

CHAPTER 505
Animals

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CROSS REFERENCES

See section histories for similar State law

Power to restrain and impound animals - see Ohio R.C. 715.23

Driving animals upon roadway - see TRAF. 303.04, 311.05

Definitions generally - see GEN. OFF. 501.01

Assaulting police dog or horse or handicapped assistance dog - see GEN. OFF. 541.08

Offensive odors from places where animals are kept or fed - see H. & S. 1113.04

505.01 DEFINITIONS.

As used in this chapter:

- (1) "Animal" means any live, vertebrate creature, domestic or wild, other than humans, and including all fowl.
- (2) "Animal Control Officer" means any staff person employed at the City Animal Shelter.
- (3) "Animal hospital" means any facility which has the primary function of providing medical and surgical care for animals and is operated by a currently licensed veterinarian.
- (4) "Animal shelter" means the facility or facilities operated by the City for the purpose of impounding or caring for animals under the authority of this chapter or the laws of the State.
- (5) "Breeder" means any person who habitually lodges and/or feeds dogs within such person's house or premises for the purposes of breeding. A breeder may reside only in a U-4 Zoning District except that any breeder residing in any residential district of the City at the time of the adoption of this chapter shall be permitted to continue operation at such location, provided that the breeder is continuously licensed with the City from May 18, 1981, onward.
- (6) "Cat" means any member of the *Felix catus* family, male or female, regardless of age.
- (7) "Catterie" means any establishment where cats are kept for the purpose of breeding. Any catterie owner shall reside only in a U-4 Zoning District, except that any person operating a catterie in any residential zoning district of the City at the time of the adoption of this chapter shall be permitted to continue catterie operation at such location, provided that such catterie is continuously licensed with the City from May 18, 1981, onward.
- (8) "Chief of Police" means the duly appointed, highest ranking officer in charge of the Police Department or his or her authorized representatives.
- (9) "Commercial animal establishment" means any pet shop, grooming shop, guard dog service, business which keeps animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of the aforementioned establishments.

- (10) "Dangerous or exotic animal" means any animal, reptile or fowl or other such animal whose normal habitat is some place other than northeast Ohio.
- (11) "Dog" means any member of the *Canis familiaris*, male or female, regardless of age.
- (12) "Fowl" means any animal that is included in the zoological classification Aves.
- (13) "Health Officer" means the City-County Health Officer, or his or her authorized representative, including any employee of the City-County Health Department.
- (14) "Household" means all persons living in the same single-family dwelling unit.
- (15) "Humane live animal trap" means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.
- (16) "Humanely euthanize" means the proper injection of a substance that quickly and painlessly terminates the life of an animal, or any method approved by the American Veterinary Medical Association or the Humane Society of the United States.
- (17) "Inhumane or cruel treatment or manner" means any treatment to any animal which deprives the animal of necessary sustenance, including sufficient and wholesome food, potable water and protection from the weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing, or other abnormal treatment that causes suffering to such animal.
- (18) "Kennel" or "shelter" means any premises upon which five or more cats and kittens and/or dogs and puppies are boarded, bred, trained, bought and/or sold, except for commercial animal establishments otherwise enumerated in this chapter.
- (19) "Large animals" means any swine, bovine, goat, sheep, beast of burden or any other domestic or wild animal of similar or larger size.
- (20) "Neutered" means any male or female cat or dog that has been permanently rendered sterile.
- (21) "Owner," "keeper," "harborer," or "person in charge" means any person who feeds and/or shelters, or is in charge of, any animal for twenty-four or more consecutive hours or who professes ownership of such animal. If a minor owns an animal, then the head of any household of which such minor is a member shall be deemed the owner of such animal under this chapter and shall be responsible as the owner. If not a member of a household, such minor shall be directly subject to the provisions of this chapter.
- (22) "Person" means an individual, firm, association, joint stock company, syndicate, partnership or corporation.
- (23) "Pet owner" means any person, other than those defined in subsections (9) and (18) hereof, who owns dogs or cats that are habitually lodged or fed within such person's house or premises.
- (24) "Premises" means any parcel of land and any structure thereon in which any animal regulated by this chapter is housed and/or confined.
- (25) "Purebred animal" means bred from members of a recognized breed, strain or unmixed ancestry.
- (26) "Small animal" means any animal not within the definition of "large animal," but including all dogs without reference to size.
- (27) "Summons" means a violation notice requiring the violator to appear before the Municipal Judge.
- (28) "Supervisor" means the Supervisor of Animal Control and any or all other Animal Control Officers and animal control personnel assigned to work under the direct control of the Supervisor of Animal Control who may act through staff to perform any duty under this chapter unless otherwise specifically stated.
- (29) "Wild animal" means any animal which is predominantly free-roaming as opposed to domesticated including but not limited to feral cats and feral dogs.

(Ord. 133-1981. Passed 5-18-81; Ord. 245-1989. Passed 11-20-89; Ord. 62-2003. Passed 3-17-03.)

505.02 DUTIES OF THE MAYOR.

Except where otherwise provided, it shall be the duty of the Mayor, through the Chief of Police and the Supervisor, to administer and enforce the provisions of this chapter directly or through staff assigned to be supervised by the Supervisor. The Supervisor shall keep

a record of all Animal Pound transactions and all enforcement and investigative activities conducted by the Supervisor and Animal Control Officers and shelter personnel.

(Ord. 133-1981. Passed 5-18-81; Ord. 62-2003. Passed 3-17-03.)

505.03 DUTIES OF THE POLICE DEPARTMENT.

It shall be the duty of the Police Department officers to enforce the provisions of this chapter and any regulations issued by the Health Officer and to assist the Supervisor in enforcing the provisions of this chapter.

(Ord. 133-1981. Passed 5-18-81.)

505.04 DUTIES OF THE HEALTH OFFICER.

It shall be the duty of the Animal Control Officer, Health Officer or representative from the Cuyahoga County Board of Health and the Chief of Police to administer and enforce any public health provisions of this chapter directly or through staff assigned to be supervised by such Officer. The Health Officer or representative from the Cuyahoga County Board of Health shall issue standing and/or emergency regulations for rabies control; zoonosis control; the control or elimination of animal pests; animal bite procedures; and standing regulations for the keeping, housing and sale of pets in a commercial facility that the Health Officer finds necessary to protect the public health, which regulations shall be filed with the City Administration, the Animal Control Officer and the Chief of Police.

(Ord. 133-1981. Passed 5-18-81; Ord. 11-2011. Passed 2-22-11.)

505.05 ENFORCEMENT PROCEDURES.

(a) The Animal Control Officer, the Health Officer and the Chief of Police are hereby authorized to issue a summons to the owner of any animal in violation of any provision of this chapter, or any regulation issued by the Health Officer. Such person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other provision of this chapter.

(Ord. 133-1981. Passed 5-18-81.)

(b) The Animal Control Officer, the Health Officer and the Chief of Police are hereby authorized to take up and impound any animal found in violation of any provision of this chapter or any regulation issued by the Health Officer, if the person owning such animal cannot be issued a summons because such person is not known or present. Such animal shall be confined at the Animal Pound in a humane manner and shall be released upon satisfactory proof that the party claiming the animal is entitled to possession thereof, and upon payment to the Animal Control Officer of all recovery fees established by ordinance.

