

505.18 OWNING,
HARBORING AND CARING
FOR VICIOUS DOGS; FEE.

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Codified Ordinances of Sheffield Lake, OH

CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO

CERTIFICATION

ROSTER OF OFFICIALS

ADOPTING ORDINANCE NO. 116-84

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OH

Sheffield Lake

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CHAPTER 505 Animals and Fowl

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 complaint 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 harbinger 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 harbinger 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 harbinger 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.)

505.16 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

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

(1) A law enforcement officer of the Municipality and the sheriff of the county where the

escape occurred; and

(2) The Clerk of the Municipal Legislative Authority.

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

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

(ORC 2927.21)

505.17 REMOVAL OF DOG FECES.

(a) No person shall allow a dog owned by or under the control of such person to be upon any public or private property absent the consent of the owner or occupant of the property without said owner or an agent of the owner of such dog being present with the dog and further such owner or agent of the owner of such dog shall have with him a device designed and intended for the removal of any of such dog's feces that may be deposited upon such public or private property.

(b) No owner or agent of an owner of such dog, as referred to in subsection (a), shall fail to remove any feces deposited by any dog under his or her control, as described and set forth in subsection (a) hereof, immediately upon the depositing of such feces by any such dog.

(c) This section will not apply to guide dogs under the control of a disabled person as under the Americans with Disability Act.

(d) Any individual, corporation or other entity violating this section shall be guilty of a minor misdemeanor.

(Ord. 03-98. Passed 2-24-98.)

505.18 OWNING, HARBORING AND CARING FOR VICIOUS DOGS; FEE.

(a) No person, corporation or entity owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person, corporation or other entity.

(b) No person, corporation or entity owning or harboring or having the care of a vicious dog shall suffer or permit such dog to be beyond the premises of such person, corporation or other entity unless such dog is securely leashed and muzzled.

(c) Definitions.

(1) A vicious dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in subsection (a) hereof. If such pen or structure does not have a top, the sides shall extend to a height of six feet above ground. If the pen or structure has no bottom secured to the side, the sides must be embedded in the ground no less than two feet. The fence must be made of adequate material to restrain the dog.

(2) A "vicious dog" means a dog that, without provocation, meets any of the following:

A. Has killed or caused injury to any person;

B. Has killed another domestic animal.

C. Belongs to a breed of dogs known as a "Pit Bull Terrier" or "American Pit Bull Terrier" and/or commonly referred to as a "Pit Bull" dog. The ownership, keeping, or harboring of such a breed shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog.

(3) "Vicious dog" does not include either:

A. A police dog that has killed or caused injury or serious injury to any person while that police dog is being used to assist a law enforcement officer in the performance of his official duties;

B. A dog that has killed or caused injury or serious injury to any person while a person was

committing or attempting to commit a criminal trespass or other crime of violence on the property of the owner of the dog.

(4) "Provocation" means that a dog was teased, tormented or abused by a person, or that the dog was coming to the aid or defense of a person, or that the dog was coming to the aid or defense of a person who was not engaged in illegal activity, and whose person or property was in imminent danger of physical harm.

(5) "Police dog" means a dog that has been trained, and may be used, to assist a law enforcement officer in the performance of his official duties.

(6) "Owner" means any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog or the parents or guardian of a minor owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a dog.

(d) Subsections (a) and (b) hereof are necessary controls on the unrestrained activity of vicious dogs which threaten the safety of the streets, parks, sidewalks, yards and all areas of the City; and lack of knowledge or lack of interest is not a defense to a violation thereof.

(e) Inspection Upon Complaint of Vicious Dog. Whenever the Police Department is made aware of the presence of a dangerous or vicious dog within the City, the Animal Control Officer; or, in the event of an absence or vacancy in the position of Animal Control Officer, the Chief of Police, shall promptly inspect or cause an inspection to be made of the premises on which it is alleged that such animal is being kept.

(f) Determination of Vicious Dog. The Animal Control Officer, or the Chief of Police as set forth at paragraph (e) of this section, shall determine that a dog is vicious pursuant to this chapter upon proof by a preponderance of the evidence of any of the following:

(1) Without provocation, the dog has killed or caused physical harm to any person;

(2) Without provocation, the dog has killed any domestic animal;

(3) Belongs to a breed of dog known as a "Pit Bull Terrier" or "American Pit Bull Terrier" and commonly referred to as a "Pit Bull" dog.

(g) If the person authorized to make the determination as set forth at paragraphs (e) and (f) of this section has reasonable cause to believe that a dog in the City of Sheffield Lake is a vicious dog, the person shall notify the owner, keeper, or harbinger of that dog, by certified mail or in person, of both of the following:

(1) That the person has designated the dog as a vicious dog;

(2) That the owner, keeper, or harbinger of the dog may request a hearing regarding the designation in accordance with this section. The notice shall include instructions for filing a request for a hearing in the Lorain Municipal Court.

