

**Mayfield Village Citizens Advisory Committee**

**Meeting Minutes**

**February 27, 2023**

The Citizens Advisory Committee met on Monday, February 27, 2023 at 7:00 p.m. at the Mayfield Village Civic Center.

**Present:** Mary Salomon Lorry Nadeau  
Marilyn LaRiche-Goldstein Peter Gall  
Patti Ferris Katie Parker

**Absent:** Bob Haycox Sara Calo  
Mark Granakis Joanna McNally  
Rosemarie Fabrizio Sandy Batcheller

**Also Present:** Jennifer Jurcisek, Council Representative  
Stephen Schutt, Council Alternate  
Brenda Bodnar, Mayor  
Robert and Kelly Gessner, Residents  
Maureen Washock, Resident  
Diane Wolgamuth, Director of Administration

**Approval of Minutes**

In the absence of Chair Bob Haycox, Lorry Nadeau opened the meeting. She asked if there were any changes to the meeting minutes from January 30, 2023, previously provided for review. There were none and the minutes were approved.

**Review of Changes to Codified Ordinance Chapter 505 – Animals & Fowl**

Mrs. Nadeau introduced Katie Weber from the Village’s Law Department, and thanked her for coming to the meeting. Mayor Bodnar provided some background about the reason for the changes to the Animals & Fowl ordinance. She stated that Mrs. LaRiche-Goldstein had brought up issues with dogs about a year ago and then she had a neighbor whose dog was attacked by another dog. Mayor Bodnar stated that this issue was concerning to her and she asked the Law Department to take a look at increasing the penalties contained in the ordinance when a dog injures a person or another animal. “I am a true dog lover, but I believe people need to be responsible for their pets.” Mayor Bodnar stated that she took a look at the law in this area and advised that pets are treated like chattels or personal property. She does not believe they are the same as a vase, in that you cannot just go out and get another one. Most people develop a close friendship with their pets so it is very upsetting if they are attacked by another animal.

Ms. Weber advised that a draft of the revised Chapter 505 had been previously distributed for review (a copy is attached to these minutes). She described that the original ordinance was enacted in 1984 and there have not been many changes made to it since 2013. State Code made changes at that time providing for the classification of dogs when they

injure someone. These changes were incorporated into the code, but did not work well with the remaining portions. The entire chapter has been reworked to make it more readable and understandable. Additional protections above what is required by State law have also been incorporated. Mrs. Nadeau commented that she felt Ms. Weber's efforts were successful and that the new version is very readable.

Mrs. Weber reviewed each section of the new Chapter with the Committee. She noted that Section 505.08, Failure to Control, included some of the bigger changes. It contains an escalation for bad behavior, giving police officers the ability to escalate enforcement. Subparagraph (g) allows for civil actions and the Village has added language to allow for treble damages in a civil action.

Mrs. LaRiche-Goldstein commented that certain dog breeds scare her to death and described that her neighbor's dog "almost took a chunk out of her husband's arm." She stated that she does not care about damages and thinks that some dogs need to be enclosed in a fenced yard and not permitted to get loose. She believes the ordinance should have stricter rules for controlling dogs and keeping them in the yard.

Ms. Weber responded that we are almost to the section that deals with that issue. The focus of the new chapter is to put the onus of the dog's behavior on the owner. Section 505.09 deals with dogs getting loose or being at large. If they get loose multiple times, there are penalties for the owner. Section 505.10 deals with dangerous and vicious dogs and includes requirements regarding locked pens, fenced yards, muzzles, etc.

Mayor Bodnar added that a dog becomes classified as dangerous after three violations of being at large. She advised that residents should report dogs that they see running loose and added that the Village has some amount of home rules but is constrained by state law.

Mrs. LaRiche-Goldstein asked if a person could use mace on a dog that was attacking them. The Committee discussed various scenarios and what a person could do if being attacked by a dog. Ultimately, Ms. Weber advised that there is nothing in the ordinance that regulates what a person can do to defend themselves against a dog attack.

The Committee discussed chicken coops and the ordinance requirement that they be placed 200 feet away from any dwelling. Mr. Gall asked if any number of chickens constitutes a coop, and Ms. Weber responded that it did.

Mrs. Juncisek asked about service animals. Ms. Weber advised that federal law trumps local ordinances and service animals are covered in the ADA. She added that if a service animal bit or hurt someone, this chapter would apply. Mayor Bodnar commented that federal law restricts what documentation can be asked for regarding a service animal. Ms. Weber agreed and stated that the law distinguishes between service and emotional support animals. A license can be requested for a service animal, but an inquiry cannot be made about the underlying disability.