(c) In the interest of animal welfare, any person owning any animal in the City by so doing does hereby authorize the Animal Control Officer, the Health Officer or the Chief of Police to enter upon private property, other than within any residence or other structure, where such animal is kept, if there is probable cause to believe the animal is being kept in a cruel or inhumane manner, for the purpose of examining such animal. When, in the opinion of the Animal Control Officer, the Health Officer or the Chief of Police such animal is being kept in an unlawfully cruel or inhumane manner, the Animal Control Officer shall apply to a court of competent jurisdiction for an order to enter the premises, and, if necessary, seize the animal. If the Court finds probable cause to believe the animal is treated inhumanely, it shall issue such an order.

(Ord. 246-1989. Passed 11-20-89.)

(d) Any animal that has bitten a person may be removed from the property of its owner by the Animal Control Officer, the Health Officer or the Chief of Police if such animal is in violation of examination or observation requirements prescribed by regulations of the Health Officer.

(e) The Animal Control Officer, the Health Officer and the Chief of Police are hereby authorized to use humane live animal traps to capture any animal whose presence on private property or public property constitutes a nuisance to persons or a threat to the public health or the health of domestic animals.

(f) No person shall interfere with the duty of the Animal Control Officer, the Chief of Police or the Health Officer by removing, or

causing to be removed, the identification tag of any cat or dog without the consent of the owner thereof; refusing to identify himself or herself upon the request of an enforcement officer, when such officer has probable cause to believe that such person has violated this chapter; or in any other manner preventing the lawful discharge of enforcement duties prescribed by this chapter. (Ord. 133-1981. Passed 5-18-81.)

(g) No person shall engage in the housing, storing, care and sale of pets in a commercial facility unless they are in compliance with the regulations set forth by the Cuyahoga County Board of Health. Any person found not in compliance with the Cuyahoga County Board of Health regulations is prohibited from housing, storing, caring for and selling until they are in compliance with the Cuyahoga County Board of Health regulations

(h) Whoever violates subsections (f) or (g) hereof is guilty of a misdemeanor of the third degree, and shall be subject to the penalty provided in Section 599.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 11-2011. Passed 2-22-11.)

505.06 PROHIBITED ANIMALS.

(a) The owning, keeping or harboring of any wild, dangerous, poisonous or exotic animal, including, but not limited to, lions, tigers, cougars, leopards, cheetahs, jaguars, panthers, bears, chimpanzees, orangutans, baboons, gorillas, poisonous or constricting snakes, wolves, wolf hybrids or any hybrid of a domestic dog with a wild canis, within the City limits, is hereby prohibited.

(Ord. 58-1993. Passed 4-5-93.)

(b) The owning or keeping of any fowl, including, but not limited to, domestic geese, ducks, turkeys, chickens and pigeons, within the City limits, is hereby prohibited, except for caged birds kept as pets within a residence structure. However:

(1) Schools are not prohibited from raising chicks and/or ducks for educational purposes; and

(2) When finished or no later than two weeks after the chicks and/or ducks have hatched, the schools must give the fowl to a farm authorized to handle such animals.

(Ord. 119-1997. Passed 5-19-97; Eff. 6-19-97.)

(c) No livestock, including, but not limited to, horses, mules, cattle, sheep, goats and swine, shall be owned or maintained within the City limits.

(Ord. 133-1981. Passed 5-18-81.)

(d) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty shall be as provided in Section 599.02.

505.07 LOCATION OF YARD HOUSING FOR ANIMALS.

(a) No person shall maintain any animal shelter closer than twenty-five feet to the nearest portion of any building occupied by or in any way used by any person and to the rear of the front building line of the dwelling other than the building or dwelling occupied by the owner of the animal. Any yard housing for animals shall be subject to the maintenance requirements prescribed in Section 505.19.

(Ord. 133-1981. Passed 5-18-81.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 599.02.

505.08 CARE REQUIREMENTS; CRUELTY PROHIBITED.

(a) No owner, keeper or person in charge of any animal shall do or fail to do anything, which is cruel or inhumane including but not limited to:

(1) Fail to provide sufficient and wholesome food; potable water; shade and protection from the weather, which shall include a structurally sound, weatherproof enclosure of such size as will permit movement and simultaneously facilitate the preservation of body heat by the animals. It shall have sufficient quantity of suitable bedding material consisting of straw, cedar shavings, or the equivalent. The floor will be solid and raised off the ground. The entrance shall be covered with a flexible windproof material or a self-closing swinging door. A garage, shed or other structure, not designed and built specifically for an animal, shall not be considered suitable housing, unless otherwise specifically found by the Animal Control Officer. Further, no person who owns any animal shall fail to provide such animal adequate opportunity for exercise; regular veterinary care and when needed, veterinary care for injury or illness, unless the animal is instead humanely euthanized; or other care as is needed for the health or well-being of such kind of animal; or

(Ord. 59-1993. Passed 4-5-93.)

(2) Abandon any animal in any place. For the purpose of this provision, "abandon" means for the owner, keeper or person in charge to leave any animal without demonstrated or apparent intent to recover or to resume custody; leave any animal for more than twelve hours without providing for adequate food, potable water and shelter for the duration of the absence; or turn out or release any animal for the purpose of causing it to be impounded; or

(3) Leave any animal unattended in a vehicle when such vehicle does not have adequate ventilation and temperature to prevent suffering, disability or death to such animal.

A. For the purpose of this section, if attempts to locate the vehicle owner fail, any law enforcement officer or animal control officer may take action necessary to rescue a confined animal to remove the threat of further serious harm. The owner, keeper, or person in charge will be liable for all reasonable and necessary impound, board and medical fees.

B. No officer or agent taking action under Section 505.09(a) shall be liable for damages necessary to rescue the confined animal.

(b) Any animal impounded for being kept in violation of this section or Section 505.20(a) may be humanely euthanized upon advice of a licensed veterinarian and by the Supervisor if he or she deems it necessary to relieve suffering. The owner of any animal that is not euthanized shall be entitled to regain custody of such animal only after such custody is authorized by the court. All expenses accrued for the treatment or care of such animal shall be paid by the owner, whether or not he or she seeks to regain custody of such animal.

(Ord. 133-1981. Passed 5-18-81.)

(c) The owner, keeper, or person in charge of any animal who has been charged under this section or Section 505.20(a) who fails to appear in court on the scheduled date to enter a plea or fails to appear on any additional court dates, after entering a plea, without permission from the judge or authorized court employee will have fourteen days from that date to settle the matter with the Court. Failure to comply will result in the animal being held at the shelter to become the property of the City allowing it to be adopted or, if necessary, humanely euthanized.

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 118-1997. Passed 5-19-97; Eff. 6-19-97; Ord. 216-2001. Passed 12-3-01; Ord. 62-2003. Passed 3-17-03.)

