

INTRODUCED BY: Mayor Chuck Brunello, Jr. and Council as a Whole

MOTION BY: Council Representative Ann M. D'Amico

SECONDED BY: Council Representative Edwin V. Hargate

**AN ORDINANCE AMENDING SECTION 505.011(a) OF CHAPTER 505 OF THE CODIFIED ORDINANCES OF THE CITY OF HIGHLAND HEIGHTS PERTAINING TO VICIOUS DOGS, DANGEROUS DOGS, NUISANCE DOGS AND REPEALING ALL LEGISLATION INCONSISTENT HEREWITH AND DECLARING AN EMERGENCY.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HIGHLAND HEIGHTS, OHIO, THAT:

Section 1. Chapter 505 of the Codified Ordinances of the City of Highland Heights, Ohio is hereby amended to the extent set forth in Exhibit "A" dated 06/25/19 attached hereto.

Section 2. All prior Ordinances inconsistent with this Ordinance in whole or in part are hereby repealed to the extent necessary to avoid conflict with this Ordinance.

Section 3. That the Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Highland Heights for the reason that it affects the day to day operations of the Municipality. It shall therefore, take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

First Reading: 06/25/19

Second Reading: 07/09/19

Third Reading: 07/23/19

PASSED: July 23, 2019

ATTEST: *Leanna Cahill*  
Clerk of Council

EFFECTIVE: 07/24/19

APPROVED AS TO FORM: *Timothy G. Paluf*  
Timothy G. Paluf, Director of Law

*Lisa Sticker*  
President of Council

Filed with Mayor: 07/23/19

Approved: 07/23/19  
*Chuck Brunello*  
Mayor

CHAPTER 505  
Animals and Fowl

505.01	Animals running at large.	505.08	Nuisance conditions prohibited.
505.01	Vicious dogs.	505.09	Barking or howling dogs.
505.012	Maximum number of dogs permitted.	505.10	Animal bites; reports and quarantine.
505.013	Prohibited animals.	505.11	Hunting prohibited.
505.02	Impounding and disposition; records.	505.12	Coloring rabbits or baby poultry; sale or display of poultry.
505.03	Annual registration of dogs; tags required.	505.13	Bird sanctuary.
505.04	Abandoning animals.	505.14	Report of escape of exotic or dangerous animal.
505.05	Killing or injuring animals.	505.15	Feeding of nuisance animals prohibited; exemptions; secure outdoor storage of refuse or waste.
505.06	Poisoning animals.	505.99	Penalty.
505.07	Cruelty to animals generally.		
505.071	Cruelty to companion animals.		

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  
 Animal warden - see ADM. 121.03

505.01 ANIMALS RUNNING AT LARGE.

(a) No person being the owner of or having charge of any animal permitted under these Codified Ordinances within the City limits shall permit such animal to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another.

(b) No person being the owner of or having charge of any dog, whether wearing a registration tag or not, shall permit it to run at large upon any public place or upon the premises of another. No owner, keeper or harbinger of any female dog shall permit such dog to go beyond the premises of such owner or keeper at any time that such dog is in heat, unless such dog is properly in leash. The owner or keeper of every dog shall at all times keep such dog either confined upon the premises of the owner or keeper, or under reasonable control of some person.

(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 on a first offense, but shall be guilty of a misdemeanor of the fourth degree for each subsequent offense within one year after conviction for the first offense and shall be guilty of a misdemeanor of the third degree for each subsequent offense within one year after conviction of the second offense. (Ord. 38-1983. Passed 7-12-83.)

