

**CHAPTER 505**  
**Village of Mayfield: Animals and Fowl**

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**CROSS REFERENCES**

See sectional histories for similar State law

Owner or keeper liable for damages - see Ohio R. C. 951.10

Dog registration - see Ohio R.C. 955.01

Discharging firearms prohibited - see GEN. OFF. [549.08](#)

Animal Warden repeat service for wild animals or rodents - see S.U. & P.S. [973.01](#)

**505.01 DEFINITIONS.**

(a) "Dogs" means both male and female dogs.

(b) "Owner" means any person, firm, association or corporation owning, keeping, harboring or having charge of any animal or fowl.

(c) "At large" means either of the following:

(1) Off the premises of the owner and not under the control of the owner by a leash, cord, chain or other device of restraint; or

(2) On the premises of the owner and outside the perimeter of an enclosed area or building while not restrained by a leash, cord, chain or similar device.

(d) "Domestic animal" means a dog, cat, caged bird, hamster, gerbil, fish or other animal commonly considered domestic but excluding lions, tigers, panthers or other animals considered exotic.

(Ord. 84-11. Passed 10-15-84.)

**505.02 ANIMAL WARDEN.**

(a) Office Established. The part-time position of Animal Warden is established within the Department of Public Service.

(b) Appointment. The Animal Warden shall be appointed by the Mayor, subject to approval by a majority of the members elected to Council, to serve for a term of one year.

(c) Compensation. The compensation of the Animal Warden shall be determined by the Council from time-to-time.

(d) Powers and Duties. It shall be the duty of the Animal Warden to enforce the provisions of this chapter and the laws of the State relative to the licensing, impounding, boarding and disposition of animals within the Municipality. The Animal Warden shall have complete police power to enforce the provisions of this chapter and the laws of the State and to make arrests for any violations thereof.

(Ord. 88-7. Passed 3-21-88.)

**505.03 ANIMAL WARDEN DUTIES.**

It shall be the duty of the Animal Warden to enforce the provisions of this chapter and the laws of the State relative to the licensing, impounding, boarding and disposition of dogs within the Municipality, provided, however, that no police officer or other officer of this Municipality, charged with the responsibility of enforcing the ordinances of this Municipality and the laws of the State shall be relieved of such responsibility. (Ord. 84-11. Passed 10-15-84.)

**505.04 ANIMAL WARDEN IDENTIFICATION; UNIFORMS; VEHICLES.**

The Animal Warden shall be provided with a badge designating his office and authority and such other uniforms, vehicles and equipment necessary to carry out his duties.  
(Ord. 84-11. Passed 10-15-84.)

**505.05 DOG POUND.**

The Animal Warden shall provide a suitable place, either within or without the corporate limits of the Municipality, for the keeping of impounded dogs in a humane manner, and the making of proper provision for the feeding and caring of such dogs.

(Ord. 84-11. Passed 10-15-84.)

**505.06 DOG LICENSE AND REGISTRATION REQUIRED.**

All dogs kept, harbored or maintained by their owners in the Municipality shall be licensed and registered in accordance with the laws of the State, if over three months of age.  
(Ord. 84-11. Passed 10-15-84.)

**505.07 IMPOUNDING DOGS.**

It shall be the duty of the Animal Warden or any police officer to apprehend any dog found running at large and to impound or cause to be impounded such dog in the pound or other suitable place. The Animal Warden, upon receiving any dog, shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag.

(Ord. 84-11. Passed 10-15-84.)

**505.08 NOTICE TO OWNER OF IMPOUNDED DOG; REDEMPTION.**

Not later than two days after the impounding of any dog, the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for three days on the bulletin board in the lobby of the Civic Center describing the dog and the time and place of taking. The owner of any dog so impounded may reclaim such dog upon presentation of a license, if the dog was unlicensed or untagged, and upon the payment an impounding fee of ten dollars (\$10.00).

(Ord. 92-18. Passed 6-1-92; Ord. 2008-12. Passed 2-18-08.)

**505.09 DISPOSITION OF DOGS.**

Dogs which have been seized by the Animal Warden and impounded shall be kept, housed and fed for three days. At the expiration of such time, unless previously redeemed by the owner thereof, such animal shall be surrendered to the County Dog Pound of Cuyahoga County, Ohio. (Ord. 84-11. Passed 10-15-84.)

**505.10 IMPOUNDED DOG RECORDS AND RECEIPTS.**

A record of all dogs impounded, the disposition of same, the owner's name and address, if known, and a statement of impounding fees and costs assessed against such dogs shall be kept by the Animal Warden and a copy thereof shall be furnished to the Director of Finance together with all moneys received as a result of such impounding fees and costs.

(Ord. 84-11. Passed 10-15-84.)

