505.08 NUISANCE CONDITIONS PROHIBITED.

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505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

(1) “Animal rescue for dogs”, has the same meaning as in Ohio R.C. 956.01.

(2) “Boarding kennel” has the same meaning as in Ohio R.C. 956.01.

(3) “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. The term does not include livestock or any wild animal.

(4) “Cruelty”, “torment” and “torture” have the same meaning as in Ohio R.C. 1717.01.

(5) “Dog kennel” means an animal rescue for dogs, a boarding kennel or a training kennel.

(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. §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) “Practice of veterinary medicine” has the same meaning as in Ohio R.C. 4741.01.

(8) “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.

(9) “Wild animal” has the same meaning as in Ohio R.C. 1531.01.

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

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

(1) Torture, torment or commit an act or cruelty against the companion animal;

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

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(d) No person who confines or who is the custodian or caretaker of a companion animal shall recklessly 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.

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

(1) 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.

(f) Subsections (b), (c), (d) and (e) 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.

(g) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this section to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this section. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this section, the county humane society shall use the fine moneys either to provide the training that is required for humane society agents under Ohio R.C. 1717.061 or to provide additional training for humane society agents.
(ORC 959.131)

(h) (1) Whoever violates subsection (b) or (d) 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 (e) hereof is guilty of a misdemeanor of the first degree.

(4) A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person’s ownership or care. The court also may prohibit or place limitations on the person’s ability to own or care for any companion animals for a specified or indefinite period of time.

B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the

agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section has 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) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

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

505.09 UNREASONABLE ANIMAL NOISE PROHIBITED.

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

(c) Whoever violates subsection (a) or (b) hereof is guilty of a minor misdemeanor.

(d) Any individual previously found guilty of two violations of this section who is subsequently found guilty of a violation of this section within one year of the previous violations of this section shall be guilty of a fourth degree misdemeanor.

(Ord. 39-11. Passed 9-13-11.)

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 harborer, 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 harborer. 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 harborer. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health

Commissioner any symptoms or behavior suggestive of rabies.

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

505.11 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

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

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

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than three. 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.

505.121 OWNING OF POULTRY AND FOWL

(a) No person, business, entity or firm shall own, harbor or keep more than six (6) birds classified as poultry, fowl, game fowl or waterfowl, including, but not limited to chickens, ducks, geese, turkeys, pheasants, hens, quail, partridges, pigeons, etc. within any residential or business district of the City of Sheffield Lake.

(b) No person, business, entity or firm shall own, harbor or keep a rooster or other crowing bird capable of creating unreasonable animal noise within any residential or business district of the City of Sheffield Lake.

(c) No person, business, entity or firm shall own, harbor or keep large birds such as ostriches, emus or peacocks within any residential or business district of the City of Sheffield Lake.

(d) Any person, business, entity or firm owning, harboring or keeping six (6) or less birds as defined above within a residential or business district of the City of Sheffield Lake shall provide for a "run" of at least 10 square feet per bird, at least one (1) nest for every three (3) birds and a proper enclosure, hutch or coop for the housing of such birds which shall be approved by the Sheffield Lake Building Inspector and shall in no event be less than one (1) square foot in size per bird, and which shall be at least twelve (12) inches off of the ground.

(e) The enclosure described at subsection (d) of this section shall be considered an accessory building as defined at section 1151.06 of this Code and shall comply with all requirements for accessory buildings as set forth therein. Such enclosures shall be located in the rear yard only and shall be located not closer than five (5) feet from the rear property line and not closer than ten (10) eet from either side property line.

(f) All persons, businesses, entities or firms owning, harboring or keeping poultry or fowl within any district of the City of Sheffield Lake shall comply with all provisions of Chapter 1395 of the Codified Ordinances and shall in no event permit such activity from becoming unreasonable or offensive in appearance, smell or sound.

(g) Whoever violates or fails to comply with any provision of this section is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars ($150.00) for each violation. A separate violation shall be deemed committed for each day of failure by any person or entity to comply with any of the provisions of this section.

(Ord. 51-19. Passed 9-24-19.)

505.13 HINDERING CAPTURE OF UNLICENSED DOG.

(a) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unlicensed dog or making an examination of a dog wearing a tag. (ORC 955.24)

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

505.14 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY.

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

(Ord. 3-74. Passed 1-8-74.)

505.15 KEEPING OF DANGEROUS ANIMALS.

(a) No person, association, partnership, organization, corporation or other entity shall keep, own, harbor, maintain or have in his possession or control within the City any dangerous animal unless such dangerous animal is properly caged and/or housed to prevent its escape and/or injury to human life or property.

(b) Before any dangerous animal is brought into the City, the person so bringing the animal shall procure personal injury and property damage liability insurance with a reputable insurance carrier and have evidence of the same posted with the City by filing with the Safety Director or his designate. The liability insurance shall be in the amount of five hundred thousand dollars ($500,000) and shall contain a provision of commitment from the insurer that the City will be notified if the coverage is cancelled or the amount of coverage decreased.

(c) Before any dangerous animal is brought into the City, the person shall construct a cage or other structure to confine the animal intended to be located within the City limits.

(1) The proposed construction must comply with all existing Federal, State and local ordinances, and permits must be presented to the City’s Building Division before such construction may begin.

(2) Dangerous mammals shall require the construction of living quarters with a minimum of 10,000 square feet, enclosed by eight foot high link fence, including the top of cage, and a concrete floor to which the chain link fence must be embedded on all sides. Another eight foot chain link fence of similar design for additional security shall surround the first enclosure and be placed four feet from each side. All access gates shall be locked at all times with a padlock or other locking device requiring a key to open to ensure no unauthorized persons shall be able to enter.