Mrs. Ferris asked if the Village has any upcoming plans to cull deer. She stated that deer are constantly at her bird feeders. Ms. Wolgamuth advised that the Village continues to monitor the deer population but has no plan to cull deer. She will forward the minutes from the CAC meeting where the animal warden came to speak on the subject and advised that animal warden's strongest recommendation was for residents to stop using bird feeders. Mayor Bodnar added that the Metroparks cull deer every spring which helps keep the Village's deer population down.

Mrs. Ferris asked if there is any attempt to regulate cats. Ms. Weber responded that there is currently no limit on the number of cats permitted. There is a three-dog maximum. She added that the nuisance condition language would apply to cats or dogs. Mr. Gall commented that cats decimate the bird population. Ms. Weber stated that the chapter is still in draft form and she will continue to tweak it before sending it to Council for approval.

Mrs. Nadeau thanked Ms. Weber for the review and reiterated that the new version is very readable. "Now we have to make sure people know." Ms. Wolgamuth advised that information on the new ordinance would be included in an upcoming issue of the *Voice of the Village*.

### **Council Report**

Mrs. Juncisek provided the following report:

- Sandy Batcheller asked about autism kits for the police at the last meeting. Chief Matias advises that they do have them and officers are regularly trained.
- Ron Wynne presented the 2023 budget.
- The St. Jude tickets for the Montebello house sold in 83 minutes. Tours start in the summer and the drawing is in August. She believes this is great for the Village.
- Repairs are almost complete and the Community Room is still expected to reopen at the end of March.
- The Easter Egg Hunt and the Mother's Day Pancake Breakfast are coming up. There are also several more upcoming concerts in Reserve Hall.

### **Other Matters**

Ms. Wolgamuth advised that there are two projects about to begin that residents would likely notice:

- At SOM and Thornapple, Dominion is relocating a utility vault from the east side of SOM to Village-owned property on the west side, behind Smokin'Q's. One lane of SOM will be closed in that area while work is being done.
- Near the trail underpass on Highland Road, the State of Ohio plans to plug an orphan well that is on Village property. Ms. Wolgamuth advised that it originally seemed like a small project, but we have been advised that large equipment will be needed to do the work. A notice to area residents has been mailed and the trail will be closed in that area for the duration of the work.

Mrs. Nadeau commented that she feels CVS needs to be updated. She reported her concerns to 1-800-SHOPCVS. She told them the store is in need of a facelift and encouraged other members to call as well. Mrs. LaRiche-Goldstein commented that the store seems to be very short-staffed. Mrs. Nadeau stated that it would be very inconvenient for many if the store closed as they fill many prescriptions.

Mayor Bodnar commented that she continues to have questions about recycling. Many times, she is not sure if something is accepted for recycling and would like to get answers to specific questions. She asked if members had specific questions and, if so, that they send them to Diane Wolgamuth. We will reach out to Kimble and/or the Solid Waste District and try to get specific answers.

Regarding the earlier question about deer, Mr. Schutt advised that Ward 4 Councilman, George Williams, has held many meetings to discuss deer. Part of the problem is that deer cover many miles in a day and are constantly moving. Mr. Schutt added that the Village had an infrared survey done not long ago. Ms. Wolgamuth pulled up the survey results on the Village's website and advised that, based on the study data taken in 2021, Mayfield Village had an average of 15 to 20 deer per square mile with 36% of them located west of I-271 in the SW corner of Village (the Worton Park area). By comparison, deer count results in surrounding communities were much higher--South Euclid had 28 deer per square mile, Highland Heights had 53.2 deer per square mile and Lyndhurst 72.7 deer per square mile. She advised that the Village continues to monitor deer-car crashes and the number of dead deer removed by the animal warden. Additional information can be found on the Village's website at: <https://www.mayfieldvillage.com/residents/urban-wildlife/deer-management>

There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Diane Wolgamuth  
Director of Administration

## CHAPTER 505 – ANIMALS & FOWL

### 505.01 DEFINITIONS.

(a) "Owner" means any person, firm, association or corporation owning, keeping, harboring, handling or having charge of any animal or fowl.

