

ORDINANCE NO. 2019 – 3

AN ORDINANCE AMENDING CHAPTER 618 (ANIMALS) OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, the Council on December 10, 2018 authorized the Mayor to enter into a shared services agreement with the City of Brooklyn [Ord. 2018-52]; and

WHEREAS, Chapter 618 of the Codified Ordinances requires revisions in order to modernize certain provisions of the Code related to animals; and

WHEREAS, the Animal Control Officer reviewed Chapter 618 of the Codified Ordinances and made recommendations regarding revisions; and

WHEREAS, the revisions proposed by the Animal Control Officer have been reviewed by the appropriate city departments.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. Chapter 618 is amended to read as evidenced by Exhibit A, attached hereto and made a part hereof as if fully rewritten.

Section 2. Chapter 618 of the Parma Heights Codified Ordinances as it has heretofore existed is repealed, in its entirety.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 4. This Ordinance is declared to be an emergency measure necessary for the public peace, health and safety of the Municipality and for the further reason it is necessary to revise the provisions of the code related to animals; wherefore, this ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: 2-11-2019


PRESIDENT OF COUNCIL

ATTEST: Florence A. Botkdan

2-11-2019
APPROVED

FILED WITH
THE MAYOR: 2-11-2019


MAYOR

EXHIBIT A

[1-28-2019]

CHAPTER 618 Animals and Fowl

- 618.00 Definitions.
- 618.01 Animal control officer.
- 618.02 Animal abandonment.
- 618.03 Animal care standards; animal neglect.
- 618.04 Animal abuse/animal cruelty.
- 618.05 Protection of animals in motor vehicles; failure of motorist to report injured animal.
- 618.06 Prohibition of animals in the furtherance of criminal activity.
- 618.07 Animal fighting.
- 618.08 Certain animals prohibited.
- 618.09 Annual registration of dogs; tags required.
- 618.10 Animals running at large; animal owner liable for damage to public or private property.
- 618.11 Barking.
- 618.12 Removal of dog waste; digging.
- 618.13 Feeding animals and wildlife.
- 618.14 Report of escape of exotic or dangerous animal.
- 618.15 Animals in City playgrounds and certain other park areas.
- 618.16 Rabies vaccination of dogs and cats required.
- 618.17 Animal bites; reports and quarantine.
- 618.18 Birds.
- 618.19 Euthanasia procedures.
- 618.20 Sale or transfer of animals; giving animals as prizes.
- 618.21 Hunting, poisoning and trapping prohibited.
- 618.22 Impounding.
- 618.23 Slaughtering or burying animals prohibited in residential districts; destruction of animals; dead animals.
- 618.24 Dangerous and vicious dogs.
- 618.25 Teasing or striking dogs used by Police Department.
- 618.26 Injuring or killing dogs used by Police Department.
- 618.27 Harboring of Pigeons.
- 618.28 Dogs With Blind, Deaf or Hearing Impaired, or Mobility Impaired Persons.
- 618.29 Beekeeping.
- 618.99 Penalty.

618.00 DEFINITIONS.

As used in this chapter:

- (a) "Abandon" shall mean for the owner, keeper or person in charge to leave any animal without demonstrated or apparent intent to recover or to resume custody; leave any animal for more than twelve hours without providing adequate food, potable drinking water and shelter for the duration of the absence; or turn out or release any animal for the purpose of causing it to be impounded.

(b) "Animal" means any nonhuman living vertebrate.

(c) "Domestic Animal" means any dog, cat, fish, amphibian, reptile, bird, or mammal. "Domestic Animal" does not include any livestock, poultry, wild animals, or exotic animals.

(d) "Exotic Animal" means each of the following animals:

(1) Class Mammalia.

A. Order Artiodactyla. All species, including by way of example and not by way of limitation, all antelopes, bison, camels, deer, giraffes, and hippopotamuses.

B. Order Carnivora.

1. Family Felidae. All species of panthera, and all felis except felis catus.

2. Family Canidae. Coyotes, foxes, jackals, wolves.

3. Family Ursidae. All species, including by way of example and not by way of limitation, all species of bear.

4. Family Mustelidae. Badgers, martins, minks, skunks, and weasels.

5. Family Procyonidae. Coatis and raccoons.

6. Family Hyaenidae. All species, including by way of example and not by way of limitation, all hyenas.

C. Order Edentalia. All species including by way of example and not by way of limitation, anteaters, armadillos, and sloths.

D. Order Marsupialia. Kangaroos, opossums, and wallabies.

E. Order Perissodactyla. Rhinoceroses and tapirs.

F. Order Primates. All species, including by way of example and not by way of limitation, all chimpanzees, gorillas, lemurs, and monkeys.

G. Order Proboscidae. All species, including by way of example and not by way of limitation, all elephants.

H. Order Rodentia. Beavers, porcupines, and squirrels.

(2) Class Reptilia.

A. Order Squamata.

1. Family Colubridae. African twig snakes, brown tree snakes, boomslangs, and mangrove snakes.

2. Family Elapidae. All species, including by way of example and not by way of limitation, all cobras, coral snakes, mambas, kraits, adders, sea snakes, and all other species of the Family Elapidae as listed in "Living Snakes of the World in Color" by John M. Mehrtens, Sterling Publishing Co., Inc., 1987.

3. Family Helodermatidae. Gila monsters and Mexican beaded lizards.

4. Family Viperidae and Family Crotalidae. All species, including by way of example and not by way of limitation, all vipers, adders, asps, moccasins, rattlesnakes, copperheads, and all other vipers and pit vipers and pit vipers as listed in "Living Snakes of the World in Color" by John M. Mehrtens, Sterling Publishing Co., Inc., 1987.

5. Family Boidae. Green anacondas and yellow anacondas; Jamaican boas; African rock pythons, amethystine pythons, Boelen's pythons, Burmese pythons, Indian pythons, olive pythons, and reticulated pythons.

6. Family Varanidae. Salvator monitor, salvadoran monitors.

B. Order Crocodylia. All species, including by way of example and not by way of limitation, all crocodiles, alligators, caimans, and gavials.

(3) Class Aves.

A. Order Cainwarae. All species, including by way of example and not by way of limitation, all eagles, hawks, and vultures.

B. Order Rheiformes. All species, including by way of example and not by way of limitation, all rheas.

C. Order Struthioniformes. All species, including by way of example and not by way of limitation, all ostriches.

D. Order Casuariiformes. All species, including by way of example and not by way of limitation, all cassowaries and emus.

E. Order Strigiformes. All species, including by way of example and not by way of limitation, all owls.

Phylum Arthropoda

(4) Class Arachnida.

