

CHAPTER 518
Village of Gates Mills: 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. [304.05](#), [312.05](#)

Definitions generally - see GEN. OFF. [506.01](#)

Assaulting police dog or horse or handicapped assistance dog - see GEN. OFF. [542.08](#)

Offensive odors from places where animals are kept or fed - see GEN. OFF. [560.04](#)

518.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE; DANGEROUS AND VICIOUS DOGS.

(a) As used in this section unless otherwise specifically provided herein:

(1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof has done any of the following:

1. Caused injury, other than killing or serious injury, to any person;
2. Killed another dog;
3. Been the subject of a third or subsequent violation of subsection (d) hereof.

B. "Dangerous dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) A. Subject to subsection (a)(3)B. hereof, "nuisance dog" means a dog that without provocation and while off the premises of its owner, keeper or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

B. "Nuisance dog" does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

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

(5) "Serious injury" means any of the following:

- A. Any physical harm that carries a substantial risk of death;
- B. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
- C. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
- D. Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(6) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(6)B. hereof has killed or caused serious injury to any person.

B. "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
2. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

(7) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. (ORC 955.11)

(b) No person being the owner or having charge of cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(ORC 951.02)

(c) No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat, unless the dog is properly in leash.

(d) No owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape.

(2) Keep the dog under the reasonable control of some person.

(ORC 955.22)

(e) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(ORC 951.02)

(f) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 951.99)

(2) A. Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree.

B. In addition to the penalties prescribed in subsection (f)(2)A. hereof, if the offender is guilty of a violation of subsection (b) hereof, the court may order the offender to personally supervise the dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

(3) A. 1. Whoever violates subsection (d) hereof that involves a dog that is not a nuisance dog, dangerous dog or vicious dog is guilty of a misdemeanor of the first degree.

2. In addition to the penalties prescribed above, if the offender is guilty of a violation of subsection (d) hereof, that involves a dog that is not a nuisance dog, dangerous dog or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

B. 1. Whoever commits a violation of subsection (d) hereof, that involves a nuisance dog is guilty of a misdemeanor of the first degree. Upon a person being convicted of or pleading guilty to a third violation of subsection (d) hereof, involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.

2. In addition to the penalties prescribed above, if a violation of subsection (d) hereof involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps or harbors, to cause that dog to complete obedience training, or to do both.

C. Whoever commits a violation of subsection (d) hereof that involves a dangerous dog, is guilty of a misdemeanor of the first degree. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to division (E) of Ohio R.C. 955.22. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society at the owner's expense. With respect to a violation of subsection (d) hereof that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the discretion of the Dog Warden, the dog shall be confined or restrained in accordance with division (D) of Ohio R.C. 955.22 or at the County Dog Pound at the owner's expense.

D. 1. Whoever commits a violation of subsection (d) hereof that involves a vicious dog is guilty of one or the following:

a. A felony, if the dog kills a person, and shall be prosecuted under appropriate State law. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the County Dog Warden or the County Humane Society at the owner's expense.

b. A misdemeanor of the first degree if the dog causes serious injury to a person. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society;

2. If the court does not order the vicious dog to be destroyed under subsection (f)(3)D.1.b. hereof, the court shall issue an order that specifies that division (D) of Ohio R.C. 955.11 and divisions (D) to (I) of Ohio R.C. 955.22 apply with respect to the dog and the owner, keeper or harborer of the dog as if the dog were a dangerous dog and that Ohio R.C. 955.54 applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under division (E)(1) of Ohio R.C. 955.22 in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand dollars. Until the court makes a final determination and during the pendency of any appeal of a violation of subsection (d) hereof and at the discretion of the Dog Warden, the dog shall be confined or restrained in accordance with the provisions described in division (D) of Ohio R.C. 955.22 or at the County Dog Pound at the owner's expense. (ORC 955.99)

(g) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper, or harborer of a dangerous dog shall fail to do either of the following:

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

(2) While that dog is off the premises of the owner, keeper or harborer, keep that dog on a chain-link

leash or tether that is not more than six feet in length and additionally do at least one of the following:

- A. Keep that dog in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top;
- B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;
- C. Muzzle that dog.

