

CHAPTER 505

City of Cleveland Heights: Animals and Fowl

- [505.01](#) Enforcement by Animal Warden; powers and duties.
- [505.02](#) Maximum number of dogs and cats permitted; prior acquisition not affected.
- [505.03](#) Certain animals prohibited; exceptions.
- [505.04](#) Barking or howling animals; impounding authorized.
- [505.05](#) Animals prohibited in stores or covered malls except for treatment.
- [505.06](#) Animals prohibited in public parks.
- [505.07](#) Animals not under control.
- [505.08](#) Voiding animal excrement.
- [505.09](#) Dangerous or exotic animals.
- [505.091](#) Vicious dogs.
- [505.092](#) Impoundment of dogs involved in biting/attacking incidents.
- [505.10](#) Cruelty to animals.
- [505.101](#) Cruelty to companion animals.
- [505.11](#) Administering poison.
- [505.12](#) Hunting or killing animals prohibited.
- [505.13](#) Protection of wild life in parks.
- [505.14](#) Carrier pigeons.
- [505.15](#) General rabies quarantine.
- [505.16](#) Quarantine procedure and compliance.
- [505.17](#) Impounding procedure; redemption or disposition.
- [505.18](#) Court order to remove or destroy animal.
- [505.19](#) Designation of dog as “vicious”; appeal.
- [505.99](#) Penalty.

CROSS REFERENCES

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. [303.05](#), [303.06](#)

505.01 ENFORCEMENT BY ANIMAL WARDEN; POWERS AND DUTIES.

The City Manager shall appoint an Animal Warden or other person(s) including, but not limited to, the Chief of Police and/or City police officers to enforce the terms of this chapter, and for the purposes of this chapter, "Animal Warden" shall be defined to include any such persons so appointed or authorized by the City Manager. Such persons shall have the authority to enter all public and private property, and to do all other things reasonable and necessary to enforce this chapter. Nothing contained herein shall prohibit the Animal Warden from destroying an animal when in his judgement such act is necessary and proper to protect life and property.

(Ord. 28-2001. Passed 3-5-01.)

505.02 MAXIMUM NUMBER OF DOGS AND CATS PERMITTED; PRIOR ACQUISITION NOT AFFECTED.

(a) Not more than two dogs or cats, or a combination of one each, except puppies and/or kittens not more than three months old, may be kept in any single-family dwelling, or any separate suite in a two-family dwelling, or in any dwelling unit contained within a multiple-family dwelling building within the City.

(b) Whoever violates this section is guilty of a minor misdemeanor and each subsequent violation of this section within a period of three (3) years of the first violation shall be a misdemeanor of the fourth degree. (Ord. 66-1987. Passed 7-20-87.)

505.03 CERTAIN ANIMALS PROHIBITED; EXCEPTIONS.

(a) No rabbit hutch, goat pen, chicken coop, runway, yard or other place for the keeping of any rabbit, goat, chicken, pigeon, goose, turkey, horse, mule, donkey, sheep, bovine, swine or other such animal or fowl of any kind shall be maintained within the City, except that fowl and rabbits for the purpose of slaughtering or sale in the ordinary course of business may be kept therein in such areas as are permitted under the Zoning Code and other applicable City ordinances. No horse, mule, donkey, bovine, goat, sheep or swine shall be raised or kept in the City.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 66-1987. Passed 7-20-87.)

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 or other designated employee may take up and impound any animal who is found disturbing the peace and quiet of any City residents in this manner.

(b) Whoever violates this section is guilty of a minor misdemeanor and each subsequent violation of this section within a period of three (3) years of the first violation shall be a misdemeanor of the fourth degree. (Ord. 66-1987. Passed 7-20-87.)

505.05 ANIMALS PROHIBITED IN STORES OR COVERED MALLS EXCEPT FOR TREATMENT.

(a) No person shall take, lead or have in his possession in any store, or covered mall in any shopping area within the City any animal, except to obtain treatment for such animal at a specific store or clinic for animals.

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

(Ord. 66-1987. Passed 7-20-87.)

505.06 ANIMALS PROHIBITED IN PUBLIC PARKS.

- (a) No person shall take, lead or have in his possession any animal in any public park located within the City.
 - (b) Whoever violates this section is guilty of a minor misdemeanor.
- (Ord. 66-1987. Passed 7-20-87.)

