

CHAPTER 505

City of Warrensville Heights: Animals and Fowl

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CROSS REFERENCES

- See sectional histories for similar State law
- Owner or keeper liable for damages - see Ohio R.C 951.10
- Dog registration - see Ohio R.C. 955.01

505.01 HARBORING AND CONTROL OF DOGS AND CATS; ANIMALS AT LARGE.

(a) For the purpose of this chapter, "at large" shall mean off the premises of the owner and not under restraint by leash, cord, wire, strap, chain or similar device.

(b) No person, being the owner or in charge or control of any dog or cat, shall permit such dog or cat to run at large within the limits of the Municipality, except as provided in subsection (d) hereof. Unauthorized entry by such dog or cat upon any premises or upon any public street or ground shall constitute running at large within the meaning of this subsection.

(c) No person, being the owner or in charge or control of any dog or cat, shall permit such dog or cat to go or remain upon any public street, City park or ground within the limits of this Municipality, except when accompanied by a responsible person and upon a leash, and with reasonable restraint, and under control. "Reasonable restraint and under control" means restraint which conforms to the animal's weight, size and strength, which animal is to be controlled by a person who is of suitable age, size and strength to control the animal.

The length of a leash shall be no longer than that which is reasonably necessary to maintain control of a pet and to prevent the pet from trespassing on private property, or from chasing or attacking any person, animal or vehicle. With respect to the owner or person in charge or control of dog or cat, evidence that such dog or cat was found at large upon any public street or place within the City shall be prima-facie evidence of a violation of this section, punishable under Section [505.99](#).

While on private property, it shall be unlawful to allow any dog, cat or other animal, outdoors on private property unless the animal is leashed or contained by a fence or under the control of a responsible individual. It shall be unlawful for any owner to allow his or her animal to cross outside the property line of its owner to any extent, including reaching over, under or through a fence. Any method of pet containment is not considered valid during a period of time when failure or lack of maintenance renders it non-effective. Visible signage evidencing electronic pet containment system must be posted.

(d) The provisions of subsections (b) and (c) hereof shall not prevent a person from running a dog, during the season when such running is lawful, upon vacant property and public streets and grounds adjacent thereto, not less than 500 feet from any lot or parcel improved with a dwelling.

(e) Every owner and person in charge or control of a female dog or cat shall, during all times when such female dog or cat is in heat, either remove and keep her out of this Municipality or confine or treat her in such manner as not to attract other dogs or cats.

(f) No person shall keep or harbor within this Municipality any dog or cat which, by biting, or in any other way or manner, injures, disturbs, destroys or damages any other person's lawn, tree, shrub, plant, building or other property.

(g) Not more than two animals, i.e, dogs and cats, may be kept in any single-family dwelling, or in any separate suite in any two-family dwelling, multiple-family dwelling or apartment within this Municipality. "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 outbuildings located on such lot or parcel. In the case of a new litter, the owner may keep the litter intact for up to six weeks in any dwelling heretofore mentioned in this section.

(Ord. 2009-070. Passed 9-15-09.)

505.02 IMPOUNDING AND DISPOSITION.

(a) In addition to other penalties applicable to violations of this chapter it shall be the duty of the Animal Warden to impound every 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. If such dog or cat is not wearing a valid license tag, the Department shall turn it over forthwith to an officer charged by law with the custody and disposal of such dogs or cats. If such dog or cat is wearing such a tag, the Department shall immediately give the licensee, if he can be found, written notice that the dog or cat has been impounded. The dog or cat shall not be released except upon the payment of the reasonable expense of impounding and keeping it as determined by the person in charge of the Department, but not less than twenty dollars (\$20.00). An animal may be seized on the premises of its owner, keeper, or harbinger and impounded only if the premises have been declared to be abandoned by the City pursuant to the City's Building Code, in the event of a natural disaster, in an emergency where probable cause is found that fee 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 Animal Warden shall post a notice at City Hall 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 Bedford 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. Any dog or cat not reclaimed within seven days of receipt of notice by the licensee, or within ten days of impounding it if the licensee cannot be found, shall be destroyed or otherwise disposed of at the discretion of the person in charge of the Department.

(f) The City may offer for adoption any animal not redeemed pursuant to this Section.
(Ord. 2013-068. Passed 7-16-13.)