(h) If the owner, keeper, or harbinger of the dog disagrees with the designation of the dog as a vicious dog, the owner, keeper, or harbinger, not later than ten days after receiving notification of the designation, may request a hearing regarding the determination. The request for a hearing shall be in writing and shall be filed with the Lorain Municipal Court. At the hearing, the person who designated the dog as a vicious dog has the burden of proving, by clear and convincing evidence, that the dog is a vicious dog.

(i) If a dog is finally determined under this section to be a vicious dog, the provisions of this section regarding the confinement of vicious dogs, as well as Section 505.19 regarding Registration and Insurance for Vicious Dogs shall apply.

(j) Notification and Seizure of Vicious Dog. If the Animal Control Officer, or the Chief of Police as set forth at paragraph (e) of this section, determines that a vicious dog is unconfined within the City, he or she shall immediately seize the animal and shall confine the animal at the City Kennel,

or some other suitable place of confinement at his or her discretion.

(k) Penalty. Whoever violates subsections (a) and/or (b) hereof shall be guilty of failure to confine a vicious dog a misdemeanor of the first degree. In addition, any vicious dog which attacks a human being or another domestic animal may be ordered destroyed when, in the Court's judgment, such vicious dog represents a continuing threat of serious harm to human beings or other animals. Any person found guilty of violating this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animals or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(Ord. 64-17. Passed 10-10-17.)

505.19 REGISTRATION AND INSURANCE FOR VICIOUS DOGS.

(a) Registration of Vicious Dogs. Any person, corporation or other entity having the custody, ownership, or control of any vicious dog as defined in Section 505.18 , must do the following:

(1) Register such dog with the City Police Department on a form to be provided by the City. Said form shall require the following information: name, address, and telephone number of the dog's owner; the address where such dog is harbored, if different from the owner's address; the dog's sex and color; rabies certificate and tag number (license) and other distinguishing physical characteristics of the dog, two color photos of the dog, as well as proof of public liability insurance as required by the State for such registration. The City Police Department must be notified within seventy-two hours, in the event the dog should become deceased, sold, or donated.

(2) The registration and photo submission required by subsection (a) hereof shall be made annually by the person so required and such registration shall be made each year not less than thirty days from the date of the initial registration. Annual notification of the dog's status is required. The fee for registration shall be fifty dollars (\$50.00) per year, for each person required to register any dog irrespective of the number of dogs registered by such person.

(b) Insurance for Vicious Dogs. No owner of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance to 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 to property or bodily injury to or death of a person caused by the vicious dog.

(c) Penalty. Whoever violates the provisions of subsection (a) shall be guilty of a misdemeanor of the third degree. Whoever violates the provisions of subsection (b) shall be guilty of a misdemeanor of the fourth degree. Each day that a violation of this section occurs shall be considered to be a separate offense.

(Ord. 24-06. Passed 3-14-06.)

505.20 NUMBER OF DOGS AND CATS RESTRICTED.

(a) No individual, corporation, partnership, or other entity shall keep or maintain or allow to be kept or to be maintained more than four dogs or cats which are more than four months old at any one location (i.e., parcel of land and/or residence) located in any Residential, B-1 or B-2 zoned area of the City of Sheffield Lake, Ohio.

(b) Whoever violates any provision of this section shall be guilty of a minor misdemeanor. Each day during which any violation exists shall constitute a separate violation.

(Ord. 28-19. Passed 6-25-19.)

505.21 RIGHTS OF BLIND, DEAF OR HEARING IMPAIRED, OR MOBILITY IMPAIRED PERSON, OR TRAINER WITH ASSISTANCE DOG.

(a) When either a blind, deaf or hearing impaired, or mobility impaired person, or a training of

an assistance dog is accompanied by an assistance dog, the person or 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; and
- (2) The dog shall be leashed 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 training of an assistance dog who is accompanied by an assistance dog, of any of the advantages, facilities or privileges provided in subsection (a) of this section, nor charge the person or training a fee or charge for the dog.

(ORC 955.43(A), (B))

(c) As used in this section:

(1) "Assistance dog" means a dog that has been trained by a nonprofit or for-profit special agency and that is one of the following:

- A. A guide dog;
- B. A hearing dog;
- C. A service dog.

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

- A. Vision 20/20 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 twenty 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) "Person with a mobility impairment" means any person, regardless of age, who is subject to a physiological impairment 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. The phrase 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. The phrase 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 person with a

mobility impairment.

(ORC 955.011(B), 955.43(C))

(d) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree. (ORC 955.99(D))

505.99 PENALTY.

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

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