(h) No owner, keeper or harbinger of a dangerous dog shall fail to do the following:

(1) Obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, County Dog Warden, or public health official charged with enforcing this section;

(2) Obtain a dangerous dog registration certificate from the County Auditor pursuant to Ohio R.C. 955.22(I), affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;

(3) Notify the local Dog Warden immediately if any of the following occurs:

A. The dog is loose or unconfined.

B. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.

C. The dog attacks another animal while the dog is off the property of the owner of the dog.

(4) If the dog is sold, given to another person, or dies, notify the County Auditor within ten days of the sale, transfer or death.

(ORC 955.22)

(i) Whoever violates subsection (g) hereof is guilty of a misdemeanor of the first degree. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (b) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society at the owner's expense.

(j) (1) Whoever violates subsection (h)(2) hereof is guilty of a misdemeanor of the first degree.

(2) Whoever violates subsections (h)(1), (3) or (4) hereof is guilty of a misdemeanor of the first degree. (ORC 955.99)

518.02 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat, or other domestic animal shall abandon the animal.
(ORC 959.01)

(b) Whoever violates this section shall be guilty of a misdemeanor of the first degree.

518.03 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, kill or injure a dog, cat, or any other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity.

(ORC 959.02)

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

518.04 POISONING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a dog, cat, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any such animal, either upon his or her own lands or the lands of another.
(ORC 959.03)

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

518.05 CRUELTY TO ANIMALS; 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)

518.06 COLORING RABBITS AND BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(ORC 925.62)

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

518.07 BARKING OR HOWLING DOGS.

(a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who allows any dog habitually to remain or be lodged or fed within any dwelling, building, yard or enclosure, which he or she occupies or owns, shall be considered to be harboring such dog.

(Ord. 1896. Passed 9-15-80.)

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

518.08 REGISTRATION OF DOGS REQUIRED.

(a) No owner, keeper, or harbinger of a dog more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by Ohio R.C. 955.01, nor shall he or she fail to pay the legal fee therefor.

(ORC 955.21)

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

518.09 HINDERING CAPTURE OF UNREGISTERED DOG.

(a) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unlicensed dog or making an examination of a dog wearing a tag.
(ORC 955.24)

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

518.095 DOGS REQUIRED TO WEAR TAGS.

(a) 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. A dog's failure at any time to wear a valid tag shall be prima facie evidence of a lack of registration and shall subject any dog found not wearing such tag to impoundment, sale, or destruction.

(ORC 955.10)

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

518.10 UNLAWFUL TAGS.

(a) No person shall own, keep, or harbor a dog wearing a fictitious, altered, or invalid registration tag or a registration tag not issued by the County Auditor in connection with the registration of that animal.
(ORC 955.25)

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

518.11 RABIES QUARANTINE.

(a) No person having knowledge of the existence of rabies in an animal, or knowledge that an animal has exhibited symptoms or behavior suggestive of rabies, or knowledge that an animal has bitten any person, shall fail to immediately report such information to the Mayor or the Chief of Police.

(b) Whenever it is established by the Mayor or Chief of Police that any animal has bitten any person or exhibits symptoms or behavior suggestive of rabies, the person who owns, harbors or otherwise cares for such animal shall confine it in close quarantine and isolation or shall place such animal in the establishment of a veterinarian until, in either case, it is determined by the County Board of Health that the animal is not afflicted with rabies. The isolation and quarantine period hereby required shall be not less than ten days from the date the person was bitten. If the animal has, or develops, any symptoms suspicious of rabies during the ten-day period, the County Board of Health shall be notified immediately. All expenses incurred for the keeping of such animal, or the necessary tests to determine whether rabies exists, shall be borne exclusively by the person who owns, harbors or otherwise cares for such animal.