## **505.11 DANGEROUS, NUISANCE AND VICIOUS DOGS.**

(a) As used in this section:

(1) "Dangerous dog" is defined as follows:

A. "Dangerous dog" means a dog that, without provocation, and subject to paragraph (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 [505.13](#).

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 division (a)(3)B. of this section, "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 paragraph (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; or
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.

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

(1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

(2) While that dog is off the premises of the owner, keeper or harbinger, keep it on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

A. Keep that dog in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top;

B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately

restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person; and/or

C. Muzzle that dog.

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than two hundred thousand dollars (\$200,000) because of damage or bodily injury to or death of a person caused by the vicious dog.

(d) If a violation of Section [505.13](#) hereof involves a dog that is not a nuisance dog, dangerous dog, or vicious dog the offender shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on a subsequent offense shall be fined not less than seventy-five dollars or more than two hundred and fifty dollars any may be imprisoned for not more than thirty days. In addition 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.

(e) If a violation of Section [505.13](#) hereof involves a nuisance dog, whoever violates that subsection is guilty of a minor misdemeanor on the first offense and of a misdemeanor of the fourth degree on each subsequent offense involving the same dog. Upon a person being convicted of or pleading guilty to a third violation of Section [505.13](#), involving the same dog, the court shall require the offender to register the dog as a dangerous dog. In addition, 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 dog obedience training, or both.

(f) If a violation of subsection (b) hereof involves a dangerous dog, then, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. In addition to this penalty and the penalty provided in Section [501.99](#), the court may order the offender to personally supervise the dangerous dog that he or she 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 (c) hereof. 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.

(g) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:

(1) A felony of the fourth degree if the dog kills a person. Prosecution shall be made under Ohio R.C. 955.22(D) and punishment shall be as provided in Ohio R.C. 2929.11. 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.

(2) A misdemeanor of the first degree if the dog causes serious injury to a person. Prosecution for the misdemeanor shall be under this section and punishment shall be as provided in Section [501.99](#). Prosecution for the felony shall be under Ohio R.C. 955.22(D) and punishment shall be as provided in Ohio R.C. 2929.11. 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 at the owner's expense.

(3) A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to any person. Punishment shall be as provided in Section [501.99](#).

(h) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section [501.99](#).

(Ord. 2013-13. Passed 11-18-13.)

**505.12 QUARANTINE.**

(a) Whenever it is established that any dog or other animal has bitten any person, or shows signs of being infected with rabies, the owner of such animal, upon order of the Animal Warden or Chief of Police, shall quarantine such animal in the County Dog Kennels of Cuyahoga County or in a veterinarian's kennels for a period of ten days from date of such order, at the cost and expense of the owner of such animal.

(b) In the event that the owner of such animal fails to comply with the order provided for in subsection (a) hereof, within six hours after such order has been issued and served upon such owner, the Animal Warden or any police officer of the Municipality may take such animal into custody and place the same in quarantine at the expense of the owner.

(Ord. 84-11. Passed 10-15-84.)

**505.13 RUNNING AT LARGE.**

(a) No person being the owner of any animal shall permit such animal to run at large or to run upon the premises of another without the permission of such other person.

(b) No person being the owner of a dog shall permit such dog to go beyond the premises of such owner at any time when the dog is in heat, unless such dog is properly restrained by a leash, cord, chain or similar device. The owner of any dog in heat shall at all times keep such dog either confined upon the premises of the owner or under reasonable control of some person.

(c) The running at large of any 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.

(d) Whoever, subject to Section [505.11](#)(d) and (e) violates any provision of this section is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense. (Ord. 2013-13. Passed 11-18-13.)

**505.131 MAXIMUM NUMBER OF DOGS PERMITTED; PRIOR ACQUISITION NOT AFFECTED.**

(a) No person shall own, harbor, or have the care or control of more than 3 dogs, except puppies not over 6 months old, in any single-family dwelling or in any separate suite in a two-family dwelling or multi-family dwelling within the Village. The terms "dwelling" and "suite" as used in this section include the lot or parcel of land on which the house or building is located and all accessory and out buildings located on such lot or parcel.

(b) Whoever violates any provision of this section shall be guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense. Each day during which a violation of this section exists shall constitute a separate offense.

(Ord. 2013-13. Passed 11-18-13.)

#### **505.14 DOG RUNS.**

Any dog run or similar construction built in order to comply with any provisions of this chapter shall comply with all of the following:

- (a) It shall be at least three feet from any property line.
- (b) It shall have walls or a fenced perimeter at least six feet high.
- (c) It shall not be constructed so as to include any perimeter fence on the property as one or more of its walls or sides.
- (d) It shall remain free of defecation and may include the installation of an underground tank for such purpose.
- (e) All reasonable efforts shall be expended by the owner of the animal to minimize offensive odors and to maintain the dog run in a sanitary condition.

(Ord. 84-11. Passed 10-15-84.)

