

CHAPTER 505

City Richmond Heights: 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. [549.12](#)

505.01 DOGS, CATS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of cattle, horses, sheep, geese, ducks, 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 person being the owner or having charge of any dog, cat or other domestic animal shall permit it to run at large upon any public place, including sidewalks, rights of way and streets, or upon the premises of another. The owner, keeper or harbinger of every dog, cat or other domestic animal shall at all times keep it either confined upon the premises of the owner or keeper, or under reasonable control of some person.

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

(d) "At large" means not under control by leash, cord, chain, tether or other physical control device; provided further, however, that any cat not in heat shall not be deemed to be running at large if it is within the physical control of the person having charge of such cat.

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

(f) It shall be an affirmative defense to a violation of this section that the animal was:

- (1) Securely confined in an automobile or cage which was adequately ventilated;
- (2) Being exhibited at a public show, parade or public institution;
- (3) Engaged in any activity expressly approved by the laws of the State.

(g) Whoever violates this section is guilty of a minor misdemeanor for a first offense, and a misdemeanor of the fourth degree for each subsequent offense.

(Ord. 23-94. Passed 4-26-94.)

505.02 IMPOUNDING AND DISPOSITION; RECORDS.

(a) A police officer or animal warden may impound every animal or dog found in violation of Section [505.01](#). If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If the dog is wearing a valid registration tag or the identity of the owner, keeper or harbinger is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harbinger that the dog has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog seized and impounded may be redeemed by its owner, keeper or harbinger at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.

(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 by any poundkeeper.

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 minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(ORC 955.99)

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, 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))

505.06 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 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;

(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. "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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(4) Needlessly kill the companion animal;

(5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment in any of those specified manners.

(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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;

(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(4) Needlessly kill the companion animal;

(5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment or confinement in any of those specified manners.

(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 and offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(b) Subject to the requirements of Section [505.09](#) as to loud dogs, any animal, including dogs, which by biting, excessive barking, whining or howling or in any other way or manner, injures or disturbs the quiet of any person or persons or attacks or otherwise injures any person or any other domestic animal or 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 a nuisance. No person, being the owner or in charge or control of any animal, shall permit such animal to be or create such nuisance.

(c) No person, being the owner or in charge or control of any animal, shall continue to keep or harbor within the City any animal which is or creates a nuisance as described in subsection (b) hereof, unless such animal is confined or otherwise kept under such strict control as to abate the nuisance. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, that such nuisance shall be considered vacated.

(Ord. 94-90. Passed 9-25-90.)

(d) No person shall allow an animal under his or her control to be upon public property or upon the property of another, absent the consent of the owner or occupant of the property, without some device designed or intended for the removal or containment of such animal's excrement; nor shall any person fail to immediately remove any excrement deposited upon public property or upon the property of another by any animal under his or her control.

(Ord. 82-2002. Passed 9-10-02.)

(e) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor.

(Ord. 94-90. Passed 9-25-90.)

505.09 LOUD ANIMALS.

(a) No person shall keep or harbor any dog or other animal within the Municipality which emits sounds which are unreasonably loud and of such intensity and duration as to disturb and annoy an inhabitant of a residence within the Municipality. Any person who allows any dog or other animal to remain or to be lodged or fed within any dwelling, building, yard or enclosure which he occupies or owns, shall be considered to be harboring such dog or animal.

(b) Whoever violates this section is guilty of a minor misdemeanor and each subsequent violation of this section within a period of three years of the first violation shall be a misdemeanor of the fourth degree.

(Ord. 81-98. Passed 9-22-98.)

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 Health Commissioner within twenty-four hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian and results of such examination shall be reported to the Health Commission within twenty-four hours. At the direction of the Health Commissioner, the dog or other animal shall either be confined by its owner or harborer to his premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten at which time report of the condition of the animal shall be made to the Health Commissioner.

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 symptom or behavior suggestive of rabies.

(b) Whoever violates this section is guilty of a minor misdemeanor.

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) Whoever violates this section is guilty of a minor misdemeanor.

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 minor misdemeanor.

505.13 HOUSING OF ANIMALS RESTRICTED.

(a) No domestic animals or fowl, excepting household pets, shall be kept or housed at any time in a run, yard, pen, building or other structure located closer than 150 feet from any street or seventy-five feet from any inhabited dwelling or any cistern, spring, well or other source of water supply.

(Ord. 30-61. Passed 11-21-61.)

(b) Whoever violates this section is guilty of a minor misdemeanor.

505.14 STEEL JAWED TRAPS PROHIBITED.

(a) No person shall use, employ or set a leghold steel trap within the City.