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

518.12 HUNTING PROHIBITED; EXCEPTIONS.

(a) The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means.

(b) With the prior approval of the Chief of Police, the hunting and killing of rats, other undesirable rodents, vermin, or wild animals that present a threat to persons, their pets or property may be undertaken pursuant to Section [518.16\(c\)](#).

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 2001-9. Passed 2-27-01.)

518.125 DEER MANAGEMENT.

(a) Notwithstanding any other section of this chapter, the culling of deer shall be allowed only as provided in this section, as follows:

(1) Definitions. As used in this section,

“Culling” means the selective reduction of specific animals, i.e., males/females, mature/immature, within a selected species.

(2) Culling; permitted conditions. The culling of deer by use of crossbow, longbow or other bow and arrow hunting device shall be permitted only when the following apply:

A. Culling is permitted, if approved by the Chief of Police, during State authorized bow season. Applications for permits at any other time than the State bow season are based on need and must be approved by the Chief of Police and the Ohio Division of Wildlife.

B. At all times, property owners shall make application for culling with the Chief of Police, who will determine that a problem exists to warrant culling.

C. The Village shall provide experienced licensed cullers to conduct the culling. The Chief of Police shall determine who shall be licensed.

D. The permit issued to property owners shall be for a specific time period and shall specify the number of deer to be taken.

E. The person culling must possess a current State hunting license, and possess a current Gates Mills Village permit from the Chief of Police.

F. The Village shall have on file the necessary documentation required concerning the culler and the location where the culler is culling deer.

G. Culling shall normally take place during the State Archery Hunting Season (October to January).

H. The permitted property owner shall be responsible for notifying all abutting property owners of the fact that culling will be done on the permit holder’s property.

I. The Chief of Police and the Ohio Division of Wildlife shall jointly determine the number and gender of deer to be culled as part of the specific permit being granted.

J. The culling site shall consist of a minimum of ten contiguous acres of property.

K. Familiarity with the boundaries of the culling site shall be the responsibility of the property owners requesting the cull and the experienced licensed culler. Prior to the commencement of any culling whatsoever, all owners of the site shall have met with the experienced licensed culler and fully indicate, by walking if necessary, all boundary lines of the site.

L. All culling activities must take place on the approved culling site, and the approval of the property owners must be submitted to the Chief of Police.

M. Pursuit of wounded or killed deer onto adjacent property is prohibited when said property owner notifies the Chief of Police, in writing, that this activity is prohibited. Such notification shall be made to the permit holder(s) who, in turn, are responsible for notifying their respective hunters. When this situation arises, the hunter shall notify the Police Department who will attempt to mediate the problem with the hunter and the property owner where the deer may be located.

N. Culling of deer shall be conducted only during specific daylight times established by the Chief of Police.

O. No culling shall be permitted on legal holidays recognized by the Village of Gates Mills.

P. All hunting shall be done from elevated tree stands. Hunting from fixed and permanent structures such as homes, garages, sheds, etc. is strictly prohibited.

Q. No culling shall be allowed within 500 feet of a school or church property line.

R. The property owners requesting culling of deer shall pay a twenty- five dollar (\$25.00) fee to the Village for the permit.

S. Culling on Conservancy or Metro Park property shall not be allowed.

T. The experienced licensed culler shall notify the Chief of Police of all deer kills within 24 hours of such kills, and such notification shall include the nature of such kills, the gender of the deer, etc., as required by the Ohio Division of Wildlife.

(b) All persons who are licensed to cull must comply with the safety guidelines established by the Village of Gates Mills, which may be amended from time to time by the Mayor and the Chief of Police with the

approval of the Village Council.

(c) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (Ord. 2004-43. Passed 9-14-04.)

518.13 NUISANCE CONDITIONS PROHIBITED.

- (a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
- (b) Whoever violates this section is guilty of a minor misdemeanor of the first degree.

