

CHAPTER 505

City of Sheffield Lake: 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. [549.10](#)
Stables and kennels - see BLDG. Ch. [1381](#)

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(b) No 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 person. (ORC 955.22)

(c) 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)

(d) Whoever violates this section is guilty of a minor misdemeanor. Any individual previously found guilty of violating this section who is subsequently found guilty of a violation of this section within one year of a previous violation of this section shall be guilty of a fourth degree misdemeanor. (Ord. 1-93. Passed 1-12-93.)

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 dogs shall be kept by any poundkeeper.

(c) In addition to all other fees and costs to be paid by the owner of any animal or dog impounded as a result of a violation of the Codified Ordinances, the owner of any such animal or dog shall pay to the City, a recovery fee in accordance with the schedule set forth herein below.

- (1) For the first animal or dog released from impound within a calendar year, ten dollars (\$10.00).
- (2) For the second animal or dog released from impound within a calendar year, twenty dollars (\$20.00).
- (3) For the third animal or dog released from impound within a calendar year, thirty dollars (\$30.00).
- (4) For the fourth and each subsequent animal or dog released from impound within a calendar year, forty dollars (\$40.00) per animal or dog so released. (Ord. 2-93. Passed 1-12-93.)

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(D)).

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 minor misdemeanor.
- (ORC 959.99(A))

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, including a pet store as defined in Ohio R.C. 956.01. "Companion animal" does not include livestock or any wild animal.

(2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.

(3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

(4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.

(5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment or commit an act or cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(d) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:

(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;

(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;

(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;

(4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;

(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.

(ORC 959.131)

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

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

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

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

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

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

505.08 NUISANCE CONDITIONS PROHIBITED.

- (a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

505.09 UNREASONABLE ANIMAL NOISE PROHIBITED.

(a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling building, yard or enclosure which he occupies or owns, shall be considered as harboring such dog.

(b) No person shall keep or harbor any animal within the Municipality which, by frequent and habitual animal noise creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any animal habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such animal.

(c) Whoever violates subsection (a) or (b) hereof is guilty of a minor misdemeanor.

(d) Any individual previously found guilty of two violations of this section who is subsequently found guilty of a violation of this section within one year of the previous violations of this section shall be guilty of a fourth degree misdemeanor.

(Ord. 39-11. Passed 9-13-11.)

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

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

(b) Whoever violates this section is guilty of a 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 HINDERING CAPTURE OF UNLICENSED DOG.

- (a) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unlicensed dog or making an examination of a dog wearing a tag. (ORC 955.24)
- (b) Whoever violates this section is guilty of a minor misdemeanor.

505.14 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY.

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

(Ord. 3-74. Passed 1-8-74.)