(b) "Animal" means a dog, cat, caged bird, hamster, gerbil, fish or other animal commonly considered domestic, including potbellied pigs, but excluding lions, tigers, panthers or other animals considered exotic. In addition, farm animals and fowl shall be defined as follows:

(i) "Farm Animal" means any farm animal, other than an Animal, including but not limited to a horse, mule, cow, pig, goat, sheep, alpaca, and llama.

(ii) "Fowl" means any goose, turkey, duck, chicken and other similar type of animal. (Fowl does not include a rooster which is prohibited under Section 505.14(e) of this Chapter).

(c) "Police dog" means a dog that has been trained and is being used to assist one or more law enforcement officers in the performance of their official duties.

(d) "At large" means either of the following:

(1) An animal that is off the premises of the owner and not under the control of the owner by a leash, cord, chain or other device of restraint; or

(2) An animal that is on the premises of the owner and outside the perimeter of an enclosed area, electronically fenced area or building while not under the control of the owner or not restrained by a leash, cord, chain, electronic fence or similar device of restraint.

(e) "Menacing fashion" describes an animal behaving in a way that would cause a reasonable person being chased or approached to believe that the animal is likely to cause physical injury to that person or another.

(f) "Without provocation" means an animal acts despite not being teased, tormented or abused by a person.

(g) "Serious injury" means any of the following:

(1) Any physical harm that carries a substantial risk of death;

(2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary substantial incapacity;

(3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement; or

(4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(h) "Nuisance dog" means a dog that is not a police dog which, without provocation and while at large, has chased or approached a person in a menacing fashion or has attempted to bite or otherwise endanger any person or animal or has been the subject of a third or subsequent violation of Section 505.08 and as is further defined under Section 505.08(c) or (d).

(i) "Dangerous dog" means a dog that is not a police dog which, without provocation, has done any of the following:

(1) Caused injury, other than killing or causing serious injury, to any person;

- (2) Seriously injured or killed another dog or animal; or
- (3) Been the subject of a third or subsequent violation of 505.09 (At Large); or
- (4) As defined under 505.08(e).

(j) "Vicious dog" means a dog that is not a police dog which, without provocation, has killed or caused serious injury to any person. "Vicious dog" does not include a dog that has killed or caused serious injury to any person while that person was committing or attempting to commit a trespass or other criminal offense on the property of the owner of the dog.

#### **505.02 DOG LICENSE AND REGISTRATION REQUIRED.**

All dogs kept, harbored or maintained by their owners in the Municipality shall be licensed and registered in accordance with the laws of the State, if over three (3) months of age.

#### **505.03 ANIMAL WARDEN.**

(a) Office Established. The part-time position of Animal Warden is established within the Department of Public Service. In the alternative, the Municipality may staff this position under a contract with an appropriate individual or entity.

(b) Appointment. The Animal Warden shall be appointed by the Mayor, subject to approval by a majority of the members elected to Council, to serve for a term of three (3) years. If the position is filled by contract, the individual or entity shall be selected by the Mayor, subject to the approval by a majority of the members elected to Council, to serve for the term of the contract.

(c) Compensation. The compensation of the Animal Warden shall be determined by the Council from time-to-time. If the position is filled by contract, the compensation shall be as determined by Council pursuant to the terms of the contract.

(d) Powers and Duties. It shall be the duty of the Animal Warden to enforce the provisions of this chapter and the laws of the State relative to the licensing, impounding, boarding and disposition of animals within the Municipality. The Animal Warden shall have complete police power to enforce the provisions of this chapter and the laws of the State and to make arrests for any violations thereof. In addition, any police officer or other officer of this Municipality, charged with the responsibility of enforcing the ordinances of this Municipality and the laws of the State shall have concurrent responsibility.

(e) If the Animal Warden is a part-time position in the Public Service Department, the Animal Warden shall be provided with a badge designating his office and authority and such other uniforms, vehicles and equipment necessary to carry out his or her duties. If the position is filled by contract, the Animal Warden shall be required to obtain his or her own badge and such other uniforms, vehicles and equipment necessary to carry out his or her duties.

#### **505.04 ANIMAL SHELTER.**

The Animal Warden whether part-time or filled by contract shall provide or have access to a suitable place, either within or without the corporate limits of the Municipality, for the keeping of impounded animals in a humane manner, and the making of proper provision for the feeding and caring of such animals.

#### **505.05 IMPOUNDING ANIMALS.**

(a) It shall be the duty of the Animal Warden or any police officer to apprehend any animal, including any dog, found at large and to impound or cause to be impounded such animal in the animal shelter or other suitable place.

