

**CHAPTER 705**  
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**CROSS REFERENCES**

Power to regulate animals running at large - see Ohio R.C. 715.23

Animals running at large - see Ohio R.C. 951.01 et seq.

Owner or keeper liable for damages - see Ohio R.C. 951.10

Dogs - see Ohio R.C. 955.01 et seq.

Abatement of nuisances - see ADM. Ch. [107](#)

Dog Warden - see ADM. [121.10](#)

Animal-borne diseases - see HLTH. Ch. [311](#)

Odors caused by animals; deposit of carcass - see HLTH. [379.01](#), [379.02](#)

## 705.01 DEFINITIONS.

As used in this Chapter, certain terms are defined as follows:

(a) "Animal Warden" means the Director of Public Works and his or her designee, who may be a City employee or a contractor hired to act as Animal Warden on behalf of the City, and those employees of the City or its contractor designated by the Director as Animal Wardens.

(b) "Dangerous dog" means a dog which, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person, or which presents a risk to the safety of any person, or which has caused serious physical injury to another domestic animal.

(1) A "dangerous dog" shall not include the following:

A. A police dog that is being used to assist one or more law enforcement officers in the performance of their duties.

B. A dog which has caused injury to any person while such 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.

(2) It shall be prima-facie evidence that a dog is dangerous if its owner, keeper or harbinger has been notified in writing by the Animal Warden that the dog is considered dangerous, based on the following:

A. One or more verified incidents reported to the City that the dog, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person, or has caused serious physical injury to any domestic animal; or

B. Because of improper training, neglect, prior history, physical or other characteristics including height, weight and breed, or other good and sufficient cause, the dog presents a risk to the safety of any person.

(3) A determination by the Animal Warden that a dog is dangerous may be appealed as set forth in Section [705.17](#) of this Chapter.

(c) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(d) "Owner, keeper or harbinger" means a person who owns, provides shelter or cares for an animal, or otherwise has control of or is responsible for such animal.

(e) "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.

(f) "Vicious dog" means a dog that, without provocation, has attacked any person with such severity or has caused such physical harm so as to cause a reasonable person to conclude that the dog presents a substantial risk to the safety of any person, or has killed another domestic animal.

(1) A "vicious dog" shall not include the following:

A. A police dog that is being used to assist one or more law enforcement officers in the performance of their duties.

B. A dog that has caused injury to any person while such 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.

(2) It shall be prima-facie evidence that a dog is vicious, if

A. its owner, keeper or harbinger has been notified in writing by the Animal Warden that the dog is considered vicious, based upon the following:

1. One or more verified incidents reported to the City that the dog has, without provocation, attacked any person with such severity or has caused such physical harm so as to cause a reasonable person to conclude that the dog presents a substantial risk to the safety of any person; or

2. One or more verified incidents reported to the City that the dog has, without provocation, killed another domestic animal; or

B. State law provides that it is prima facie evidence that a dog is vicious if it belongs to a particular breed. The ownership, keeping, or harboring of such a breed of dog shall be prima-facie evidence of the ownership, keeping, or harboring of a vicious dog.

(3) A determination by the Animal Warden that a dog is vicious, including that it is prima facie evidence that a particular dog is vicious under State law, may be appealed as set forth in Section [705.17](#) of this Chapter.

(g) "Without provocation" means that a dog was:

(1) Not teased, tormented or abused by a person; or

(2) Not coming to the aid or the defense of a person, provided that such person was not engaged in illegal or criminal activity and was not using the dog as a means of carrying out such activity; or

(3) In the case of another domestic animal, that the dog was not attacked by such animal or that such animal was not running at large.

(Ord. 08-102. Enacted 11-24-08.)

**705.02 DOG LICENSE; DOGS UNDER CONTROL OR RUNNING AT LARGE; LEASHES REQUIRED IN CERTAIN CITY PARKS.**

(a) Except as otherwise provided in the Ohio Revised Code, every person who owns, keeps, or harbors a dog more than three months of age in the City of Shaker Heights shall obtain and maintain a current dog license issued by the Cuyahoga County Auditor.  
(ORC 955.01)

(b) Any person, being the owner, keeper or harbinger of any dog, when the dog is on the premises of its owner, keeper or harbinger, shall keep the dog physically confined or restrained upon the premises by a leash, tether, adequate physical or buried electric dog fence, supervision, training and/or secure enclosure to prevent escape.

