

CHAPTER 505

City of Seven Hills: 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 AND OTHER ANIMALS RUNNING AT LARGE.

(a) Definitions as used in this Chapter:

(1) "Owner" means any person, group of persons or corporation owning, keeping and harboring animals.

(2) "Animal" means any living thing from the kingdom of Animalia and to include fish, birds, insects, reptiles, mammals excluding human beings.

(3) "At large" means any animal that is off the premises of its own and not under control of a competent person.

(b) No person who is the owner or keeper of animals shall permit them to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another.

(c) No person being the owner of or having charge of any dog, whether wearing a registration tag or not, shall permit it to run at large upon any public place or upon the premises of another. No owner, keeper or harbinger of any female dog shall permit such dog to go beyond the premises of such owner or keeper at any time such dog is in heat, unless such dog is properly in leash. The owner or keeper of every dog shall at all times keep such dog either confined upon the premises of the owner or keeper, or under reasonable control of some responsible person.

(ORC 95.22)

(d) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section. (ORC 951.02)

(e) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree. (ORC 951.99)

(f) Whoever violates subsection (c) hereof 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(D); Ord. 29-2014. Passed 4-14-14.)

505.02 CATS.

(a) No person owning, keeping, harboring or having charge or control of any cat shall permit it to run at large or to howl so as to disturb the quiet of any person, or to prowl in close proximity to dogs and thereby excite the dogs to barking and thereby disturb the quiet of any person.

(Ord. 9-1968. Passed 3-11-68.)

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

505.021 IMPOUNDING AND DISPOSITION OF ANIMALS.

(a) Duty of Dog Warden. It shall be the duty of the Dog Warden or independent contractor, as provided for in Chapter [133](#), to seize and impound, subject to the provisions of this chapter, all dogs and other animals found in violation of any of the provisions of this chapter within the City, whether such dog or other animal is in the immediate presence of its owner or custodian or otherwise. When a Dog Warden is not available or does not exist, the Chief of Police shall have the authority to enforce the provisions of this Chapter.

(b) Right of Entry. The Dog Warden or independent contractor is hereby authorized to enter upon an unfenced lot, tract or parcel of land for the purpose of seizing and impounding a dog or other animal found thereon in violation of any of the provisions of this chapter.

(c) Registry. The Dog Warden shall, upon receiving a dog or other animal, make a complete registry, entering the breed, color and sex of such dog or other animal, the time of taking it into custody and, if licensed, the name and address of the owner of such dog or other animal and the number of the license and tag.

(d) Time for Redemption. All impounded dogs or other animals shall be redeemed within five days after they are impounded. Any dog or other animal not redeemed within such time may be sold, destroyed or otherwise disposed of.

(e) Right to Redeem. The owner of a dog or other animal which has been impounded under this section shall have the right to redeem the same upon payment of any and all fees which may be due and payable for the impoundment of such dog or other animal, provided, however, that the payment of such fees shall not bar the imposition of any fine which may be imposed for a violation of any of the provisions of this chapter.

(f) Fees.

(1) Prior to redeeming-an animal, the owner or purchaser shall pay a base fee of twenty dollars (\$20.00) for the impoundment of the animal under this section.

(2) Whenever an animal is impounded, an additional fee of five dollars (\$5.00) shall be charged for each day or fraction thereof of impoundment for the care and feeding of such animal.

(Ord. 29-2014. Passed 4-14-14.)

505.0211 VICIOUS DOGS.

(a) As used in this section:

(1) "Unconfined" means not restrained by a secure fence, other secure enclosure or any other security device which effectively prevents a dog from going beyond the premises of the person described in subsection (d) hereof and effectively prevents a dog from attacking, injuring, or endangering human beings and domestic animals.

(2) "Vicious dog" means:

A. Any dog with a propensity, tendency, or disposition to attack, or to cause injury to or otherwise endanger the safety of human beings or domestic animals; or

B. Any dog that attacks a human being or domestic animal without provocation.

(b) Proof that any dog has, without sufficient provocation, bitten or otherwise attacked any human being or domestic animal shall be prima-facie evidence of the fact that such dog is vicious.

(c) Subsections (d) and (e) hereof are necessary controls on the unrestrained activity of vicious animals which threaten the safety and pleasantness of streets, parks, sidewalks, yards, and all other areas of the City. Lack of knowledge or lack of intent is not a defense to a violation thereof.

(d) No person owning, harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on his or her premises.

(e) No person owning, harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond his or her premises, unless such dog is securely leashed or otherwise securely restrained and securely muzzled. (Ord. 17-1987. Passed 4-27-87.)

