

CHAPTER 505
City of Oberlin: 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

Assaulting police dog or horse or handicapped assistance dog - see GEN. OFF. [541.09](#)

505.01 DEFINITIONS.

As used in this chapter:

- (a) "Animal" means any live or dead dog (*canis familiaris*), cat (*felix catus*), monkey (nonhuman primate mammal), guinea pig, hamster, rabbit or any other warm-blooded animal which is a domesticated pet or used for exhibition purposes or is intended for use in research, testing or experimentation. "Animal" excludes livestock and poultry.
- (b) "Livestock" means horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and any animals normally found in the wild state which are being kept for exhibition purposes or as private pets.
- (c) "Poultry" means all domesticated fowl and all game birds which are legally held in captivity.
- (d) "Owner" means any person, firm, association or corporation owning, keeping or harboring any animal, livestock or poultry.
- (e) "Keeping" or "harboring" an animal, livestock or poultry shall include allowing an animal, livestock or poultry to remain, be lodged or fed within a building, enclosure or yard or maintaining such animal, livestock or poultry in one's custody or control.
- (f) "At large" means off the premises of the owner and not under his/her physical control by leash, cord, chain, tether or other physical control.
- (g) "Animal shelter" means an open or enclosed accessory structure designed, built, altered or used to temporarily or permanently house wild or domestic animals of any kind. (Ord. 86-65AC. Passed 11-3-86.)

505.02 ANIMALS RUNNING AT LARGE.

(a) No owner of any animal, livestock or poultry shall permit such animal, livestock or poultry to run at large. This provision shall not be applicable to cats (*felix catus*). Dogs found running at large in violation of this section shall be seized and delivered to the County dog pound for impoundment, under the laws of the State.

(b) Whoever violates this section is guilty of a minor misdemeanor. For a second offense within one year, such person shall be guilty of a misdemeanor of the fourth degree.

(Ord. 86-65AC. Passed 11-3-86.)

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide, leader or listener dogs, or dogs in training to become guide, leader or listener dogs, registered under Ohio R.C. 955.011, and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, 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 shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for a first offense. For each subsequent offense, such person shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than thirty days.

(ORC 955.99(E)(1))

505.04 ABANDONING ANIMALS.

- (a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)
- (b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
(ORC 959.99)

505.05 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.

(ORC 959.02)

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), 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); Ord. 86-65AC. Passed 11-3-86.)

505.06 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 farm animal, dog, cat, poultry or 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 of such animals, either upon his/her own lands or the lands of another.

(ORC 959.03)

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

(ORC 959.99(C); Ord. 86-65AC. Passed 11-3-86.)

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)

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)

(f) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.

(4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

(ORC 959.99)

505.08 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) No person owning, keeping or harboring any animal, livestock or poultry shall permit such animal, livestock or poultry to dig, urinate, defecate or otherwise damage any public property or private property other than the subplot or parcel owned or occupied by such owner, keeper or harborer of such animal, livestock or poultry; provided that this prohibition shall not apply to property onto which such owner, keeper or harborer has the permission of the owner of the property to walk such animal, livestock or poultry, and also provided the person owning, keeping or harboring such animal, livestock or poultry immediately removes all feces deposited by such animal, livestock or poultry and disposes of same in a sanitary manner. A violation of this subsection is a minor misdemeanor.
- (c) No person shall keep or harbor any animal, livestock or poultry within the Municipality which, by frequent and habitual howling, yelping, barking or other activity creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace and quiet of the community or as to annoy, disturb or endanger the comfort, repose or health of persons occupying property in the neighborhood.
- (d) No person shall keep or harbor any animal, livestock or poultry in or about an animal shelter adjoining to or abutting upon any lot upon which another person resides or any street or highway, or so near thereto as to constitute a threat to the preservation of the health, safety or general welfare of the public. All places maintained for the harboring or keeping of an animal, livestock or poultry shall be maintained in a clean and sanitary condition free from rats, mice, filth, vermin, rubbish or collection of feces.
- (e) No person owning, keeping or harboring any animal, livestock or poultry shall take, lead or carry such animal, livestock or poultry into any store or place of business, or permit or allow such animal, livestock or poultry to enter any store or place of business within the City except the office of a veterinarian or pet shop or other place of business for the purpose of obtaining services therein offered to such an animal, livestock or poultry, provided, however, this subsection shall not apply to a blind person accompanied by a "seeing eye" dog.
- (f) No person shall own, keep or harbor within this Municipality any animal, livestock or poultry which is vicious or a perennial or continued nuisance or which constitutes a threat to the health or safety of the public. The owner, keeper or harborer of any animal, livestock or poultry determined by a court of appropriate jurisdiction to be vicious or a perennial or continued nuisance, or a threat to the health or safety of the public, shall forthwith remove such animal, livestock or poultry from the Municipality and if such animal, livestock or poultry is not forthwith removed from the Municipality, the Chief of Police may cause the animal, livestock or poultry to be impounded and destroyed.
- (g) No owner or rider shall ride, lead or permit a horse to travel on or traverse any sidewalk, treelawn or lawn area within the City.
- (h) Whoever violates any provision of this section for which a penalty is not otherwise specified, is guilty of a minor misdemeanor for a first offense. For a second offense within one year, such person shall be guilty of a misdemeanor of the fourth degree.
- (i) A violation of any provision of this section shall constitute a nuisance and in addition to any penalty provided herein for such a violation, the nuisance may be abated in the manner provided in the Ohio Revised Code.