(c) The entry of any dog upon any public or private property within the limits of this City, other than the property of the owner, keeper or harbinger of such dog, shall constitute a running at large, unless such dog is securely leashed or under such control by the owner, keeper or harbinger so as to prevent the dog from being or creating a nuisance. No person, being the owner, keeper or harbinger of any dog shall permit the dog to run at large within the limits of this City.

(d) A vicious or dangerous dog shall at all times be restrained or confined as set forth in this chapter.

(e) No person, being the owner, keeper or harbinger of any dog, shall permit the dog to enter Horseshoe Lake Park, Lower Lake Park or Southerly Park, as defined in this section, unless the dog is securely leashed and the leash is firmly held by the person with the dog. Horseshoe Lake Park is that area of the City, beginning at the curb, east of Lee Road, north of South Park Boulevard, west of Park Drive, including the driveway entrance to the Park, and south of the City line. Lower Lake Park is that area of the City, beginning at the curb, east of Coventry Road, north of South Park Boulevard, west of North Woodland Road, and south of the City line. Southerly Park is that area of the City, beginning at the curb, east of West Park Boulevard, north of South Woodland Road, west of South Park Boulevard, and south of Shaker Boulevard.

(f) Any violation of subsection (c) of this section shall be a minor misdemeanor. In addition to any other method of enforcement provided in these Codified Ordinances, subsection (c) of this section may be enforced by the issuance of a citation pursuant to Rule 4.1 of the Ohio Rules of Criminal Procedure.

(g) Notwithstanding the provisions of Section [121.10](#) of the Codified Ordinances to the contrary, Dog Wardens, Special Police Officers, or other employees of the City may be commissioned by the Mayor to issue citations, sign complaints and/or issue summonses to enforce the provisions of this section. (Ord. 08-102. Enacted 11-24-08.)

**705.03 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal in the City so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined hereafter.

(b) Any animal is hereby declared to be committing a nuisance if it:

(1) Bites another person or domestic animal;

(2) Barks, howls or yelps in a menacing fashion as determined by the nature and intensity of the menacing activity;

(3) Barks, howls or yelps frequently and habitually in such a manner that the barking, howling or yelping is unreasonably loud or disturbing and of such character, intensity and duration as to disturb the peace and quiet of the neighborhood;

(4) In any other way or manner injures or disturbs the quiet of the community as determined by the nature, duration and intensity of the disturbance; or

(5) Disturbs or endangers the comfort, repose or health of persons as determined by the nature, duration and intensity of the disturbance or danger. It shall be unlawful for any owner, keeper, or harbinger of such animal to harbor or permit it to commit such nuisance.

(c) Any animal which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner, keeper or harbinger of such animal, is hereby declared to be a nuisance.

(d) No person being the owner, keeper or harbinger of any animal shall allow or permit such animal to commit a nuisance on any school grounds, City park, or other public property, or upon any private property other than that of the owner, keeper or harbinger of such animal, without the permission of the owner of such property. Where the owner, keeper or harbinger of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such nuisance shall be considered abated.

(Ord. 08-102. Enacted 11-24-08.)

#### **705.04 ABATEMENT OF NUISANCE.**

No person, being the owner, keeper or harbinger of any animal shall continue to keep or harbor within this City any animal which is or creates a nuisance as defined by Section [705.03](#), unless such animal is confined or otherwise kept under strict control as to abate the nuisance, and in the case of a dangerous or vicious dog, is restrained and confined in accordance with the provisions of this chapter.

(Ord. 87-99. Enacted 4-25-88.)

**705.05 FEMALE DOGS.**

No owner, keeper, or harborer of any female dog shall permit it to go beyond the premises of the owner, keeper, or harborer at any time the dog is in heat unless the dog is properly in leash.  
(Ord. 08-102. Enacted 11-24-08.)