A. Order Scorpiones.

1. Family Buthidae. Arabian fat-tailed scorpion- *Androctonus crassicauda*;
Arizona centruroides scorpion- *Centruroides exilicauda*
Death stalker- *Leiurus quinquestriatus*
Egyptian yellow scorpion- *Androctonus amoreuxi*
Israeli black scorpion- *Hottentotta judaicus*
S.A. giant fat-tailed scorpion- *Parabuthus tranvaalicus*
Sinai desert scorpion- *Androctonus bicolor*
Yellow desert scorpion- *Androctonus australis*

B. Order Araneae.

1. Family Therididae. Argentina red widow spider- *Latrodectus coralinus*
Brown widow spider- *Latrodectus geometricus*
Red-black widow- *Latrodectus hasselti*
Red widow spider- *Latrodectus mactans*
Western widow- *Latrodectus hesperus*

2. Family Loxoscelidae. Brown recluse spider- *Loxosceles reclusa*.

(5) Class Chilopoda.

A. Order Scolopendromorpha.

1. Family Scolopendridae. Amazon giant banded centipede- *Scolopendra gigantea*
Arizona Tiger Centipede- *Scolopendra viridis*
Florida Keys centipede- *Scolopendra alternans*

(6) Class Chiroptera. Bats

(7) Green Iguanas.

As used in this chapter, "exotic animal" also means all species listed under the Endangered Species Act as threatened or endangered, and shall also mean any snake, regardless of species, that grows to twelve (12) feet in length or longer, and tarantulas.

(e) "Animal control officer" means any individual employed, contracted, or appointed by the City to enforce ordinances and laws regulating the care and control of animals. The animal control officer also has a duty to educate the public regarding animal issues, including but not limited to, pet sterilization, licensing, wildlife, guardianship, and any other animal laws or issues affecting the animal population.

(f) "Animal Shelter" means a place where all animals impounded by the animal control officer are placed for their humane care and keeping.

(g) "Guardian"/"Owner" means a person who has control, custody, possession, title, or other legal interest in an animal.

(h) "Livestock/Poultry". "Livestock" means any hoofed animal, including, but not limited to horses, mules, donkeys, goats, sheep, bovine, and swine. "Poultry" includes, but is not limited to, turkey, geese, chicken, and any other wild game birds/fowl.

(i) "Minimum care" means care sufficient to preserve the health and well-being of a domestic animal and, except for emergencies or circumstances beyond the reasonable control of the guardian, includes, but is not limited to, the following requirements:

(1) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

(2) Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs (excluding fish).

(3) Access to a barn, house or other enclosed structure sufficient to protect the animal from wind, rain, snow, sun or excessive heat, and which has adequate bedding to protect against cold and dampness (excluding fish).

(4) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease (excluding fish).

(5) Continuous access to an area:

A. With adequate space for exercise necessary for the health of the animal. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

B. With air or water temperature suitable for the health of the animal.

C. With adequate ventilation or oxygenation.

D. With regular diurnal lighting cycles of either natural or artificial light.

E. Kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health.

(6) It is the responsibility of the guardian to learn what care is appropriate for the domestic animal in his or her control.

(j) "Person" means an individual, corporation, trust, partnership, association, or any other legal entity.

(k) "Physical injury" means physical trauma, impairment of condition, or pain inconsistent with reasonable handling or training techniques.

(l) "Physical trauma" means fractures, cuts, burns, punctures, bruises, or other wounds or illnesses produced by violence or by a thermal or chemical agent.

(m) "Possession" means to have physical custody or to exercise dominion or control over an animal.

(n) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a limb or bodily organ.

(o) "Torment" means to worry or tease an animal to such an extent that stress or abnormal behavioral patterns are evident in the animal.

(p) "Torture" means an action taken for the primary purpose of inflicting pain.

(q) "Wild Animal" means any mammal that is not domesticated. "Wild Animal" includes, but is not limited to, deer, raccoons, skunks, groundhogs, and other wild game and mammals.

618.01 ANIMAL CONTROL OFFICER.

(a) Appointment. An animal control officer shall be employed, contracted, or appointed by the Mayor. The selection shall be based on interest in animal care and control and knowledge of same.

(b) Employment Standards. The minimum employment standards relative to the recruitment, selection, and appointment of animal care and control officers are as follows:

(1) The animal control officer shall have appropriate educational, mental and moral fitness.

(2) A minimum course of study of not less than 40 instructional hours including, but not limited to, enforcement, animal husbandry, euthanasia, and any other topics deemed necessary for the effective care and control of animals.

(3) The animal control officer shall have completed Ohio Humane Agent's Training within one year of appointment.

(c) Powers and Duties. The animal control officer shall have the following powers and duties:

(1) To enforce the provisions of this Chapter of the Codified Ordinances; to file in his or her official capacity, such complaints in any court of competent jurisdiction as may be necessary and proper to secure such enforcement; and to institute and otherwise participate in such other action and proceedings before any court, officer or other public body of competent jurisdiction as may be instrumental in enforcing the provisions of this chapter.

(2) To impound any animal found within the City violating any provisions or prohibitions of this chapter, or which are victims of any such violations;

(3) To dispose of such animals in the manner provided by ordinance or by general law; and

(4) To receive and investigate complaints of alleged violations of the prohibitions of this chapter.

(5) The animal control officer shall be provided with a badge designating his or her office, and such other uniform, vehicles and equipment necessary to carry out his or her duties; however, any vehicle used for picking up and impounding animals, livestock or poultry shall be clearly marked on both sides with the following: "Animal Control".

(6) In the exercise of his or her duties, the animal control officer is hereby authorized to issue, on a form provided by the City, a citation to any person found by him or her to be in violation of this chapter.

(7) The animal control officer is encouraged to attend classes, seminars, or instructional courses related to the animal profession each year to ensure continuing education and awareness of current animal issues relative to the position.

(8) The animal control officer shall have specified public hours during the normal business week. The Director of Public Safety shall make certain there is an animal control officer, Police Officer, or other proper authority, available on-call 24-hours a day for enforcement of this chapter.

(9) The animal control officer has a duty to educate the public, including, but not limited to, pet sterilization, licensing, wildlife, guardianship, and any other animal laws or issues affecting the animal population.

(10) The animal control officer has a duty, during the course of performing his or her duties, to report any cases of suspected child abuse or suspected domestic violence.

(11) Enforcement of this chapter is not limited to the animal control officer. Police Officers, humane agents, or any other entity with the proper authority can enforce the provisions of this Chapter and applicable State Laws.

(12) Upon conviction of any of the offenses set forth in this chapter, the animal control officer shall recommend to the court, when applicable, that the offender be subject to community service, evaluation and treatment, forfeiture of all legal interest in the animal, reimbursement of costs, restrictions on future possession of any animal, and restitution.

(13) The animal control officer shall be subject to the same care and humane standards as set forth in this chapter.

(14) The animal control officer will be under the direction of the Director of Public Safety.

(15) The animal control officer shall maintain written records of the citations written under this chapter, animal care and control calls for service, the total number of dogs and cats under 6 months of age, the total number of dogs and cats 6 months of age or older, and any other domestic animal received, returned to owners, adopted to new owners, sold, or transferred with or without remuneration to any person, the number of adopted dogs and cats that were altered, the number of dogs and cats that were not altered, and the number of dogs, cats, and other domestic animals euthanized. This report shall be available monthly, and the animal control officer shall provide a copy of the annual statistics to the Mayor and City Council, by January 31 of the year following the year for which the statistics were compiled.