505.07 ANIMALS NOT UNDER CONTROL.

(a) No owner, keeper or person in charge of a dog or cat shall permit such animal to run at large or shall fail to control such animal anywhere within the City. Testimony that an animal was not on the property of its owner, keeper or person in charge, or was not held securely in leash by a person accompanying such animal when found shall be prima-facie evidence that the animal was not under control. For purposes of subsections (a), (b), (c) and (d) hereof, strict criminal liability is contemplated herein.
(Ord. 163-2003. Passed 3-15-04.)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree and each subsequent violation of subsection (a) hereof within a period of three (3) years of the first violation shall be a misdemeanor of the third degree.

(c) Notwithstanding the above, a violation of subsection (a) hereof shall be a misdemeanor of the second degree when such animal 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 person in charge, and a misdemeanor of the third degree when such animal is found to have attacked or bitten another domestic animal while at large, or while leashed but not under control as described herein.

(d) Each subsequent violation of subsection (c) hereof within a period of three (3) years shall be a misdemeanor of the first degree in the event a human being is attacked or bitten and a misdemeanor of the second degree in the event a domestic animal is attacked or bitten.
(Ord. 66-1987. Passed 7-20-87.)

505.08 VOIDING ANIMAL EXCREMENT.

(a) No owner, keeper or person in charge of any animal shall allow or permit such animal to void urine or excrement on any public or private property other than the property of the owner, keeper or person in charge of such animal, except that animals may be allowed or permitted to void urine or excrement between the curbs of public streets or alleys and on vacant, unoccupied and unused public or private land, provided the owner of such unused public or private land does not publicly and prominently post notice thereon that such acts are prohibited.

(Ord. 66-1987. Passed 7-20-87.)

(b) No owner, keeper or person in charge of any animal shall fail to pick up and properly dispose of any fecal matter left by his animal on any public or private property. Proper disposal shall consist of placing such fecal matter in the trash of the owner, keeper, or person in charge in accordance with Section [1351.14\(b\)](#) or in a public receptacle clearly intended for waste disposal. No fecal matter shall be placed or permitted to be voided into any catch basin, drainage grate, or watercourse. (Ord. 14-2003. Passed 1-21-03.)

(c) No person shall allow a dog under his or her control to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device designed or intended for the removal of such dog's feces.

(Ord. 146-2005. Passed 11-7-05.)

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

(Ord. 66-1987. Passed 7-20-87; Ord. 146-2005. Passed 11-7-05.)

505.09 DANGEROUS OR EXOTIC ANIMALS.

(a) No person shall keep any lion, tiger or other such wild animal on any premises in the City.

(b) Except as provided in subsection (a) hereof, no person shall keep any snake, reptile or other exotic or dangerous animal on any premises in the City, unless such animal is at all times kept in a structure, cage or other secure place separating such animal from the public generally, customary invitees to the premises and children who may be on the premises.

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

(Ord. 66-1987. Passed 7-20-87.)

505.091 VICIOUS DOGS.

(a) No person owning, harboring or having the care or control of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(b) No person owning, harboring or having the care or control of a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed on a chain no more than three (3) feet in length with at least 300 pounds of tensile strength and such dog is muzzled. (Ord. 71-1987. Passed 7-20-87.)

(c) Definitions.

(1) A vicious dog is "unconfined" as the term is used in this section if such dog is not confined on the premises of the person described in subsection (a) hereof as follows:

A. If the dog is outside, it must be in a securely enclosed pen or dog run area which has secure sides and a secure top attached to all sides, and which has a secure floor or bottom attached to all sides of the pen or which is embedded in the ground no less than two (2) feet. Such pen or dog run area shall be locked with a key or combination lock at all times when the animal is within the structure.

B. If the dog is inside, it may not be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure. A vicious dog may not be kept on a patio, porch or in any part of a house or structure which would allow the animal to exit the building on its own volition, whether or not such dog is on a chain or leash. (Ord. 163-2003. Passed 3-15-04.)

(2) A "vicious" dog as the term is used in this section means:

A. Any dog which has been judicially or administratively determined, pursuant to Section [505.19](#), to have a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or

B. Any dog which has been judicially or administratively determined, pursuant to Section [505.19](#), to have attacked a human being or other domestic animal; or

C. Any pit bull terrier, which shall be herein defined as 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 Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

(Ord. 150-2004. Passed 10-4-04.)

