONS PROHIBITED.

- (a) No person shall keep or harbor any animal in the Village so as to create noxious or offensive odors, 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 defined hereafter.
- (b) Any animal, which by biting or frequent and habitual barking, howling, or yelping, or that in any way or manner injures or disturbs the quiet of the community, or which disturbs or endangers the comfort, repose or health of any person, 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 that molests or interferes with a person in the public right of way, damages public or private property by its activities, scatters refuse that is bagged or otherwise contained, or causes any condition which threatens or endangers the health or well-being of persons or other animals is committing a nuisance.
- (d) Any animal that scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any 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. 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.
- (e) Whoever violates Section [505.09\(a\)](#) this section is guilty of a minor misdemeanor. Each subsequent violation of Section [505.09\(a\)](#) shall be a separate offense and the penalty shall be a misdemeanor of the fourth degree. Whoever violates Section [505.09\(b\)](#) or (d) on a first offense will receive a written warning. Whoever violates Section [505.09\(b\)](#) or (d) on a second offense is guilty of a minor misdemeanor and each subsequent violation of this Section [505.09\(b\)](#) or (d) hereof within a period of three (3) years of the first violation shall be a misdemeanor of the fourth degree.
- (Ord. 3136. Passed 6-19-02.)

505.10 DANGEROUS DOGS.

(a) No owner, keeper or harbinger of a dangerous dog shall fail to do either of the following, except when the dog is being obedience trained by a certified trainer:

(1) While that dog is on the premises of the owner, keeper or harbinger, securely confine or restrain it and post a sign conspicuously upon the premises giving notice of a dangerous dog.

(2) While that dog is off the premises of the owner, keeper or harbinger, keep it on a leash with a minimum tensile strength of three hundred (300) pounds and muzzle that dog.

(b) Whoever violates this subsection is guilty of a misdemeanor of the third degree and a misdemeanor of the second degree for each subsequent violation within a period of three (3) years from the first violation. Additionally, the Court may order the offender to cause that dog to complete dog obedience training by a certified trainer.

(Ord. 3136. Passed 6-19-02.)

505.11 VICIOUS DOGS.

(a) No owner, keeper or harbinger of a vicious dog shall fail to do either of the following, except when the dog is being obedience trained by a certified trainer:

(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, or other locked enclosure which has a top, or a locked fenced yard where the dog is secured by a leash with a minimum tensile strength of three hundred (300) pounds and post a sign conspicuously upon the premises giving notice of a vicious dog.

(2) While that dog is off the premises of the owner, keeper or harbinger, keep it on a leash having a minimum tensile strength of three hundred (300) pounds that is not more than four (4) 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 which has a top and have the dog muzzled; or

B. Have the leash controlled by a person who is of suitable age and discretion to adequately restrain the dog, and muzzle the dog at all times except when being examined or treated by a veterinarian.

(b) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in the State of Ohio providing coverage in each occurrence, subject to a limit, exclusive of interests and costs, of not less than one hundred thousand dollars (\$100,000.00) because of damage or bodily injury to or death of a person caused by the vicious dog.

(c) Upon the request of a law enforcement agent, every owner, keeper or harbinger of a vicious dog shall produce the evidence of insurance required pursuant to this section.

(d) Whoever violates this subsection is guilty of at least 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. Additionally, the Court shall order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden or the County Humane Society.

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

(3) A misdemeanor of the first degree and a felony of the fourth degree on each subsequent violation within a period of three (3) years from the first violation. 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.

(e) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree.
(Ord. 3136. Passed 6-19-02.)

505.12 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Commissioner within twenty-four hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian and results of such examination shall be reported to the Health Commissioner within twenty-four hours. At the direction of the Health Commissioner, the dog or other animal shall either be confined by its owner or harbinger to the premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harbinger's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten at which time report of the condition of the animal shall be made to the Health Commissioner.

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

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 3136. Passed 6-19-02.)

505.13 HUNTING PROHIBITED.

(a) Except as provided in Section [505.135](#), the hunting of animals or fowl within the Village is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 3826. Passed 7-15-15.)

505.135 SPECIAL PERMIT FOR REMOVAL OF EXCESSIVE NUISANCE ANIMALS.

(a) Notwithstanding Section [505.13](#), Special Permits may be issued by the Chief of Police with the approval of the Mayor for removing excessive nuisance animals, as defined below, on private or public property, and further provided that the removal of the nuisance animals is to be done by a Village approved agent or by a licensed nuisance animal trapper by a method approved by the Chief of Police, and provided further that a necessary and appropriate permit has already been obtained from the State of Ohio, Division of Wildlife, and there is compliance with all federal, state and local regulations.

(b) The Chief of Police with the approval of the Mayor shall establish the criteria for the issuance of a Special Permit for removing excessive nuisance animals, which criteria shall not be in conflict with state law pertaining to hunting as set forth in Chapter 1531 and 1533 of the Ohio Revised Code, or rules enacted in accordance with those Chapters.

(c) “Nuisance animal” is an individual animal whose actions create special wildlife management problems, usually on a repetitive basis. Examples of animals from which nuisance cases may arise include deer, raccoons, skunks, coyotes, beavers, bears, and poisonous snakes.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 3826. Passed 7-15-15.)

505.14 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

(a) Any person owning, keeping or harboring any dog or cat over the age of three (3) 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 such 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. Punishment shall be as provided in Section [501.99](#).

(Ord. 3136. Passed 6-19-02.)

505.99 PENALTY.

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