(16) Sufficient funds shall be appropriated in each annual budget of the City for personnel, a badge and uniform, vehicles and any other equipment necessary to carry out the duties of the animal control officer. Sufficient funds shall also be appropriated, when available, for education of the animal control officer(s) and the public.

618.02 ANIMAL ABANDONMENT.

(a) A person commits the crime of animal abandonment if the person intentionally, purposely, knowingly, recklessly or with criminal negligence leaves a domestic animal at a location permanently or temporarily without providing for the animal's continued care. As used in this section, "temporarily" means leaving

an animal at a location, other than the owner's home or residence, for longer than thirty (30) minutes without providing for the animal's continued care.

(b) Animal Abandonment is a misdemeanor of the first degree.

(c) Each act in violation of subsection (a) shall constitute a separate offense.

618.03 ANIMAL CARE STANDARDS; ANIMAL NEGLECT.

(a) A person commits the crime of Animal Neglect in the Second Degree if, except as otherwise authorized by law, the person intentionally, purposely, knowingly, recklessly or with criminal negligence fails to provide minimum care for a domestic animal in the person's possession.

(b) Animal Neglect in the Second Degree is a misdemeanor of the second degree.

(c) Each act or omission in violation of subsection (a) shall constitute a separate offense.

(d) A person commits the crime of Animal Neglect in the First Degree if, except as otherwise authorized by law, the person intentionally, purposely, knowingly, recklessly or with criminal negligence fails to provide minimum care for a domestic animal in the person's possession; and the failure to provide care results in serious physical injury to the animal; or fails to provide minimum care for a domestic animal in the person's possession; and the failure to provide care results in the death of the animal.

(e) Animal Neglect in the First Degree is a misdemeanor of the first degree.

(f) Each act or omission in violation of subsection (d) shall constitute a separate offense.

(g) In addition to providing minimum care for a domestic animal, a person in possession of a domestic animal shall provide:

(1) Proper food. All domestic animals shall be provided with wholesome and appropriate food, which is free from contamination, of adequate nutritive value and in sufficient quantity to maintain good health. All food receptacles shall be kept clean and sanitary. Outdoor receptacles used to store food shall be kept securely covered. The owner or custodian shall ensure that each animal receives sufficient food.

(2) Proper drink. All domestic animals shall have available clean, drinkable water (except fish). Domestic animals which are being transported shall be provided water as often as necessary for their health and comfort. All water receptacles shall be kept clean and sanitary, be of appropriate design and size for the animal and be positioned or affixed to prevent spillage.

(3) Proper space.

A. Domestic animals shall be able to stand to their full height, stretch out, turn around and lie down in areas which are sanitary and which allow for a free flow of fresh air (except fish).

B. Domestic animals shall be allowed to exercise and have freedom of movement as necessary to reduce stress and maintain good physical condition. Said space shall be kept free of standing water, mud, accumulated waste and debris (except fish).

C. Dogs and cats shall not be caged, except for transport, temporary confinement or as prescribed by a veterinarian. Dogs and cats kept in cages for the aforementioned reasons shall be removed and exercised as to maintain proper health. Cats shall be provided with litter pans and litter material which shall be changed as necessary to prevent odor and accumulation of urine and fecal matter.

D. Small caged mammals and rodents, such as guinea pigs, rabbits, and hamsters shall be maintained in cages that are of a size sufficient to permit burrowing, hiding or nesting, and which allow necessary space for the animal to exercise.

E. 1. Dogs continuously maintained on a restrictive chain, rope, or other kind of tether shall be deemed to be improperly confined. However, tethering may be acceptable in certain cases where adequate daily socialization and exercise off the tether have been afforded and verified. If a dog is confined on a tether, excepting periods of time that are brief and incidental, the tether shall be at least twenty feet in length and positioned to prevent tangling and hanging.

2. The tether must be of proper weight for the dog's size to allow for the provisions set forth in subsection (g)(3)E. hereof. Logging chains are prohibited for any dog. The tethered dog shall wear a properly fitted harness or buckle-type collar and be released from the tether at least twice daily for adequate exercise. A choker-chain on the neck of a tethered dog is prohibited. No other animal shall be tethered unless under the supervision of a custodian capable of handling the animal. Collars, harnesses, halters and the like shall be properly fitted to prevent discomfort or injury.

(4) Proper light. Domestic animals shall have adequate light each day, except if in hibernation or pursuant to veterinarian advice. Animals shall not be subjected to excessive amounts of illumination which result in conditions detrimental to the health of the animals.

(5) Proper shelter.

A. Indoor facilities shall be adequately ventilated by natural or mechanical means to prevent extreme temperatures, provide fresh air and minimize drafts, odors and moisture condensation (excluding fish).

B. Domestic animals kept outdoors shall have access to shelter that provides protection from inclement weather conditions and which shall be appropriately constructed given the species of the domestic animal, its age and its physical condition.

C. Domestic animals shall have access to shade from the sun during hot weather (excludes fish).

D. Proper outdoor shelter for a dog shall be made of durable material with a solid, moisture-proof floor. The floor shall be solid, level and raised at least two inches

from the ground with adequate bedding to protect against cold and dampness. A bedding of straw or similar matter, that remains dry, must be utilized. The structure shall have a roof, enclosed sides, and a doorway. The shelter shall also be a structurally sound, weatherproof enclosure that is moisture-resistant and wind-resistant, of suitable size to accommodate movement and simultaneously facilitate the preservation of body heat of the animal. The entrance shall be covered with a flexible windproof plastic, a self-closing door, or have a baffle. A garage, shed or other structure, not designated and built specifically for an animal, shall not be considered suitable housing. Food of sufficient quantity and quality to allow the normal maintenance of the animal's body must be provided. Water must be open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs must be provided. The animal control officer or any other agent has discretion to warn the owner, and to provide the opportunity to remedy the violation within twenty-four (24) hours.

(6) Necessary veterinary care. Owners or caretakers of domestic animals which exhibit signs of disease or severe parasitic infestation, infection, orificial discharge, loss of appetite, weight loss, abnormal skin conditions or hair loss, tremors, temperature fluctuation, inability to bear weight on a limb, lameness or any other such sign of illness or injury, shall provide veterinary care.

(h) Whoever violates subsection (g) is guilty of neglect of animals, which is a misdemeanor in the second degree.

(i) Each act in violation of subsection (g) shall constitute a separate offense.

618.04 ANIMAL ABUSE/ANIMAL CRUELTY.

(a) A person commits the crime of animal abuse if, except as otherwise authorized by law, the person intentionally, purposely, knowingly, recklessly or with criminal negligence causes physical injury to a domestic animal, causes physical trauma to a domestic animal, causes serious physical injury to a domestic animal, causes the death of the domestic animal, tortures a domestic animal, kills a domestic animal under circumstances demonstrating malice aforethought, administers poison to a domestic animal, or places any poisonous or hazardous food, drink or other substance where it may be easily found and ingested by a domestic animal, either upon his own lands or the lands of another.