The Animal Warden, upon receiving any animal, shall make a complete registry, entering as applicable the breed, color and sex of such animal and whether licensed. If licensed, the Animal Warden shall enter the name and address of the owner and the number of the license tag.

(b) As soon as is possible, but in no event later than two (2) days after the impounding of any animal, the owner shall be notified, or if the owner of the animal is unknown, notice shall be posted for three (3) days on the Municipality's website describing the animal and the time and place of taking. The owner of any animal so impounded may reclaim such animal upon presentation of a license or proof of a license and upon the payment an impounding fee. If the animal was unlicensed or untagged, the owner will have to provide identifying information or other proof of ownership.

(c) Animals which have been seized by the Animal Warden and impounded shall be kept, housed and fed for three (3) days. At the expiration of such time, unless previously redeemed by the owner thereof, such animal shall be surrendered to the Cuyahoga County Animal Shelter.

(d) A record of all animals impounded, the disposition of same, the owner's name and address, if known, and a statement of impounding fees and costs assessed against such owner shall be kept by the Animal Warden and a copy thereof shall be furnished to the Director of Finance together with all moneys received as a result of such impounding fees and costs.

#### **505.06 QUARANTINE OF ANIMALS.**

(a) Whenever it is established that any dog or other animal has bitten any person, or shows signs of being infected with rabies, the owner of such animal, upon order of the Animal Warden or Chief of Police, shall quarantine such animal in the Cuyahoga County Animal Shelter or in a veterinarian's kennels for a period of ten (10) days from date of such order, at the cost and expense of the owner of such animal.

(b) In the event that the owner of such animal fails to comply with the order provided for in subsection (a) hereof, within six (6) hours after such order has been issued and served upon such owner, the Animal Warden or any police officer of the Municipality may take such animal into custody and place the same in quarantine at the expense of the owner.

#### **505.07 DAMAGING PROPERTY; HEALTH NUISANCE.**

(a) No person who is the owner of an animal shall permit such animal to damage, destroy or deface any publicly owned property or the premises of another, or permit such animal to urinate or defecate thereon.

(b) No person shall throw or deposit or permit to be thrown or deposited any animal defecation in any street, lane, alley, tree lawn or sidewalk or other public ground or place within the Municipality.

(c) No person shall cause or knowingly permit a nuisance by keeping or harboring any animal in the Municipality so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance.

(d) No person, being an owner, tenant, agent, occupant, or person in control of any property, shall cause or knowingly permit a nuisance by providing food for feeding any stray dog, cat or other wildlife, including but not limited to skunks, deer or coyotes.

(e) Whoever violates any provision of this section shall be guilty of a minor misdemeanor.

#### **505.08 FAILURE TO CONTROL.**

(a) No owner or person in charge or control of a dog, or owner or person in charge of a premises on which a dog is located, shall fail to control a dog within the Municipality.

(b) For the purposes of this section, each of the following constitutes an instance of failure to control:

(1) A dog which unreasonably and without provocation causes any unreasonable annoyance, alarm or a noise disturbance to any person or neighborhood by barking, whining, screeching, howling, or other like sounds which may be heard beyond the boundary of the owner's property;

(2) A dog which scratches or digs in, or defecates upon, any lawn, tree, shrub, plant, or any other public or private property, other than the property of the dog's owner or the property of a person in charge or control of the dog, unless the owner or person in control of the dog takes immediate action to repair any damage or remove any waste;

(3) A dog which otherwise causes damages to any public or private property other than the property of a person in charge or control of the dog;

(4) A dog, without provocation, while at large, has chased or approached a person in a menacing fashion or has attempted to bite or otherwise endangers a person or animal; or

(5) A dog, without provocation, that bites or otherwise inflicts injury to a person or that bites or otherwise inflicts serious injury or has killed another dog or animal.

(6) A dog, without provocation, has killed or caused serious injury to any person.

(c) Whoever violates section (a) resulting from an instance under (b)(1-3) of this section is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on a second and third offense. On the third offense the dog shall be considered a nuisance dog.

(d) Whoever violates section (a) resulting from an instance under (b)(4) of this section shall be considered a nuisance dog and is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the second degree on a second and subsequent offenses.

(e) Whoever violates section (a) resulting from an instance under (b)(5) of this section shall be considered a dangerous dog and is guilty of a misdemeanor of the first degree.

