

CHAPTER 505
Silver Lake: Animals and Fowl

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CROSS REFERENCES

See sectional histories for similar State law

Power to restrain and impound animals - see Ohio R.C. 715.23

Dog license required - see Ohio R.C. 955.05 et seq.

Driving animals upon roadway - see TRAF. [303.05](#), [303.06](#)

Offensive odors from places where animals kept or fed - see GEN. OFF. [521.09](#)

505.01 RESERVED.

This section has been reserved for future legislation.

505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of any fowl or animal shall permit such fowl or animal to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another. The owner or person having charge of every animal shall at all times keep such animal either confined upon the premises of the owner or keeper, or under reasonable control of some person.

(b) No person being the owner of or having charge of any dog, whether wearing 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.

(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.

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

(Ord. 4-1989. Passed 1-16-89.)

505.03 IMPOUNDING PROCEDURES; OBSTRUCTION.

(a) Any animal found running at large shall be impounded.

(b) If the owner of an impounded animal is unknown or cannot with reasonable diligence be ascertained, such animal shall be turned over to a suitable pound for safekeeping as may be designated by the Director of Public Safety. Such animal shall be kept, housed and fed for three days for the purpose of redemption, unless immediate humane destruction of such animal is necessary because of disease or injury.

(c) Any animal impounded may be redeemed by its owner at any time prior to the expiration of three days from the time it was impounded, upon payment to the place of confinement all costs assessed against such animal and upon providing any such dog with a valid registration tag if not a registered dog and submitting satisfactory evidence of a rabies inoculation.

(d) No person shall obstruct, hinder or interfere with the lawful performance of the procedures contained in Section [505.03](#).

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

(Ord. 4-1989. Passed 1-16-89.)

505.04 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.

(Ord. 4-1989. Passed 1-16-89.)

505.05 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(ORC 959.99)

505.06 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 any law enforcement officer.

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree.

(Ord. 4-1989. Passed 1-16-89.)

505.07 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.

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

(Ord. 4-1989. Passed 1-16-89.)

505.08 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 its 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, snow, rain or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer;
- (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.

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

(Ord. 4-1989. Passed 1-16-89.)

505.081 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)

505.09 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Municipality:

(1) So as to create offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(2) Which, by frequent and habitual barking, howling, yelping or any other nuisance, 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.

(3) Which by its very presence and the nature of its temperament creates, or could so create, a menace to the health, comfort or safety of the public.

(b) Whoever violates this section is guilty of a minor misdemeanor. Whoever violates subsection (a)(3) hereof may be ordered to remove any such animal immediately from the corporate limits to a location where such animals are normally found.

(Ord. 4-1989. Passed 1-16-89.)

505.10 ANIMAL BITES; QUARANTINE AND REPORTING.

(a) Whenever any animal bites any person, the Police Department may order such animal quarantined for a period extending not longer than ten days from the time of the biting. Any owner or person in custody or possession of such animal who shall fail to comply with such quarantine order shall be deemed guilty of a misdemeanor. All expenses incurred for the keeping of such animal or the necessary tests to determine whether rabies exists, shall be borne exclusively by the owner or keeper of such animal. No person, having knowledge of the existence of any rabies, or the fact that any animal has bitten any other person, shall fail to immediately report such information to the Police Department.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 4-1989. Passed 1-16-89.)

505.11 HUNTING PROHIBITED.

(a) The hunting of animals or fowl within the Village 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) A police officer or animal warden in the discharge of his or her duties;
- (2) Any person authorized by the Director of Public Safety while participating in a Village-authorized nuisance animal control program;
- (3) A State of Ohio licensed nuisance animal trapper operating under the authority of Ohio Division of Wildlife Deer Damage Control Permit and utilizing trapping in accordance with rules and regulations established by the Director of Public Safety.

(Ord. 111-2001. Passed 10-1-01.)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 4-1989. Passed 1-16-89.)

505.12 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY.

(a) The owner, keeper or harbored 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 this chapter.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 4-1989. Passed 1-16-89.)

