

CHAPTER 505

Village of Oakwood: Animals and Fowl

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CROSS REFERENCES

- See sectional histories for similar State law
- Power to restrain and impound animals - see Ohio R.C. 715.23
- Dog license required - see Ohio R.C. 955.05 et seq.
- Driving animals upon roadway - see TRAF. [303.05](#), [303.06](#)
- Offensive odors from places where animals kept or fed - see GEN. OFF. [521.09](#)

505.01 ANIMAL CONTROL DEPARTMENT.

- (a) Pursuant to the authority granted by Sections [4.01](#), [4.03](#) and [9.04](#) of the Charter, the Animal Control Department of the Department of Public Safety is hereby established.
- (b) The provisions of this chapter shall be enforced by the Animal Control Departments.
- (c) The Animal Control Department shall be composed of an Animal Warden and three assistants, each of which shall be appointed by the Mayor and shall serve under and perform such duties as may be required by the Director of Public Safety.
- (d) The Animal Warden shall be the head of the Animal Control Department.
- (e) It shall be the duty and responsibility of the Animal Warden to:
- (1) Keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals taken into custody by the members of the Department;
 - (2) Keep, or cause to be kept, accurate and detailed records of all animal bite cases reported to him, and his investigation of the same; and
 - (3) Maintain an inventory of the forms and equipment necessary to enforce the provisions of this chapter.
- (f) The members of the Animal Control Department are hereby authorized and empowered to issue proper notices, summons and warrants, and they shall have such other authority as is necessary to carry out and enforce the provisions of this chapter and all other ordinances hereafter enacted relating to the control and regulation of animals within the Municipality.
- (Ord. 1970-60. Passed 6-2-70.)

505.02 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Dog" means both male and female dogs.
- (b) "Owner" means any person, firm, association or corporation owning, keeping or harboring a dog.
- (c) "At large" means off the premises of the owner and not under the control of the owner or any member of his immediate family.
- (d) "Restraint" means that the dog is controlled by a leash, at "heel" beside a competent person, obedient to that person's commands, within a vehicle being driven or parked on the streets or within the property limits of its owner's or keeper's premises.
- (e) "Animal shelter" means any premises designated by action of the Municipality for the purpose of impounding and caring for all animals running at large in violation of this chapter.
- (f) "Animal Warden" means the person employed by the Municipality as its enforcement officer.
- (g) "Exposed to rabies" means that a dog has been exposed to rabies within the meaning of this chapter if it has been bitten, or has come in contact directly or indirectly with any animal known to have been infected with rabies.

(Ord. 1970-59. Passed 6-2-70.)

505.03 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) 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)

(b) 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.

(c) No owner, keeper or harbinger of any dog shall fail at any time to keep it either 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, or under reasonable control of some person.

(ORC 955.22)

(d) 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)

(e) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(ORC 951.99)

(f) (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

(ORC 955.99)

505.04 IMPOUNDING.

(a) The animals found running at large in violation of Section [505.03](#) shall be taken by the Animal Warden and/or his assistants and impounded in a shelter designated as the Municipal Animal Shelter, and there confined in a humane manner to be reclaimed by the owner, released to the Animal Protective League or the County Dog Warden.

(b) The Animal Warden may transfer title of all animals so held to the Animal Protective League or to the Dog Kennel of Cuyahoga County if the animal is not claimed by its owner.

(c) When licensed dogs are found running at large in violation of Section [505.03](#), such dogs need not be impounded, but the Animal Warden may return such dogs to their owners and cite the owners of such dogs to appear in court to answer to charges of violation of Section [505.03](#).

(d) Immediately upon impounding dogs or other animals, the Animal Warden shall make every reasonable effort to notify the owners of such dogs, or other animals so impounded, and inform such owners of the conditions whereby they may regain custody of such animal.

(e) The owner shall be entitled to resume possession of any impounded animal except as hereinafter provided, upon compliance with the payment of an impoundment fee of five dollars (\$5.00) per day or any part thereof. Proof of ownership must be given to the Animal Warden. Proof of ownership may include a license receipt, affidavits of neighbors, a photograph or other suitable evidence.

(f) Any female dog or fierce, dangerous or vicious dog described in Section [505.03](#)(b) and (d), respectively, found at large, shall be impounded by the Animal Warden and may not be redeemed by the owner, unless such redemption is authorized by any court having jurisdiction.

(g) Any animal impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction.

(Ord. 1970-59. Passed 6-2-70.)

505.05 ABANDONING ANIMALS.

- (a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.
(ORC 959.01)
- (b) See Section [505.99](#) for penalty classification.