505.15 KEEPING OF DANGEROUS ANIMALS.

- (a) No person, association, partnership, organization, corporation or other entity shall keep, own, harbor, maintain or have in his possession or control within the City any dangerous animal unless such dangerous animal is properly caged and/or housed to prevent its escape and/or injury to human life or property.
- (b) Before any dangerous animal is brought into the City, the person so bringing the animal shall procure personal injury and property damage liability insurance with a reputable insurance carrier and have evidence of the same posted with the City by filing with the Safety Director or his designate. The liability insurance shall be in the amount of five hundred thousand dollars (\$500,000) and shall contain a provision of commitment from the insurer that the City will be notified if the coverage is cancelled or the amount of coverage decreased.
- (c) Before any dangerous animal is brought into the City, the person shall construct a cage or other structure to confine the animal intended to be located within the City limits.
- (1) The proposed construction must comply with all existing Federal, State and local ordinances, and permits must be presented to the City's Building Division before such construction may begin.
- (2) Dangerous mammals shall require the construction of living quarters with a minimum of 10,000 square feet, enclosed by eight foot high link fence, including the top of cage, and a concrete floor to which the chain link fence must be embedded on all sides. Another eight foot chain link fence of similar design for additional security shall surround the first enclosure and be placed four feet from each side. All access gates shall be locked at all times with a padlock or other locking device requiring a key to open to ensure no unauthorized persons shall be able to enter.
- (3) Inside shelters shall be large enough to comfortably house and protect the animal(s) from the elements. If the shelter is to house more than one such animal, it shall be built as a continuous enclosed shelter.
- (4) The construction of living quarters for dangerous mammals herein described shall be permitted only on lots zoned commercial.
- (5) Dangerous reptiles, fowls, small dangerous mammals poisonous or venomous biting or injecting species of amphibian or arachnid must have a continuous type enclosure of proper material to prevent escape and of adequate size to comfortably house such animal. Honeybees are expressly excluded from this section.
- (6) Hoofed farm animals are permitted on lots with a minimum of one acre.
- (d) Dangerous animals may not be kept in a building used for commercial purposes when more than one tenant is in the building. Pet shops and/or veterinarian facilities are herein exempt from this subsection.
- (e) An inspection fee of fifty dollars (\$50.00) shall be paid to the Building Inspector when the Building Division is contracted to inspect the cage, pen or other housing, as required by this section. In addition, an annual inspection fee of twenty-five dollars (\$25.00) shall be paid to the City, through the Building Inspector on or before January 5, of each calendar year.
- (f) Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal on premises in the City and if it is found that such owner is not in compliance with provisions of this section, the Director of Public Safety shall forthwith cause the matter to be investigated and if after investigation, the facts indicate that such person named in the complaint is in fact the owner or is owner or is keeping or harboring any such dangerous animal in the City, he shall forthwith send written notice to such person, requiring such person to safely remove the animal from the City within three days of the date of such notice. Notice as herein provided shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, or has escaped and is at large in which case the Director of Public Safety shall cause the animal to be immediately seized and impounded.
- (g) (1) The Director of Public Safety shall forthwith cause to be seized and impounded any dangerous animal where the person owning, keeping or harboring such animal has failed to comply with the notice sent pursuant to subsection (f) hereof. Upon seizure and impoundment, the animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals.
- (2) If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons are authorized to subdue the animal by means of tranquilizers or other safe drugs or if that is not safety possible, then such animal may be killed.
- (h) Any reasonable costs incurred by the Director of Public Safety in seizing, impounding and confining any dangerous or wild animal, pursuant to the provisions of subsection (g), shall be charged against the owner,

keeper or harbinger of such animal and shall be collected by the Director of Law.

(i) This section shall not apply to any keeping of dangerous animals in a bona fide licensed veterinary hospital for treatment, bona fide educational or medical institution, museum or any other place where the animals are kept as live or studied; circus, carnival, zoo or other event for entertainment, which is authorized by law by the proper and responsible officials of the City, provided that proper bond or insurance be posted, to indemnify those who may be injured or killed by dangerous animals. The type and amount of such bond or insurance shall be determined by the Director of Public Safety and Director of Law, except where otherwise provided by ordinance.

(j) No person shall keep or harbor any dog over the age of six months in the City unless such dog has been inoculated against rabies by a licensed veterinarian.

(1) No license shall be issued for any dog over the age of six months unless the applicant for such license presents proof that the dog has been inoculated for rabies.

(2) Every owner or person in custody of any dog kept in the City shall have the dog inoculated against rabies at least once every three years, and no license shall be issued for any dog, unless the applicant exhibits a certificate by a veterinarian showing compliance with the provisions of this section. Dogs temporarily boarded in county licensed kennels are exempt from the provisions of this section.

(k) Every animal shelter, pen, kennel, housing or place, shall be kept in a sanitary condition and shall be free and clear from decaying food and filth of any kind. They shall be cleaned and disinfected on a regular schedule and shall be kept in a sanitary condition satisfactory to the Safety Director or his designate who shall have the right to cause an inspection of the premises to be made from time to time.