505.13 DEFECATION AS A NUISANCE.

- (a) No person being the owner or in charge or control of any animal shall permit such animal to defecate upon any public land or any private land other than the land where the owner or person in charge of such animal resides.
 - (b) The owner or person in charge or control of any animal which defecates on any such prohibited land shall immediately clean such and cause its removal to a proper receptacle.
 - (c) The owner or person in charge of any animal shall keep the property where he resides in a clean and sanitary condition by regularly removing the defecation of his animal to prevent accumulations.
 - (d) The terms of this section shall not apply to any animal which has been expressly invited to enter upon private property by notification to the owner or keeper of such animal.
 - (e) The defecation of any animal is hereby declared to be a nuisance, creating an unsanitary and unhealthful condition, causing an accumulation of insects and bacteria, and in violation of the regulations of this section, is hereby declared to be unlawful and a misdemeanor.
 - (f) Whoever violates this section is guilty of a minor misdemeanor.
- (Ord. 4-1989. Passed 1-16-89.)

505.14 PROHIBITED AREAS.

(a) All persons being the owner or in charge of a dog shall be prohibited from permitting such dog to enter into the areas known as the picnic area of the VanSise Reserve.

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

(Ord. 4-1989. Passed 1-16-89.)

505.15 KEEPING WILD OR EXOTIC ANIMALS AND LIVESTOCK PROHIBITED.

(a) "Wild" or "Exotic" animals means any wild animal which by its size, breeding, nature or other characteristics is dangerous to human beings. Such animals include, but are not limited to lions, tigers, bears, wolves, apes, alligators, poisonous reptiles, and any other animal of a vicious and dangerous nature, domestic or otherwise, except for dogs (See Section [505.19](#))

(b) No person shall possess, harbor, keep or maintain within the corporate limits any "wild" or "exotic" animal.

(c) No person shall possess, harbor, keep or maintain within the corporate limits any livestock or fowl. Livestock shall include, but is not limited to, horses, cows, goats, pigs, and sheep. Fowl shall include, but is not limited to, chickens, turkeys, pigeons, ducks and geese.

(d) (1) Any person who violates Section [505.15](#)(b) is guilty of a misdemeanor of the fourth degree for the first offense. For a second or third offense, a violation of this section is a misdemeanor of the third degree. All subsequent offenses shall be a misdemeanor of the first degree.

(2) Any person who violates Section [505.15](#)(c) is guilty of a minor misdemeanor for the first offense, and a misdemeanor of the fourth degree for all subsequent offenses.

(3) A separate offense shall be deemed committed each day during or on which an offense occurs or continues

(Ord. 13-2010. Passed 3-1-10.)

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.

505.17 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 baby 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 other 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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 4-1989. Passed 1-16-89.)

505.18 FEEDING OF PIGEONS RESTRICTED.

(a) No person shall feed, keep or harbor pigeons in the Village so as to create thereby offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public, or which creates unreasonably loud and disturbing noises of such character, intensity or duration or at such unreasonable hours, as to disturb the peace, quiet and good order of the City.

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

(Ord. 4-1989. Passed 1-16-89.)

505.19 VICIOUS AND DANGEROUS DOGS.

(a) As used in this section certain terms are defined as follows:

(1) "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.

(2) "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.

(3) A. "Vicious dog" means a dog that, without provocation, has either:

1. Killed or caused physical harm to any person; or
2. Killed a domestic animal or repeatedly attacked and caused physical harm to any domestic animal.

B. "Vicious dog" does not include either:

1. A police dog that has killed or caused injury or serious injury to any person while the police dog is being used to assist a law enforcement officer in the performance of his duties;
2. 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) A "dangerous dog" means a dog that, without provocation, has either:

- A. Has attempted to cause physical harm to any person (menacing); or
- B. Has caused physical harm to any domestic animal.

(5) "Provocation" means that a dog was teased, tormented or abused, 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.

(b) Whenever a complaint is made to the Police Department of the presence of a dangerous or vicious dog within the Village, the Chief of Police shall promptly inspect or cause an inspection to be made of the premises on which it is alleged that such animal is being kept.