505.06 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity, or to trespassing animals as set forth in Ohio R.C. 959.04. (ORC 959.02)

(b) Except as otherwise provided herein, whoever violates this section is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (ORC 959.99(B))

505.07 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

(1) 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 and water;

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such livestock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(ORC 959.99(D))

505.071 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)

505.08 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) See Section [505.99](#) for penalty classification.

505.09 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 shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

(b) See Section [505.99](#) for penalty classification.

505.10 ANIMAL BITES; RABIES.

(a) Every animal which bites a person shall be promptly reported to the Animal Warden, and shall thereupon be examined by a practicing veterinarian and securely confined for clinical observation.

After a laboratory confirmed case of rabies has occurred within the last twelve months, such confinement shall be at the owner's expense in a veterinary hospital of his choice.

(b) Dogs having been vaccinated within three years with CEO or within one year with phenolized vaccine, may be confined on the premises of the owner, isolated from all individuals other than the immediate family. The animal must be examined by a practicing veterinarian on the first and tenth days after the bite and a written report sent to the Animal Warden.

Confinement may also be on the premises of the owner as provided in this subsection if there have been no laboratory confirmed cases of rabies during the past twelve months within the county.

(c) The owner upon demand by the Animal Warden shall forthwith surrender any animal which has bitten a human being, or which is suspected of having been exposed to rabies for supervised confinement, the expense of which shall be borne by the owner. Such animal may be reclaimed by the owner if it is adjudged free of rabies upon payment of the actual costs incurred for such confinement.

(d) When rabies has been diagnosed in an animal confined for clinical observation, when rabies is suspected by a practicing veterinarian or if the animal has bitten anyone within ten days, and if the animal dies while under such observation, the head of such animal shall be sent to the State Health Department by the local health authorities for pathological examination and the proper public health officer shall be notified of reports of human contacts and the diagnosis.

(e) When a positive diagnosis of rabies has been made, the Animal Warden shall recommend an area-wide quarantine for a period of ten days, during which all animals must be on a leash. All pets shall be under restraint of the owner. During such quarantine, no animal may be taken or shipped from the Municipality without written permission of the Animal Warden.

During this quarantine period and as long afterward as he decides it is necessary to prevent the spread of rabies, the Animal Warden may require that all dogs, three months of age and older, be vaccinated against rabies by an accredited veterinarian with a canine rabies vaccine approved by the Biologics Control Section of the U.S. Department of Agriculture. The types of approved canine antirabies vaccine to be used and the recognized duration of immunity for each shall be established by any qualified health officer or veterinarian. All vaccinated dogs shall be restricted, leasing or confinement on enclosed premises, for thirty days after vaccination. During the quarantine period, the health officer or veterinarian shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the area of the health jurisdiction.

(f) Dogs bitten by a known rabid animal shall be immediately destroyed. If the owner is unwillingly to destroy the exposed animal, strict isolation and observation of the animal shall be enforced at the owner's expense in a veterinary hospital of the owner's choice for a period of six months. If the dog has been previously vaccinated, revaccination and restraint, leasing and confinement, for thirty days shall be carried out.

In the event that there are additional cases of rabies occurring during the period of the quarantine, such quarantine may be extended for additional six-month period.

(g) No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human being, except as herein provided, nor remove such animal from the Municipal limits without written permission from the Animal Warden.

(h) The carcass of any animal exposed to rabies shall be upon demand be surrendered to the Animal Warden.

(i) The Animal Warden shall direct the disposition of any animal found to be infected with rabies.

(j) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Animal Warden.

(k) It shall be the duty of every physician or other medical practitioner to report to the Animal Warden the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

(l) It shall be the duty of every veterinarian to notify the Animal Warden promptly upon presentation of any suspected rabid animal or any animal presented for quarantine examination, and at the termination of the quarantine a written report shall be submitted to the Animal Warden. During the quarantine period any animal

showing clinical signs of rabies shall be reported immediately to the Animal Warden.
(Ord. 1970-59. Passed 6-2-70.)

505.11 HUNTING PROHIBITED.

- (a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.
- (b) See Section [505.99](#) for penalty classification.

505.12 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY.

The owner, keeper or harbinger of any animal which damages or destroys public or private property shall be held liable for the full value of the property damaged or destroyed in addition to the penalty imposed for a violation of this chapter.

505.13 REGISTRATION OF HORSES AND PONIES.

(a) Application Information; Fee. Every person who owns, keeps or harbors in the Village a horse or pony more than three months of age, shall, before January 20, of each year, file in the office of the Animal Control Department of the Village an application for registration for the following year, beginning January 20, of each year, stating the age, sex, color, height distinctive markings, and the name and address of the owner of such horse or pony. A registration fee of two dollars (\$2.00) for each horse or pony shall accompany such application.