(b) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 32-76. Passed 3-23-76.)

505.15 CERTAIN ANIMALS PROHIBITED.

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

(b) "Wild, dangerous or undomesticated animal" means an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:

(1) Is a venomous snake or is a snake that is a constrictor; 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 City, 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 person 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, lynx, mountain lion, jaguar, cheetah, leopard, panther, bear, wolverine, elk, moose, caribou, elephant, giraffe, rhinoceros, hippopotamus, wolf, wild ox, boar, crocodile, alligator, caiman or gavial.

(Ord. 17-84. Passed 3-5-84.)

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

(Ord. 76-2003. Passed 9-23-03.)

505.16 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)

505.17 NUISANCE, DANGEROUS AND VICIOUS DOGS; PENALTIES.

(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 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 Section [505.17\(b\)](#).

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 a dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

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

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

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

(5) “Serious injury” means any of the following:

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

(6) A. “Vicious dog” means a dog that, without provocation and subject to subsection (a)(6)B. hereof, has killed or caused serious injury to any person. “Vicious dog” does not include either of the following:

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

(7) “Without provocation.” A dog acts “without provocation” when it was not teased, tormented or abused by a person, or it 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) Dogs at Large.

(1) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

- A. Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;
- B. Keep the dog under the reasonable control of some person.

(c) Dangerous Dogs Regulations. Except when a dangerous 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 dog shall fail to do the following:

- (1) While the dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen that has a top.
- (2) While the 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: keep the dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top; 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; or muzzle that dog.

(d) Prohibited Acts. No person who has been convicted of or pleaded guilty to three or more violations of Section [505.17](#)(b) involving the same dog and no owner, keeper, or harbinger of a dangerous dog shall fail to do the following:

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

(2) Obtain a dangerous dog registration certificate from the County Auditor pursuant to Section [505.17](#)(h), affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;

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

A. The dog is loose or unconfined.

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

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

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

(e) Debarking. No person shall do any of the following:

(1) Debark or surgically silence a dog that the person knows or has reason to believe is a dangerous dog;

(2) Possess a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

(3) Falsely attest on a waiver form provided by the veterinarian under Section [505.17](#)(f) that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(f) Veterinarian Waiver. Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a dangerous dog. The written waiver form shall include all of the following:

(1) The veterinarian's license number and current business address;

(2) The number of the license of the dog if the dog is licensed;

(3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;

(4) The signature of the owner of the dog attesting that the owner's dog is not a dangerous dog;

(5) A statement that Ohio R.C. 955.22(F) prohibits any person from doing any of the following:

A. Debarking or surgically silencing a dog that the person knows or has reason to believe is a dangerous dog;

B. Possessing a dangerous dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;

C. Falsely attesting on a waiver form provided by the veterinarian under Ohio R.C. 955.22(G) that the person's dog is not a dangerous dog or otherwise provide false information on that written waiver form.

(g) Defense to Debarking. It is an affirmative defense to a charge of a violation of Section [505.17](#)(e) that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver that complies with Section [505.17](#)(f) and that attests that the dog is not a dangerous dog.

(h) (1) Dangerous Dog Registration. The County Auditor shall issue a dangerous dog registration certificate to a person who is the owner of a dog, who is 18 years of age or older, and who provides the following to the County Auditor:

- A. A fee of \$50;
- B. The person's address, phone number, and other appropriate means for the local Dog Warden or County Auditor to contact the person;
- C. With respect to the person and the dog for which the registration is sought, all of the following:
 - (i) Either satisfactory evidence of the dog's current rabies vaccination or a statement from a licensed veterinarian that a rabies vaccination is medically contraindicated for the dog;
 - (ii) Either satisfactory evidence of the fact that the dog has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying of the dog is medically contraindicated;
 - (iii) Satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

(2) Upon the issuance of the dangerous dog registration certificate to the owner of a dog, the County Auditor shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall renew the certificate annually for the same fee and in the same manner as the initial certificate was obtained. If a certificate holder relocates to a new county, the certificate holder shall follow the procedure in Section [505.17\(h\)\(3\)B.](#) and, upon the expiration of the certificate issued in the original county, shall renew the certificate in the new county.

(3) Obligations Upon Relocation.

A. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within the same county, the owner shall provide notice of the new address to the County Auditor within ten days of relocating to the new address.

B. If the owner of a dangerous dog for whom a registration certificate has previously been obtained relocates to a new address within another county, the owner shall do both of the following within ten days of relocating to the new address:

- i. Provide written notice of the new address and a copy of the original dangerous dog registration certificate to the County Auditor of the new county;
- ii. Provide written notice of the new address to the County Auditor of the county where the owner previously resided.