505.09 RUNNING AT LARGE PROHIBITED; EXEMPTIONS.

(a) No owner, keeper, harbinger, handler or person in charge of any animal, including, but not limited to, dogs and cats, shall permit such animal to run at large within the City at any time. Any animal shall be deemed running at large when such animal is not inside a resident structure, secure fence or pen; on a leash and held by a person capable of controlling such animal; or tethered in such a manner as to prevent its getting on the public right of way or another's property. This provision shall not apply to dogs being obedience trained by a certified trainer.

(Ord. 139-1989. Passed 6-19-89.)

(b) No person shall permit a County or City registration tag to be worn by any animal other than the animal for which such tag is issued.

(Ord. 133-1981. Passed 5-18-81.)

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the second degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 118-1997. Passed 5-19-97; Eff. 6-19-97; Ord. 12-2010. Passed 2-1-10.)

505.10 NUISANCE ACTIVITIES PROHIBITED.

(a) The owner, keeper, harborer, handler or person in charge of any animal shall take all reasonable measures to keep such animal from becoming a nuisance. For the purpose of this provision, "nuisance" means any animal which:

- (1) Molests or interferes with persons in the public right of way;
- (2) Attacks or injures persons or other domestic animals;
- (3) Damages public or private property by its activities or with its excrement;
- (4) Scatters refuse that is bagged or otherwise contained;
- (5) Causes any condition which threatens or endangers the health or well-being of persons or other animals;
- (6) Attacks, injures or kills wildlife while at large.

(Ord. 133-1981. Passed 5-18-81; Ord. 62-2003. Passed 3-17-03.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 12-2010. Passed 2-1-10.)

505.11 EXCESSIVE ANIMAL NOISE PROHIBITED.

(a) No owner, keeper, harborer, handler or person in charge of any animal shall permit such animal to make excessive noise that disturbs a neighbor. The following definitions and conditions shall apply to this provision:

- (1) "Excessive noise" means any animal noise which is so loud and continuous or untimely so as to disturb the sleep or peace of a neighbor.
- (2) "Neighbor" means any person residing in a residence structure which is within 100 yards of the property on which the animal is owned.

(Ord. 133-1981. Passed 5-18-81; Ord. 117-1997. Passed 5-19-97; Eff. 6-19-97.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 12-2010. Passed 2-1-10.)

505.12 PROPER CONFINEMENT OF CATS AND DOGS IN HEAT REQUIRED.

(a) The owner, keeper, harborer, handler or person in charge of any female dog or cat shall, during the period that such animal is in heat, keep it securely confined and enclosed within a building, except when out upon such person's property briefly for toilet purposes and while in the presence of the owner.

(Ord. 133-1981. Passed 5-18-81.)

(b) Whoever violates or fails to comply with this section is guilty of a misdemeanor of the second degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 118-1997. Passed 5-19-97; Eff. 6-19-97; Ord. 12-2010. Passed 2-1-10.)

505.13 SPECIAL REGISTRATION OF GUARD DOGS; POSTING OF PREMISES REQUIRED.

(a) Any person owning a trained guard dog, which for the purpose of this section means a dog used to guard public or private property, in the City, shall register such dog with the Supervisor, who shall verify that such animal is controllable by its keeper and is confined in a manner that will not endanger persons not on the premises guarded.

(b) A conspicuous notice shall be posted on the premises where any guard dog is kept to warn persons of the nature of the dog therein confined.

(c) Any person operating a guard dog service in the City shall register such business with the Supervisor and shall list all premises to be guarded with the Supervisor before such service begins.

(Ord. 133-1981. Passed 5-18-81.)

(d) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty shall be as provided in Section 599.02.

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

(a) No pet owner shall, after the effective date of this section (Ordinance 245-1989, passed November 20, 1989), be permitted to keep more than four dogs, puppies, cats or kittens, over three months of age, or any combination thereof, within the City. However, any pet owner owning more than four of such animals shall be permitted to continue such ownership, whenever any of such animals dies, is sold or is given away, such pet owner shall not be permitted to replace such animal if such replacement would bring the total number of animals to more than four. In addition, there shall not be more than one pet owner permitted in any dwelling unit in the City.

(Ord. 245-1989. Passed 11-20-89.)

(b) Whoever violates or fails to comply with this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 599.02.

505.15 RABIES VACCINATION OF DOGS AND CATS.

(a) Any person owning any dog or cat over ninety days of age shall be required to have such animal currently immunized against rabies. For the purpose of this chapter, "currently immunized" or "vaccinated" against rabies means that such animal has been inoculated against rabies by a licensed veterinarian within the past twelve months following such animal's initial vaccination and within the past thirty-six months following such animal's subsequent vaccinations. In order to be "currently immunized," the owner must have valid verification of vaccination from a licensed veterinarian. Regardless of the animal's age at initial vaccination, a second vaccination shall be given one year later. This provision shall not apply to any catterie breeder duly licensed under the provisions of this chapter.

(Ord. 39-1996. Passed 2-5-96; Eff. 3-5-96.)

(b) Whoever violates or fails to comply with this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. Whoever violates this section may execute a waiver and pay the Police Department the sum of fifty dollars (\$50.00), if paid within seventy-two hours after the violation. Whoever fails to pay said sum within the seventy-two hour waiver period shall be bound over to the Municipal Court, and if found guilty, shall be subject to the penalty provided in Section 599.02. A chronic or repeat offender under this section shall not be permitted to execute a waiver, shall be bound over to the Municipal Court and shall be subject to the penalty provided in Section 599.02. A chronic or repeat offender is any person who has been cited at least three times during the previous 365 days (one year) for violations of this section.

(Ord. 62-2003. Passed 3-17-03.)

505.16 ANIMALS IN PUBLIC PLACES PROHIBITED; EXEMPTIONS.

(a) No person being the owner, keeper, or harborer of any animal shall allow such animal to enter upon any private property, other than that of the owner, keeper or harborer of such animal, without the approval of the owner of such property. In addition, the owner, keeper, or harborer of any dogs or other animals shall be prohibited from taking dogs or other animals into public buildings, public parks, school grounds, the golf course and other City-owned property.

(Ord. 122-1991. Passed 3-18-91; Ord. 165-2000. Passed 6-19-00; Ord. 62-2003. Passed 3-17-03.)

(b) Animals designated as service animals shall not be prohibited under this section, and a person who is accompanied by a service animal shall be able to enter all places into which the public is invited. A service animal is defined as being any animal that has been specifically trained to provide assistance to an individual who is disabled.

(c) A designated canine will be permitted on public grounds within the City for the specific purpose of discouraging Canada geese from nesting in areas such as public parks, playgrounds and golf courses.

(d) The canine will be under the direct supervision of its owner at all times. The owner shall provide to the Animal Control Department a current dog license, rabies tag number and current photograph of the canine.

(e) The designated canine will be permitted in public areas subject to a schedule created by the Director of Parks and Recreation to be adhered to by the canine's owner. Any changes to the schedule must be pre-approved by the Director of Parks and Recreation. A current copy of the schedule must be kept on file at the Animal Control Department at all times.

(f) The owner is responsible for seeing that the assignments and duties of the designated canine are carried out in accordance with all City, State and Federal laws.

(g) Whoever violates or fails to comply with this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 302-1998. Passed 12-21-98; Eff. 1-21-99; Ord. 161-2009. Passed 9-8-09.)