(l) For the purposes of the enforcement of this section, the Safety Director or his designate or other municipal official in charge of enforcing this section, shall use as facility cleanliness and animal care standards the standards of the USDA-APHIS United States Department of Agriculture, Animal and Plant Health Inspection Service.

(m) No person in charge of any animal shall fail, refuse or neglect to provide such animal with food, potable water, shade or shelter or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

(n) The owner or harbinger of any animal requiring veterinarian, impounding, licensing, destruction or disposition services as a result of any violation of this section shall be responsible for all such expenses.

(o) The owner, keeper or harbinger of any domestic animal which has caused physical harm to a human shall be required to carry liability insurance in the minimum amount of twenty- five thousand dollars (\$25,000) after the second such occurrence.

(Ord. 67-84. Passed 7-10-84.)

(p) Definitions. For purposes of this section, “dangerous animal” means and includes any wild animal, reptile, fowl, poisonous or venomous biting or injecting species of amphibian, arachnid or insect, (expressly excluding honeybees), which is not naturally tame or gentle but is of a wild nature or possesses other characteristics which would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. The term “dangerous animal” also means and includes any domestic mammal, reptile or fowl which, because of its size or vicious propensity or other characteristics would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. Small dangerous mammals, for purposes of this section means those dangerous mammals whose adult weight does not exceed twenty pounds. “Dangerous animal” does not include a vicious dog as defined by Section [505.18](#) of the Code.

(Ord. 23-06. Passed 3-14-06.)

(q) Whoever violates any provision of this section is guilty of a minor misdemeanor. Each day the violation continues shall be treated as a separate offense. If a person has been previously convicted of a violation of this section, the subsequent violation shall constitute a misdemeanor of the first degree.

(Ord. 67-84. Passed 7-10-84.)

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 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 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 REMOVAL OF DOG FECES.

(a) No person shall allow a dog owned by or under the control of such person to be upon any public or private property absent the consent of the owner or occupant of the property without said owner or an agent of the owner of such dog being present with the dog and further such owner or agent of the owner of such dog shall have with him a device designed and intended for the removal of any of such dog's feces that may be deposited upon such public or private property.

(b) No owner or agent of an owner of such dog, as referred to in subsection (a), shall fail to remove any feces deposited by any dog under his or her control, as described and set forth in subsection (a) hereof, immediately upon the depositing of such feces by any such dog.

(c) This section will not apply to guide dogs under the control of a disabled person as under the Americans with Disability Act.

(d) Any individual, corporation or other entity violating this section shall be guilty of a minor misdemeanor.

(Ord. 03-98. Passed 2-24-98.)

505.18 OWNING, HARBORING AND CARING FOR VICIOUS DOGS; FEE.

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

(b) No person, corporation or entity owning or harboring or having the care of a vicious dog shall suffer or permit such dog to be beyond the premises of such person, corporation or other entity unless such dog is securely leashed and muzzled.

(c) Definitions.

(1) A vicious dog is “unconfined” as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in subsection (a) hereof. If such pen or structure does not have a top, the sides shall extend to a height of six feet above ground. If the pen or structure has no bottom secured to the side, the sides must be embedded in the ground no less than two feet. The fence must be made of adequate material to restrain the dog.

(2) A “vicious dog” means a dog that, without provocation, meets any of the following:

A. Has killed or caused injury to any person;

B. Has killed another domestic animal.

C. Belongs to a breed of dogs known as a “Pit Bull Terrier” or “American Pit Bull Terrier” and/or commonly referred to as a “Pit Bull” dog. The ownership, keeping, or harboring of such a breed shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog.

(3) “Vicious dog” does not include either:

A. A police dog that has killed or caused injury or serious injury to any person while that police dog is being used to assist a law enforcement officer in the performance of his official duties;

B. A dog that has killed or caused injury or serious injury to any person while a person was committing or attempting to commit a criminal trespass or other crime of violence on the property of the owner of the dog.