(b) Animal Abuse is a misdemeanor of the first degree.

(c) Each act in violation of subsection (a) shall constitute a separate offense.

(d) No domestic animal shall be subject to unnecessary suffering or cruelty. Unnecessary suffering or cruelty may be defined, but is not limited to, failing to provide a domestic animal with minimum care, sexual molestation of an animal for sexual gratification, surgically debarking an animal, or coloring rabbits or poultry.

(e) No animal may be induced or encouraged to perform any behavior through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(f) Whoever is found guilty of causing an animal unnecessary suffering or cruelty is guilty of a misdemeanor of the first degree.

(g) Each act in violation of subsection (d) shall constitute a separate offense.

618.05 PROTECTION OF ANIMALS IN MOTOR VEHICLES; FAILURE OF MOTORIST TO REPORT INJURED ANIMAL.

(a) It shall be unlawful to transport a dog in a motor vehicle upon any street within the City unless the dog is fully enclosed within the motor vehicle so as to prevent the dog from falling, jumping or being thrown from the motor vehicle. A dog cannot be transported in the back of a pick-up truck unless safely secured.

(b) No person shall, while operating a motor vehicle, knowingly injure a domestic animal or a deer and not report the injured animal to the police department or animal control officer.

(c) No dog or other domestic animal shall be left completely enclosed in a parked vehicle without adequate ventilation, or in such a way as to subject the animal to extreme temperatures which may adversely affect the animal's health and welfare. It shall be prima facie evidence of an extreme temperature if the outdoor temperature is at least 75 degrees Fahrenheit at the time of the offense.

(d) If reasonable attempts to locate the vehicle owner fail, any law enforcement officer or animal control officer may take action necessary to rescue the confined animal if conditions are hazardous to the health of the animal. The owner, keeper, or person in charge of the animal will be liable for all reasonable and necessary impoundment, boarding and medical fees. No officer or agent taking action under this section shall be liable for damages necessary to rescue the confined animal.

(e) Whoever violates subsection (a) or (b) is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of violating that subsection or a concomitant law, any subsequent violation is a misdemeanor of the third degree.

(f) Whoever violates subsection (c) is guilty of a misdemeanor of the first degree.

618.06 PROHIBITION OF ANIMALS IN THE FURTHERANCE OF CRIMINAL ACTIVITY.

(a) No person shall intentionally, purposely, knowingly, recklessly, or with criminal negligence use an animal in the furtherance of criminal activities. The furtherance of criminal activity includes, but is not limited to: animal fighting, gambling, protection, gang activity, or using an animal as a weapon or threat.

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

(c) Each act in violation of subsection (a) shall constitute a separate offense.

618.07 ANIMAL FIGHTING.

(a) No person shall cause, sponsor, arrange, hold, or encourage any animal to

fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain.

(b) For the purposes of this section, a person encourages an animal to fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain, if the person:

(1) Is knowingly present at or wagers on such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain;

(2) Owns, trains, transports, possesses, breeds, or equips an animal with the intent that such animal will be engaged in such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain;

(3) Knowingly allows any such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain to occur on any property owned or controlled by the person;

(4) Knowingly allows any animal used for such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain to be kept, boarded, housed, or trained on, or transported in, any property owned and controlled by the person;

(5) Knowingly uses any means of communication for the purpose of promoting such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain; or

(6) Knowingly possesses any animal used for fighting, menacing, or injuring for the purpose of sport, amusement, or pecuniary gain; or any device intended to enhance the animal's fighting, menacing or injuring ability for the purpose of sport, amusement, or pecuniary gain.

(c) Each act or omission in violation of subsection (a) shall constitute a separate offense.

(d) Animal Fighting is a misdemeanor of the first degree.

(e) This section does not regulate fighting between dogs as prohibited under the State Code (Ohio Revised Code Chapter 959).

618.08 CERTAIN ANIMALS PROHIBITED.

(a) Ownership of live livestock, poultry, wild animals, or exotic animals is prohibited within the municipality. Ownership of bees and pigeons is permitted, but only subject to regulations promulgated by the Director of Public Safety for the keeping of those animals, which regulations no person shall violate.

(b) Whoever violates subsection (a) is guilty of a misdemeanor of the third degree.

(c) Section (a) does not apply to any of the following: any licensed: animal shelter, zoo, circus, menagerie, humane agency, a licensed veterinary hospital or clinic, a

licensed or accredited research or medical facility, a licensed or accredited educational institution, including museums, a facility licensed as an exhibitor or breeder by the United States Department of Agriculture under the Animal Welfare Act, a person licensed as a wildlife rehabilitator pursuant to Ohio Administrative Code Section 1501:31-25-03, a person temporarily transporting an animal through the City if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent escape, or a person who obtains a permit and/or license from the Director of Public Safety, subject to compliance with the agreement and/or regulations set forth by the Director.

618.09 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) No owner, keeper or harbinger of a dog more than three months of age, shall fail to file an application for registration or pay a registration fee to the County Auditor as required by Ohio R.C. 955.01.

(b) Guide, leader, hearing, or support dogs shall have access to free permanent registration per Ohio R.C. 955.011. Law enforcement canines shall be registered pursuant to Ohio R.C. 955.012.

(c) Subsection (a) shall not apply to dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, nor shall it apply to non-profit animal shelters that keep or harbor a dog more than 3 months of age under Ohio R.C. 955.01.

(d) No owner of a dog, except a dog constantly confined to a registered kennel, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog's failure at any time to wear a valid tag shall be prima-facie evidence of a lack of registration and shall subject that dog to impoundment. The owner will be able to rebut that presumption by proof of registration.

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

618.10 ANIMALS RUNNING AT LARGE; ANIMAL OWNER LIABLE FOR DAMAGE TO PUBLIC OR PRIVATE PROPERTY.

(a) No owner/guardian of any animal, including, but not limited to, dogs and cats, shall permit such an animal to run at large within the City at any time. Any animal shall be deemed running at large when such an animal is not inside a resident structure, secure fence or pen; on a leash and held by a person capable of controlling such animal; or tethered in such a manner as to prevent its getting on the public right-of-way or another's property. This provision shall not apply to dogs being obedience trained by a certified trainer.

(b) The owner, keeper or harbinger of a domestic animal who permit it to run at large in violation of this section shall, in addition to the penalty provided in subsection (g) hereof, the owner of the animal will be liable for all damage or destruction to the owner or occupant of the damaged property for the full value of the damage or destruction.

(c) Any land which is enclosed with invisible fencing must have its boundary no

less than 6 feet from public property. (The public is encouraged, but not required to post signs regarding invisible fencing.)

(d) No person who is the owner or in charge of any dog shall permit such dog to be tethered in a front or side yard.