505.17 REMOVAL OF ANIMAL FECES.

(a) The owner, keeper, harborer, handler or person in charge of any animal, when such animal is off the owner's property, shall be responsible for the removal of any feces deposited by such animal on public walks, streets, recreation areas or private property. No owner, keeper, harborer, handler or person in charge shall fail to remove or provide for the removal of such feces before taking such animal from the immediate area where such defecation occurred.

(Ord. 133-1981. Passed 5-18-81.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 12-2010. Passed 2-1-10.)

505.18 REPORTING ANIMAL BITES.

(a) Any owner, keeper, harborer, handler or person in charge of any animal shall meet any requirements for the reporting of animal bites, the confinement of animals that have bitten persons, or any other duties prescribed by the Health Officer or Supervisor through regulations issued to protect the public health.

(Ord. 133-1981. Passed 5-18-81.)

(b) Whoever violates or fails to comply with this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 12-2010. Passed 2-1-10.)

505.19 PROPER MAINTENANCE OF ANIMAL YARD STRUCTURES AND PENS.

(a) No person shall keep or maintain any animal in any yard structure or area that is not clean, dry and sanitary, free from debris and offensive odors and free of rodents and vermin.

(Ord. 245-1989. Passed 11-20-89.)

(b) All animal pens and yards shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present.

(Ord. 133-1981. Passed 5-18-81.)

(c) All premises, other than private residences, on which animals are kept, shall be subject to inspection by the Health Officer and/or the Animal Control Officer. If the Health Officer or the Animal Control Officer determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animal in writing to correct the sanitation deficiencies within twenty-four hour after notice is served. If the sanitation deficiencies continue after the initial twenty-four hours notice is given, the Health Officer or the Animal Control Officer shall, at his or her discretion, either issue another twenty-four hour notice of violation or issue a citation. Once the owner of the animal has received one notice of sanitation deficiencies, if any subsequent inspections reveal sanitation deficiencies, a citation will be issued. Any animal kept under any condition which could endanger the public or the animal's health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

(Ord. 171-1994. Passed 6-20-94.)

(d) No person shall feed any animal including but not limited to wild animals, birds, other wildlife or domestic animals other than in suitable containers for food elevated at least forty-eight inches above the ground level and of such design and construction as to minimize the potential for food and/or seed from spilling or dropping to the ground. Such feeding shall be allowed so long as it does not create a nuisance or interfere with another's property. Such nuisance activity shall include, but not be limited to: excessive animal noise, excessive amounts of animal droppings, attracting enough animals to burden neighboring properties, birds perching on neighboring properties as a result of food availability, garbage left where it may attract wildlife, or debris that may provide a nesting area.

(Ord. 162-1990. Passed 5-21-90; Ord. 84-2000. Passed 4-3-00.)

(e) This section shall not apply to owners feeding their own pets on their property as long as by doing so it does not create a nuisance or attract any other animals, birds or rodents.

(f) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the second degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 118-1997. Passed 5-19-97; Eff. 6-19-97; Ord. 62-2003. Passed 3-17-03.)

505.20 ABUSE OF ANIMALS.

(a) No person shall willfully and wantonly kill, beat, cruelly ill-treat, torment, overload, overwork, do or fail to do anything which is cruel or inhumane or otherwise abuse any animal.

(Ord. 120-1997. Passed 5-19-97; Eff. 6-19-97; Ord. 62-2003. Passed 3-17-03.)

(b) The operator of a motor vehicle which strikes any animal shall, as soon as possible, report the accident to the Supervisor or the Police Department.

(c) No person shall offer to give any live animal as a prize or business inducement.

(d) No person shall sell within the City any animal or fowl whose owning is prohibited by this chapter or sell or display any animal that has been artificially dyed or colored.

(e) No person shall expose any known poisonous substance whether mixed with food or not, so that the same shall be liable to be eaten by any animal.

(f) No person shall use a spring steel trap in the City limits except rat and mouse traps.

(g) No person shall willfully kill any bird or molest the nest of such birds.

(h) No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he or she is not the owner for more than seventy-two hours without first reporting the possession of such animal to the Supervisor.

(Ord. 133-1981. Passed 5-18-81.)

(i) This section shall not preclude authorized pest control activities performed by any of the following individuals:

- (1) Persons certified by the Ohio Department of Agriculture; or
- (2) Persons under their direct supervision; or
- (3) Any other governmental agency; or
- (4) Any persons engaged in pest control activities upon or within premises under their control or supervision.

(j) However, any materials used for pest control purposes shall meet the following conditions:

- (1) The materials shall be approved by either the United States Environmental Protection Agency or the Ohio Environmental Protection Agency; and
- (2) Materials shall be applied in strict accordance with the labeled directions; and
- (3) The materials shall be applied in a manner that does not create a substantial risk of harm to any animal or bird other than the targeted pest(s).

(k) Individuals described in paragraphs (i)(1) and (i)(2) hereof shall give prior notice of their pest control activities to the office of the Animal Warden.

(l) Any person authorized to conduct pest control activities under and in accordance with this subsection shall dispose of the resultant carcasses in a reasonable manner.

(Ord. 10-1994. Passed 1-18-94.)

(m) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 120-1997. Passed 5-19-97; Eff. 6-19-97.)

505.21 ANNUAL REGISTRATION OF DOGS AND CATS; TAGS REQUIRED.

(a) Except for guide, leader or listener dogs, or dogs in training to become guide, leader or listener dogs, registered under Ohio R.C. 955.011, and dogs kept by an institution or organization for teaching or 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. No owner of a dog, except a dog constantly confined to a registered kennel, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. 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.

(Adopting Ordinance)

(b) No owner, keeper or harbinger of any cat more than three months of age shall, on or after the first day of the preceding December, but before the twentieth day of January, fail to register his or her cat with the City.

(1) Registration must be made by the twentieth day of January every three years or a penalty in the same amount as the fee for the registration will be assessed to the owner, harbinger or keeper.

(2) Fees for registration shall be as follows: For each spayed or neutered cat, six dollars (\$6.00); for each unaltered cat eight dollars (\$8.00). Registration shall state the age, sex, color, length of hair and breed, if known, of the cat, and the name, address and telephone number of the owner. If the owner furnishes, at the time of registration, either a certificate from a licensed veterinarian verifying that the cat should not be spayed or neutered because of its age or medical condition, or that the cat has been spayed or neutered, then the higher fee is not required.

(3) Owners shall be issued a metal tag for each cat registered.

(4) Veterinarians licensed and doing business in the City are hereby authorized to be vendors of the license tags and may charge an additional fee, not to exceed fifty cents (\$.50), to defray administrative costs.

(5) Every cat, except those being shown at an organized cat show, shall at all times wear a valid tag. Failure at any time to wear such tag shall be prima-facie evidence of lack of registration.

(Ord. 145-1994. Passed 6-6-94.)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Whoever violates this section may execute a waiver and pay the Police Department the sum of fifty dollars (\$50.00), if paid within seventy-two hours after the violation. Whoever fails to pay said sum within the seventy-two hour waiver period shall be bound over to the Municipal Court, and if found guilty, shall be subject to the penalty provided in Section 599.02. A chronic or repeat offender under this section shall not be permitted to execute a waiver, shall be bound over to the Municipal Court, and shall be subject to the penalty provided in Section 599.02. A chronic or repeat offender is any person who has been cited at least three times during the previous 365 days (one year) for violations of this section.