518.14 IMPOUNDING AND DISPOSITION; RECORDS.

The Police Department shall impound every dog or other animal found in violation of Section [518.01](#). If a dog is found not wearing a valid dog registration tag, the Police Department shall turn it over forthwith to an officer charged by law with the custody and disposal of such dogs. If a dog is wearing a valid dog registration tag or the identity of the owner or custodian is otherwise established, the Police Department shall immediately give notice to the owner or custodian that the dog has been impounded. Such notice may be by telephone or by ordinary mail to the last known address of the person in whose name the dog is registered, whether such person is an owner or custodian. The dog shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog remaining unclaimed within ten days of the mailing of written notice, or of actual notice thereof, shall be sold or otherwise disposed of as provided by law.
(Ord. 2021. Passed 8-10-81.)

518.15 REPORTING ESCAPES.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his or her custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he or she discovers or reasonably should have discovered the escape, report it to:

- (1) A law enforcement officer of the Municipality and the County Sheriff; and
- (2) The Clerk of Council.

(b) If the office of the Clerk of Council is closed to the public at the time a report is required by division (a) of this section, then it is sufficient compliance with division (a)(2) of this section if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 2927.21)

518.16 VILLAGE DESIGNATED AS BIRD SANCTUARY; TRAPPING AND MOLESTATION OF BIRDS AND WILD ANIMALS PROHIBITED.

(a) The entire area embraced within the corporate limits of the Village is hereby designated and established as a bird sanctuary.

(b) No person shall trap or molest in any manner any bird or wild fowl or rob bird nests or wild fowl nests within the Village.

(Ord. 1214. Passed 8-13-62.)

(c) No person shall hunt, trap or in any other way molest any wild animal upon public or privately owned lands without the consent of the Gates Mills Park Commission, as to such public lands, or the owners, as to such privately owned lands.

(Ord. 1356. Passed 4-11-66.)

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

(Ord. 2021. Passed 8-10-81.)

518.17 WILD, DANGEROUS OR UNDOMESTICATED ANIMALS PROHIBITED.

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

(b) As used in this section, “wild, dangerous or undomesticated animal” means an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:

(1) Is a poisonous or venomous animal or snake, or a snake that is a constrictor;

(2) Is an omnivorous or carnivorous animal weighing more than 20 pounds and is a predator in its natural habitat;

(3) Is an animal which, by reason of its size, strength or appetite, could, if unrestrained and free in the Village, cause peril to children, adults, pets or other domesticated animals, or to buildings, landscaping or personal property;

(4) Is an animal which makes noise with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal;

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

(6) Is, by way of illustration and without limitation, one of the following: an ape, chimpanzee (*Pan*), gibbon (*Hylobate*), gorilla (*Gorilla*), orangutan (*Pongo*), siamang (*Symphalangus*), baboon (*Papoi* or *Mandrillus*), bear (*Ursidae*), bison (*Bison*), boar (*Suidae*), cheetah (*Acinonyx Jubatrus*), crocodilian (*Crocodylia*), coyote (*Canis Latrans*), deer (*Cervidae*, including white-tailed deer, elk, antelope, moose and all other members of the deer family), elephant (*Elephas* or *Loxodonta*), hyena (*Hyaenidae*), jaguar (*Panthera Onca*), leopard (*Panthera Pardus*), ostrich (*Struthio*), piranha fish (*Characidae*), puma (*Felis Concolor*, also known as cougar, mountain lion and panther), rhinoceros (*Rhinocero Tidae*), shark (Class *Chondrichtyes*), snow leopard (*Panthera Uncia*), tiger (*Panthera Tigris*) or wolf (*Canis Lupus*).

(c) If any provision of this section, or the application thereof to any person, shall be held to be invalid, such invalidity shall not affect the validity or application of the remaining provisions of this section, which shall be given effect without the invalid provision or application, and, to that end, the provisions of this section are hereby declared to be separable.

(d) Whoever violates 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.

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