

CHAPTER 505
Animals and Fowl

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CROSS REFERENCES

See sectional histories for similar State law
 Owner or keeper liable for damages - see Ohio R.C. 951.10
 Dog registration - see Ohio R.C. 955.01
 Discharging firearms prohibited - see GEN. OFF. 549.11

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of cattle, sheep, geese, ducks, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another.

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

(c) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section. (ORC 951.02)

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 955.99(A))

505.02 IMPOUNDING AND DISPOSITION; RECORDS.

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

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

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

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

505.031 CATS; TAGS REQUIRED.

(a) Whenever a cat belonging to a City resident is outside the dwelling of its owner, it shall wear an identification tag, which shall be affixed to a collar or similar device.

(b) The identification tag required by subsection (a) hereof shall have clearly inscribed thereon the name, address and telephone number of the owner of the cat.

(c) No owner of a cat shall fail to require the cat to wear, whenever the cat is outside the dwelling of such owner, the identification tag required by subsection (a) hereof. A cat's failure, at such time, to wear the required identification tag shall be prima-facie evidence of lack of such tag.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 78-92. Passed 8-17-92.)

505.04 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
(ORC 959.99)

505.05 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity, or to trespassing animals as set forth in Ohio R.C. 959.04.
(ORC 959.02)

(b) Except as otherwise provided herein, whoever violates this section is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (ORC 959.99)

505.06 POISONING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another. This section does not apply to trespassing animals as set forth in Ohio R.C. 959.04.
(ORC 959.03)

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

505.061 TRESPASSING ANIMALS.

Sections 505.05 and 505.06 do not extend to a person killing or injuring an animal or attempting to do so while endeavoring to prevent it from trespassing upon his enclosure, or while it is so trespassing, or while driving it away from his premises; provided within fifteen days thereafter, payment is made for damages done to such animal by such killing or injuring, less the actual amount of damage done by such animal while so trespassing, or a sufficient sum of money is deposited with the Judge of the Sylvania Municipal Court within such time to cover such damages. Such deposit shall remain in the custody of such Judge until there is a determination of the damages resulting from such killing or injury and from such trespass. Such Judge and his bondsmen shall be responsible for the safekeeping of such money and for the payment thereof as for money collected upon a judgment. (Ord. 79-92. Passed 8-17-92.)

505.07 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall:

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

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

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

505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

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

(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, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;
- (2) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment in any of those specified manners.

- (d) Subsections (b) and (c) of this section do not apply to any of the following:
- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
 - (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
 - (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
 - (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
 - (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.
(ORC 959.131)
- (e)
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.
 - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
 - (3)
 - 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.

- (4) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

505.08 NUISANCE CONDITIONS PROHIBITED.

(a) 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 NOISY ANIMALS OR FOWL.

(a) As used in this section:

- (1) "Animals" means any and all types of animals both domesticated and wild, male and female, singular and plural.
- (2) "Fowl" means any and all fowl, domesticated and wild, male and female, singular and plural.

(b) No person shall keep or harbor any animals or fowl which howl or bark or emit audible sounds which are unreasonably loud or disturbing and which are of such character, intensity and duration as to disturb the peace and quiet of reasonable persons of common sensibilities.

(c) Whoever violates any provision of this section is guilty of a minor misdemeanor. (Ord. 66-91. Passed 7-15-91.)

505.10 RABIES IMMUNIZATION REQUIRED.

(a) Any person who owns, keeps or harbors a dog or cat within the City limits shall keep such dog or cat immunized or reimmunized against rabies, by a method listed in the U.S. Department of Health, Education and Welfare Center for Disease Control Animal Rabies Compendium, or any other method approved by the Health Commissioner, so that the dog or cat is continually protected against contracting rabies. Provided, however, dogs or cats need not be immunized before reaching the age of three months.

(b) Dogs or cats entering the City temporarily for dog or cat shows, exhibition and/or breeding purposes shall not be allowed out of the owner's, keeper's or handler's control, unless properly immunized, and all dogs or cats entering this jurisdiction for field trials or hunting purposes, or any other purpose, shall be properly immunized. All such immunized dogs and cats shall be accompanied by an immunization certificate supplied by the veterinarian who immunized the dog or cat.

(c) All veterinarians immunizing or reimmunizing dogs or cats against rabies shall keep a record of such immunization or reimmunization and shall, at the time of such immunizing or reimmunizing give the owner, keeper or harbinger, of the animal a certificate of immunization which shall include a number identifying the individual record, a complete description of the animal, the place where the animal is kept or harbored, the name and address of the owner, keeper or harbinger of the animal, date and type of immunization or of reimmunization and such other pertinent information as needed, along with the signature and typed name and address of the veterinarian. The veterinarian shall forward a copy of the certificate to the Health Commissioner within thirty days of its issuance. The Health Commissioner shall then forward a copy thereof to the Lucas County Dog Warden.

(d) The certificate described in subsection (c) hereof shall be made on multiple-copy forms certified by the Health Commissioner.