### **505.15 KEEPING ANIMALS NEAR DWELLINGS.**

(a) No person shall raise, harbor or keep any domestic animal within the Municipality so as to cause a nuisance condition as described in Section [505.16](#).

(b) No person shall keep, harbor or maintain any horses, mules, cattle or any animal other than a domestic animal on his property if such property is less than two acres. If the property is two acres or larger then, in order to maintain such animals, the owner shall construct on the premises, a corral or enclosure for such animals which shall be at least ten feet from any property line and at least 200 feet from the dwelling, other main building on the premises or any dwelling on any adjacent property.

The owner shall furthermore construct a barn or shed to house such animals which barn or shed shall be totally within the corral or enclosure referred to herein above. The floor of such barn or shed shall include channeling to dispose of animal urine by underground piping to an approved sanitary sewer or other approved sanitary disposal facility approved by the Board of Health of Cuyahoga County. The owner shall furthermore be responsible for bagging and disposing of all manure on a daily basis.

(c) There shall be provided a minimum grazing area of one acre for a horse, mule or cattle plus an additional 10,000 square feet of grazing for each additional such animal.

(d) In regard to chickens, no person shall harbor or maintain rooster(s) on his property. In order to harbor or maintain hens on the property, the owner shall construct a chicken coop on the premises for such animals which shall be at least 10 feet from any property line and at least 100 feet from any dwelling on any adjacent property.

(Ord. 2015-29. Passed 12-21-15.)

**505.16 NUISANCES.**

Any animal which, by barking, biting, howling or in any other way or manner injures or disturbs the quiet of any person, or which destroys or damages any lawn, tree, shrub, plant, building or other property, other than the property of the owner or person in charge or control of such animal, by scratching, digging, running, defecating, urinating or otherwise, is hereby declared to be a nuisance. No person being the owner of any such animal shall permit such animal to be of or create a nuisance as herein defined.

(Ord. 84-11. Passed 10-15-84.)

**505.17 COMMON PIGEONS.**

The common pigeon is declared to be a menace to health and welfare and a source of damage to persons and property and is therefore declared to be a public nuisance and the Service Department is hereby ordered and directed to dispose of common pigeons found within the boundaries of the Municipality as it sees fit.  
(Ord. 84-11. Passed 10-15-84.)

**505.18 ABANDONING.**

No person shall abandon a domestic animal within the Municipality.  
(Ord. 84-11. Passed 10-15-84.)

**505.19 KILLING OR INJURING.**

No person shall maliciously or willfully kill or injure an animal that is the property of another. This section does not apply to a licensed veterinarian acting in his professional capacity. (Ord. 84-11. Passed 10-15-84.)

**505.20 POISONING.**

No person shall maliciously or willfully administer poison to an animal that is the property of another and no person shall maliciously or willfully place any poisoned food where it may be easily found and eaten by any animal, either upon his own land or the lands of another. This section does not apply to a licensed veterinarian acting in his professional capacity.

(Ord. 84-11. Passed 10-15-84.)

**505.21 CRUELTY.**

No person shall overwork, overdrive, overload or torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food or water. No person shall carry or convey an animal in a cruel or inhuman manner, or keep animals in an enclosure without wholesome exercise and change of air, or feed animals food that is adulterated or unwholesome, or work or abandon to die an old, maimed, sick, infirm or diseased animal.

(Ord. 84-11. Passed 10-15-84.)

**505.22 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.**

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.

(Ord. 84-11. Passed 10-15-84.)

**505.23 HUNTING PROHIBITED; TRAPPING.**

The hunting of animals or fowl within the Municipality is hereby prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means. (Ord. 84-11. Passed 10-15-84.)

**505.24 BIRD SANCTUARY.**

The entire corporate area of the Municipality is hereby designated as a bird sanctuary. No person shall trap or molest in any manner any bird or wild fowl or rob the nest of any bird or wild fowl.  
(Ord. 84-11. Passed 10-15-84.)

**505.25 PROHIBITED IN FOOD STORES.**

No person shall take any animal into any store in the Municipality where food products are kept for sale.  
(Ord. 84-11. Passed 10-15-84.)

**505.26 DAMAGING PROPERTY; HEALTH NUISANCE.**

- (a) No person who is the owner of a dog shall permit such dog to damage, destroy or deface any publicly owned property or the premises of another, or permit such dog to urinate or defecate thereon.
  - (b) No person shall throw or deposit or permit to be thrown or deposited any dog defecation in any street, lane, alley, treelawn or sidewalk or other public ground or place within the Municipality.
  - (c) Whoever violates any provision of this section shall be guilty of a minor misdemeanor.
- (Ord. 84-11. Passed 10-15-84.)

**505.99 PENALTY.**

Whoever violates any provision of this chapter for which a penalty is not otherwise provided shall be guilty of a misdemeanor of the second degree.  
(Ord. 84-11. Passed 10-15-84.)