If such application for registration is not filed and the fee paid, on or before January 20, of each year, the Animal Control Department shall assess a penalty of one dollar (\$1.00) upon such owner, keeper or harborer, which must be paid with the registration fee.

(b) License for Partial Year. The license fee for any horse or pony initially registered under the provisions of Section [505.13](#) between the date of passage of this section (June 6, 1972) and January 20, 1973, and the fee for any horse or pony becoming three months of age after July 1, of any year shall be one-half of the original fee.

(c) Records. Upon the filing of the application for registration and payment of the registration fee, the Animal Control Department shall assign a distinctive number to every horse or pony described in such application, and shall deliver a certificate of registration bearing such number to the owner thereof. A permanent record of all certificates of registration issued, together with the applications therefor, shall be kept by such Department in a horse register, which shall be open to the inspection of any person during reasonable business hours.

(d) Term of Validity. Certificates of registration for horses or ponies shall be valid only during the year for which they are issued.

(e) Compliance Required. No owner, keeper or harborer of a horse or pony more than three months of age shall fail to file the application for registration, nor shall he fail to pay the legal fee therefor.

(Ord. 1972-59. Passed 6-6-72.)

505.14 LIMITATION ON NUMBER OF DOGS AND CATS ON RESIDENTIAL PROPERTIES.

- (a) No person shall own, keep or harbor more than two dogs or cats, excepting puppies or kittens under three months old, in or on the premises of any dwelling unit within the Municipality.
 - (b) Whoever violates this section is guilty of a misdemeanor of the third degree and constitutes a nuisance subject to abatement in the manner provided for by the Ohio Revised Code or the Codified Ordinances of the Municipality.
- (Ord. 2009-60. Passed 11-24-09.)

**505.15 DANGEROUS, WILD AND UNDOMESTICATED ANIMALS OR PETS
PROHIBITED.**

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

(b) A “wild, dangerous or undomesticated animal” is 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 venomous snake or is a snake that is a constrictor of a sufficient size to be capable of harming infants or household pets; or

(2) Is an omnivorous or carnivorous animal that weighs more than twenty-five pounds and which is a predator in its natural habitat; or

(3) Is an animal which, by reason of its size, strength or appetite, would, if unrestrained and free in the Municipality, cause peril to persons, household pets, buildings, landscape or shrubbery; or

(4) Is an animal that makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the immediate vicinity of the animal; or

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

(6) Is, by illustration and without limitation to the following; a lion, tiger, mountain lion, jaguar, cheetah, leopard, panther, bear, wolverine, elk, moose, caribou, elephant, giraffe, rhinoceros, hippopotamus, wild ox or boar.

(c) If any subsection (2) through (6) of subsection (b) hereof or the application thereof to any person is held invalid, the invalidity does not affect the validity or application of the remaining subsections of subsection (b) that can be given effect without the invalid provision or application and to that end the subsections of Section [505.15](#) are severable.

(Ord. 1983-88. Passed 12-20-83.)

505.16 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top.

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

(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) "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.

(4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(4)B. hereof, meets any of the following:

1. Has killed or caused serious injury to any persons;
2. Has caused injury, other than killing or serious injury to any person, or has killed another dog;
3. Is a 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 vicious dog.

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

1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or 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.

C. "Pit bull terrier" as used herein includes, but is not limited to, any American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.

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

(1) While that dog is on the premises of the owner, keeper or harbinger, 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, 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 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.

(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 one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a person caused by the vicious dog.

(ORC 955.22)

(d) If a violation of subsection (b) hereof involves a dangerous dog, 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. 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 (c) 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.

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

(1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society.

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

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

(ORC 955.99)

505.161 DETERMINATION OF DANGEROUS OR VICIOUS DOGS.

(a) Whenever a complaint is made to the Animal Control Officer, employed by or under contract with the Village for animal control services, of the presence of a dangerous or vicious dog within the Village, the Animal Control Officer or designee shall promptly inspect or cause an inspection to be made of the premises on which it is alleged that such animal is being kept.

(b) The Animal Control Officer or designee shall determine that a dog is dangerous pursuant to this chapter upon proof by a preponderance of the evidence that such dog meets the definition of a dangerous dog as provided for in section [505.16](#) of this chapter.

(c) The Animal Control Officer or designee shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence that such dog meets the definition of a vicious dog as provided for in section [505.16](#) of this chapter.