(e) This section shall not apply to persons operating under the guidelines of a program approved by the Director of Public Safety for providing for the trapping, spaying, or neutering, and releasing of cats and dogs with the purpose of reducing the unwanted stray-animal population in the City.

(f) Whoever violates any provision of this section is guilty of a minor misdemeanor for a first offense. Whoever violates this section in a second or subsequent offense shall be guilty of a misdemeanor of the fourth degree.

618.11 BARKING.

(a) No person shall keep or harbor a domestic 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 dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

(b) No person shall use a device designed to correct dog barking for the purpose of correcting the barking of a dog the person does not own.

(c) Whoever violates any provision of this section is guilty of a minor misdemeanor for a first offense. Whoever violates this section in a second or subsequent offense shall be guilty of a misdemeanor of the fourth degree.

618.12 REMOVAL OF DOG WASTE; DIGGING.

(a) No person shall keep or harbor any domestic animal 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) No owner of any domestic animal shall permit such animal to dig or defecate upon, or otherwise damage or destroy any public or private property that is not the property of the domestic animal's owner, without immediately removing all feces deposited, and disposing of it in a safe and sanitary manner. The owner of a guide, leader or support dog shall be exempt from preventing such animal from defecating or digging on public or private property, as well as any other exceptions applicable under Federal Regulations.

(c) Whoever violates any provision of this section is guilty of a minor misdemeanor for a first offense. Whoever violates this section in a second or subsequent offense shall be guilty of a misdemeanor of the fourth degree.

618.13 FEEDING ANIMALS AND WILDLIFE.

(a) No person shall feed any feral cat in the City.

(b) No person shall feed any wild animal, bird, or other wildlife in the front or side yard.

(c) No person shall feed any wild animal, bird, or other wildlife other than in suitable containers for food elevated at least forty-eight (48) inches above the ground level and of such design and construction as to minimize the potential for food or seed from spilling or dropping to the ground.

(d) After such feeding, such food shall not be allowed to remain where it is accessible to rodents, insects, or other animals.

(e) Such feeding shall be allowed so long as it does not create a nuisance or interfere with another's property. Such nuisance activity shall include but not be limited to excessive animal noise; excessive animal droppings; attraction of animals in a way that burdens neighboring properties; and garbage or debris left where it may attract or provide a nesting area for wildlife.

(f) Upon complaint being made, an animal control officer or police officer is hereby authorized and directed to investigate whether a nuisance exists. If the feeding activity is at such a level to constitute a nuisance, the animal control officer or police officer, shall require the owner of the property in violation of this section to abate the nuisance condition within ten (10) days after being notified thereof.

(g) The provisions of this section shall not apply to a person operating under the guidelines of a program approved by the Director of Public Safety providing for the trapping, spaying, or neutering, and releasing of cats and dogs with the purpose of reducing the unwanted stray-animal population in the City.

(h) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. After the notification in subsection (f) hereof and the expiration of ten (10) days, each day such nuisance continues shall be a separate offense.

618.14 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of a dangerous or vicious dog or 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 reasonable should have discovered the escape, report it to:

(1) A law enforcement officer of the Municipality and the County Sheriff; and

(2) The Clerk of Council.

(b) If the office of the Clerk of Council is closed to the public at the time a report is required by division (a) of this section, then it is sufficient compliance with division (a) (2) of this section 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.

618.15 ANIMALS IN CITY PLAYGROUNDS AND CERTAIN OTHER PARK AREAS.

(a) No domestic animal shall enter any play apparatus in any playground. Dogs are permitted on a leash in parks owned or maintained by the City, providing no owner, keeper or harbinger of a dog shall fail to comply with all provisions in this subsection (a) and all remaining applicable code.

(b) An owner of a domestic animal that violates section (a) is guilty of a minor misdemeanor. If the offender has been previously convicted of violating this section, any subsequent violation is a misdemeanor of the fourth degree.

(c) This section does not apply to guide, leader, hearing, or support dogs in accordance with Federal Regulations.

618.16 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

(a) Any person owning, keeping or harboring a dog or cat over the age of three months shall have such animal currently immunized against rabies by a licensed veterinarian.

(b) All owners or keepers of a dog or cat as described in subsection (a) hereof shall maintain a record of such immunization as provided by the veterinarian. Such persons shall provide said proof of immunization to any animal control officer, Law Enforcement Officer, or any other agency with proper authority so inquiring.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (b) hereof is guilty of a minor misdemeanor.

618.17 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 Cuyahoga County Board of Health within twenty-four hours of the incident. The animal shall then be quarantined under an order of the Cuyahoga County Board of Health for a period of not less than ten days. The animal shall be quarantined by its owner or harbinger, or shall be quarantined in a pound or kennel, if necessary. In all cases, such quarantine shall be under the supervision of the Cuyahoga County Board of Health and shall be at the expense of the owner or harbinger. Quarantine shall continue until the Cuyahoga Board of Health or a veterinarian has observed the animal for clinical signs of rabies. If at any time during the quarantine, the Cuyahoga County Board of Health requires the animal to be examined for symptoms of rabies, then the examination shall be by a licensed veterinarian. The veterinarian shall report the Cuyahoga County Board of Health the conclusions reached as a result of the examination. The examination by a veterinarian shall be at the expense of the owner or harbinger. No animal shall be released from the required quarantine unless and until it has been properly vaccinated against rabies or until proof of a current rabies vaccination has been provided.

No person shall fail to comply with the requirements of this section or with any order of the Cuyahoga County Board of Health, the Director of Public Safety or the animal control officer made pursuant thereto, nor fail to immediately report to

the Cuyahoga County Board of Health and Director of Public Safety any symptoms or behavior suggestive of rabies.

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

618.18 BIRDS.

(a) No person shall intentionally hunt, trap or molest in any manner any bird or wild fowl or rob the nest of any bird or wild fowl.

(b) Whoever violates section (a) is guilty of a misdemeanor of the fourth degree. If the offender has previously been convicted of violating this section, any subsequent violation is a misdemeanor of the third degree.

618.19 EUTHANASIA PROCEDURES.

(a) Unless otherwise authorized by law, sodium pentobarbital and such other agents as may be specifically approved by the rules of the board of veterinary medicine shall be the only methods used for euthanasia of an animal. A lethal solution shall be used in the following order of preference:

(1) Intravenous injection by hypodermic needle;

(2) Intraperitoneal injection by hypodermic needle;

(3) Intracardial injection by hypodermic needle, but only if performed on heavily sedated, anesthetized or comatose animals; or

(4) Solution or powder added to food.

(b) An animal may be tranquilized with an approved and humane substance before euthanasia is performed.

(c) Succinylcholine chloride, curare, curariform mixtures, strychnine, nicotine, chloral hydrate, magnesium or potassium or any substance which acts as a neuromuscular blocking agent, or any chamber which causes a change in body oxygen may not be used on any animal for the purpose of euthanasia.

