

505.19 REGISTRATION AND INSURANCE FOR VICIOUS DOGS.

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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

Codified Ordinances of Sheffield Lake, OH

505.19 REGISTRATION AND INSURANCE FOR VICIOUS DOGS.

CHAPTER 505 Animals and Fowl

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 office 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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