(d) If the Animal Control Officer or designee determines that a dangerous or vicious dog is being kept within the Village, the Animal Control Officer or designee shall then determine the individual, firm or corporation who from the records in the Auditor's office of Cuyahoga County, appears to be the owner of the dog, or if such information is not available, the titled owner of the property upon which the dog is kept, and shall, within five days, cause a written notice to be served on such owner. Notice shall be served by certified mail with a return receipt requested or by personal service. If service of such written notice is unable to be perfected, then the Animal Control Officer shall cause a copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises on which the dog is kept, or if there is no individual in possession of the premises, he or she shall cause a copy of the notice to be posted on the premises.

(e) The notice required by subsection (d) hereof shall state, in brief, the findings with respect to the dangerous or vicious nature of the dog. The notice shall further state that the owner must comply with the requirements of this chapter within thirty days after service of the notice.

(f) Police dogs are exempt from these provisions for all actions occurring in the course of their duties. (Ord. 2004-54. Passed 10-26-04.)

505.162 APPEAL PROCEDURE.

(a) The owner of a dog who has been served with a notice pursuant to Section [505.161](#) may, within seven days after receipt of such notice, make a written demand to the Mayor for a hearing on the question of whether the dog is dangerous or vicious as defined in Section [505.16](#).

(b) Every effort should be made to hold a hearing no later than fifteen days following receipt of written demand to the Mayor and at least three days' notice of the hearing shall be given to the individual who made the written demand for the hearing. Service of the notice of the hearing shall be in the same manner as provided in subsection [505.161](#)(d) of this chapter.

(Ord. 2004-54. Passed 10-26-04.)

505.163 HEARING PROCEDURE.

(a) All hearings requested pursuant to the provisions of Section [505.162](#) shall be conducted before the Animal Appeals Board. The Board shall be composed of the Mayor or designee, a doctor of veterinary medicine designated by the Mayor, and the President of Village Council or designee. The Board may affirm, reverse or modify the finding that a dog is dangerous or vicious by a majority vote.

(b) A copy of the decision of the Board shall be served upon the person who made the written demand for the hearing, by certified mail with a return receipt requested. The decision of the Board shall be final and conclusive, unless an appeal is timely filed in a court of competent jurisdiction.

(c) All hearings held by the Board pursuant to this chapter shall be administrative in nature. At all hearings conducted pursuant to this section, any party may be represented by legal counsel. The rules of evidence utilized by the courts shall not be applicable in hearings before the Board. The Board is hereby empowered to subpoena witnesses and take testimony under oath.

(Ord. 2004-54. Passed 10-26-04.)

505.17 REGISTRATION OF DANGEROUS OR VICIOUS DOGS.

(a) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dangerous or vicious dog as defined in Section [505.16](#) shall:

(1) Register the dog with the Chief of Police or his or her designee annually, between January 2 and January 20, and whenever a dangerous or vicious dog is newly obtained or newly declared to be dangerous or vicious as provided in Section [505.16](#) upon such forms as may be supplied by the Chief of Police or his or her designee for such purpose;

(2) At the time of registration of a vicious dog, provide proof of liability insurance as required by Section [505.16\(c\)](#);

(3) Identify the dangerous or vicious dog by having a microchip implanted in the dog by a licensed veterinarian together with registration in the database maintained by the veterinarian;

(4) Provide two color photos of the dangerous or vicious dog to the Chief of Police or his or her designee annually upon registration;

(5) Post on the premises, in a conspicuous place where the dog is kept, at least one Village issued warning sign available, upon payment of a fee of ten dollars (\$10.00) from the Chief of Police or his or her designee. The sign shall be visible and capable of being read from the public highway or street;

(6) Notify the Chief of Police or his or her designee within seventy-two hours if the dangerous or vicious dog has died or has been sold or donated, and provide the Chief of Police or his or her designee with the name, address and telephone number of the new owner; and

(7) Pay an annual registration fee of twenty-five dollars (\$25.00) to cover the administrative expenses associated herewith.

(b) Whoever fails to register a dangerous or vicious dog as provided in this section is guilty of a misdemeanor of the first degree.

(Ord. 2004-45. Passed 10-26-04.)

505.18 ANIMAL EXCREMENT; CURBING REQUIREMENT.

(a) No owner, keeper or person in charge of any animal shall allow or permit such animal to void urine or excrement on any public or private property other than the property of the owner, keeper or person in charge of such animal, except that animals may be allowed or permitted to void urine or excrement between the curbs of public streets or alleys and on vacant, unoccupied and unused public land.

(b) No owner, keeper or person in charge of any animal shall fail to pick up and properly dispose of any fecal matter left by his animal on any public or private property.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 1998-65. Passed 9-22-98.)

505.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree, except as otherwise provided. If such violation is continued, each days violation shall constitute a separate offense. (Ord. 1989-10. Passed 1-17-89.)