(Ord. 62-2003. Passed 3-17-03.)

505.22 EXEMPTIONS TO ANNUAL REGISTRATION.

Any other section of this chapter notwithstanding, the registration provision of Section 505.21 shall not apply to any nonresident owner of any dog while such person is passing through the City, provided such dog shall remain on a leash or otherwise be effectively restrained while within the City.

(Ord. 133-1981. Passed 5-18-81.)

505.23 ANNUAL LICENSING OF COMMERCIAL ANIMAL ESTABLISHMENTS; FEES.

(a) No person, either as owner or agent, representative, employee or bailee of an owner shall operate a commercial animal establishment without being licensed for that activity.

(b) Any establishment or individual holding such license shall not be required to register individual animals as outlined in Section 505.21.

(c) Any person desiring to obtain or annually renew a license to operate a commercial animal establishment, or kennel shall file an application with the City and pay an appropriate fee, as follows:

(1) Each Commercial Animal Establishment \$100.00

A. Proof of animal vaccination required

(2) Each grooming shop \$100.00

(3) Each guard dog service \$150.00

(d) A Commercial Animal Establishment must be in compliance with all requirements listed in Section 505.231 before being granted a license and or a renewal of said license.

(e) Licenses issued under this section are not transferable.

(f) Commercial animal establishments must conspicuously display the license on the premises where the animals are kept for sale so that the license may be readily seen by potential consumers.

(g) No person who has been convicted of animal cruelty may be licensed to operate a commercial animal establishment, kennel or shelter within 5 years subsequent to that conviction. If a current licensee is convicted of animal cruelty, the licensee shall notify the City within 15 days of the conviction and the license shall be revoked upon receipt of notification.

(h) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 121-2011. Passed 9-6-11.)

505.231 COMMERCIAL ANIMAL ESTABLISHMENT.

A Commercial Animal Establishment must:

(a) Comply with Section 505.08; and

(b) Provide Sanitary Conditions.

(1) Facilities for pet animals shall be maintained to ensure that said facilities are clean and sanitary;

(2) Facilities shall be vermin-proof and free of vermin;

(3) Food remnants, manure and any other organic wastes stored on the Commercial Animal Establishment premises shall be kept in tight, covered containers.

(c) Provide Veterinary Care.

(1) The Commercial Animal Establishment, under the supervision of a veterinarian, shall establish programs of disease control and prevention, euthanasia and adequate veterinary care;

(2) All pet animals shall be observed daily for the purpose of monitoring health, nutrition and well being;

(3) Any pet animal which exhibits signs of sickness, disease and/or injuries shall be isolated from the other pet animals and given veterinarian care without delay when needed:

A. To prevent suffering;

B. To prevent disease transmission;

(4) Animals that become seriously ill or seriously injured must be diagnosed by a veterinarian in a timely manner and the prescribed therapy followed. Sick or injured animals must be:

A. Provided with timely veterinary treatment as needed for the health and well-being of the animal;

B. Euthanized humanely and promptly by the Commercial Animal Establishment's attending veterinarian; or: surrendered, with the express consent of the recipient, to an approved local public or private animal shelter;

(5) Animals cannot be euthanized in any way except through the most current, approved euthanasia methods established by the American Veterinary Medical Association panel on euthanasia.

(d) Provide Enclosures and Adequate Space.

(1) Enclosures must permit the pet animals therein to freely stand, sit, lie down, turn around and make other postural adjustments without any interference;

(2) Enclosures for birds and other pet animals that fly shall be large enough to allow pet animals to fly, hop and perform other activities without obstruction;

(3) All enclosures shall be clean and sanitary and protect the pet animals from adverse conditions, including but not limited to unsuitable weather conditions, too much direct sunlight and improper lighting;

(4) The floor for the pet animals must be suitable to prevent injury and/or discomfort;

(5) Pet animals housed in the same primary enclosure shall be housed in compatible groups without overcrowding;

(6) Dogs and cats shall be separated from one another.

(e) Ensure Adequate Temperature and Ventilation.

(1) The ventilation must be adequate to maintain the health and comfort of all pet animals;

(2) The ventilation system must provide fresh air by means of windows doors, vents and/or air conditioning and be designed to maintain drafts, odors and the condensation of moisture at a minimum;

(3) The ventilation system shall not cause odors to be emitted to neighbors of pet store;

(4) Air conditioning and/or exhaust fans and vents must be utilized in the event the temperature in the Commercial Animal

Establishment reaches 85°F or greater;

(5) The air exchange must be 10/12 changes per hour.

(6) Comply with OAC Chapter 4101.2-39 of the Ohio Mechanical Code.

(f) Require That Pet Animals Reach a Minimum Age Prior to Sale.

(1) No dog or cat shall be sold prior to it reaching the age of eight weeks;

(2) No guinea pig, hamster or rabbit shall be sold prior to it reaching the age of four weeks.

(g) Ensure Sale of Healthy Pet Animals.

(1) Commercial Animal Establishment shall take all reasonable steps to sell healthy pet animals;

(2) In the event the Commercial Animal Establishment sells an unhealthy pet animal, all defects shall be disclosed to the purchaser;

(3) In no event shall the Commercial Animal Establishment sell any pet animal that has a contagious disease.

(h) Ensure Humane Handling of Animals.

(1) All pet animals shall be handled in a manner that will not cause discomfort, stress and/or physical harm.

(2) The Commercial Animal Establishment operator or an agent of the operator must be present at least once daily for general care and maintenance of the animals in the custody of the Commercial Animal Establishment;

(3) Commercial Animal Establishment operators and their agents must wash their hands before and after handling each animal;

(4) Provide adequate socialization and exercise for all animals in the custody of the Commercial Animal Establishment.

(i) Animal Spay, Neuter Requirements.

(1) A fee prescribed by ordinance shall be required for all cats and dogs sold that are not spayed or neutered unless that animal is licensed by a veterinarian to be incapable of breeding or being bred.

(j) Provide for the Sterilization of Pet Dogs and Cats Prior to Sale.

(1) A dog or cat shall not be sold by a Commercial Animal Establishment unless:

A. The animal has already been sterilized;

B. The purchaser signs an agreement to have the animal sterilized by a licensed veterinarian: (i) within 30 days of the purchase, if the animal is sexually mature; or (ii) within 30 days after the animal reaches six months of age, if the animal is not sexually mature at the time of purchase; or

C. A licensed veterinarian issues a written statement that the life or health of the animal may be jeopardized by sterilization.

(2) A pet store may extend for 30 days the date by which a dog or cat must be sterilized on presentation of a written report from a licensed veterinarian, stating that short-term illnesses or circumstances may cause the life or health of the animal to be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and pet store may negotiate the terms of an extension of the date by which the animal must be sterilized;

(3) Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the Commercial Animal Establishment and the new owner;

(4) Upon the petition of the Dog Warden, the Court may order the purchaser to take any steps necessary to comply with the requirements of this section. This remedy shall be exclusive of and in addition to any penalty that may be imposed under this section.