(4) The owner of a dangerous dog shall present the dangerous dog registration certificate upon being requested to do so by any law enforcement officer, dog warden, or public health official charged with enforcing this section.

(i) Sales and Transfers.

(1) Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the County Auditor. A transfer of ownership shall be recorded by the Auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of five dollars.

(2) Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.

(3) Within ten days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous dog, the seller or other transferor shall give to the buyer or other transferee, the board of health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides, a completed copy of a written form on which the seller shall furnish the following information:

- A. The name and address of the buyer or other transferee of the dog;
- B. The age, sex, color, breed, and current registration number of the dog. In addition, the seller shall answer the following questions, which shall be specifically stated on the form as follows:
 - i. "Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."
 - ii. "Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."
 - iii. "Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred."

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

(4) No seller or other transferor of a dog shall fail to comply with the applicable requirements of Sections [505.17\(i\)\(1\)](#) to (3).

(j) Penalties.

(1) Whoever violates Section [505.17\(i\)\(4\)](#) because of a failure to comply with Section [505.17\(i\)\(1\)](#) is guilty of a minor misdemeanor.

(2) Whoever violates Section [505.17\(i\)\(4\)](#) because of a failure to comply with Section [505.17\(i\)\(2\)](#) or (3) is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(3) A. Whoever violates Ohio R.C. 955.21, Ohio R.C. 955.22(B), or commits a violation of Section [505.17\(b\)](#) that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog shall be fined not less than twenty-five dollars or more than one hundred dollars on a first offense, and on each subsequent offense shall be fined not less than seventy-five dollars or more than two hundred fifty dollars and may be imprisoned for not more than thirty days.

B. In addition to the penalties prescribed in Section [505.17\(j\)\(3\)\(A\)](#), if the offender is guilty of a violation of R.C. 955.22(B) or a violation of Section [505.17\(b\)](#) that involves a dog that is not a nuisance dog, dangerous dog, or vicious dog, the court may order the offender to personally supervise the dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

(4) A. Whoever commits a violation of Section [505.17\(b\)](#) that involves a nuisance dog 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 [505.17\(b\)](#) involving the same dog, the court shall require the offender to register the involved dog as a dangerous dog.

B. In addition to the penalties prescribed in Section [505.17\(j\)\(4\)A.](#), if a violation of Section [505.17\(b\)](#) involves a nuisance dog, the court may order the offender to personally supervise the nuisance dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both.

C. Whoever commits a violation of Section [505.17\(b\)](#) that involves a dangerous dog or a violation of Section [505.17\(c\)](#) 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 Section [505.17\(d\)\(1\)](#). The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society at the owner's expense. With respect to a violation of Section [505.17\(b\)](#) that involves a dangerous dog, until the court makes a final determination and during the pendency of any appeal of a violation of that division and at the discretion of the Dog Warden, the dog shall be confined or restrained in accordance with Section [505.17\(c\)](#) or at the County Dog Pound at the owner's expense.

(5) A. Whoever commits a violation of Section [505.17\(b\)](#) that involves a vicious dog is guilty of one of the following:

1. A felony of the fourth degree if the dog kills a person. 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. 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.

B. If the court does not order the vicious dog to be destroyed under Section [505.17\(j\)\(5\)A.2.](#), the court shall issue an order that specifies that Section [505.17\(c\)](#) and Sections [505.17\(c\)](#) to (i) apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog and that Ohio R.C. 955.54 applies with respect to the dog as if it were a dangerous dog. As part of the order, the court shall order the offender to obtain the liability insurance required under Section [505.17\(d\)\(1\)](#) in an amount, exclusive of interest and costs, that equals or exceeds one hundred thousand dollars. Until the court makes a final determination and during the pendency of any appeal of a violation of Section [505.17\(b\)](#) and at the discretion of the dog warden, the dog shall be confined or restrained in accordance with the provisions described in

Section [505.17\(c\)](#) or at the County Dog Pound at the owner's expense.

(6) Whoever violates Ohio R.C. 955.01(A)(2) is guilty of a misdemeanor of the first degree.

(7) Whoever violates Section [505.17\(d\)\(2\)](#) is guilty of a misdemeanor of the fourth degree.

(8) Whoever violates Sections [505.17\(e\)](#) is guilty of a felony of the fourth degree. Additionally, the court shall order that the dog involved in the violation be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society. Until the court makes a final determination and during the pendency of any appeal of a violation of Section [505.17\(e\)](#) and at the discretion of the Dog Warden, the dog shall be confined or restrained in accordance with the provisions of Section [505.17\(c\)](#) or at the County Dog Pound at the owner's expense.