(e) Nothing in this section shall be interpreted to mean that dogs or cats immunized or reimmunized shall be allowed to run at large in violation of any rabies quarantine, law, ordinance or regulation.

(f) All veterinarians who immunize or reimmunize a dog against rabies shall provide a tag approved by the Health Commissioner, which shall have thereon permanently affixed the year of immunization or reimmunization and the number indicating the record prescribed in subsection (c) hereof. Such tag shall be securely fastened to the collar and/or harness worn by the dog.

(g) No veterinarian or person who owns, keeps or harbors a dog or cat shall be required to provide or obtain a certificate for a rabies immunization or reimmunization administered before the date this section takes effect. However, the provisions of this section shall be complied with at the time of reimmunization thereafter or the time the current immunization or reimmunization loses its effectiveness, whichever is earlier.

(h) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. Each day's violation shall constitute a separate offense.
(Ord. 65-91. Passed 7-15-91.)

505.11 DEFECATION REMOVAL REQUIRED.

(a) The feces deposited by the defecation of any animal upon any public land, street or right of way or upon the land of any private property owner other than that of the owner of the animal or the person in charge thereof, creates an unsanitary and unhealthy condition and is hereby declared to be a nuisance.

(b) No person being the owner or in charge of any animal shall permit such animal to defecate upon any public land, street, or right of way or upon the land of any private property owner within the City.

(c) Where the owner or person in charge or control of such animal immediately, and before taking such animal from the area where the defecation occurred, cleans the area and removes the feces and disposes of it in a sanitary manner in a proper receptacle, the nuisance shall be considered abated.

(d) The accumulation of defecation upon any property where animals are kept creates an unsanitary and unhealthy condition and is hereby declared to be a nuisance.

(e) No person being the owner or person in charge of any animal shall permit the accumulation of defecation upon the property where the animal is kept. The owners or person in charge of the animal shall maintain the property where the animal is kept in a clean and sanitary condition by the regular removal of the defecation of such animal in a proper sealed sanitary receptacle.

- (f) Whoever violates this section is guilty of one of the following:
- (1) Except as otherwise provided in this subsection (f) hereof, a minor misdemeanor;
 - (2) If, within one year of the offense, the offender has been previously convicted of or pleaded guilty to two violations of this Code for which no other penalty is provided or of any provision of the Ohio Revised Code or of a municipal ordinance that is substantially similar to any such provision of this Code, a misdemeanor of the fourth degree.
(Ord. 54-99. Passed 5-17-99.)

505.12 HUNTING PROHIBITED.

- (a) As used in this section:
- (1) "Person" means any individual, company, partnership, corporation or association or any combination of individuals, or any employee, agent or officer thereof.
 - (2) "Game birds" includes pheasants, quail, ruffed grouse, sharp tail grouse, Hungarian partridge, woodcock, ducks, geese and brant.
 - (3) "Game quadrupeds" includes hares or rabbits, raccoon, gray squirrels, black squirrels, fox squirrels, red squirrels, ground hogs or woodchucks, deer and bear.
 - (4) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at or wounding game birds or game quadrupeds while employing a device commonly used to kill or wound game birds or game quadrupeds, including guns and bow and arrow, whether such acts result in such killing or wounding or not. It includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound game birds and game quadrupeds.
- (b) No person shall hunt any game bird or game quadruped within the limits of the City.
- (c) Nothing in this section shall prevent the running of or training of hunting dogs when accompanied by the owner or trainer of such dog or dogs so long as such owner or trainer does not have in his possession any device commonly used to kill or wound game birds or game quadrupeds including guns and bow and arrow.
- (d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Ord. 54-99. Passed 5-17-99.)

505.13 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 six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(ORC 925.62)

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

505.14 HORSES.

(a) As used in this section, "horse" includes pony, donkey and all other equine animals.

(b) No person shall raise, harbor or keep any horse or other animal, or any number thereof, within the corporate limits of the City without first having applied for and obtained a permit from the Director of Public Service to raise, harbor or keep such animal or animals. Such application shall be accompanied by a fee of twenty-five dollars (\$25.00) for each location for registration and annual inspection by the Director of Public Service and the County Board of Health. Upon satisfactory completion of inspection and examination, a permit, shall be issued for that calendar year. Application for each succeeding annual permit shall be made no later than May 1 for each calendar year upon such form as shall be adopted by the Director of Public Service.

(c) No person, being the owner or having charge of any horse or horses, shall permit such animal to run at large on any lot, street, lane, alley, commons or other public ground within the City.

(d) No person, being the owner or having charge of any horse or horses, while riding or leading such horse or horses along the streets of the City shall allow the same to go upon any of the sidewalks or in any way to impede the free use of the sidewalks within the City.

(e) No person shall stable, keep, harbor or maintain any horse, or any number thereof within 100 feet of any dwelling or residence within the corporate limits of the City.

(f) Whoever violates any provision of this Code is guilty of a minor misdemeanor. (Ord. 54-99. Passed 5-17-99.)

505.99 PENALTY.

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