(k) Disclosure Requirements, Certain Information to Purchasers.

(1) A Commercial Animal Establishment shall deliver to a recipient of a dog or cat, at the time of exchange, the following information on a form prescribed by the Animal Warden:

A. The breeder's name, address and license information if the breeder is licensed by the United States Department of Agriculture;

B. The date of the dog or cat's birth;

C. The breed, sex, color and identifying marks at the time of exchange, if any;

D. A record of each inoculation and worming treatment administered, if any, to the dog or cat, including the date of administration and the type of vaccine or worming treatment;

E. A record of veterinarian treatment or medication received by the dog or cat while in the possession of the Commercial Animal Establishment, including a receipt or other documentation from a licensed veterinarian documenting the dog or cat as spayed or neutered;

F. A document signed by a veterinarian licensed in the State of Ohio stating that the dog or cat has no known diseases or illness that adversely affects the health of the dog or cat at the time of the exchange or that is likely to adversely affect the health of the dog or cat in the future; or describing any known illness that is likely to adversely affect the health of the dog or cat in the future and documenting that the veterinarian spayed or neutered the dog or cat, if the veterinarian performed this surgery;

G. Where applicable, a spay/neuter certificate, sterilization agreement or other documentation confirming the dog or cat is spayed or neutered.

(2) A Commercial Animal Establishment shall sign the completed form to certify the accuracy of the information, and the recipient of the dog or cat shall sign the completed form to acknowledge receipt of the information;

(3) A Commercial Animal Establishment shall:

A. Retain a copy of each completed and signed form for a period of not less than two years after the sale of the dog or cat;

B. Make each completed and signed form available for inspection to the Humane Officer, Animal Control Officer, County Department of Health Officer or law enforcement officer during business hours.

(4) A Commercial Animal Establishment shall:

A. Clearly and visibly post warnings near all animals concerning potential diseases that can be transmitted to humans, particularly children.

(l) Return of Animal.

(1) Each Commercial Animal Establishment shall give buyers 15 days to document contagious or infectious disease and one year to document congenital or hereditary defects;

(2) The Commercial Animal Establishment shall not knowingly misrepresent the breed, sex or health of any dog or cat offered for sale;

(3) If the Commercial Animal Establishment sells an animal that is proven to be ill or have a hereditary defect the purchaser shall be entitled to a replacement or a full refund (plus reimbursement for veterinary expenses related to certifying such disease, congenital or hereditary defect or illness). The duty of the Commercial Animal Establishment to reimburse the purchaser under this section shall be limited to 1-1/2 times the purchase price of the animal. A purchaser that agrees to accept reimbursement under this section waives any other claim against the Commercial Animal Establishment for reimbursement of the cost of veterinary care for the animal;

(4) If any cat or dog is returned to a Commercial Animal Establishment due to illness, the Commercial Animal Establishment shall consult with a veterinarian immediately for proper medical treatment. If the Commercial Animal Establishment is not able to care for the sick animal they will promptly contact an approved shelter or animal rescue group that may be able to care for the animal before the Commercial Animal Establishment may consider euthanasia as an option.

(m) Commercial Animal Establishment can only sell puppies bred at USDA licensed facilities.

(1) It is unlawful for a Commercial Animal Establishment to sell or offer for sale any dog procured from a person who is not a dealer or licensed by the U.S. Department of Agriculture pursuant to the Federal Animal Welfare Act (7 U.S.C. §§ 2131 et seq.) or regulations adopted thereunder.

(2) Commercial Animal Establishment or dealers cannot sell animals relinquished by the general public to the pet store.

(n) Collect Pet Population Control Fees.

(1) A Commercial Animal Establishment shall collect fifteen dollars (\$15.00) for altered cats and dogs and a fifty dollar (\$50.00) fee for unaltered cats and dogs or cat sold;

(2) Money collected in accordance with this subsection shall be sent quarterly to the Animal Warden and be deposited in the Pet Population Control Fund;

(3) The City shall distribute the proceeds of this fee to the Euclid Animal Shelter for a spay/neuter fund for sheltered animals.

(o) Commercial Animal Establishments can only sell kittens bred at USDA licensed facilities.

(1) There is an exception for kittens that are surrendered to the Commercial Animal Establishment by a City of Euclid resident who provides their identification and contact information.

(p) Penalty.

(1) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 599.02.

(Ord. 121-2011. Passed 9-6-11.)

505.232 UNALTERED CAT OR DOG REGISTRATION.

Any owner, keeper or harbinger of an unaltered dog or cat six months of age or older must pay a yearly registration fee of fifty dollars (\$50.00) to the Euclid Animal Warden unless the owner, keeper or harbinger provides documentation from a licensed veterinarian that it would be unsafe to spay or neuter the cat or dog or that the animal is registered with a kennel club for showing and breeding. This fee will be deposited in the Pet Population Fund.

(Ord. 121-2011. Passed 9-6-11.)

505.24 LICENSE REGULATIONS; EXEMPTIONS.

(a) No license fee shall be required of the Animal Pound.

(b) No license fee shall be required of any animal hospital.

(Ord. 133-1981. Passed 5-18-81.)

505.25 PROCEDURE FOR LICENSING.

Upon the receipt of the license application and fee, the City shall refer such application to the Health Officer and the Humane Officer or agent thereof, who shall investigate the premises and file a written report and recommendation with the City. If the application is approved by the Health Officer and the Humane Officer, the City shall issue the applicant a license to operate the activity under such conditions as the Health Officer and the Humane Officer shall specify in the report.

(Ord. 122-1991. Passed 3-18-91.)

505.26 EXPIRATION OF LICENSE.

All licenses shall expire one year from the date of issuance. The licensee shall apply to the City for license renewal at least thirty days prior to the license expiration date to assure continuous licensing.

(Ord. 133-1981. Passed 5-18-81.)

505.27 FIRST LICENSE FOR COMMERCIAL ANIMAL ESTABLISHMENT.

Any person for the first time beginning to operate a commercial animal establishment shall pay the applicable license fee at least thirty days prior to the start of such operation.

(Ord. 133-1981. Passed 5-18-81.)

505.28 LICENSE NOT TRANSFERABLE.

Licenses for commercial animal establishments shall not be transferable.

(Ord. 133-1981. Passed 5-18-81.)

505.29 LICENSE AND REGISTRATION DENIAL, REVOCATION AND REINSTATEMENT.

(a) Withholding or falsifying information of a license or registration application shall be grounds for denial or revocation of such license or registration.

(b) Any person having been denied a license or registration may not reapply for a period of thirty days. Each reapplication shall be accompanied by a fee established by ordinance.

(c) No person who has been convicted of cruelty to animals shall be issued a registration or license.

(d) It shall be a condition of the issuance of any license or registration that the Health Officer and/or Supervisor shall be permitted to inspect all animals and all premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the license or registration. If upon inspection the conditions in which animals are being maintained do not meet the requirements of the Health Officer or Animal Control Officer, the owner shall have twenty-four hours to correct all violations. If the violations are not corrected, the license will be suspended until such corrections are made and reinspection is complete.