(f) Whoever violates section (a) resulting from an instance under (b)(6) of this section shall be considered a vicious dog and is guilty of a misdemeanor of the first degrees if a serious injury results and felony of the fourth degree if a dog, without provocation kills any person and shall be prosecuted under appropriate State law. (O.R.C. 955.99(H)(1)(a)).

(g) In addition to the penalties provided herein, and any other rights provided by law, in any civil action to recover damages against the owner of any dog who has violated section (b)(5) or (6) above, the injured party may recover three times the amount of the actual economic damages, as economic loss may be defined in Ohio R.C. 2315.18(A)(2).

#### **505.09 AT LARGE.**

(a) No person being the owner of or having charge of any dog or any other animal shall permit such animal to run at large or to run upon the premises of another without the permission of such other person.

(b) No person being the owner of or having charge of any dog shall permit such dog to go beyond the premises of such owner at any time when the dog is in heat, unless such dog is properly restrained by a leash, cord, chain or similar device. The owner of any dog in heat shall at all times keep such dog either confined upon the premises of the owner or under reasonable control of some person.



(c) An at large animal in or upon any of the places mentioned in this section is *prima facie* evidence that it is an at large animal in violation of this section.

(d) Whoever violates any provision of this section is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense and shall be fined, in accordance with Section 501.99.

(e) If a violation of any provision of this section hereof involves a **nuisance dog**, upon a third violation involving the same dog, the court shall require the offender to register the dog as a dangerous dog and be subject to a fine in accordance with Section 501.99.

(f) Notwithstanding the forgoing penalties, if an animal or person is seriously injured by a dog or other animal without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. Additionally, the court shall order the owner to personally supervise the animal, to complete dog or other obedience training within a specified period of time, and require the owner to comply with any applicable provisions of Section 505.10(a) and Section 505.11.

(g) In addition to the penalties provided herein, in any civil action to recover damages against the owner of any dog who has violated section (f) above, the injured party may recover three times the amount of the actual economic damages, as economic loss may be defined in Ohio R.C. 2315.18(A)(2).

#### **505.10 DANGEROUS AND VICIOUS DOGS.**

(a) No owner of a **dangerous or vicious** dog shall fail to do either of the following:

(1) While the dog is **on** the premises of the owner, securely confine it at all times in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

(2) While the dog is **off** the premises of the owner, keep it on a chain-link leash or tether that is not more than six feet in length, controlled by a person who is of suitable age and discretion or securely attach, tie or affix the lease or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and additionally do at least one of the following: (A) Keep that dog in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top; or (B) Muzzle the dog.

(b) If a violation of subsection (a)(1) or (2) hereof involves a **dangerous or vicious dog**, and **does not result** in the serious injury or killing of a person or animal, then, 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. In addition to this penalty and the penalty provided in Section 501.99, the court may order the owner to personally supervise the dog, and/or to cause the dog to complete dog obedience training.

(c) If a violation of subsection (a)(1) or (2) hereof involves a **dangerous or vicious dog**, and **does result** in serious injury or killing of a person or animal, then, whoever violates that subsection is guilty of one of the following:

(1) A felony of the fourth degree if the dog causes serious injury or kills a person and punishment shall be as provided in Ohio R.C. 2929.11. Additionally, the court shall order that the dangerous dog be humanely destroyed by a licensed veterinarian, the County Dog Warden or the County Humane Society at the owner's expense.

(2) A misdemeanor of the first degree if the dog causes serious injury to or kills an animal. Prosecution for the misdemeanor shall be under this section and punishment shall be as provided in Section 501.99. Additionally, the court may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden or the County Humane Society at the owner's expense.

(3) A misdemeanor of the second degree if the dog causes injury, other than killing or serious injury, to any person or any animal. Punishment shall be as provided in Section 501.99.

(d) In addition to the penalties provided herein, in any civil action to recover damages against the owner of any dog who has violated sections (c)(1), (c)(2) or (c)(3) above, the injured party may recover three times the amount of the actual economic damages, as economic loss may be defined in Ohio R.C. 2315.18(A)(2).

**505.11 LIABILITY INSURANCE REQUIRED.**

No owner of a **dangerous** or **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 two hundred thousand dollars (\$200,000) because of damage or bodily injury to or death of a person caused by the dangerous or vicious dog. Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 501.99.