(9) Whoever violates Sections [505.17\(d\)\(1\)](#), (3), or (4) is guilty of a minor misdemeanor.

(10) Whoever violates Section [505.17\(h\)\(4\)](#) is guilty of a minor misdemeanor.

(Ord. 74-2015. Passed 9-8-15.)

505.171 IMPOUNDMENT OF DOGS INVOLVED IN BITING/ATTACKING INCIDENTS.

(a) A law enforcement officer may take up and impound any dog which is alleged to have bitten or attacked a human being or other domestic animal in violation of this chapter, pending the completion of criminal proceedings arising from such incident. Such dog shall be boarded and housed in an animal shelter, animal hospital, kennel or other place which the law enforcement officer deems equally secure until such time as the owner, harbinger, or other person having custody or control of such dog shall be tried or enter a guilty or no contest plea to any and all charges arising out of the biting/attack incident, and until such further time as the court enters sentence, unless otherwise ordered by the court.

(b) Any dog impounded shall be released at the earlier of the following times, unless a longer period of impoundment is authorized or permitted by this chapter:

(1) At least ten working days have passed since the biting or attack incident and no charges are pending against the owner, harbinger or person caring for or in control of such dog;

(2) The owner, harbinger or person caring for or in control of the dog has been acquitted of all criminal charges arising out of the attack/biting incident.

(c) Any person aggrieved by an order of the Animal Warden pursuant to subsection (a) herein may appeal such order to the Director of Public Safety by filing such appeal in writing at the Office of the Mayor. Any such appeal shall be heard within five working days of the date the notice of appeal is filed. Notice of such hearing shall be given to the person(s) who has allegedly been bitten or attacked by the dog, the parent(s) or guardian(s) of any minor(s) who has allegedly been the victim of such an attack, and the owner(s) of any domestic animal(s) which has allegedly been bitten or attacked by the dog.

(d) The costs of the boarding and lodging of the dog shall be charged to the owner, harbinger, and/or person caring for or in control of the dog, unless the dog has been released pursuant to the provisions of subsection (b) hereof.

(e) The provisions of this section shall be in addition to any other procedures, penalties and/or remedies provided in this chapter or otherwise available at law.

(Ord. 27-97. Passed 6-24-97.)

505.18 MAXIMUM NUMBER OF DOGS OR CATS PERMITTED.

(a) On and after June 1, 1994, no person shall own, harbor, keep or have the care of more than five dogs and/or cats, excluding puppies and/or kittens less than six months old, in any single-family dwelling, or in any separate dwelling unit in a two-family dwelling or multiple dwelling within the City unless the animals shall have been registered prior to June 1, 1994 as stated in subsection (b) hereof. "Dwelling" and "dwelling unit" as used in this section, shall include the lot or parcel of land on which the house or building containing the suite is located, and all outbuildings located on the lot or parcel.

(b) Any person owning, harboring, keeping or having the care of more than five dogs and/or cats, excluding puppies and/or kittens less than six months old, in any single-family dwelling, or in any separate dwelling unit in a two-family dwelling or multiple dwelling within the City on the effective date of this section must register all said animals with the Building Commissioner by June 1, 1994 on forms to be prescribed by the Building Department. There shall be no fee for such registration. The persons registering said animals shall be allowed to keep the animals so registered but shall not be permitted to replace said animals so kept over the maximum permitted five.

(c) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. Each day during which a violation of this section exists shall constitute a separate offense.

(Ord. 23-94. Passed 4-26-94.)

505.19 HARBORING OF STRAY DOGS, CATS OR OTHER DOMESTIC ANIMALS.

Any person harboring or feeding stray dogs, cats or other domestic animals shall be deemed and held responsible under this chapter as the owner of such stray.

(Ord. 23-94. Passed 4-26-94.)

505.20 DESIGNATION OF DOG AS NUISANCE, DANGEROUS, OR VICIOUS; HEARING AND APPEAL.

(a) (1) The municipal court that has territorial jurisdiction over the residence of the owner, keeper, or harbinger of a dog shall conduct any hearing concerning the designation of the dog as a nuisance dog, dangerous dog, or vicious dog.

(2) If the Chief of Police or his/her designee has reasonable cause to believe that a dog in the City of Richmond Heights is a nuisance dog, dangerous dog, or vicious dog, the Chief or his/her designee shall notify the owner, keeper, or harbinger of that dog, by certified mail or in person, of both of the following:

A. That he/she has designated the dog a nuisance dog, dangerous dog, or vicious dog, as applicable;

B. That the owner, keeper, or harbinger of the dog may request a hearing regarding the designation in accordance with this section. The notice shall include instructions for filing a request for a hearing in the county in which the dog's owner, keeper, or harbinger resides.