(3) Inside shelters shall be large enough to comfortably house and protect the animal(s) from the elements. If the shelter is to house more than one such animal, it shall be built as a continuous enclosed shelter.

(4) The construction of living quarters for dangerous mammals herein described shall be permitted only on lots zoned commercial.

(5) Dangerous reptiles, fowls, small dangerous mammals poisonous or venomous biting or injecting species of amphibian or arachnid must have a continuous type enclosure of proper material to prevent escape and of adequate size to comfortably house such animal. Honeybees are expressly excluded from this section.

(6) Hoofed farm animals are permitted on lots with a minimum of one acre.

(d) Dangerous animals may not be kept in a building used for commercial purposes when more than one tenant is in the building. Pet shops and/or veterinarian facilities are herein exempt from this subsection.

(e) An inspection fee of fifty dollars ($50.00) shall be paid to the Building Inspector when the Building Division is contracted to inspect the cage, pen or other housing, as required by this

section. In addition, an annual inspection fee of twenty-five dollars ($25.00) shall be paid to the City, through the Building Inspector on or before January 5, of each calendar year.

(f) Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal on premises in the City and if it is found that such owner is not in compliance with provisions of this section, the Director of Public Safety shall forthwith cause the matter to be investigated and if after investigation, the facts indicate that such person named in the compliant is in fact the owner or is owner or is keeping or harboring any such dangerous animal in the City, he shall forthwith send written notice to such person, requiring such person to safely remove the animal from the City within three days of the date of such notice. Notice as herein provided shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, or has escaped and is at large in which case the Director of Public Safety shall cause the animal to be immediately seized and impounded.

(g) (1) The Director of Public Safety shall forthwith cause to be seized and impounded any dangerous animal where the person owning, keeping or harboring such animal has failed to comply with the notice sent pursuant to subsection (f) hereof. Upon seizure and impoundment, the animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals.

(2) If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons are authorized to subdue the animal by means of tranquilizers or other safe drugs or if that is not safety possible, then such animal may be killed.

(h) Any reasonable costs incurred by the Director of Public Safety in seizing, impounding and confining any dangerous or wild animal, pursuant to the provisions of subsection (g), shall be charged against the owner, keeper or harborer of such animal and shall be collected by the Director of Law.

(i) This section shall not apply to any keeping of dangerous animals in a bona fide licensed veterinary hospital for treatment, bona fide educational or medical institution, museum or any other place where the animals are kept as live or studied; circus, carnival, zoo or other event for entertainment, which is authorized by law by the proper and responsible officials of the City, provided that proper bond or insurance be posted, to indemnify those who may be injured or killed by dangerous animals. The type and amount of such bond or insurance shall be determined by the Director of Public Safety and Director of Law, except where otherwise provided by ordinance.

(j) No person shall keep or harbor any dog over the age of six months in the City unless such dog has been inoculated against rabies by a licensed veterinarian.

(1) No license shall be issued for any dog over the age of six months unless the applicant for such license presents proof that the dog has been inoculated for rabies.

(2) Every owner or person in custody of any dog kept in the City shall have the dog inoculated against rabies at least once every three years, and no license shall be issued for any dog, unless the applicant exhibits a certificate by a veterinarian showing compliance with the provisions of this section. Dogs temporarily boarded in county licensed kennels are exempt from the provisions of this section.

(k) Every animal shelter, pen, kennel, housing or place, shall be kept in a sanitary condition and shall be free and clear from decaying food and filth of any kind. They shall be cleaned and disinfected on a regular schedule and shall be kept in a sanitary condition satisfactory to the Safety Director or his designate who shall have the right to cause an inspection of the premises to be made from time to time.

(l) For the purposes of the enforcement of this section, the Safety Director or his designate or other municipal official in charge of enforcing this section, shall use as facility cleanliness and animal care standards the standards of the USDA-APHIS United States Department of Agriculture, Animal and Plant Health Inspection Service.

(m) No person in charge of any animal shall fail, refuse or neglect to provide such animal with food, potable water, shade or shelter or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

(n) The owner or harborer of any animal requiring veterinarian, impounding, licensing, destruction or disposition services as a result of any violation of this section shall be responsible for all such expenses.

(o) The owner, keeper or harborer of any domestic animal which has caused physical harm to a human shall be required to carry liability insurance in the minimum amount of twenty- five thousand dollars ($25,000) after the second such occurrence.

(Ord. 67-84. Passed 7-10-84.)

(p) Definitions. For purposes of this section, “dangerous animal” means and includes any wild animal, reptile, fowl, poisonous or venomous biting or injecting species of amphibian, arachnid or insect, (expressly excluding honeybees), which is not naturally tame or gentle but is of a wild nature or possesses other characteristics which would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. The term “dangerous animal” also means and includes any domestic mammal, reptile or fowl which, because of its size or vicious propensity or other characteristics would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. Small dangerous mammals, for purposes of this section means those dangerous mammals whose adult weight does not exceed twenty pounds. “Dangerous animal” does not include a vicious dog as defined by Section 505.18 of the Code.

(Ord. 23-06. Passed 3-14-06.)

(q) Whoever violates any provision of this section is guilty of a minor misdemeanor. Each day the violation continues shall be treated as a separate offense. If a person has been previously convicted of a violation of this section, the subsequent violation shall constitute a misdemeanor of the first degree.

(Ord. 67-84. Passed 7-10-84.)

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Detected legislative history

- Ordinances of Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- ORDS
- orderly Conduct and Peace Disturbance
- amended by the “Animal Welfare Act of 1970", Pub
- amended
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- Ord. 51-19
- Ord. 3-74

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- Ord. 23-06
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