### **705.06 DANGEROUS DOGS.**

No owner, keeper or harborer of a dangerous dog shall fail to post a sign conspicuously on the property visible to any person approaching the property from the street that states that a dangerous dog is present on the premises, or shall fail to do either of the following, except when the dog is lawfully engaged in hunting or training for the purpose of hunting, accompanied by a licensed hunter:

(a) While the dog is on the premises of the owner, keeper or harborer, securely confine or restrain it on a chain-link leash having a minimum tensile strength of three hundred (300) pounds that extends no closer than ten feet from the nearest property boundary.

(b) While the dog is off the premises of the owner, keeper or harborer, keep it on a chain-link leash with a minimum tensile strength of three hundred (300) pounds that is not more than six feet in length and additionally do at least one of the following:

(1) Keep the dog in a locked pen that has a top, locked fenced yard, or other locked enclosure that has a top; or

(2) 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

(3) Muzzle the dog.

(Ord. 08-102. Enacted 11-24-08.)



### **705.07 VICIOUS DOGS.**

(a) No owner, keeper or harbinger of a vicious dog shall fail to post a sign conspicuously on the property visible to any person approaching the property from the street that states that a vicious dog is present on the premises, or shall fail to do either of the following, except when the dog is lawfully engaged in hunting or training for the purpose of hunting, accompanied by a licensed hunter:

(1) While that dog is on the premises of the owner, keeper or harbinger, keep the dog locked inside a structure on the property that provides adequate ventilation, or while the dog is outside keep it securely confined at all times in a locked pen or other locked enclosure which has a top.

(2) While that dog is off the premises of the owner, keeper or harbinger, keep it on a chain-link leash having a minimum tensile strength of three hundred (300) pounds, and that is not more than four feet in length and additionally do at least one of the following:

A. Keep that dog in a locked pen or other locked enclosure which has a top;

B. Have the leash controlled by a person who is of suitable age and discretion to adequately restrain the dog, and keep the dog muzzled at all times while off the premises, except when being examined or treated by a veterinarian.

(b) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in the State of Ohio providing coverage in each occurrence, subject to a limit, exclusive of interests and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a person, or damage or injury to any domestic animal or property, caused by the vicious dog.

(c) Upon the request of the Animal Warden or his or her designee, an owner, keeper or harbinger of a vicious dog shall produce the evidence of insurance required pursuant to this section.

(d) In the event the Animal Warden or his or her designee or a law enforcement officer has probable cause to believe that a vicious dog is being kept or harbored in violation of subsections (b), (f), (g) or (h) hereof, they may petition the Municipal Court to order the seizure and impoundment of such dog pending trial. In the event that the Animal Warden or his or her designee or a law enforcement officer has probable cause to believe that a vicious dog is being kept or harbored in violation of subsection (a)(1) or (2) hereof, they may seize and impound the vicious dog with the right of the owner, keeper or harbinger having the right to appeal such action as permitted in Section [705.17](#) of this Chapter.

(e) Any locked pen which has a top, locked fenced yard, or other locked enclosure which has a top, as described in this section, shall not be constructed or maintained without first obtaining approval from the City, where such approval is required pursuant to the City's Zoning or Building Codes.

(f) No person shall own, keep or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to unprovoked attacks upon humans or domestic animals.

(g) No person shall possess with intent to sell, or offer for sale, breed, or purchase or transfer or attempt to purchase or transfer within the City any vicious dog.

(h) 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 vicious dog;

(2) Possess a vicious 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 division (g) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(Ord. 08-102. Enacted 11-24-08.)

### **705.08 IMPOUNDING OF ANIMALS.**

(a) In addition to other penalties applicable to violations of this chapter, the Animal Warden may impound any dog found running at large, any animal which is abandoned, neglected, mistreated or stray, and all dogs more than three months of age found not wearing a valid registration tag. An animal may be seized on the premises of its owner, keeper, or harbinger and impounded only if the premises has been declared to be abandoned by the City pursuant to Chapter [107](#) of the Codified Ordinances, in the event of a natural disaster, in an emergency where probable cause is found that the life or health of the animal is in immediate danger, or pursuant to a search warrant or court order.