**505.12 MAXIMUM NUMBER OF DOGS PERMITTED IN DWELLING.**

(a) No person shall own, harbor, or have the care or control of more than three (3) dogs, except puppies not over six (6) months old, in any single-family dwelling or in any separate suite in a two-family dwelling or multi-family dwelling within the Municipality. The terms "dwelling" and "suite" as used in this section include the lot or parcel of land on which the house or building is located and all accessory and out buildings located on such lot or parcel.

(b) Whoever violates any provision of this section shall be guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense. Each day during which a violation of this section exists shall constitute a separate offense.

**505.13 DOG RUNS.**

Any dog run or similar construction built in order to comply with any provisions of this chapter shall comply with all of the following:

(a) It shall be at least three (3) feet from any property line.

(b) It shall have walls or a fenced perimeter at least six (6) feet high.

(c) It shall not be constructed so as to include any perimeter fence on the property as one or more of its walls or sides.

(d) It shall remain free of defecation and may include the installation of an underground tank for such purpose.

(e) All reasonable efforts shall be expended by the owner of the animal to minimize offensive odors and to maintain the dog run in a sanitary condition.

**505.14 KEEPING FARM ANIMALS NEAR DWELLINGS.**

(a) No person shall own, raise, harbor or keep any fowl or farm animal within the Municipality so as to cause a nuisance condition as described in Section 505.07, or as otherwise prohibited by this Chapter.

(b) No person shall be permitted to own, keep, harbor or maintain any horses, mules, cattle or any animal other than an animal as defined in Section 505.01(b) on his or her property if such property is less than two (2) acres. If the property is two (2) acres or larger then, in order to maintain such farm animals, the owner shall construct on the premises, a corral or enclosure for such animals which shall be at least ten (10) feet from any property line and at least two hundred (200) feet from the dwelling, other main building on the premises or any dwelling on any adjacent property.

(c) The owner shall furthermore construct a barn or shed to house such farm animals which barn or shed shall be totally within the corral or enclosure referred to herein above. The floor of such barn or shed shall include channeling to dispose of animal urine by underground piping to an approved sanitary sewer or other approved sanitary disposal facility approved by the Board of Health of Cuyahoga County. The owner shall furthermore be responsible for bagging and disposing of all manure on a daily basis.

(d) There shall be provided a minimum grazing area of one (1) acre for a horse, mule or cow plus an additional 10,000 square feet of grazing for each additional such farm animal.

(e) In regard to chickens, no person shall harbor or maintain rooster(s) on his or her property. In order to harbor or maintain hens on the property, the owner shall construct a chicken coop on the premises for such animals which shall be at least ten (10) feet from any property line and at least one hundred (100) feet from any dwelling on any adjacent property.

**505.15 ABANDONING ANIMALS PROHIBITED.**

No person shall abandon an animal within the Municipality.

**505.16 KILLING OR INJURING ANIMALS PROHIBITED.**

(a) No person shall maliciously or willfully kill or injure an animal that is their property or the property of another. This section does not apply to a licensed veterinarian acting in his professional capacity.

(b) No person shall maliciously or willfully administer poison to an animal that is their property or the property of another, and no person shall maliciously or willfully place any poisoned food where it may be easily found and eaten by any animal, either upon his own land or the lands of another. This section does not apply to a licensed veterinarian acting in his professional capacity.

**505.17 CRUELTY TO ANIMALS PROHIBITED.**

No person shall overwork, overdrive, overload or 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 or water. No person shall carry or convey an animal in a cruel or inhuman manner or keep animals in an enclosure without wholesome exercise and change of air, or feed animals food that is adulterated or unwholesome, or work or abandon to die an old, maimed, sick, infirm or diseased animal.

**505.18 COLORING OF RABBITS OR BABY POULTRY PROHIBITED.**

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 baby 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.

**505.19 HUNTING AND TRAPPING PROHIBITED.**

The hunting of animals or fowl within the Municipality is hereby prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means.

**505.20 BIRD SANCTUARY.**

The entire corporate area of the Municipality is hereby designated as a bird sanctuary. No person shall trap or molest in any manner any bird or wild fowl or rob the nest of any bird or wild fowl.

**505.21 ANIMALS PROHIBITED IN FOOD STORES.**

No person shall take any animal into any store in the Municipality where food products are kept for sale unless otherwise permitted under law.

**505.99 PENALTY.**

Whoever violates any provision of this chapter for which a penalty is not otherwise provided shall be guilty of a misdemeanor of the second degree.