**505.011 VICIOUS DOGS, DANGEROUS DOGS, NUISANCE DOGS - DEFINITIONS.**

As used in this chapter unless otherwise specifically provided herein:

- (a) (1) **Vicious dog** means a dog that, without provocation and subject to subsection (a)(2) hereof has killed or caused serious injury to any person.
- (2) **“Vicious dog”** does not include either of the following:
- A. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
  - B. A dog that has killed or caused serious injury to any person while a 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.
- (3) **“Dangerous dog”** means a dog that, without provocation, and subject to subsection (a)(2) hereof has done any of the following:
- A. Caused injury, other than killing or serious injury, to any person;
  - B. Killed another dog;
  - C. Been the subject of a third or subsequent violation of Section 505.01(c).
- (4) **“Dangerous dog”** does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.
- (5) **“Nuisance dog”** means a dog that, without provocation and subject to subsection (a)(2) while off the premises of its owner, keeper or harbinger has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.
- (6) **“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.
- (7) **“Nuisance dog”** does not include a police dog that while being used to assist one or more law enforcement officers in the performance of official duties has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.
- (8) **“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.
- (9) **“Serious injury”** means any of the following:
- A. Any physical harm that carries a substantial risk of death;
  - B. Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
  - C. Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
  - D. Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.
- (10) **“Without provocation”** means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity. (ORC 955.11)

505.011 VICIOUS DOGS.

~~(a) Definitions:~~

~~(1) As the terms is used in this section, "vicious" dog means:~~

- ~~A. Any dog with a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of humans or domestic animals;~~
- ~~B. Any dog which has been judicially or administratively determined, pursuant to Section 505.011(b), to have a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or~~
- ~~C. Any dog which has been judicially or administratively determined, pursuant to Section 505.011(b), to have attacked a human being or other domestic animal; or~~
- ~~D. Any pit bull terrier, which shall be herein defined as any Terrier breed of dog or any mixed breed of dog which contains 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.~~

~~(2) A vicious dog is "unconfined", as the term is used in this section, if such dog is not confined on the premises of the person described in subsection (c) hereof as follows:~~

- ~~A. If the dog is outside, it must be in a securely enclosed pen or dog run area which has secure sides and a secure top attached to all sides and which has a secure floor or bottom attached to all sides of the pen or which is embedded in the ground no less than two (2) feet. Such pen or dog run area shall be locked with a key or combination lock at all times when the animal is within the structure.~~
- ~~B. If the dog is inside, it may not be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure. A vicious dog may not be kept on a patio, porch or in any part of a house or structure which would allow the animal to exit the building on its own volition, whether or not such a dog is on a chain or leash.~~

(b) Designation of Dog as "Vicious"; Appeal.

(1) A dog may be determined to be "vicious", as defined in Section 505.011(a)(1); and thus subject to the requirements of Section 505.011, in one of the two following ways:

- A. A court of competent jurisdiction may declare the dog to be vicious in an independent or related civil or criminal proceeding; or

- B. The Chief of Police or his designee may provide written notice to the owner or other person harboring or having care or control of the dog that the Chief of Police or his designee has determined the dog to be vicious. Such notice shall be given by personal service, ordinary mail, or by posting on the property at which the person resides. Any person aggrieved by the order of the Chief of Police or his designee hereunder may appeal such order in writing to the Highland Heights Zoning Board of Appeals, which decision shall be the final decision of the City. Such appeal shall be filed within five (5) working days of the date of notice, and heard within twenty (20) working days of the date the appeal is filed. The filing of a notice of appeal hereunder shall stay the requirements of Section 505.011, but shall not preclude the Chief of Police or his designee or the Cuyahoga County Board of Health from impounding the dog if otherwise permitted by this chapter or other provision of law and shall not in any way relieve the owner or other person harboring or having care or control of the dog from civil or criminal liability for injury or damage caused by the dog or for violations of provision of this chapter other than Section 505.011.
- (c) No person owning or harboring or having the care or custody of a vicious dog shall permit such dog to go unconfined on the premises of such person.
- (d) No person owning or harboring or having the care of a vicious dog shall permit such dog to go beyond the premises of such person unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- (e) No person shall own 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.
- (f) No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the City any vicious dog.
- (g) Any person owning or harboring or having the care or control of any vicious dog shall maintain a policy of insurance in an amount not less than two hundred thousand dollars (\$200,000) for each occurrence and insuring such person against any claim, loss, damage or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the vicious dog. Such person(s) shall produce evidence of such insurance upon the request of a law enforcement officer.
- (h) In the event that a law enforcement officer has probable cause to believe that a vicious dog is being harbored or cared for in violation of subsections (b), (d), (e) or (f) hereof, the law enforcement officer may petition a court of competent jurisdiction to order the seizure and impoundment of the vicious dog pending trial. In the event that a law enforcement officer has probable cause to believe that a vicious dog has gone beyond the premises of a person owning, harboring, or having the care or control of the dog, in violation of subsection (c) hereof, the law enforcement officer may seize and impound the vicious dog pending trial.

