

CHAPTER 505
City of Wickliffe: 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](#)

505.01 ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of any animal shall permit such animal to run at large upon any public place, or upon any unenclosed lands or upon the lands or premises of another.
(ORC 951.02)

(b) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape, 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) (1) Whoever violates subsection (a) or (b) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(2) In addition to the penalties prescribed in subsection (d)(1) hereof, if the offender is guilty of a violation of subsection (b) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

(ORC 955.99; Ord. 1994-14. Passed 5-9-94.)

505.02 ANNOYING, DISTURBING, DAMAGING ACTS PROHIBITED.

(a) Any animal which by barking, biting, howling or in any way or manner injures or disturbs the quiet of any person, or which destroys or damages any lawn, tree, shrub, plant, building or other public or private property, other than the property of the owner or person in charge or control of such animal, by scratching, digging, running, defecating, urinating or otherwise, is hereby declared to be a nuisance. No person being the owner or in charge or control of any animal shall permit such animal to be or create a nuisance as herein defined.

(b) No person, being the owner or in charge or control of any animal shall allow or permit such animal to commit a nuisance on any school grounds, City park or other public property or upon any private property other than that of the owner or person in charge or control of such animal, without the permission of the owner of such property. The restriction in this section shall not be applicable to public property where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 1994-14. Passed 5-9-94.)

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 misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(ORC 959.99)

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 manmade enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation. The shelter shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position;

(3) Keep any animal in a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation;

(4) Carry or convey an animal in a cruel or inhumane manner;

(5) 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;

(6) 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 first 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); Ord. 2016-04. Passed 4-11-16.)

505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

- (1) "Companion animal" means any cat, dog, or other domesticated animal that is cared for or maintained by any person. "Companion animal" does not include livestock or any wild animal.
- (2) "Cruelty", "torment" and "torture" have the same meanings as defined 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 defined in Ohio R.C. 4741.01.
- (5) "Wild animal" has the same meaning as defined 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, including confining an animal in a motor vehicle under any conditions that endanger the safety or well-being of the 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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment in any of those specified manners.

(d) No person who owns or keeps a companion animal shall fail to provide the animal all of the following needs:

- (1) Clean, potable drinking water at all times, and suitable food of sufficient quality and quantity as to ensure normal growth and the maintenance of normal body weight;
- (2) Food and water receptacles that are kept clean and disinfected, and located so as to avoid contamination by feces or other wastes;
- (3) Regular exercise sufficient to maintain the animal's good health;
- (4) Necessary veterinary care;
- (5) Shelter from the elements, including heat, cold, wind, rain, snow, or excessive direct sunlight. If the animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species, age, condition, size, and type of that animal. The structure must be completely enclosed, having a single entrance/exit secured with a flap or door or similar device. The structure shall be moisture-resistant, wind-resistant, and of suitable size and type to allow the animal to stand, turn about freely, lie in a normal position, and regulate proper body temperature. The structure shall be made of a durable material with a solid, moisture-proof floor and a floor raised at least two (2) inches from the ground. Suitable drainage shall be provided so that water cannot be reasonably expected to gather and stand within ten (10) feet of the structure, and so the animal has access to a dry area at all times. Proper bedding of straw or similar material, that remains dry, must be utilized inside the structure. All structures required by this section shall be subject to all building and zoning regulations.

(e) 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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;
- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- (5) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment or confinement in any of those specified manners.

(f) 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)

(g) (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 of the fifth degree and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) or (d) 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 (e) 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; Ord. 2016-04. Passed 4-11-16.)

505.072 TETHERING OF ANIMALS.

(a) "Tethering" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(b) No person shall tether an animal in any of the following circumstances:

(1) For more than six hours total in a twenty-four hour period and not more than two consecutive hours with no less than a one-hour period between tetherings:

A. Between the hours of 10:00 p.m. and 6:00 a.m.

B. If a heat or cold advisory has been issued by a local or state authority or the National Weather Service.

C. If a severe weather warning has been issued by a local or state authority or the National Weather Service.

(2) If the animal is not provided with its needs as identified in Section [505.071 \(d\)](#).

(3) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal.

(4) If no owner or occupant is present at the premises.

(c) The tethered animal shall be:

(1) Provided a house or shelter that will provide shade, protection from snow, rain, or other inclement weather.

(2) Provided adequate water and food on a daily basis. Water shall be provided on an "as needed" basis.

(3) Attached by a tether that is a minimum of twenty feet (20') in length.

(4) Provided access to a surface of grass, properly drained, with enough area to permit the animal to freely move about without risk of entanglement or to cause injury.

(d) The tethered animal shall not:

(1) Be allowed to continuously bark or make other noise that can be heard on the surrounding property.

(2) Enter the property of another.

(3) Have a tether attached with a prong type, pinch type, or choke type collar, or a collar that will cause injury to the animal.

(4) Have a tether that will cause injury or entanglement.

(e) No animal will be tethered if a law enforcement officer or the Building Commissioner requests that the tether not be used as a result of this section.

(f) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 2016-04. Passed 4-11-16.)

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 BARKING OR HOWLING ANIMALS.

(a) No person shall keep or harbor any animal 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 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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 1994-14. Passed 5-9-94.)

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 BIRDS.

(a) No person shall kill or injure any wild bird, or throw, fire or shoot a bullet, stone, arrow or other missile at a wild bird; or break, tear down or destroy any bird's nest or the eggs or other contents of such nest; or catch or capture any wild bird, or set traps or spread nets or snares with intent to catch or capture the same, or follow or pursue the same with intent to catch or injure such bird.

(b) Subsection (a) hereinabove shall not apply to the capture of pigeons.

