

CHAPTER 505

Village of Orange: 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

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner, keeper or person in 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.

(b) No owner, keeper or person in charge of a dog, whether wearing a registration tag or not, shall permit it to run at large upon any public place or, without the permission of the owner, upon the premises of another. The owner or keeper or person in charge of any dog shall at all times keep such dog limited to the premises of the owner, keeper or person in charge of the dog, or on a leash not to exceed six feet in length which is held or controlled by some person so that it is not permitted to cause harm to another person or to property. No owner, keeper or person in charge of any female dog that is in heat shall permit such dog to be in any unenclosed space unless the dog is properly on a leash which does not exceed six feet in length and which is held and controlled by some person.

(c) Testimony that an animal was not on the property of its owner, keeper or person in charge, or was not held securely in leash by a person accompanying such animal when found, is prima-facie evidence of a violation of this section.

(d) (1) Except as otherwise provided in subsection (d)(2), whoever violates subsections (a) or (b) above is guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the third degree for a second offense and for each subsequent offense.

(2) A violation of subsections (a) or (b) hereof shall be a misdemeanor of the first degree when such animal is found to have attacked or bitten another person or animal either while at large or when leashed and not on the property of its owner, keeper or person in charge.

(Ord. 2015-25. Passed 9-9-15.)

505.02 IMPOUNDING AND DISPOSITION; RECORDS; HOLDING FEES.

(a) A police officer or animal warden may impound every dog or other animal found in violation of Section [505.01](#). If the impounded dog is not wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs. If the dog is wearing a valid registration tag or the identity of the owner or harbinger is otherwise established, notice shall immediately be given to such owner or harbinger that the dog has been impounded. Notice may be by telephone or by ordinary mail to the last known address of such owner or harbinger. The dog shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog not redeemed within three days of the time it is seized or impounded may be sold or otherwise disposed of as provided by Ohio R.C. 955.16.

(b) A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dog shall be kept.

(c) No dog and/or pet that has been picked up by Village personnel and returned to the Village Hall property to be held until picked up by owners shall be released to such owners until the following holding fees are paid:

First day of first offense per calendar year, per owner

First day for each subsequent violation per calendar year, per owner

Each day thereafter

Such holding fees shall be in addition to any other penalty provided by law.
(Ord. 1983-18. Passed 6-8-83.)

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide 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 person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

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

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 any 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) 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))

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 any 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 animal, either upon his own lands or the lands of another. This section does not apply to trespassing animals as set forth in Ohio R.C. 959.04.

(ORC 959.03)

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

(ORC 959.99(C))

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.

(ORC 959.13)

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

(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)

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

505.085 REMOVAL OF DOG FECES.

(a) No person, being the owner of or in charge or control of any dog, shall permit such dog to commit a nuisance on school grounds, Village grounds or other public property, or upon any private property other than the property of such owner or person, without the permission of the owner of such other property. Where the owner or person in charge or control of such dog immediately removes all feces deposited by such dog and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

(Ord. 1982-49. Passed 12-14-82.)

(b) Whoever violates this section and does not abate the nuisance as provided in subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

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

505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the County Health Commissioner within twenty-four hours. Whenever it is reported to the Health Commissioner that any dog or cat has bitten a person, that dog or cat shall be quarantined under an order issued by the Commissioner. The dog or cat shall be quarantined by its owner or by a harbinger, or shall be quarantined in a pound or kennel. In all cases, such quarantine shall be under the supervision of the Health Commissioner and shall be at the expense of the owner or harbinger. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harbinger. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptoms or behavior suggestive of rabies.

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

505.11 HUNTING RESTRICTED.

(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, except that limited hunting may be permitted upon the following terms and conditions:

- (1) Council shall have determined that a nuisance condition exists within the Village, the animal or fowl creating the nuisance and the specific area or areas within the Village of not less than five (5) contiguous acres in which the nuisance is located; and
- (2) No firearms are used; and
- (3) The Chief of Police or his or her designated representative within the Police Department shall have issued a limited hunting permit only after determining that the applicant has complied with all laws, rules and regulations of the State and has the written permission of the owner of the property involved. The permit shall be subject to such reasonable requirements as are deemed necessary to preserve and protect the health, safety and welfare of the residents of the Village and shall be conditioned upon the applicant complying with all laws, rules and regulations of the State. All applicants shall agree, in writing, to defend and indemnify the Village for any negligent acts committed by the applicant while exercising rights granted hereunder. This agreement shall be a part of the application, and signed by the applicant.

(b) For the purposes of this section:

- (1) "Nuisance condition" means an identifiable specie of animal is causing continuing or repeated annoyance, inconvenience, alarm, discomfort, injury or damage to persons or property within the Village.
- (2) "Five (5) contiguous acres" means an assemblage of one or more parcels of land which total more than two hundred seventeen thousand eight hundred (217,800) square feet.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 2004-34. Passed 10-5-05.)

505.12 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 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 fourth degree.

505.13 WILD, DANGEROUS OR UNDOMESTICATED ANIMALS PROHIBITED.

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

(b) A "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 is:

- (1) A poisonous or venomous animal or snake, or a snake that is a constrictor; or
- (2) An omnivorous or carnivorous animal weighing more than twenty pounds and which is a predator in its natural habitat; or
- (3) An animal which, by reason of its size, strength or appetite, if unrestrained and free in the Village, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
- (4) An animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or
- (5) An animal which is capable of emitting such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- (6) 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 Jubatus), crocodilian (Crocodylia), coyote (Canis Latrans), elk, antelope and moose, elephant (Elephas or Loxodonta), gamecocks and other fighting birds, hippopotamus (Hippopotamidae), hyena (Hyaenidae), jaguar (Panthera Onca), leopard (Panthera Pardus), lion (Panthera Leo), lynx (Lynx), monkey (Cercopithecidae-old world), ostrich (Struthio), piranha fish (Characidae), puma (Felis Concolor - also known as cougar, mountain lion and panther), rhinoceros (Rhinocero Tidae), shark (class Chondrichthyes), snow leopard (Panthera Uncia), tiger (Panthera Tigris) and wolf (Canis Lupus).

(c) If any subsection of subsection (b) hereof or any part thereof or its application is held to be invalid, such invalidity shall not affect the validity or application of the remaining portions of subsection (b) hereof which shall be given effect without the invalid provision or application and, to that end, the subsections and parts of this section are declared to be severable.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. Each day during which such violation occurs or continues shall constitute a separate offense.

(e) In addition to any other remedies provided by law, in the event of any violation of this section or any imminent threat thereof, the Village may, by its Law Director, prosecute a suit in the Common Pleas Court of Cuyahoga County, Ohio, to obtain a temporary restraining order and/or preliminary or permanent injunction to prevent or terminate such violation or violations.

(Ord. 1989-35. Passed 10-11-89.)

505.14 DANGEROUS DOGS. (REPEALED)

EDITOR'S NOTE: Former Section [505.14](#) was repealed by Ordinance 2015-25.

505.15 HORSES ON ROADWAYS AT NIGHT.

(a) Any person, being the owner or having charge of a horse, riding, driving, or leading the horse upon a roadway between one-half hour after sunset and one-half hour before sunrise, shall be subject to those provisions of Part Three of these Codified Ordinances (the Traffic Code), and Ohio R.C. Chapters 4511 and 4513, which are applicable to the driver of a vehicle, except those provisions which by their nature are inapplicable.

(Ord. 1971-31. Passed 7-7-71.)

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

505.99 PENALTY.

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