(i) No person shall own, harbor, care for, or control a vicious dog within the City until such dog has been registered at the Division of Police on such form(s) as prescribed by the Chief of Police. Persons owning, harboring, caring for or controlling a vicious dog upon the effective date of this section, shall register such dog with the Division of Police within sixty days of the effective date of this provision.

(j) Penalty.

- (1) Whoever violates any provision of this section, other than subsection (h) herein, shall be guilty of a misdemeanor of the first degree. Whoever violates subsection (h) herein shall be guilty of a misdemeanor of the fourth degree and shall be required to comply with the requirements of subsection (h).
- (2) Whoever is found guilty of any subsequent offense of violating this section shall be guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000), which fine shall be mandatory and shall not be suspended or remitted.
- (3) Any vicious dog which attacks a human or domestic animal may be ordered destroyed when, in the court's judgment, such vicious dog represents a continuing threat of serious harm to humans and domestic animals.
- (4) Any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expense as may be required for the destruction of any such dog. (Ord. 35-2005. Passed 11-9-05.)

505.012 MAXIMUM NUMBER OF DOGS PERMITTED.

(a) No person shall own, harbor or have the care or control of more than three dogs, except puppies not over six months old, in any single-family dwelling or in any separate suite in a two-family dwelling or multi-family dwelling within the City. The terms "dwelling" and "suite" as used in this section include the lot or parcel of land on which the house or building is located and all accessory and out buildings located on such lot or parcel.

(b) Whoever violates any provision of this section shall be guilty of a minor misdemeanor. Each day during which a violation of this section exists shall constitute a separate offense. (Ord. 38-1983. Passed 7-12-83.)

505.013 PROHIBITED ANIMALS.

(a) No person shall own, harbor or have the care or control of any fowl, including domestic geese, ducks, turkeys, chickens and pigeons within the City limits, except for caged birds and rabbits as pets within a residence structure,

(b) No person shall own, harbor or have the care or control of any livestock including, but not limited to, horses, mules, cattle, sheep, goats and swine on any residential property within the City limits. (Ord. 38-1983. Passed 7-12-83.)

(c) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. (Ord. 10-1984. Passed 2-21-84)

**505.02 IMPOUNDING AND DISPOSITION; RECORDS.**

(a) A police officer or animal warden may impound every animal or dog found in violation of Section 505.01. If the dog is not wearing a valid registration tag and the owner is not otherwise reasonably determined, notice shall be posted in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law. If the dog is wearing a valid registration tag or the identity of the owner, keeper or harbinger is otherwise reasonably determined, notice shall be given by certified mail to such owner, keeper or harbinger that the dog has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog seized and impounded may be redeemed by its owner, keeper or harbinger at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog with a valid registration tag if it has none.

(b) A record of all dogs impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dogs shall be kept by any poundkeeper.

**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)

**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. (ORC 959.02)

(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. (ORC 959.99(B); Ord. 1-1983. Passed 1-11-83.)