(d) No person shall keep, own, harbor, care for, or control a vicious dog within the City of Cleveland Heights until such dog has been registered with the Animal Warden of the City and a permit is obtained. Such dogs shall be registered with the City within ten (10) days of the date the dog is first brought into the City, and thereafter on an annual basis on or before the 31st day of January of each calendar year. The permit fee shall be twenty dollars (\$20.00) per year. No person shall keep, own, harbor, care for or control more than one vicious dog in any dwelling unit in the City at any one time. No person shall keep, own, harbor, care for or control any vicious dog on any premises in the City at any time unless such person is the owner of said premises or unless such person has the written permission of the owner of said premises to keep, own, harbor, care for or control such vicious dog on said premises.

(e) Any person keeping, owning, harboring or having the care or control of any vicious dog shall maintain a policy of liability insurance providing coverage for each occurrence in an amount not less than one hundred thousand dollars (\$100,000) and insuring such person against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the vicious dog. Such person shall produce evidence of such policy of insurance at the time of the initial registration and annual renewal of registration of the vicious dog with the Animal Warden of the City and at any time upon request of a law enforcement agent or other employee of the City. The City shall be named as a certificate holder on all such policies.

(Ord. 51-2008. Passed 5-19-08.)

(f) Impoundment of Dogs.

(1) Any vicious dog being harbored or cared for within the City that is not registered with the Animal Warden as provided in subsections (d) and (e) hereinabove may be seized and impounded by the Animal Warden or his agent or other law enforcement officer until such time as the dog is properly registered and a permit obtained. In the event the Animal Warden or other law enforcement officer seizes such an unregistered

vicious dog, notice shall be given the presumed owner within two (2) business days after the seizure by posting a written notice upon the premises at which the dog was being harbored or kept. The dog shall not be released until the owner registers the dog and pays all accumulated boarding charges. In the event the owner does not register such dog and pay all such boarding charges within five (5) business days of the delivery of the notice of impoundment, such dog shall be deemed abandoned and may be destroyed or otherwise disposed of by the City.

(2) In the event a law enforcement officer has probable cause to believe a dog has attacked a human being or other domestic animal in the City, the law enforcement officer may impound such dog pending trial. In the event the Court finds that such dog attacked a human being or other domestic animal without provocation, in addition to any penalty imposed by the Court, the dog shall not be released to the owner until all accumulated boarding and impound charges are paid; provided, however, that nothing herein shall prohibit the Court from ordering the dog destroyed or banished as provided in subsection (i) hereinbelow, in which case the owner shall still be responsible for boarding charges. If the dog is not ordered destroyed or banished, the owner shall reclaim such dog and pay all accumulated boarding and impound charges within five (5) business days after sentencing, otherwise the dog shall be deemed abandoned and may be destroyed or otherwise disposed of by the City.

(3) In the event a law enforcement officer has probable cause to believe that a registered vicious dog is being harbored or cared for in violation of this section, and such animal has not attacked a human being or other domestic animal, the law enforcement officer may petition a court of competent jurisdiction to order the seizure and impoundment of the vicious dog pending trial, with the boarding charges to be paid by the owner.

(Ord. 163-2003. Passed 3-15-04.)

(g) Whoever violates any provision of this section is guilty of a misdemeanor of the second degree for a first violation and shall be guilty of a misdemeanor of the first degree for each such subsequent violation within three (3) years of the first violation.

(h) For purposes of subsections (a) and (b) hereof, testimony that a vicious dog was unconfined on the premises of its owner, harborer, or person having the care or control of such vicious dog, or that a vicious dog was beyond the premises of its owner, harborer, or person having the care or control of such vicious dog and was not securely leashed and muzzled according to the provisions of subsection (b) hereof, shall be prima-facie evidence that such owner, harborer, or person having the care or control of a vicious dog suffered or permitted such dog to go unconfined on the premises of such person or suffered or permitted such vicious dog to go beyond the premises of such person when not securely leashed and muzzled as described in subsection (b) hereof. For purposes of subsections (a), (b), (d) and (e) hereof, strict criminal liability is contemplated. (Ord. 71-1987. Passed 7-20-87.)