(3) If the owner, keeper, or harbinger of the dog disagrees with the designation of the dog as a nuisance dog, dangerous dog, or vicious dog, as applicable, the owner, keeper, or harbinger, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the municipal court that has territorial jurisdiction over the residence of the dog's owner, keeper, or harbinger. At the hearing, the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a nuisance dog, dangerous dog, or vicious dog. The owner, keeper, or harbinger of the dog or the person who designated the dog as a nuisance dog, dangerous dog, or vicious dog may appeal the court's final determination as in any other case filed in that court.

(4) A court, upon motion of an owner, keeper, or harbinger or an attorney representing the owner, keeper, or harbinger, may order that the dog designated as a nuisance dog, dangerous dog, or vicious dog be held in the possession of the owner, keeper, or harbinger until the court makes a final determination under this section or during the pendency of an appeal, as applicable. Until the court makes a final determination and during the pendency of any appeal, the dog shall be confined or restrained in accordance with Section [505.17\(c\)](#) that applies to dangerous dogs regardless of whether the dog has been designated as a vicious dog or a nuisance dog rather than a dangerous dog. The owner, keeper, or harbinger of the dog shall not be required to comply with any other requirements established in this Code or the Ohio Revised Code that concern a nuisance dog, dangerous dog, or vicious dog, as applicable, until the court makes a final determination and during the pendency of any appeal.

(5) If a dog is finally determined under this section, or on appeal as described in this section, to be a vicious dog, Section [505.17\(i\)](#) and Section [505.17\(c\)](#) to (i) apply with respect to the dog and the owner, keeper, or harbinger of the dog as if the dog were a dangerous dog, and Ohio R.C. 955.54 applies with respect to the dog as if it were a dangerous dog, and the court shall issue an order that specifies that those provisions apply with respect to the dog and the owner, keeper, or harbinger in that manner. As part of the order, the court shall require the owner, keeper, or harbinger to obtain the liability insurance required under Section [505.17\(d\)\(1\)](#) in an amount described in Section [505.17\(j\)\(5\)B](#).

(6) As used in this section, "nuisance dog", "dangerous dog", and "vicious dog" have the same meanings as in R.C. § 955.11 and Section [505.17](#).

(Ord. 74-2015. Passed 9-8-15.)

505.21 FEEDING OF NUISANCE ANIMALS PROHIBITED; EXEMPTIONS; SECURE OUTDOOR STORAGE OF REFUSE OR WASTE.

(a) No person shall, with the intent to attract common pigeons; crows; blackbirds; other large flocking, wild birds; nuisance animals, including but not limited to, squirrels, raccoons, groundhogs, and deer; wild animals; domestic pets; or vermin; place any edible item in any manner or position where such edible item shall be accessible to attract such birds, animals and vermin.

(b) The placing of any edible item in such a manner as to attract common pigeons; crows; blackbirds; other large, flocking, wild birds; nuisance animals, including, but not limited to, squirrels, raccoons, groundhogs, and deer; wild animals; domestic pets; or vermin; shall be deemed prima-facie evidence of the intent to attract such birds, animals and vermin.

(c) Nothing herein shall be construed to in any manner limit or restrict the feeding of small birds, with the exception of common pigeons, crows, blackbirds, and other large, flocking wild birds from suitable containers for food, elevated at least 48 inches above the ground level and of such design and construction as to minimize any potential for food and/or seed from spilling and/or dropping to the ground.

(d) No person maintaining a bird feeder in accordance with this section shall allow spilled food or seed to remain under and around the stationary feeder. Such feeding shall be allowed so long as it does not create a nuisance or interfere with another's property. Such activity shall include, but not be limited to: excessive animal noise; excessive amount of animal droppings or attracting animals that burden neighboring properties.

(e) Any and all refuse or waste kept outdoors shall be stored in such a manner as to render the same inaccessible to any and all animals, birds, domestic pets, and vermin.

(f) Whoever violates this section is guilty of a minor misdemeanor for a first offense. A second conviction under this section is a misdemeanor of the fourth degree. A third conviction under this section is a misdemeanor of the third degree. The penalties shall be provided in accordance with Section [501.99\(a\)\(2\)B.1](#). Each day that such violation continues shall be deemed a separate offense.

(Ord. 22-2012. Passed 4-10-12.)

505.99 PENALTY.

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