(d) Euthanasia shall be performed only by a licensed veterinarian, veterinarian medical technician or an employee or agent of a public or private agency, animal shelter or other animal care facility, provided that the veterinarian medical technician, employee or agent has successfully completed a euthanasia-technician certification course. The curriculum for such course must be approved by the board of veterinary medical examiners and must include, at a minimum, knowledge of animal anatomy, behavior and physiology; animal restraint and handling as it pertains to euthanasia; the pharmacology, proper dosages, administration techniques of euthanasia solution, verification of death techniques, laws regulating the storage, security and accountability of euthanasia solutions; euthanasia technician stress management and the proper disposal of euthanized animals.

(e) An animal may not be left unattended between the time euthanasia procedures

are first begun and the time that death occurs, nor may its body be disposed of until a qualified person confirms death.

(f) Notwithstanding the provisions of this section or any other law to the contrary, whenever an emergency situation exists which requires the immediate euthanasia of an injured, dangerous or severely diseased animal, a peace officer, veterinarian, special humane agent, or the designee of such, may humanely destroy the animal.

(g) Any violation of this act is a misdemeanor in the first degree.

(h) Each act or omission in violation of this act shall constitute a separate offense.

618.20 SALE OR TRANSFER OF ANIMALS; GIVING ANIMALS AS PRIZES.

(a) No person shall give away any live vertebrate animal as a prize for, or as an inducement to enter any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer any vertebrate animal as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade. As used herein, "vertebrate animal" means any fish, amphibian, reptile, bird or mammal.

(b) No person shall keep, sell, give away, barter or otherwise dispose of any live animals, fish, fowl or birds in any business establishment or in connection with any commercial business enterprise in the City, other than in connection with a regularly established pet or animal shop or veterinarian hospital, unless a permit shall have been first obtained without cost from the Director of Public Safety, which permit shall be issued if all sanitary regulations, ordinances and laws have been complied with.

(c) It is unlawful for any person to receive with intent to sell or transfer, or sell or transfer directly or through a third party, an animal to a research or educational facility in this Municipality.

(d) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor. If the offender has been previously been convicted of violating that subsection or a concomitant offense, any subsequent violation is a misdemeanor of the fourth degree.

(e) Whoever violates subsection (b) or subsection (c) of this section is guilty of a misdemeanor of the fourth degree. If the offender has been previously been convicted of violating that subsection or a concomitant offense, any subsequent violation is a misdemeanor of the third degree.

618.21 HUNTING, POISONING AND TRAPPING PROHIBITED.

(a) Hunting Prohibited. The hunting of animals or birds within the Municipality is prohibited. No person shall hunt, kill or attempt to kill an animal by the use of firearms, bow hunting, trapping or any other method, except as follows:

(1) The limited hunting of white-tailed deer by crossbow or long bow may be permitted within the City under the following terms and conditions:

- A. The Police Chief or his or her designated representative may, in his or her sole discretion, issue a Municipal Deer Control Permit to a qualified archer applicant;
- B. As a corollary to and following the issuance by the ODNR of its own Deer Damage Control Permit or license to allow only bow-hunting (long bow and crossbow) of white-tailed deer;
- C. In areas of not less than five contiguous acres by a qualified archer, on such forms and subject to such rules and regulations as the Chief may prescribe;
- D. Hunting shall be conducted from an elevated platform only;
- E. Written permission from the property owner(s) has been obtained;
- F. "Qualified archer" shall be defined as an individual having obtained an approval/certification from approved archery proficiency test site, a valid Ohio hunting license, if applicable, and all other state requirements;
- G. Compliance with all laws, rules and regulations of the City and State;
- H. All applicants shall agree, in writing, to defend and indemnify the City for any negligent acts or damages committed by the applicant;
- I. Any other requirements as deemed necessary to preserve and protect the health, safety and welfare of the residents as determined solely by the Chief of Police; and
- J. Chief of Police is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provision of this section and all other rules and regulations necessary to insure public health and safety.

(2) Nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief.

(3) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

(b) Trapping. The trapping of animals or birds within the Municipality is prohibited by all persons except the animal control officer or wildlife removal and control services that resident's privately contract, providing that the wildlife removal and control service shall only use humane methods/traps, where possible, that are not dangerous to the life or limb of animals to be trapped, or any persons who have any possibility of coming into contact with such traps. Any use of firearms is strictly prohibited. Wildlife remove and control services comply with Section 618.19 and keep current records on animals destroyed and are required to produce said records on demand by any Police Officer, Humane Agent, or animal control officer.

(d) Trapshooting. Live birds or fowl shall not be used as targets in trapshooting.

(e) Poisoning. No poisoned meat or any poisonous substance shall be cast into any of the streets, public places, lots or buildings in the City for the purpose of harming, destroying or killing animals. Nuisance rodent traps are excluded.

(f) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of violating this section, any subsequent violation is a misdemeanor of the third degree.

618.22 IMPOUNDING.

(a) Subject to constitution or statutory restrictions governing search and seizure:

(1) The animal control officer shall take up and impound every animal found in violation of any of the provisions of this chapter, in addition to the other applicable penalties for such violation.

(2) The animal control officer may take up and impound any animal found to be creating a serious and imminent risk of physical harm to a person.

(3) If a person is subject to arrest while an animal is in his or her custody, the animal control officer may impound each animal.

(b) Any animal that has been impounded, which creates a serious imminent threat to the health or safety of any person or other animal, or which has been so seriously injured or diseased that reasonable veterinary measures are not expected to return the animal to full health, may be immediately and humanely destroyed by the animal control officer, subject to the specific restrictions of the Ohio Revised Code.

(c) With respect to animals that have been impounded, the animal control officer shall proceed as follows:

(1) If the animal has been licensed or registered and can be so identified, or if the owner, keeper or harbinger of the animal is otherwise known by the animal control officer, the animal control officer shall attempt to contact the owner via telephone call, if possible. If such an attempt is unsuccessful, the animal control officer shall give written notice, by certified mail or in person, to such owner, keeper or harbinger, of his or her right to claim and redeem the animal. Dogs and cats shall be kept for fourteen days from the date of notice.

(2) The animal control officer shall establish a bulletin board at a location upon City property that is available to public inspection during business hours and shall notify the Clerk of Council of its location. If the owner, keeper or harbinger of an impounded dog or cat is not known to the animal control officer, he or she shall post a notice at the designated site, describing the animal and the date, time and place where the animal was seized and advising the unknown owner of the dog or cat for three days.

(3) Any dog or cat, the owner, keeper or harbinger which is not known to the animal control officer will be kept for three days (three working days), exclusive of Saturdays, Sundays, and holidays, from the date of impoundment.

(4) When an animal is impounded, it shall be provided with proper and sufficient water and food.

(d) Animals which have not been claimed and redeemed within the time periods established in subsection (e) hereof may be offered for adoption to any interested person who agrees to enter into an adoption agreement on a first-come, first-serve basis. A person who enters into an adoption agreement may also be subject to forfeiture of the animal for any violation of the agreement or any violations of this chapter.