(f) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree for each such offense.

(Ord. 29-2014. Passed 4-14-14.)

505.0212 REMOVAL, IMPOUNDMENT AND DESTRUCTION OF VICIOUS ANIMALS.

Notwithstanding any other penalty described in this chapter, the Municipal Court may order an owner or person in custody or possession of any animal which is determined by the Court to be vicious, or a perennial and continual nuisance, or which constitutes a serious threat to the health or safety of the public, to forthwith remove such animal from the City. If such animal is not removed from the City in compliance with such order, the Court may order the Chief of Police to cause the animal to be impounded and destroyed. All costs associated with this order shall be borne by the owner of the animal.

(Ord. 29-2014. Passed 4-14-14.)

505.022 DANGEROUS, WILD AND UNDOMESTICATED ANIMALS, REPTILES, INSECTS, OR PETS PROHIBITED.

(a) No person shall harbor, maintain, or control horses, mules, donkeys, cattle, goats, sheep, geese, ducks, turkeys, chickens or other fowl including homing or racing pigeons, a wild, dangerous or undomesticated animal, reptile, or insect, or groups of insects within the City.

(b) A wild, dangerous or undomesticated animal is an animal that is not an ordinary household pet and that would be ordinarily confined to a zoo, farm or the wilderness, or that otherwise causes fear or offensive odors or noises to the general public; or

(c) A wild or dangerous insect is an insect capable of inflicting pain or that otherwise causes fear or offensive odors or offensive noises and which may naturally be found at large within the confines of the municipality; however, which would not exist in greater number, or profusion, or abundance without the aid, maintenance or control of a person; or

(d) An animal which, by reason of its size, strength or appetite, if unrestrained and free in the Municipality, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or

(e) Is an animal listed or defined in Chapter 935 of the Ohio Revised Code.

(f) Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(g) Any and all expenses incurred or associated by the city for the control, capture, or removal of dangerous, wild or undomesticated animals, reptiles, or insects defined in this chapter shall be borne by the owner. (Ord. 29-2014. Passed 4-14-14.)

505.023 EQUINES. (REPEALED)

EDITOR'S NOTE: Former Section [505.023](#) was repealed by Ordinance 29-2014.

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.

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) No owner or keeper of any other animal, reptile, or insect shall abandon such animal.
 - (c) Whoever violates this section is guilty of a misdemeanor of the first degree.
- (Ord. 29-2014. Passed 4-14-14.)

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. (ORC 959.02)

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

(c) It shall be a defense where the animal is at large and the person is in grave danger from the animal.
(Ord. 29-2014. Passed 4-14-14.)

505.051 TEASING OR STRIKING DOGS USED BY THE POLICE DEPARTMENT.

(a) No person shall maliciously or willfully tease or strike dogs used by the Police Department.

(b) A person commits the offense of teasing or striking dogs used by the Police Department if he willfully and maliciously taunts, torments, teases, beats, or strikes any dog used by the Police Department in the performance of the functions or duties of such Department, or interferes with or meddles with any such dog used by such Department or any member thereof in the performance of the functions or duties of such Department or of such officer or member.

(Ord. 52- 1991. Passed 7-8-91.)

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

(Ord. 50-2003. Passed 7-14-03.)

505.052 INJURING OR KILLING DOGS USED BY THE POLICE DEPARTMENT.

(a) No person shall knowingly or recklessly cause the injury or death of any dog used by the Police Department.

(b) A person commits the offense of injuring or killing a dog used by the Police Department if he willfully, maliciously, or recklessly tortures, mutilates, injures or kills any dog used by the Police Department in the performance of the functions or duties of such Department.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 50-2003. Passed 7-14-03.)

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 children or household pets, either upon his own lands or the lands of another. (Ord. 68-2000. Passed 11-13-00.)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 50-2003. Passed 7-14-03.)

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 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 in an enclosure without wholesome exercise and change of air. (Ord. 29-2014. Passed 4-14-14.)

(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 first degree. In addition, the court may order the offender to forfeit the animal and may provide for its disposition. (Ord. 29-2014. Passed 4-14-14.)