(i) Any vicious dog which attacks a human being or another domestic animal may be ordered to be destroyed or to be permanently banished from the City when, in the court's judgment, such vicious dog represents a continuing threat of serious harm to human beings or other domestic animals. (Ord. 163-2003. Passed 3-15-04.)

505.092 IMPOUNDMENT OF DOGS INVOLVED IN BITING/ATTACKING INCIDENTS.

(a) The Animal Warden may take up and impound any dog which is alleged to have bitten or attacked a human being or other domestic animal in violation of this chapter, pending the completion of criminal proceedings arising from such incident. Such dog shall be boarded and housed in an animal shelter, animal hospital, kennel or other place which the Animal Warden deems equally secure until such time as the owner, harbinger, or other person having custody or control of such dog shall be tried or enter a guilty or no contest plea to any and all charges arising out of the biting/attack incident, and until such further time as the Court enters sentence, unless otherwise ordered by the Court.

(b) Any dog impounded shall be released at the earlier of the following times, unless a longer period of impoundment is authorized or permitted by this chapter:

(1) At least ten working days have passed since the biting or attack incident and no charges are pending against the owner, harbinger or person caring for or in control of such dog;

(2) The owner, harbinger or person caring for or in control of the dog has been acquitted of all criminal charges arising out of the attack/biting incident.

(c) Any person aggrieved by an order of the Animal Warden pursuant to subsection (a) herein may appeal such order to the Health Code Board of Appeals pursuant to Sections [1701.07](#) and [1780.08](#) of Part Seventeen of these Codified Ordinances. Any such appeal shall be heard within five working days of the date the notice of appeal is filed. Notice of such hearing shall be given to the person(s) who has allegedly been bitten or attacked by the dog, the parent(s) or guardian(s) of any minor(s) who has allegedly been the victim of such an attack, and the owner(s) of any domestic animal(s) which has allegedly been bitten or attacked by the dog.

(d) The costs of the boarding and lodging of the dog shall be charged to the owner, harbinger, and/or person caring for or in control of the dog, unless the dog has been released pursuant to the provisions of subsection (b) hereof.

(e) The provisions of this section shall be in addition to any other procedures, penalties and/or remedies provided in this chapter or otherwise available at law.

(Ord. 150-1994. Passed 12-19-94.)

505.10 CRUELTY TO ANIMALS.

(a) No person shall overdrive, overload, torture, torment or deprive of necessary sustenance, whether food or water, unnecessarily or cruelly beat, whip or maltreat or needlessly mutilate or kill, or cruelly expose to natural elements, any animal, nor by any act either of commission or omission do or fail to do anything which is cruel to a domestic animal.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 66-1987. Passed 7-20-87.)

505.101 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)

505.11 ADMINISTERING POISON.

(a) No person, with intent to injure or kill any animal, shall maliciously administer poison to any dog, bird, fowl or other animal, the property of another, except rodents, nor shall any person with such intent place any poisoned food, liquid or other substance about where it may be easily found or consumed by any such dog, bird, fowl or other animal, except rodents, either upon his own premises, the premises of another or in any public place within the City.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 66-1987. Passed 7-20-87.)

505.12 HUNTING OR KILLING ANIMALS PROHIBITED.

(a) Except as otherwise specifically provided in this chapter, no person shall hunt, kill or attempt to kill any animals within the City.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 66-1987. Passed 7-20-87.)

505.13 PROTECTION OF WILD LIFE IN PARKS.

(a) No person shall, within any park, molest, hunt, take, chase, shoot or throw any object at any animal, or remove or have in his possession any animal or the eggs or young of any such animal.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 66-1987. Passed 7-20-87.)

505.14 CARRIER PIGEONS.

(a) No person shall shoot, kill or maim an Antwerp or homing pigeon, commonly known as "carrier" pigeon, nor shall any person, except the owner thereof, entrap, catch or detain a carrier pigeon, provided it has the name of the owner stamped upon its wing or tail or a band with the owner's name, initial or number on its leg.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 66-1987. Passed 7-20-87.)

505.15 GENERAL RABIES QUARANTINE.

Whenever, in the judgment of the Director of Public Safety, he determines 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 knowledge of such quarantine, permit an animal to leave the premises where such animal lives. Such a 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 Director of Public Safety.