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

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.

505.04 ABANDONING ANIMALS.

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

505.05 KILLING OR INJURING ANIMALS.

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.

(ORC 959.02)

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)

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)

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.

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.

505.081 FEEDING OF WILDLIFE AND STRAY ANIMALS PROHIBITED.

(a) No person shall provide food for stray dogs, cats, deer, geese, ducks, raccoons, fowl or any other animals or wildlife by setting such food out on any public property or within a 15 yard radius of any private residence or public roadway. This section does not apply to animals owned by a person or song birds fed from an elevated stationary feeder, which is at least forty-eight inches from ground level and built of such design and construction as to minimize the potential for food and/or seed from spilling or dropping to the ground.

(b) No person maintaining a bird feeder in accordance with this section shall allow spilled food or seed to remain under or around the stationary feeder.

(Ord. 2015-038. Passed 4-7-15.)

505.09 BARKING OR HOWLING DOGS.

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.

505.10 ANIMAL BITES; REPORTS AND QUARANTINE.

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.

Whoever violates this section is guilty of a minor misdemeanor.

505.11 HUNTING PROHIBITED.

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.

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

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)

505.13 ANIMAL FIGHTS.

No person shall engage in or be employed at cockfighting, bearbaiting or pitting an animal against another; no person shall receive money for the admission of another to a place kept for such purpose; no person shall use, train or possess any animal for seizing, detaining or maltreating a domestic animal. Any person who knowingly purchases a ticket of admission to such place, or is present thereat, or witnesses such spectacle, is an aider and abettor.

(ORC 959.15)

505.14 HINDERING CAPTURE OF UNLICENSED DOG.

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)

505.15 UNLAWFUL TAGS.

No person shall own, keep or harbor a dog wearing a fictitious, altered or invalid registration tag or a registration tag not issued by the County Auditor in connection with the registration of such animal. (ORC 955.25)

505.16 RIGHTS OF IMPAIRED PERSON.

(a) When a blind, deaf or mobility impaired person is accompanied by a dog that serves as or is in training to become a guide, leader, listener or support dog for him, and he can show proof by certificate or other means that the dog leading him, listening for him or providing support or assistance for him has been or is being trained for that purpose by a nonprofit special agency engaged in such work, the person is entitled to the full and equal accommodations, advantages, facilities and privileges of all public conveyances, hotels, lodging places, all places of public accommodation, amusement or resort, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

- (1) The dog shall not occupy a seat in any public conveyance.
- (2) The dog shall be upon a leash while using the facilities of a common carrier.
- (3) Any dog in training to become a guide, leader, listener or support dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(b) No person shall deprive a blind, deaf or mobility impaired person of any of the advantages, facilities or privileges provided in subsection (a) hereof, nor charge the blind, deaf or mobility impaired person a fee or charge for the dog.

(ORC 955.43)

505.17 DOG OWNER LIABLE FOR DAMAGE TO PUBLIC PROPERTY.

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

(Ord. 201. Passed 11-19-68.)

505.18 REGISTRATION OF WATCH DOGS.

(a) Definitions.

(1) "Watchdog" means a dog used principally to guard and protect business property and is left unattended when the business premises are closed.

(2) "Business property" means any real estate located in the City within a U4, U5, U6, Special Use Permit Area or nonconforming use area that is operated as a business or similar enterprise.

(b) An owner, keeper or harbinger of a watch dog on a business property shall file an annual application for registration of such watch dog with the Police Department. Such application is subject to the approval of the Safety Director and there shall be no charge for such registration. All permits shall terminate at 12:00 midnight on December 31.

505.19 DEFINITIONS RELATED TO DANGEROUS AND VICIOUS DOGS; GENERAL PROVISIONS.

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

(a) Definitions.

(1) "Animal Warden" means the Chief of Police 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 Chief of Police as Animal Wardens.

(2) "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.

A. A "dangerous dog" shall not include the following:

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

2. 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.

B. 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:

1. 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

2. 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.

C. A determination by the Animal Warden that a dog is dangerous may be appealed as set forth in Section 505.192 of this Chapter.

(3) "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.

(4) "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.

(5) "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.

(6) "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.

A. A "vicious dog" shall not include the following:

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

2. 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.