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, whether the owner or person in charge or control of an animal, shall permit the animal to destroy or damage any lawn, tree, shrub, plant, building or other property, other than the property of such owner or person in charge or control, by scratching, digging, defecating or by any other means.
- (c) No person, whether the owner or person in charge or control of any dog or cat, shall permit the dog or cat to commit a nuisance by the discharge of such animal's excrete upon any public or private property, other than on the property of such owner, within the City. Where the owner or person in charge or control of such animal immediately thereafter removes and disposes of such excrete in a sanitary manner, such nuisance shall be considered abated.
- (d) No person shall own, keep or harbor any dog or other animal in the City that has bitten on more than one occasion any person or animal, or habitually barks or howls, or repeatedly violates subsections (a), (b) or (c) hereof, or Section [505.0211](#), all of which are a menace to the health, comfort or safety of the public. A violation of this subsection is hereby declared to be a nuisance.
- (e) Whoever violates any of the provisions of subsections (a), (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.
- (f) Whoever violates any of the provisions of subsection (d) hereof is guilty of a misdemeanor of the fourth degree for each such offense. (Ord. 62-2010. Passed 7-26-10.)

505.09 BARKING 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.

(b) Any person who shall allow any dog to remain or be lodged or fed within any dwelling, building or outbuilding, yard or enclosure which he occupies or owns shall be considered a harbinger of a dog.

(c) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor for the first offense, and a misdemeanor of the fourth degree for each such other offense.

(Ord. 12-1988. Passed 4-25-88.)

505.10 DOG BITES.

(a) In the case of a biting dog, it shall be the duty and responsibility of the owner or keeper of such dog, within twenty-four hours following the biting incident, to take and remove such dog to a qualified veterinarian for examination and, subsequently, on the tenth day following the biting incident, to permit re-examination of such dog by the veterinarian. The owner or keeper shall then submit to the Chief of Police, within twenty-four hours following the last examination, a written report signed by the examining veterinarian setting forth therein the dates of examinations of such dog and the results thereof. In the event that the dog dies prior to the tenth day examination, as hereinbefore provided, the owner or keeper of the dog shall immediately contact the Chief of Police who shall arrange for the removal of the dog to the County Board of Health for examination. Under no circumstances shall the owner or keeper of the dog purposefully destroy the dog prior to the compliance with the requirements of this section.

(Ord. 863. Passed 11-10-58.)

(b) If the owner or keeper of such dog fails or refuses to remove and take the dog for examinations, or fails to comply with the submission of the report as required in subsection (a) hereof, or fails to notify the Chief of Police immediately upon the death of the dog, or purposefully destroys such dog prior to the compliance with the above requirements, he is guilty of a minor misdemeanor.

505.11 HUNTING PROHIBITED.

(a) The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means, except as follows:

(1) The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:

A. The Police Chief or his designated representative may, in his sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant;

B. As a corollary to and following the issuance by the ODNR of its own Deer Damage Control Permit or license to allow only bow- hunting (long bow and crossbow) of white-tailed deer;

C. In areas of not less than 2.25 contiguous acres by a qualified archer, on such forms and subject to such rules and regulations as the Chief may prescribe.

D. Hunting shall be conducted from an elevated platform of no less than 10' only;

E. Written permission from the property owner(s) has been obtained;

F. Qualified archer shall be defined as an individual having obtained an approval/certification from approved archery proficiency test site, a valid Ohio hunting license, if applicable, and all other state requirements;

G. Compliance with all laws, rules and regulations of the City and State.

H. All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts or damages committed by the applicant;

I. Any other requirements as deemed necessary to preserve the protect the health, safety and welfare of the residents as determined solely by the Chief of Police.

J. Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provisions of this section and all other rules and regulations necessary to insure public health and safety.

K. Nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section [505.99](#). (Ord. 115-2016. Passed 10-24-16.)

505.12 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) See Ohio Revised Code 925.62.

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

(Ord. 29-2014. Passed 4-14-14.)

505.13 INJURED ANIMALS.

If a dog or other animal is injured or wounded and the police are unable to locate the owner thereof, and if the police believe such dog or animal should be destroyed because of its condition or possible danger to other persons, then the police are authorized to destroy it.

505.14 REPORTING ESCAPES.

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

- (1) A law enforcement officer of the Municipality and the County Sheriff and
- (2) The Clerk of the Municipality.

(b) If the office of the Clerk of the Municipality is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with paragraph (a)(2) 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)

505.15 FEEDING OF WILDLIFE AND STRAY ANIMALS PROHIBITED.

(a) No person shall provide food for dogs, cats, deer, geese, ducks, raccoons, fowl or other wild animals or wildlife by setting such food out on any public property or within 150 yard radius of any private residence or public roadway. This section does not apply to animals owned by a person or song birds fed from a sanitary bird feeder.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 85-2006. Passed 6-12-06.)

505.99 PENALTY.

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