505.16 QUARANTINE PROCEDURE AND COMPLIANCE.

(a) 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 following the biting incident, upon notice from the Cuyahoga County Board of Health, or upon direction from the Cuyahoga County Board of Health and/or 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 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 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. The owner, keeper or person having custody or possession of such animal shall then submit to the Animal Warden or Cuyahoga County Board of Health, within twenty-four hours 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.

If the animal dies prior to the tenth day of examination, as hereinbefore provided, the owner, keeper or person having custody or possession of such animal shall immediately contact the Animal Warden or Cuyahoga County Board of Health, 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.

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 with the submission of the report as required, or fail to notify the Animal Warden or Cuyahoga County Board of Health immediately upon the death of the animal, or purposely destroy such animal prior to compliance with the requirements of this section. (Ord. 28-2001. Passed 3-5-01.)

(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 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.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 66-1987. Passed 7-20-87.)

505.17 IMPOUNDING PROCEDURE; REDEMPTION OR DISPOSITION.

(a) In addition to other procedures and penalties applicable to violations of this chapter, the Animal Warden may take up and impound any animal found in violation hereof. If such animal is not wearing a valid license tag, the Animal Warden may, within three (3) days after taking up such animal, turn such animal over to an officer charged by law with the custody and disposal of such animals. If the animal is wearing a license tag or some other type of identification showing the name and address of its owner, the Animal Warden shall immediately give such person notice that the animal has been found and taken up. The animal shall not be released to its owner except upon payment to the City of twenty-five dollars (\$25.00) to cover the cost of taking it up, plus such additional costs as may be incurred by the City for impounding the animal. Such release payment shall be tendered within five (5) days of receipt of notice by the animal's owner; however, no period of holding by the City shall exceed seven (7) days unless the seventh (7th) days falls on a weekend. Any animal not reclaimed within the respective time periods may be destroyed or otherwise disposed of at the discretion of the Animal Warden. "Otherwise disposed of" shall include the right to sell these animals to suitable individuals for the cost to the City of the animal's boarding. When such a sale does occur, the City shall not charge the buyer with the twenty-five dollar (\$25.00) impounding fee. No sale will be transacted until a valid registration tag, if required, is obtained.

(Ord. 66-1987. Passed 7-20-87.)

(b) The Animal Warden's Office may keep a register of people interested in obtaining an animal impounded by the City. Such register may be categorized by the breed desired and should be set up to give the person who has been registered the longest period of time the first chance to obtain the animal.

(Ord. 117-1979. Passed 11-5-79.)

505.18 COURT ORDER TO REMOVE OR DESTROY ANIMAL.

In addition to any penalty provided herein, if the court determines that any animal, on one 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 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 destroyed or permanently banished from the City.
(Ord. 163-2003. Passed 3-15-04.)

505.19 DESIGNATION OF DOG AS “VICIOUS”; APPEAL.

(a) A dog may be determined to be “vicious”, as defined in subsections A. and B. of subsection [505.091](#)(c)(2), and thus subject to the requirements of Section [505.091](#), in one of the two following ways:

(1) A court of competent jurisdiction may declare the dog to be vicious in an independent or related civil or criminal proceeding; or

(2) The Animal Warden may provide written notice to the owner or other person harboring or having care or control of the dog that the Animal Warden has determined the dog to be vicious. Such notice shall be given by personal service, ordinary mail, or by posting on the property at which the person resides. Any person aggrieved by the order of the Animal Warden hereunder may appeal such order in writing to the Health Code Board of Appeals pursuant to Sections [1701.07](#) and [1780.08](#) of Part Seventeen of these Codified Ordinances. Such appeal shall be filed within five (5) working days of the date of notice, and heard within ten (10) working days of the date the appeal is filed. The filing of a notice of appeal hereunder shall stay the requirements of Section [505.091](#), but shall not preclude the Animal Warden or Cuyahoga County Board of Health from impounding the dog if otherwise permitted by this chapter or other provisions of law and shall not in any way relieve the owner or other person harboring or having care or control of the dog from civil or criminal liability for injury or damage caused by the dog or for violations of provisions of this chapter other than Section [505.091](#).

(b) The provisions of this section are not applicable to dogs classified as vicious pursuant to the provisions of subsection (c)(2)C. of Section [505.091](#).

(Ord. 150-2004. Passed 10-4-04.)

505.99 PENALTY.

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