(b) Whenever any person files an affidavit with a court of competent jurisdiction that there is a dog running at large or that a dog is kept or harbored in the City without being registered as required by law, the Animal Warden may seize and impound the dog.

(c) The Animal Warden shall give immediate notice by regular mail to the owner, keeper, or harbinger of an animal seized and impounded by the Warden, if the owner, keeper, or harbinger can be determined, that the animal has been impounded and that, unless the animal is redeemed within five days of the date of the notice, it may thereafter be placed into adoption, sold, euthanized following humane procedures, or transferred to another facility. If the owner, keeper, or harbinger cannot be determined, the Warden shall post a notice at the Department of Public Works describing the animal and place where seized and advising the unknown owner that, unless the animal is redeemed within five days, it may thereafter be placed into adoption, sold, euthanized following humane procedures, or transferred to another facility.

(d) Any domestic animal seized and impounded hereunder may be redeemed by its owner, keeper or harbinger at any time prior to the applicable redemption period upon the payment of all lawful costs assessed against the animal and upon providing, in the case of a dog, with a valid registration tag if it has none. In the case of a vicious dog seized and impounded pursuant to the provisions of this chapter, in addition to the requirements herein, such vicious dog shall not be released until after trial or otherwise upon the approval of the City Prosecutor or upon order of the Municipal Court.

(e) The City may assess against or charge the owner, keeper or harbinger of any domestic animal the actual costs relative to the seizure and/or impoundment of such animal for its seizure, shelter, food, and any veterinary care found necessary during impoundment. Such costs may include the cost to have the animal spayed or neutered and vaccinated.

(f) The City may offer for adoption any animal not redeemed pursuant to this Section.  
(Ord. 08-102. Enacted 11-24-08.)

**705.09 QUARANTINE OF ANIMALS.**

Whenever any animal has bitten or scratched any person, the owner, keeper or harbinger of such animal shall cause the animal to be quarantined in conformance with Section [311.02](#) of the Health Code. (Ord. 87-99. Enacted 4-25-88.)

**705.10 MAXIMUM NUMBER OF DOGS PERMITTED.**

Not more than two dogs, excepting puppies not over three months old, may be kept in any single-family dwelling, or in any separate suite in a two-family dwelling, or multiple family dwelling or apartment within this City. The terms "dwelling" and "suite" as used in this section include the lot or parcel of land on which the house or building containing the suite is located, and also all out-buildings located on the lot or parcel.  
(Ord. 87-99. Enacted 4-25-88.)

**705.11 KILLING OR INJURING ANIMALS; POLICE DOGS.**

(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, law enforcement officer, dog warden, or other City personnel acting in an official capacity, nor shall it apply to a person acting in self-defense.

(b) No person shall taunt, tease, torment, beat, strike, torture, mutilate, injure, disable, poison or kill any dog used by the Police Department of the City of Shaker Heights in the performance of the functions or duties of the Police Department, whether or not such dog is performing duties at the time of the offense.

(c) No person shall interfere with or meddle with any dog used by the Police Department of the City of Shaker Heights during the course of activities being performed on behalf of the Police Department.  
(Ord. 87-99. Enacted 4-25-88.)

### **705.12 CRUELTY TO ANIMALS.**

(a) No person shall deprive an animal of necessary sustenance, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of wholesome food and water.

(b) No person shall 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. 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.

(c) No person shall carry or convey an animal in a cruel or inhuman manner.

(d) No owner, keeper or harbinger of a dog, cat or other domestic animal shall abandon such animal.  
(Ord. 87-99. Enacted 4-25-88.)

**705.13 CERTAIN ANIMALS PROHIBITED.**

- (a) No person shall own, harbor or keep 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 the community; or
  - (5) Is an animal that emits offensive odors as to constitute a nuisance to the community; or
  - (6) Includes, but is not limited to the following: 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.
- (c) This section shall not apply to the following:
  - (1) The keeping of such animals in bonafide educational or medical institutions or museums where they are kept as live specimens for the public view, or for the purpose of instruction or study.
  - (2) The keeping of such animals for temporary exhibition to the public of such animals by a circus, carnival or other exhibit or show.
  - (3) The keeping of such animals in a bonafide veterinary hospital for treatment.
  - (4) The keeping of a snake which is a constrictor by a bonafide teacher or instructor temporarily during such times when school is not in session.