(c) The Chief of Police shall determine that a dog is dangerous or vicious pursuant to this section upon proof by a preponderance of the evidence.

(d) If the Chief determines that a dangerous or vicious dog is being kept within the Village, the Chief shall then determine the individual, firm, or corporation who from the records in the Fiscal Officer's Office of Summit County, appears to be the owner of the dog, or if such information is not available, the titled owner of the property upon which the dog is kept, and shall, within five days, cause written notice to be served upon such owner. Notice shall be served by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Chief of Police shall cause a copy of the aforesaid notice to be served by ordinary mail which shall be deemed complete upon mailing, and also left with the individual, if any, in possession of the premises on which the dog is kept, or if there is no individual in possession of the premises, he shall cause a copy of the notice to be posted on the premises. Notice shall also be given to any injured party.

(e) The notice required by subsection (d) hereof shall state, in brief, the findings with respect to the dangerous or vicious nature of the dog. The notice shall further state that the owner must comply with the requirements of this section within thirty days after service of the notice.

(f) Police dogs are exempt from these provisions for all actions occurring in the course of their duties.

(g) The owner of a dog who has been served with a notice pursuant to this section may, within seven days after receipt of such notice, make a written demand to the Director of Public Safety for a hearing on the question of whether the dog is dangerous or vicious as defined in this section.

(h) Every effort should be made to hold a hearing no later than ten days following receipt of written demand to the Director of Public Safety and at least three days' notice of the hearing shall be given to the individual who made the written demand for the hearing. Notice shall also be given to any injured party.

(i) All hearings requested pursuant to this section shall be conducted before the Animal Appeals Board. The Board shall be composed of the Village Solicitor or his/her designee, a doctor of veterinary medicine designated by the Director of Public Safety, and an officer of the Humane Society of Greater Akron, designated by the Director of Public Safety. The Board may affirm, reverse or modify the finding that a dog is dangerous

or vicious by a majority vote.

(j) A copy of the decision of the Board shall be served upon the person who made the written demand for the hearing, by certified mail with a return receipt requested. The decision of the Board shall be final and conclusive, unless an appeal is timely filed in a court of competent jurisdiction. Notice shall also be given to any injured party.

(k) All hearings held by the Board pursuant to this section shall be administrative in nature. At all hearings conducted pursuant to this section, any party may be represented by legal counsel. The rules of evidence utilized by the courts shall not be applicable in hearings before the Board. The Board is hereby empowered to subpoena witnesses and take testimony under oath.

(l) Any person owning, keeping, possession, harboring, maintaining or having care, custody or control of a dangerous or vicious dog shall:

(1) Register the dog with the Police Department annually, between January 2 and 20, and whenever a dog is newly obtained;

(2) At the time of registration provide proof of liability insurance as required herein below;

(3) Identify the dog by having the dog tattooed at the owner's expense with a code provided by the Police Department and provide one color photo of the dog showing the tattoo number after the animal has been tattooed, or if the dog has been tattooed previously provide the Police Department with the code number and photo as provided herein. Thereafter, the owner shall provide the Police Department with one color photo annually from the date of registration;

(4) Post on the premises, in a conspicuous place where the dog is kept, at least one Village-issued warning sign available, upon payment of a fee of ten dollars (\$10.00) from the Police Department. The sign shall be visible and capable of being read from the public highway or street;

(5) Notify the Police Department within seventy-two hours if the dangerous or vicious dog has died or has been sold or donated, and provide the Police Department with the name, address and telephone number of the new owner; and

(6) Pay an annual registration fee of twenty-five dollars (\$25.00) to cover the administrative expenses associated herewith.

(m) Whoever fails to register a dangerous or vicious dog as provided in subsection (l) is guilty of a misdemeanor if the third degree. Each and every day during such period of noncompliance with this section may be deemed a separate offense.

(n) No owner of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in 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. No owner of a dangerous dog shall fail to obtain such insurance coverage in an amount not less than \$50,000.

(o) Whoever violates subsection (n) is guilty of a misdemeanor of the fourth degree.