(4) “Provocation” means that a dog was teased, tormented or abused by a person, or that the dog was coming to the aid or defense of a person, or that the dog was coming to the aid or defense of a person who was not engaged in illegal activity, and whose person or property was in imminent danger of physical harm.

(5) “Police dog” means a dog that has been trained, and may be used, to assist a law enforcement officer in the performance of his official duties.

(6) “Owner” means any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog or the parents or guardian of a minor owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog.

(d) Subsections (a) and (b) hereof are necessary controls on the unrestrained activity of vicious dogs which threaten the safety of the streets, parks, sidewalks, yards and all areas of the City; and lack of knowledge or lack of interest is not a defense to a violation thereof.

(e) Inspection Upon Complaint of Vicious Dog Whenever the Police Department is made aware of the presence of a dangerous or vicious dog within the City, the Animal Control Officer shall promptly inspect or cause an inspection to be made of the premises on which it is alleged that such animal is being kept.

(f) Determination of Vicious Dog The Animal Control Officer shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence of any of the following:

(1) Without provocation, the dog has killed or caused physical harm to any person;

(2) Without provocation, the dog has killed any domestic animal;

(3) Belongs to a breed of dog known as a “Pit Bull Terrier” or “American Pit Bull Terrier” and commonly referred to as a “Pit Bull” dog.

(g) Notification and Seizure of Vicious Dog. If the Animal Control Officer determines that a vicious dog is unconfined within the City, the Animal Control Officer shall immediately seize the animal and shall confine the animal at the City Kennel, or some other suitable place of confinement at the discretion of the Animal Control Officer.

(h) Penalty Whoever violates subsections (a) and/or (b) hereof shall be guilty of failure to confine a vicious dog a misdemeanor of the first degree. In addition, any vicious dog which attacks a human being or another domestic animal may be ordered destroyed when, in the Court’s judgment, such vicious dog represents a continuing threat of serious harm to human beings or other animals. Any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or

certification of the breed of the animals or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog. (Ord. 7-08. Passed 2-12-08.)

505.19 REGISTRATION AND INSURANCE FOR VICIOUS DOGS.

(a) Registration of Vicious Dogs. Any person, corporation or other entity having the custody, ownership, or control of any vicious dog as defined in Section [505.18](#), must do the following:

(1) Register such dog with the City Police Department on a form to be provided by the City. Said form shall require the following information: name, address, and telephone number of the dog's owner; the address where such dog is harbored, if different from the owner's address; the dog's sex and color; rabies certificate and tag number (license) and other distinguishing physical characteristics of the dog, two color photos of the dog, as well as proof of public liability insurance as required by the State for such registration. The City Police Department must be notified within seventy-two hours, in the event the dog should become deceased, sold, or donated.

(2) The registration and photo submission required by subsection (a) hereof shall be made annually by the person so required and such registration shall be made each year not less than thirty days from the date of the initial registration. Annual notification of the dog's status is required. The fee for registration shall be fifty dollars (\$50.00) per year, for each person required to register any dog irrespective of the number of dogs registered by such person.

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

(c) Penalty. Whoever violates the provisions of subsection (a) shall be guilty of a misdemeanor of the third degree. Whoever violates the provisions of subsection (b) shall be guilty of a misdemeanor of the fourth degree. Each day that a violation of this section occurs shall be considered to be a separate offense.
(Ord. 24-06. Passed 3-14-06.)

505.20 NUMBER OF CATS RESTRICTED.

(a) No individual, corporation, partnership, or other entity shall keep or maintain or allow to be kept or to be maintained more than four cats at any one location (i.e., parcel of land and/or residence) located in any residentially zoned area of the City of Sheffield Lake, Ohio.

(b) Whoever violates any provision of this section shall be guilty of a minor misdemeanor. Each day during which any violation exists shall constitute a separate violation.

(Ord. 42-99. Passed 9-28-99.)

505.99 PENALTY.

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