(e) Any license or registration issued shall be subject to revocation in the event such licensee or registrant shall fail to comply with the terms and conditions of such license or registration, or if the activity licensed becomes a nuisance, health hazard or detriment to the safety and welfare of the residents of the City.

(f) Any person aggrieved by the denial or revocation of a license or registration may appeal to Council, which body may either issue, reinstate or affirm the denial of such license or registration.

(g) No pet shop, grooming shop or guard dog service shall operate without a license or while such license is under suspension or revocation.

(Ord. 133-1981. Passed 5-18-81; Ord. 62-2003. Passed 3-17-03.)

505.30 NOTIFICATION OF CAPTURE AND IMPOUNDMENT.

Upon the taking and impounding of any dog or cat wearing a current City or County registration or traceable rabies vaccination tag, the Supervisor shall notify the owner of such animal of its impoundment and the conditions under which the animal can be recovered. Such notice shall be given by telephone or in writing within forty-eight hours of the impoundment of such animal.

(Ord. 146-1994. Passed 6-6-94.)

505.31 OWNER LIABLE FOR VIOLATIONS.

The owner, keeper, harborer, handler or person in charge of any impounded animal who does not recover such animal may still be processed against for violation of any applicable section or sections of this chapter.

(Ord. 133-1981. Passed 5-18-81; Ord. 12-2010. Passed 2-1-10.)

505.32 PERIOD FOR HOLDING ANIMALS.

(a) The owner of any impounded dog or cat properly identified as prescribed in Section 505.30 shall be given fourteen business days to recover such animal. The owner of any impounded dog or cat not so identified shall be given three business days to recover such animal. Exemptions to these holding periods shall be authorized when:

(1) Any dog or cat is given to be disposed of by its owner.

(2) Any owner, upon notification of impoundment, declares his or her intention not to recover such animal.

(3) Any dog or cat not having proper identification arrives at the Shelter in such a condition that, in the judgment of the Supervisor, compassion requires that such animal be promptly and humanely euthanized.

(b) The owner of any adoptable animal surrendered to the Supervisor to be placed up for adoption shall be required to make payment of a fee as follows: twenty dollars (\$20.00) for one animal, or thirty dollars (\$30.00) if proof of current vaccination is not provided; ten dollars (\$10.00) for each puppy or kitten in a litter.

(c) Any dog or cat not recovered by its owner within the prescribed holding period shall become the property of the City and may be adopted or humanely euthanized.

(Ord. 133-1981. Passed 5-18-81; Ord. 214-1981. Passed 9-8-81; Ord. 245-1989. Passed 11-20-89; Ord. 62-2003. Passed 3-17-03; Ord. 56-2006. Passed 4-3-06.)

505.33 PROCEDURE AND FEES FOR RECOVERY OF ANIMALS.

(a) Any owner of an impounded dog or cat shall be entitled to recover such animal if, within the prescribed holding period, such person appears to claim such animal and shall make payment of:

(1) Impoundment fee: \$25.00;

(2) A boarding fee for each day or part of day, that such animal is impounded: \$10.00.

(Ord. 245-1989. Passed 11-20-89; Ord. 62-2003. Passed 3-17-03.)

(b) If an owner cannot validate current rabies immunization for his or her animal, then such owner shall, within three business days, accomplish such vaccination with a licensed veterinarian or shall be issued a summons for violation of this provision.

(Ord. 133-1981. Passed 5-18-81.)

505.34 PROCEDURE AND FEES FOR ADOPTING ANIMALS.

(a) Any dog or cat not recovered by its owner within the prescribed holding period may be offered by adoption to a new adult owner.

(b) The Supervisor shall collect such fees for animal adoption as follows:

(1) Canine adoption fee: eighty dollars (\$80.00); previously spayed or neutered: seventy dollars (\$70.00).

(2) Feline adoption fee: seventy dollars (\$70.00); previously spayed or neutered: sixty dollars (\$60.00).

(3) Individuals age 65 or older shall receive a ten dollar (\$10.00) discount on adoption fees.

(c) Such rabies vaccination as is prescribed in Section 505.33(b) shall also be required.

(d) If any dog or cat has not reached maturity, the owner shall agree in writing to have such animal at a specified place and date for neutering or spay. Such owner shall be required to have such animal currently immunized against rabies by a licensed veterinarian before neutering or spaying. Any owner who fails to have such pet spayed or neutered within thirty days after the specified date shall forfeit ownership of said animal and any spaying or neutering fee. All dogs or cats old enough for neutering/spaying shall be altered either through the Euclid Animal Pound adoption program or by the owner's own veterinarian. In the latter case, such alteration shall be at the owner's expense, and all appointments for surgery shall be made for the owner by a representative of the Euclid Animal Pound.

(e) Anyone found in violation of the City adoption agreement and who fails to correct the violation within forty-eight hours, shall forfeit the adopted animals to the Euclid Animal Shelter, and shall be subject to a fine in the amount of one hundred dollars (\$100.00).

(Ord. 133-1981. Passed 5-18-81; Ord. 214-1981. Passed 9-8-81; Ord. 245-1989. Passed 11-20-89; Ord. 60-1993. Passed 4-5-93; Ord. 62-2003. Passed 3-17-03; Ord. 123-2003. Passed 6-2-03.)

505.35 REMOVAL AND DISPOSAL OF DEAD ANIMALS.

(a) The Supervisor shall be responsible for the removal of any dead animal found within the City as otherwise provided in this section.

(b) Any large, dead animal shall be removed and appropriately disposed of by the owner or proprietor of the premises promptly after the death or discovery of such animal. If not so removed or properly disposed of, such animal shall be removed by the Supervisor.

(c) Any small, dead animal upon private property shall be removed by the Supervisor as soon as possible after notice is given. For the occasional removal of small animals from private premises there shall be no charge.

(Ord. 133-1981. Passed 5-18-81.)

505.36 EMERGENCY TREATMENT OF SICK OR INJURED DOG OR CAT.

(a) Any sick or injured dog or cat found at large in the City and wearing a current County or City registration or rabies vaccination tag shall be taken at once by the Supervisor to a veterinarian for examination and treatment, and the owner of such animal shall be promptly notified. All charges for veterinarian services shall be borne by such owner.

(b) Any sick or injured dog or cat found at large in the City without such identifying tag shall be examined and administered first aid when needed and be taken at once by the Supervisor to a veterinarian for examination and treatment and it is to be given so as to render the animal free from pain and unnecessary suffering during the holding period, as prescribed in Section 505.32.

(Ord. 133-1981. Passed 5-18-81.)

505.37 DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

(a) Definitions. As used in this section:

(1) "Dangerous dog" means any of the following:

A. Any dog which, according to the records of the Police Department, has inflicted severe injury on a human being, without provocation, on public or private property; or

B. Any dog which, according to the records of the Police Department, has killed a domestic animal, without provocation, while off the owner, keeper or handler's property; or

C. Any dog owned, kept or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or

D. Any 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 dangerous dog.

(2) "Potentially dangerous dog" means any of the following:

A. Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack;

B. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings or domestic animals; or

C. Any dog which, on three separate occasions within a twelve-month period, has been observed being unrestrained or uncontrolled off its owner, keeper or harboring's premises by an Animal Control Officer, Euclid Police Officer, Euclid City Employee or Public Official, or Cuyahoga County Dog Warden, or has been impounded for being unrestrained or uncontrolled off its owner's premises; or the Animal Control Officer has verified any complaints of an unrestrained or uncontrolled dog.