B. It shall be prima-facie evidence that a dog is vicious, if

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

a. 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

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

2. 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.

C. 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 505.192 of this Chapter.

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

A. Not teased, tormented or abused by a person; or

B. 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

C. 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.

(8) Lack of knowledge or lack of intent is not a defense to a violation of this Chapter.

(9) Watchdogs, as provided in Section [505.18](#), are exempt from the provisions of this Chapter. (Ord. 2013-068. Passed 7-16-13.)

505.190 DANGEROUS DOGS.

No owner, keeper or harbinger 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 harbinger, securely confine or restrain it at all times on a chain-link leash or tether having a minimum tensile strength of three hundred (300) pounds that extends no closer than ten feet from the nearest property boundary so that the dog is adequately restrained.

(b) While the dog is off the premises of the owner, keeper or harbinger, 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. 2013-068. Passed 7-16-13.)

505.191 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 the 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) A. While the 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:

B. Keep the dog in a locked pen or other locked enclosure which has a top; or

C. 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 owner, keeper or harbinger having the right to appeal such action as permitted in Section [505.192](#) 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; or

(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. 2013-068. Passed 7-16-13.)

505.192 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 Chief of Police within ten days after receipt of written notice thereof. Upon appeal, the Chief of Police 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 decision regarding the appeal. A decision by the Chief of Police upon appeal may be appealed within thirty days after the date of the Chief of Police decision to the Bedford Municipal Court. (Ord. 2013-068. Passed 7-16-13.)

505.20 PIT BULL TERRIERS.

(a) "Pit Bull Terrier" as used herein means any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier by a qualified veterinarian duly licensed as such by the State of Ohio.

(b) No person shall own, keep or harbor a pit bull terrier, as defined herein, within the municipal limits of Warrensville Heights.

(Ord. 1987-40. Passed 5-5-87.)

505.21 ANIMAL WASTE CONTROL.

(a) For the purpose of this section, the following definitions shall apply:

(1) "Animal" means any domestic animal, including, but not limited to, dogs and cats.

(2) "Owner" means a person who harbors, keeps, controls or possesses an animal.

(3) "Private land" means any and all property owned by residents or businesses in the City.

(4) "Public land" means any and all property owned by the City, including sidewalks, rights of way and streets.

(5) "Waste" means fecal matter derived from animals.

(b) No person being the owner or having charge of any dog, cat or other animal on any public or private property other than the property of the owner or person having charge of such animal shall fail to have in his possession a wood, plastic, or metal device or other container for the purpose of picking up and properly disposing of any fecal matter left by his/her animal. Failure of any such person to have in his possession such suitable device or container is prima- facie evidence of a violation of this section.

(c) Any owner observing or learning of his or her animal depositing waste upon public or private land, other than that of the owner, shall immediately remove such waste from such land and dispose of such waste in an enclosed container.

(d) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor.

(Ord. 2004-142. Passed 12-7-04.)

505.22 CERTAIN ANIMALS PROHIBITED.

(a) No person shall own, harbor or keep a wild, dangerous or undomesticated animal within the Municipality.

(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 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) 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, wolf, hippopotamus, wild ox, boar, crocodile, wolf, coyote or alligator.

(Ord. 2005-110. Passed 7-5-05.)

505.99 PENALTY.

(a) Whoever violates any provision of this Chapter for which no other penalty is provided is guilty of a first degree misdemeanor.

(b) Whoever violates Sections [505.190](#) or [505.191](#) in addition to any other penalties as may be appropriately applied under any other provision of this chapter, shall be fined, not more than one thousand dollars (\$1,000) or imprisoned for not more than six months or both. When a person is convicted of or pleads guilty to a second offense violation of Section [505.190](#) or [505.191](#) such person shall be imprisoned for not less than sixty days and shall be fined not less than one thousand dollars (\$1,000), which fine shall be mandatory and no portion of which may be suspended or remitted.

(c) 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 domestic animals. Any person found guilty of violating Section [505.190](#) or [505.191](#) shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal 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.

(d) Whoever violates Section [505.081](#) is guilty of a minor misdemeanor. If a person has previously pleaded guilty to or been convicted of a violation of Section [505.081](#), a violation of Section [505.081](#) is a misdemeanor of the fourth degree.

(e) 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. 2015-038. Passed 4-7-15.)

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