(e) In order to claim and redeem any impounded animal, the owner, keeper or harbinger thereof shall submit to the animal control officer proof of ownership.

Further, as a condition of release, the owner, keeper or harbinger shall obtain a valid license, if applicable, and pay all fees appurtenant thereto. Finally, as a condition of release, the owner, keeper or harbinger shall pay all fees and costs accrued in connection with the impoundment.

(f) The following fees and costs shall accrue incident to impoundment of animals:

For seizing and impounding an animal: \$25.00

For housing and feeding, per day: \$10.00

For adoption of an impounded animal: \$80.00

For certified mail service of notice: Actual Cost

(g) Fees and costs associated with impoundment shall double with repeat impoundment for violations of this chapter, not to exceed two hundred dollars (\$200.00).

618.23 SLAUGHTERING OR BURYING ANIMALS PROHIBITED IN RESIDENTIAL DISTRICTS; DESTRUCTION OF ANIMALS; DEAD ANIMALS.

(a) As used in this section:

(1) "Animal" shall mean any member of any species of the animal kingdom.

(2) "Animal sacrifice" shall mean the intentional killing or maiming of any animal in a ritual, which killing or maiming is committed not in accordance with State and federal humane slaughter laws and which is not primarily for consumption as food.

(3) "Ritual slaughter" shall mean the preparation and killing of any animal for consumption as food in compliance with the State Kosher Food Law, or any other applicable kosher slaughter statute.

(4) "Slaughter" shall mean the killing of any animal by any person, group, firm or corporation for consumption as food in accordance with State and federal humane slaughter laws.

(b) It shall be unlawful for any person, group, firm or corporation to engage in animal sacrifice.

(c) It shall be unlawful for any person, group, firm or corporation to knowingly sell, give, transfer, or offer to sell, give, transfer or otherwise provide any animal to another person for sacrifice.

(d) Nothing in this section shall be construed to prohibit any person, firm or corporation from lawfully operating under the laws of this State and engaging in the slaughter or ritual slaughter of livestock animals.

(e) No person shall slaughter any animal, for any purpose whatsoever in a residential district, except for pet cemeteries.

(f) No person shall bury or pulverize any animal carcass, flesh, viscera, offal or

any portion of any animal, with the exception of commercial fertilizer and domestic animals, in any residential district.

(g) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree.

(h) No person shall permit any dead domestic animal to remain undisposed of which he or she is in charge or in control.

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

(j) No person other than a duly authorized agent of the animal control shelter may destroy any domestic animal within the city limits; provided, however, this provision shall not apply to the following:

(1) A veterinarian or other authorized agent who is acting in an official capacity and abiding by the "Euthanasia Procedure" or

(2) Those persons who show they were acting in immediate self-protection or in defense of others.

(k) Whoever violates section (i) is guilty of a misdemeanor of the first degree.

618.24 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, 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, while that dog is off the premises of its owner, keeper or harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fence yard other locked enclosure which has a top.

B. "Dangerous dog" does not include a police dog that 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 while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means a dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "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.

(4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a) (4) B. hereof, meets any of the following:

1. Has killed or caused serious injury to any persons;

2. Has caused injury, other than killing or serious injury to any person, or has killed another dog;

B. "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or 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;

2. 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.

(5) "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 criminal activity and who was not using the dog as a means of carrying out such activity.

(b) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, or handler of the dog, no owner, keeper, or harbinger of a dangerous or vicious 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, except that a dangerous dog may, in the alternative, be tied with a leash or a tether so that the dog is adequately restrained;

(2) While that dog is off the premises of the owner, keeper or harbinger, keep that dog in an enclosed vehicle controlled by a person of suitable age and discretion or 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 fence 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 the dog.

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

(d) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that subsection 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, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the animal control officer or the humane society.

(e) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:

(1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden, or the humane agency.

(2) A misdemeanor of the first degree if the dog causes injury other than killing or serious injury, to any person.

(f) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree.

618.25 TEASING OR STRIKING DOGS USED BY POLICE DEPARTMENT.

(a) No person shall maliciously or willfully tease or strike dogs used by the Police Department.

(b) A person commits the offense of teasing or striking dogs used by the Police Department if he willfully and maliciously taunts, torments, teases, beats or strikes any dog used by the Police Department, in the performance of the functions or duties of such Department, or interferes with or meddles with any such dog used by such Department or any member thereof in the performance of the functions or duties of such Department or of such officer or member.

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.

618.26 INJURING OR KILLING DOGS USED BY POLICE DEPARTMENT.

(a) No person shall maliciously or willfully without the consent of the owner injure or kill dogs used by the Police Department.

(b) A person commits the offense of injuring or killing a dog used by the Police Department if he willfully or maliciously tortures, mutilates, injures, or kills any dog used by the Police Department in the performance of the functions or duties of such Department.

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

618.27 HARBORING OF PIGEONS.

(a) **Declaration of Nuisance.** The common pigeon is hereby declared to be a menace to the public health and welfare and a source of damage to persons and property, and shall, therefore, be considered a public nuisance to be disposed of at the discretion of the Department of Public Service.

(b) **Compliance Required.** No person shall harbor or keep any live pigeon within the City. Notwithstanding this prohibition, any person harboring or keeping fancy, utility, high-flying and/or racing domestic breeds of pigeons on the effective date of this section (Ordinance 1987-10, passed February 23, 1987) shall be permitted to harbor or keep such pigeons, but only if such person complies with this section.

(c) **License Required.** No person shall harbor or keep any live domestic breed of pigeon within the City without first obtaining a license therefor from the Director of Public Service. Such license, when issued in the manner hereinafter provided, shall entitle the holder thereof to keep not more than one pair of domestic pigeons per 2.25 square feet of loft space under the terms and conditions set forth in this section.

(d) **License Application.** The Director shall prescribe the form of application, which shall include the name of the applicant, the name of the person to be custodian of the pigeons, the location and type of structure wherein the pigeons are to be kept and any other pertinent information which may be necessary for the enforcement of this section.

(e) **License Renewals.** The Director shall issue a pigeon license for a period of one year. Such license may be renewed annually upon payment of the fee set forth in division (f) of this section. However, a new license shall not be issued as a matter of right to a person whose license has been revoked until he or she has complied with this section and has given the Director satisfactory assurance of future compliance.

(f) **License Fee.** The fee for a domestic pigeon license shall be five dollars (\$5.00) per year, per loft of pigeons. The number of pigeons shall not exceed one pair per 2.25 square feet of loft space.

(g) **Care of Pigeons.** No breeder shall permit lofts to become dirty and/or smelly or allow birds to wander uncontrolled about the neighborhood.

(h) **Revocation of License.**

(1) If any licensee, personally, or any agent or custodian of his or her pigeons, violates any provision of this section, the Director may revoke the license in addition to any fines and forfeitures that may be imposed by any court upon such person for a violation of this Section.