**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. (ORC 959.03)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 959.99(C))

**505.07 CRUELTY TO ANIMALS GENERALLY.**

(a) No person shall:

- (1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;
- (2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, windbreak, sunshade or natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;
- (3) Carry or convey an animal in a cruel or inhuman manner;
- (4) Keep animals other than cattle, poultry or fowl, swine, sheep or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;
- (5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water and attention, nor permit such stock to be so crowded as to overlie, crush, wound or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle. (ORC 959.13)

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal. (ORC 959.99(D))



## 505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

- (1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. "Companion animal" does not include livestock or any wild animal.
- (2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.
- (3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.
- (5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.
- (6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.
- (7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

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

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

- (1) Torture, torment or commit an act 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.

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

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

- (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.
- (e) Subsections (b), (c) and (d) of this section do not apply to any of the following:
- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
  - (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
  - (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
  - (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
  - (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.  
(ORC 959.131)
- (f)
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.
  - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
  - (3) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.
  - (4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.  
B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.
  - (5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

**505.08 NUISANCE CONDITIONS PROHIBITED.**

(a) The owning, keeping or harboring within the City by any person of any dog or other animal which by habitual barking, biting or howling, or by trespassing upon the premises of others, or which destroys or damages property, or which in any way disturbs the peace and quiet of the City and its inhabitants or creates offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public, may be declared a nuisance upon proper order by a court before whom any complaint concerning such animal is heard.

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

(c) No person being the owner or in charge or control of any dog shall allow or permit such dog 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 dog without the permission of the owner of such property. Where the owner or person in charge or control of such dog immediately removes all feces deposited by such dog and disposes of same in a sanitary manner, such nuisance shall be considered abated.

(d) Whoever violates any provision of this section is guilty of a minor misdemeanor for a first offense; for each subsequent offense such person is guilty of a misdemeanor of the fourth degree. (Ord. 26-1978. Passed 5-23-78.)

**505.09 BARKING OR HOWLING DOGS.**

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

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

**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 symptom 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 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 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 BIRD SANCTUARY.

(a) The entire corporate area of the City is hereby designated as a bird sanctuary. No person shall trap or molest in any manner any bird or wild fowl or rob the nest of any bird or wild fowl. (Ord. 76-1973. Passed 11-13-73.)

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

#### 505.14 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

- (1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and
- (2) The Clerk of the Municipal Legislative Authority.

(b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with subsection (a) hereof if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.  
(ORC 2927.21)

**505.15 FEEDING OF NUISANCE ANIMALS PROHIBITED; EXEMPTIONS;  
SECURE OUTDOOR STORAGE OF REFUSE OR WASTE.**

(a) No person shall, with the intent to attract nuisance animals, including but not limited to, squirrels, raccoons, groundhogs, and deer; wild animals; or vermin; place any edible item in any manner or position where such edible item shall be accessible to attract such animals and vermin.

(b) The placing of any edible item in such a manner as to attract nuisance animals, including, but not limited to, squirrels, raccoons, groundhogs, and deer; wild animals or vermin; shall be deemed prima-facie evidence of the intent to attract such animals and vermin.

(c) Nothing herein shall be construed to in any manner limit or restrict the feeding of small birds, from suitable containers for food, elevated at least 48 inches above the ground level and of such design and construction as to minimize any potential for food and/or seed from spilling and/or dropping to the ground.

(d) No person maintaining a bird feeder in accordance with this section shall allow spilled food or seed to remain under and around the stationary feeder. Such feeding shall be allowed so long as it does not create a nuisance or interfere with another's property. Such activity shall include, but not be limited to: excessive animal noise; excessive amount of animal droppings or attracting animals that burden neighboring properties.

(e) Any and all refuse and waste kept outdoors shall be stored in such a manner as to render the same inaccessible to any and all animals, and vermin.

(f) Whoever violates this section and fails to cure such violation within five business days after receipt of notice of violation from the Building Department or Police Department shall be guilty of a minor misdemeanor for a first offense. A second conviction under this section is a misdemeanor of the fourth degree. A third conviction under this section is a misdemeanor of the third degree. The penalties shall be provided in accordance with Section 501.99(a)(2)B.1. Each day that such violation continues shall be deemed a separate offense. (Ord. 15-2013. Passed 5-13-14.)

**505.99 PENALTY.**

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