(Ord. 87-99. Enacted 4-25-88.)

**705.14 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.**

(a) The owner, keeper or harbinger of any species of the animal kingdom that escapes from his or her custody or control and that is not indigenous to Ohio 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 City and the Sheriff of Cuyahoga County; and
- (2) The Clerk of Council.

(b) If the office of the Clerk of Council 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.

(Ord. 87-99. Enacted 4-25-88.)



**705.15 AUTHORITY TO ENTER UPON PROPERTY.**

(a) The Animal Warden or his or her designees shall have the same police powers as are conferred upon sheriffs and police officers in the performance of their duties under the Ohio Revised Code for the protection and regulation of animals. They shall also have power to summon the assistance of bystanders in performing their duties and may serve writs and other legal processes issued by a court in Cuyahoga County with reference to enforcing the Codified Ordinances or state law regarding animals.

(b) The Animal Warden or a law enforcement officer may, to the extent permitted by law, enter upon the property of another for the purpose of:

(1) Seizing a dog which the Animal Warden or law enforcement officer has probable cause to believe is running at large; or

(2) Seizing any domestic animal which the Animal Warden or law enforcement officer has probable cause to believe is abandoned, neglected, mistreated or stray.

(3) Seizing a dangerous or vicious dog that is found that is not being kept as required by this Chapter, except as otherwise provided in this Chapter.

(Ord. 08-102. Enacted 11-24-08.)

### **705.16 BEES.**

The maintaining of bees or the erection, placing or maintaining of beehives on any parcel of land within this City is declared to be a nuisance and unlawful unless the bees or beehives are kept and maintained in accordance with the following regulations:

(a) No more than three colonies of bees or beehives shall be placed or maintained on any one parcel of land within the City.

(b) No beehive shall be placed or maintained within fifty feet of any building within this City other than the buildings owned or occupied by the keeper of the hives or bees; nor within twenty feet of any boundary line of the parcel.

(c) Every beehive or colony of bees placed or maintained on premises within this City shall be located at least ten feet above the ground or shall be so screened as effectively to require bees entering or leaving the hives to fly at least ten feet above the level of the ground at the nearest boundary of the parcel owned or occupied by the keeper of the bees unless the hives are more than two hundred (200) feet from any building within this City.

(Ord. 87-99. Enacted 4-25-88.)

### **705.17 APPEALS.**

Any order or decision of the Animal Warden regarding an animal under this Chapter, including a declaration or finding that a dog is a vicious or dangerous dog due to its actions or its breed, as set forth in this Chapter, may be appealed by the owner, keeper or harborer to the Director of Public Works within ten days after receipt of written notice thereof. Upon appeal, the Director of Public Works shall provide to the dog's owner, keeper or harborer the opportunity to appear before him and present evidence, if any, relative to the appeal. The owner, keeper or harborer of the dog shall be notified in writing of the Director's decision regarding the appeal. A decision by the Director upon appeal may be appealed within thirty days after the date of the Director's decision to the City's Board of Appeals pursuant to Chapter [132](#) of the Codified Ordinances. (Ord. 08-102. Enacted 11-24-08.)

**705.99 PENALTY.**

(a) Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the first degree.

(b) Upon conviction for a violation of any provision of this chapter, the Municipal Court may order the owner, keeper or harbinger of any animal which is determined by the Court to be vicious, or a perennial and continued nuisance, or which constitutes a serious threat to the health or safety of the public, to forthwith remove such animal from the City, or the Court may order the Chief of Police to cause the animal to be impounded and destroyed, or otherwise disposed of as the Court shall determine.

(c) Any person found guilty of violating any provision of this chapter shall pay all expenses, including shelter, food and necessary veterinary expenses incurred by the City as a result of its seizing and impounding of any animal, and such other expenses as may be required for the destruction of any such animal.

(Ord. 87-99. Enacted 4-25-88.)