(p) No owner of a dangerous or vicious dog shall fail to do one of the following:

(1) Keep the dog inside the owner's home;

(2) Keep the dog in a locked enclosure, approved by the Planning Commission, at least five feet by ten feet which has a secure top and sides. If the enclosure has no bottom securely attached to the sides, it must have a concrete base with fencing securely attached or anchored to the concrete perimeter to a depth of six inches;

(3) Keep the dog muzzled on a chain-link leash/lead that is not more than six feet in length which is held in the hand of a person who is of suitable age, size and discretion to control the dog and who is outside with the dog.

(q) Whoever violates subsection (p) is guilty of a misdemeanor of the first degree.

(r) Any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dangerous or vicious dog shall be deemed to have given consent to an inspection of private property, other than within any private structure unless otherwise authorized by law, by any law enforcement officer for the purpose of determining compliance with the requirements of this section.

(s) No person, with the purpose to prevent, obstruct or delay the performance by a law enforcement officer of any authorized act within his official capacity, shall do any act which hampers or impedes said official in the performance of his lawful duties under the provisions of this chapter.

(t) Whoever violates subsection (s) hereof is guilty of a misdemeanor of the second degree.

(u) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the Village, shall allow such dog to cause serious physical harm to any person, except in defense of such owner's person or property.

(v) Lack of intent on the part of such person to allow such dog to injure another person or domestic animal, or the lack of knowledge of the violent propensities of such dog, is not a defense to a violation of this section.

(w) Whoever violates subsection (u) is guilty of a misdemeanor and shall be fined not more than five thousand dollars (\$5,000) or sentenced to a term of incarceration of not more than one year or both.

(x) No person, being the owner or having the care, custody or control of any dangerous or vicious dog within the Village, shall allow such dog to cause physical harm to another dog, cat or other domestic animal, except in defense of such owner's person or property.

(y) Lack of intent on the part of such person to allow such dog to injure another dog, cat or other domestic animal, or the lack of knowledge of the violent propensities of such dog, is not a defense to a violation of this section.

(z) Whoever violates subsection (x) is guilty of a misdemeanor of the first degree.

(aa) No person, being the owner or having custody or control of any dangerous or vicious dog, and while off the premises of the owner, shall knowingly cause or allow such dog to menace any person, except in defense of such owner's person or property.

(bb) Whoever violates subsection (aa) is guilty of a misdemeanor of the fourth degree.

(cc) When any person, being the owner or having custody or control of any dog is charged with a violation of this chapter, the court may, upon motion of any party or its own motion, order the seizure and impoundment of the dog pending trial.

(dd) In the event that a law enforcement officer, including the Animal Control Officer, has probable cause to believe that a dangerous or vicious dog is running at large, he may seize and impound the dog without seeking prior court order.

(ee) Nothing within this section shall be construed to prevent a law enforcement officer, including the Animal Control Officer, from seizing or destroying any animal which presents an immediate risk of physical harm to any person or domestic animal.

(ff) Any dog that attacks and injures any person or another dog, cat or other domestic animal shall be ordered humanely destroyed when, in the court's judgment, such dog represents a continuing threat of serious harm to persons or other such animals. The Chief of Police may petition a court of competent jurisdiction for an order to humanely destroy any dog impounded pursuant to this section which represents a threat of harm to any person caring for such animal. The Solicitor may also petition the court for such purposes if petitioned to do so by any party injured by such dog. The court shall order any dog that kills or causes serious physical harm to any person, other than a person then committing a criminal trespass or other crime of violence upon the premises of the owner of such dog, humanely destroyed.

(gg) No person shall own, keep, possess, harbor, maintain or have the care, custody or control of a dog within the Village when such dog has been banned by order of a court of competent jurisdiction from any municipality, county, township or other political subdivision.

(hh) Compliance with the requirements of this section is not a defense to a violation of this section.

(ii) Whoever violates subsection (gg) is guilty of a misdemeanor of the first degree.

(jj) The provisions of this section are specifically intended to impose strict liability.

(Ord. 13-2010. Passed 3-1-10.)

505.99 PENALTY.

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