(3) "Pit Bull Terrier" means any dog belonging to a breed commonly known as a "pit bull" dog, including, but not limited to any American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contain as an element of its breeding any of the breeds described in this definition and identifiable as partially of one of those breeds. Testimony by a veterinarian, zoologist, or animal control officer that a particular dog exhibits distinguishably physical characteristics of

a "pit bull terrier" shall establish a rebuttable presumption, that the dog is a "pit bull terrier."

(4) "Severe injury" means any physical injury that results in broken bones or lacerations or cosmetic surgery.

(b) Exemptions.

(1) No dog may be declared dangerous or potentially dangerous if any of the following applies:

A. The threat, injury or damage was sustained by a person who had teased, tormented or abused the dog.

B. The dog was coming to the aid or the defense of a person, provided that such person was not engaged in illegal or criminal activity and using the dog as a means of carrying out such activity.

C. In the case of another domestic animal, the dog was attacked by such animal or such animal was running at large.

(c) Determination of "Dangerous" or "Potentially Dangerous".

(1) Upon receiving a complaint alleging that a particular dog is or may be dangerous or potentially dangerous and setting forth a specific basis for such allegation, the Animal Control Officer shall investigate to determine if, in fact, the dog is dangerous or potentially dangerous, and setting forth a specific basis for such a finding.

(2) Within 14 days after receipt of such complaint, the Animal Control Officer shall notify the dog's owner, keeper or harbinger and the complainant, in writing, of his or her determination.

(3) The Animal Control Officer may also, on his or her own initiative, conduct an investigation and make a determination as to whether a particular dog is dangerous or potentially dangerous. If, after such an investigation, a dog is determined to be dangerous or potentially dangerous, the Animal Control Officer shall promptly notify the dog's owner, keeper or harbinger, in writing, of his or her determination.

(4) Notification of a determination by the Animal Control Officer that a dog is dangerous or potentially dangerous shall be hand-delivered or mailed to the dog's owner, keeper or harbinger.

(d) Right of Appeal.

(1) A written determination by any Animal Control Officer that a dog is dangerous or potentially dangerous may be appealed to the Chief of Police, or his designee, within ten days after receipt of written notification thereof. Notification by the Animal Control Officer making the decision shall be hand delivered to the address where such animal is kept.

(2) Upon appeal, the Chief of Police, or his or her designee, shall provide to the dog's owner, keeper or harbinger, the opportunity to appear before him or her, and present evidence, if any, relative to the appeal of the decision by the Animal Control Officer. At such hearing, the owner, keeper, or harbinger of such animal shall be permitted to present evidence relevant to the determination of whether or not a dog is dangerous or potentially dangerous.

(3) The owner, keeper or harbinger of the dog shall be notified in writing of the decision of the Chief of Police or his or her designee, regarding the appeal, which decision shall be final.

(e) Owner's Responsibility Upon Determination. If a dog is determined to be "dangerous" or "potentially dangerous," the owner, keeper or handler of such animal shall do the following:

(1) Must provide a photograph of the dog in question for identification purposes.

(2) Must, at the expense of the owner, keeper or harbinger, be microchipped by a licensed veterinarian, to secure positive identification. A copy of the microchip form and number must be provided to the Animal Control Officer.

(3) Display a sign on his or her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare. In addition, the owner shall conspicuously display signs with a symbol warning children of the presence of a dangerous dog. Such signs shall be visible from the front, rear and both sides of the property.

(4) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times indoors or in a locked, fenced yard where the dog is secured by a chain-link leash or in a locked pen or other structure. Such fence shall be at the maximum height allowed by City ordinance and sufficient to secure the dog in the yard. Such pen or structure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The pen or structure must also provide protection from the elements for the dog. The owner shall have ten days to construct a pen as described in this section.

(5) While that dog is off of the owner's premises, keep it muzzled and restrained by a substantial chain or leash not more than six feet in length and have the leash controlled by a person who is 18 years of age or older and of suitable capacity and discretion to adequately restrain the dog.

(6) Present to the Animal Warden proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000), covering the twelve-month period during which licensing is being sought. This policy shall contain a provision requiring the City to be named as an additional insured for the sole purpose of ensuring that the City will be notified by the insurance company of any cancellation, termination or expiration of the policy.

The owner shall have twenty-four hours to comply with this section except where otherwise specified.

(f) Euthanasia Option. If the owner or keeper of a dog that has been designated dangerous or potentially dangerous is unwilling or unable to comply with the above regulations for keeping such an animal, then he or she shall have the animal humanely euthanized by an animal shelter, animal control agency or licensed veterinarian, after a ten-day holding period. The owner shall bear the cost for such action. Any dog that has been designated as dangerous or potentially dangerous under this section may not be offered for adoption.

(g) Removal Option. If the owner or keeper of a dog that has been designated dangerous or potentially dangerous is unwilling or unable to comply with the above regulations for keeping such an animal, and the owner or keeper of such dog does not use the euthanasia option, then he or she shall have such dog removed from such premises and removed from the City limits within a ten-day period.

(h) Penalty. Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 599.02.

(Ord. 115-1988. Passed 5-16-88; Ord. 280-1998. Passed 12-7-98; Eff. 1-7-99; Ord. 202-2004. Passed 11-15-04; Ord. 125-2006. Passed 6-19-06; Ord. 51-2007. Passed 4-2-07.)

505.38 ANIMALS FOR ENTERTAINMENT OR EDUCATION.

(a) The owner, keeper, or person in charge of any animal(s) used for public entertainment and or public educational purposes within the City shall submit in writing a request for a free permit, no less than thirty days prior to each event, to the Division of Animal Control, 25100 Lakeland Boulevard, Euclid, Ohio 44132. Each request shall include:

(1) The name, address and phone number of person or firm requesting a permit.

(2) The name, address and phone number of the public or private organization, government agency, business, individual person or any other entity requesting their service.

(3) Date(s) of appearance.

(4) List of species and description of each animal.

(5) If applicable, a copy of state and/or federal permits for wild or exotic animals.

(6) An animal work/rest schedule if applicable.

(7) What provisions will be made for continuous shade and if necessary foot protection from hot asphalt, i.e., pads, thick layer of straw, etc.

(8) What method(s) will be used to contain animals.

(b) Animal(s) will be provided shade at all times while outdoors.

(c) Sufficient water shall be provided during all rest periods. Food shall be provided as necessary.

(d) At the discretion of animal control a veterinarian may be called to exam animals before the start of the event or during the course of the event if there is reason to believe the animal(s) are in need of medical attention.

(e) If there is substantial evidence of health risks, injuries or illness the permit may be revoked until violations are corrected or a veterinarian indicates the animal(s) is healthy.

(f) If the owner, keeper or person in charge of any animal has the permit revoked a second time within a five year period for the

same or similar offense they will not be permitted to operate within the City.

(Ord. 62-2003. Passed 3-17-03.)