(2) The Director may also revoke any license for any period less than the full one-year period. However, no such license shall be revoked unless the licensee first has a hearing before the Director, at which time any complaint respecting the alleged violation shall be presented. The licensee shall be given at least ten days' notice, in writing, of the time and place of such hearing.

(i) **Appeals.** Any person aggrieved by any order of revocation by the Director may, within 20 days from the issuance of the order of revocation, appeal to the Board of Zoning Appeals. All interested parties shall be notified of the time and place of the hearing at least 48 hours before the time set therefor.

(j) **Maintenance of Homing Pigeons.** No person shall harbor or maintain any homing pigeon except under the following conditions:

(1) No loft, coop or other place for keeping or confining homing pigeons shall be maintained, operated or permitted to exist within a distance of 25 feet from any building used as a residence, garage, playhouse, permanent swimming pool or patio.

(2) No loft, coop or other place for keeping or confining homing pigeons shall be more than 15 feet above the established grade of the premises upon which it is located.

(3) No loft, coop or other place for keeping or confining homing pigeons shall be located in any structure not constructed in accordance with the Zoning and Building Codes of the City.

- (4) All runways in which such pigeons are kept and maintained shall, at all times, be kept clean and free from filth, garbage or any substance which emits a noxious odor or which can attract rats.
- (5) All pigeons shall be fed within the confines of the loft or coop, and all unused food shall be collected promptly and disposed of in a manner as required in division (j)(6) of this section.
- (6) All grain and food stored for the use of such pigeons shall be kept in rat- proof metal containers with tight covers.
- (7) All runways shall be completely enclosed with chicken wire, netting or other equivalent material that will prevent pigeons from escaping the confines of the loft or coop.
- (8) No person shall fly domestic pigeons unless he or she complies with the following rules:
- A. 1. Such person must be a member in good standing of an organized racing homer club, which club has a body of rules that will preserve the peace and tranquility of the neighborhood, such as a local club in the Cleveland center, under American Union (A.U.) or a comparable organization.
 - 2. Birds will not be released or exercised which have been fed that day and not more than 20 birds in one day shall be flown. Young birds in numbers greater than 20 may be flown, provided they do not fly outside the boundaries of the owner's yard.
 - B. 1. Such person must be a member in good standing of an organized high-flying club, which club has a body of rules that will preserve the peace and tranquility of the neighborhood, such as a club organized under the National Pigeon Association (N.P.A.) or a comparable organization.
 - 2. Birds will not be released or exercised which have been fed that day, and not more than 20 birds in one day shall be flown. Young birds in numbers greater than 20 may be flown, provided they do not fly outside the boundaries of the owner's yard.
 - C. The owner or agent will not permit his or her birds to land, set, light or gather on the property of another, be it public or private property.
 - D. The owner or agent will band all his or her flying birds with a brightly colored plastic or metal band. All birds flown together will have the same color band.
 - E. The owner or agent will maintain a log book on the birds, which log book shall contain the following information:
 - 1. Pigeon band number;
 - 2. Pigeon plastic band color;
 - 3. Time out or released;
 - 4. Time bird returned; and
 - 5. Type of domestic pigeon.
 - F. Utility and fancy pigeons shall not be released for exercise outside the loft unless they also comply with the rules for racing and/or high-flying domestic pigeons set forth in this division.
- (9) While a pigeon is flying at large, the owner/guardian must be outdoors to observe the flight of such bird to correct nuisances that may occur or be caused by such pigeon.
- (k) Shooting and Trapping Homing Pigeons. No person, not being the owner thereof, shall shoot, kill, maim or entrap a domestic pigeon if it has the name of the owner stamped upon its wing or tail, or has a band with the owner's name or initials or a number on its leg.
- (l) Definitions. As used in this section:
- (1) "Fancy pigeons" means pigeons that are raised primarily to be shown in competition

during pigeon shows and fairs.

(2) "High-flying pigeons" means pigeons that are raised primarily to be flown in high-flying competition.

(3) "Racing pigeons" means pigeons that are raised primarily to be flown in long distance flying competition (in organized club competition).

(4) "Utility pigeons" means pigeons that are raised primarily for food.

(m) Penalty. Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.

618.28 DOGS WITH BLIND, DEAF OR HEARING IMPAIRED, OR MOBILITY IMPAIRED PERSONS.

(a) When either a blind, deaf or hearing impaired, or mobility impaired person, or a trainer of an assistance dog is accompanied by an assistance dog, the person or the trainer, as applicable, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, and 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 an assistance 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 hearing impaired, or mobility impaired person, or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division (a) of this section, nor charge the person or trainer a fee or charge for the dog.

(c) As used in this section:

(1) "Assistance dog" means a guide dog, hearing dog, or service dog that has been trained by a nonprofit special agency.

(2) "Blind" means either of the following:

A. Vision 20/200 or less in the better eye with proper correction;

B. Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees.

(3) "Guide dog" means a dog that has been trained or is in training to assist a blind person.

(4) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.

(5) "Institutions of education" means:

A. Any state university or college as defined in Ohio R.C. 3345.32;

B. Any private college or university that holds a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713;

C. Any elementary or secondary school operated by a board of education;

D. Any chartered or nonchartered nonpublic elementary or secondary school;

or

E. Any school issued a certificate of registration by the State Board of Career Colleges and Schools.

(6) "Mobility impaired person" means any person, regardless of age, who is subject to a

physiological defect or deficiency regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. "Mobility impaired person" includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function, and also includes a person with a seizure disorder and a person who is diagnosed with autism.

(7) "Service dog" means a dog that has been trained or is in training to assist a mobility impaired person.

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

618.28 BEEKEEPING.

(a) The keeping or harboring of bees, including but not limited to honey bees and bumble bees, shall be limited to a maximum of two hives on a minimum lot size of 6,000 square feet, and no more than four hives on a one-half acre lot, in a residential zone only. For purposes of this division only, "lot size" shall include sidewalk areas, tree lawns or any other areas behind the street curb-line within the public right-of-way which fronts upon the property which shall harbor the bees.

(b) A beehive must be kept a minimum of five feet from property lines, and the bees' flight pattern must be directed away from a neighbor's entrances and lines of traffic.

(c) A water source must be provided on the premises, placed a minimum of five feet from the property line.

(d) Neglected bees, as determined by the County Inspector, are prohibited.

(e) The failure to remove, or authorize the removal of, any natural or man-made hive or nest, or other living quarters for bees, (including but not limited to honey bees and bumble bees), wasps, yellow jackets and hornets, within three days after notice is served by the Building Commissioner upon the owner/guardian and/or occupant, shall be prima facie evidence that bees (including but not limited to honey bees and bumble bees), wasps, yellow jackets and hornets, are being kept or harbored on the premises by such owner/guardian and/or occupant.

(f) Whoever violates this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

618.99 PENALTY.

(EDITOR'S NOTE: See section 101.99 for penalties applicable to any misdemeanor classification.)