(Ord. 86-65AC. Passed 11-3-86.)

505.09 ANIMAL BITES: QUARANTINE AND REPORTING.

(a) Whenever any animal bites any person, the City Manager may order such animal quarantined for a period extending not longer than ten days from the time of the biting. No owner or person in custody or possession of such animal shall fail to comply with such quarantine order. All expenses incurred for the keeping of such animal, or the necessary tests to determine whether rabies exists, shall be borne exclusively by the owner or keeper of such animal. No person having knowledge of the existence of any rabies, or the fact that any animal has bitten any other person, shall fail to immediately report such information to the City Manager.

(b) Whoever violates any provision of this section is guilty of a minor misdemeanor. (Ord. 86-65AC. Passed 11-3-86.)

505.10 HUNTING AND TRAPPING.

(a) For the purposes of this section, "hunting", "trapping", "wild birds", and "wild quadrupeds" shall be defined as follows:

(1) "Hunting" means the pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether such acts result in such killing or wounding or not. "Hunting" also includes every attempt to kill or wound and every act of assistance to any person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.

(2) "Trapping" means the securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing or using any device, excluding boxtraps, that is designed to close upon, hold fast, confine or otherwise capture a wild bird or wild quadruped, whether such means result in such capturing or not. "Trapping" also includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by means of such device whether such means result in such capturing or not.

(3) "Wild birds" means game birds, including pheasants, quail, grouse, wild turkey, partridge, woodcocks, plover, snipe or jacksnipe, yellowlegs, rail, coots, gallinules, duck, geese and brant and nongame birds.

(4) "Wild quadrupeds" means game quadrupeds including hares or rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, ground hogs or wood chucks, deer and bears and fur-bearing animals including minks, weasels, raccoons, skunks, opossums, muskrats and beavers.

(b) No person shall either hunt or trap wild birds or wild quadrupeds within the City limits.

(c) The hunting of animals, livestock or poultry within the Municipality is prohibited.

(d) This section shall not apply to the control and extermination of insects and household pests such as rats and mice, nor shall it apply to matters of public health and safety as may be determined by the City Manager and/or Council; nor shall it apply where it is determined by the City Manager, Council or the State of Ohio, Division of Wildlife, that there is an overabundance of a species of wild birds or wild quadrupeds in a specific geographical area within the City.

(e) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree. (Ord. 86-65AC. Passed 11-3-86.)

505.11 COLORING RABBITS OR 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 minor misdemeanor.
(Ord. 86-65AC. Passed 11-3-86.)

505.12 POTENTIALLY DANGEROUS ANIMALS PROHIBITED.

- (a) No person shall keep, harbor or bring into the City a dog or other animal which has a propensity to injure people.
 - (b) Any animal which has previously attacked without provocation any person, or which has been trained for duty with the armed services or police departments, shall be deemed to have a propensity to injure people.
 - (c) Whoever violates this section is guilty of a minor misdemeanor.
- (Ord. 86-65AC. Passed 11-3-86.)

505.13 ANIMAL FIGHTS.

(a) No person shall engage in or be employed at dogfighting, cockfighting, bearbaiting, pitting an animal against another, or cruelty to animals; no person shall receive money for the admission of another to a place kept for such purpose; no person shall use, train or possess a dog or other animal for seizing, detaining or maltreating a domestic animal. Any person who knowingly purchases a ticket of admission to such place, or is present thereat, or witnesses such spectacle, is an aider and abettor.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 86-65AC. Passed 11-3-86.)

505.14 ANIMAL OWNER LIABLE FOR DAMAGE TO PUBLIC PROPERTY.

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

(Ord. 86-65AC. Passed 11-3-86.)

505.15 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his/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/she discovers or reasonably should have discovered the escape, report it to:

(1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and

(2) The Clerk of the Municipal Legislative Authority.

(b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with subsection (a) hereof 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)

505.99 PENALTY.

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