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

(Ord. 2004-52. Passed 7-28-04.)

505.14 DANGEROUS DOGS.

(a) Except when a dangerous dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of a dangerous dog shall fail to do either of the following:

(1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top;

(2) While that dog is off the premises of the owner, keeper or harbinger, keep that dog on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

A. Keep that dog in a locked pen that has a top, locked fenced yard or other locked enclosure that has a top;

B. 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 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;

C. Muzzle that dog.

(b) No owner, keeper or harbinger of a dangerous dog shall fail to do the following:

(1) Obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence because of damage or bodily injury to or death of a person caused by the dangerous dog if so ordered by a court and provide proof of that liability insurance upon request to any law enforcement officer, County Dog Warden, or public health official charged with enforcing this section;

(2) Obtain a dangerous dog registration certificate from the County Auditor pursuant to Ohio R.C. 955.22(I), affix a tag that identifies the dog as a dangerous dog to the dog's collar, and ensure that the dog wears the collar and tag at all times;

(3) Notify the local Dog Warden immediately if any of the following occurs:

A. The dog is loose or unconfined.

B. The dog bites a person, unless the dog is on the property of the owner of the dog, and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property.

C. The dog attacks another animal while the dog is off the property of the owner of the dog.

(4) If the dog is sold, given to another person, or dies, notify the County Auditor within ten days of the sale, transfer or death.

(ORC 955.22)

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (b) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the humane society at the owner's expense.

(d) (1) Whoever violates subsection (b)(2) hereof is guilty of a misdemeanor of the fourth degree.

(2) Whoever violates subsections (b)(1), (3) or (4) hereof is guilty of a minor misdemeanor. (ORC 955.99)

505.15 DOGS PROHIBITED IN FOOD STORES.

(a) It shall be unlawful for dogs to be kept in or permitted to enter any part of a building wherein foodstuffs are kept or dispensed.

(b) No person, either as owner or harbinger of any dog, shall permit any dog to enter any part of a building wherein foodstuffs are kept or dispensed.

(c) No person, either as owner, lessee, manager, officer or agent, or in any capacity, shall permit any dog to enter a part of a building wherein foodstuffs are kept or dispensed.

(Ord. 1945-3. Passed 1-8-45.)

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

505.16 DOG KENNELS PROHIBITED.

(a) No person shall keep or maintain any building, lair or structure, in any residential district, where dogs are kept, sheltered, raised, bred, maintained, sold or bartered for gain or profit.

(Ord. 1943-11. Passed 7-26-43.)

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

505.17 HARBORING OF BEES; ABATEMENT NOTICE.

(a) It is declared a nuisance for any person to keep or harbor bees which cause annoyance to other persons or damage to the property of others.

(b) Upon complaint, the Mayor is authorized and directed to notify the owner or keeper of the bees to abate such nuisance and to remove hives or other contrivances where the bees are kept or harbored, within ten days after being notified.

(Ord. 1956-85. Passed 11-26-56.)

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

505.18 MAXIMUM NUMBER OF DOGS AND CATS PERMITTED.

(a) Not more than four dogs or cats or any combination thereof, excepting puppies and/or kittens not more than three months old, may be kept in any single-family dwelling, or separate suite in any multi-family dwelling.

(b) Whoever violates any provision of this section is guilty of a minor misdemeanor.
(Ord. 1989-24. Passed 5-8-89.)

505.19 WILD, DANGEROUS OR UNDOMESTICATED ANIMALS PROHIBITED; PENALTIES AND INJUNCTION.

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

(b) A "wild, dangerous or undomesticated animal" means an animal whose natural habitat is the wilderness which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:

(1) Is a poisonous or venomous animal or snake, or a snake that is a constrictor; or

(2) Is an omnivorous or carnivorous animal weighing more than twenty pounds and which is a predator in its natural habitat; or

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

(4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or

(5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or

(6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papoi or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodylia), coyote (Cants Latrans), deer (Cervidae - includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose), elephant (Elephas or Loxodonta), gamecocks and other fighting birds, hippopotamus (Hippopotamidae), hyena (Hyaenidae), jaguar (Panthera Onca), leopard (Panthera Pardus), lion (Panthera Leo), lynx (Lynx), monkey (Cercopithecidae - old world), ostrich (Struthio), piranha fish (Characidae), puma (Felis Concolor - also known as cougar, mountain lion and panther), rhinoceros (Thinocero Tidae), shark (Class Chondrichthyes), snow leopard (Panthera Uncia), tiger (Panthera Tigris) or wolf (Cants Lupus).

(c) If any part of subsection (b) hereof or the application thereof to any person shall be held to be invalid, such invalidity shall not affect the validity or application of the remaining parts of subsection (b) hereof which shall be given effect without the invalid provision or application and, to that end, the subsections and paragraphs of Section [505.19](#) are declared to be severable.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Each day during which such violation shall continue shall constitute a separate offense.

(e) In addition to any other remedies provided by law, in the event of any violation of this section or any imminent threat thereof, the City may, by its legal counsel, prosecute a suit in the Common Pleas Court of Lake County, Ohio, to obtain a temporary restraining order and/or preliminary or permanent injunction to prevent or terminate such violation or violations.

(Ord. 1991-32. Passed 10-14-91.)

505.20 FEEDING OF PIGEONS RESTRICTED.

(a) No person shall feed, keep or harbor pigeons in the City 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 feeding of pigeons, a minor misdemeanor. If the offender has previously been convicted of a violation of Section [505.20](#), the offense will be a misdemeanor of the fourth degree.

(Ord. 2004-84. Passed 11-8-04.)

505.99 PENALTY.

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