

CHAPTER 618
City of Independence: Animals

- [618.01](#) Dangerous or vicious dogs/control of dogs and other animals.
- [618.011](#) **Animals running at large.**
- [618.02](#) Abandoning animals.
- [618.03](#) Killing or injuring animals.
- [618.04](#) Poisoning animals.
- [618.05](#) Cruelty to animals; animal care standards.
- [618.051](#) Cruelty to companion animals.
- [618.06](#) Coloring rabbits and baby poultry; sale or display of poultry.
- [618.07](#) Animal fights.
- [618.08](#) Annual registration of dogs required.
- [618.09](#) Hindering capture of unregistered dog.
- [618.10](#) Unlawful tags.
- [618.11](#) Animal bites; quarantine and reporting.
- [618.12](#) Dogs with blind, deaf or mobility impaired persons.
- [618.13](#) Nuisance conditions/activities prohibited.
- [618.14](#) Barking or howling dogs.
- [618.15](#) Hunting prohibited.
- [618.151](#) **Non-firearm deer hunting exception.**
- [618.16](#) Animal owner liable for damage to property.
- [618.17](#) Impounding and disposition; records. (Repealed)
- [618.18](#) Maximum number of dogs permitted.
- [618.19](#) Animal Control Officer.
- [618.20](#) Reporting escapes.
- [618.21](#) Wild or dangerous animals.
- [618.22](#) Assaulting police dog or horse or an assistance dog.
- [618.23](#) Rabies vaccination of animals required.
- [618.24](#) Feeding of wild life and stray animals prohibited.

CROSS REFERENCES

See section histories for similar State law

Power to restrain and impound animals - see Ohio R.C. 715.23

Driving animals upon roadway - see TRAF. [303.04](#), [303.05](#)

Definitions generally - see GEN. OFF. [606.01](#)

Offensive odors from places where animals are kept or fed - see GEN. OFF. [660.04](#)

Burning of animal excrement and feathers - see GEN. OFF. [660.03](#)

618.01 DANGEROUS OR VICIOUS DOGS/CONTROL OF DOGS AND OTHER ANIMALS.

(a) As used in this section:

(1) "Dangerous dog" means a dog that, without provocation, has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

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

(4) "Vicious dog" means a dog that, without provocation and subject to subsection (a)(5) of this section, meets any of the following:

A. Has killed or caused serious injury to any person; or

B. Has caused injury, other than killing or serious injury, to any person, or has killed another dog.

(5) "Vicious dog" does not include either of the following:

A. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

B. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog;

C. "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

D. "Serious injury" means personal injury which results in death, dismemberment, significant disfigurement, a fracture, or loss, or permanent consequential limitation of use of body, organ or member.

(b) Any person owning, keeping, possessing, maintaining, or having the care, custody, or control of a dangerous or vicious dog shall:

(1) Register the dog with the Police Department annually, starting January 2nd but no later than January 31st, and whenever a dangerous or vicious dog is newly domiciled in the City or becomes designated as a dangerous or vicious dog.

(2) Provide, at the time of registration:

A. Proof of bond as required by subsection (c) or (d) of this section;

B. A unique identifying code number tattooed on the dog or stored in a microchip implanted in the dog; and

C. Two color photographs of the whole dog.

(3) Post on the premises in a conspicuous place a sign, visible and capable of being read at all times from the public highway or street which shall read "Dangerous/Vicious Dog on Premises". The City will provide the sign upon registration.

(c) No owner of a dangerous dog shall fail to obtain a bond with a licensed bonding company authorized to issue bonds in this State providing liability coverage of not less than one hundred thousand dollars (\$100,000.00).

(d) No owner of a vicious dog shall fail to obtain an additional bond with a licensed bonding company authorized to issue bonds in this State providing liability coverage of not less than two hundred thousand dollars (\$200,000.00).

(e) No owner, keeper, or harbinger 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, keeper, or harbinger, securely confine it at all times in a locked pen that has a top, locked fenced yard, or other locked enclosure that 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, keeper, or harbinger, keep that dog on a chain-link

leash or tether not more than six feet in length and appropriate for the dog's size, weight and strength, and the leash controlled by a person of suitable age and discretion or securely affixed to the ground or a stationary object so that the dog is adequately restrained, and station a person close enough to the dog to prevent it from causing injury to any other person, except that a vicious dog must also be securely muzzled and fitted with a proper collar that will prevent the dog from slipping out of it or breaking through it.

(f) No owner, keeper or harbinger of a dangerous or vicious dog shall:

(1) Keep a dog on its premises if the dog has been declared vicious or dangerous in another jurisdiction without notifying the City of Independence's Animal Control Department of this previous determination.

(2) If a dog is determined to be vicious or dangerous by another jurisdiction as a result of the dog's behavior in said jurisdiction, the owner, keeper, or harbinger must comply with subsections (a) - (k) of this section.

(g) Whoever violates subsection (b) of this section is guilty of a minor misdemeanor, except that if the violation involves a vicious dog, the offender is guilty of a misdemeanor of the fourth degree.

(h) Whoever violates subsection (c) of this section is guilty of a misdemeanor of the third degree.

(i) Whoever violates subsection (d) of this section is guilty of a misdemeanor of the second degree.

(j) As used in this section, "offense" includes:

(1) If a violation of subsection (e) involves a dangerous dog, but does not involve death or injury to a person, the offender is guilty of a minor misdemeanor on a first offense, and of a misdemeanor of the fourth degree on each subsequent offense.

(2) The offender shall be guilty of a misdemeanor of the fourth degree on a first offense in which the dangerous dog causes injury other than killing or serious injury to any person, and of a misdemeanor of the third degree on each subsequent offense. Additionally, upon any repeat offense, the court may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(3) The offender shall be guilty of a misdemeanor of the third degree for a first offense in which the dangerous dog kills or seriously injures a person, and of a misdemeanor of the second degree on each subsequent offense. Additionally, the court shall order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(4) If a violation of subsection (f) involves a dangerous dog, but does not involve death or injury to a person, the offender is guilty of a minor misdemeanor on a first offense, and of a misdemeanor of the fourth degree on each subsequent offense.

(k) As used in this section, "offense" includes:

(1) If a violation of subsection (e) involves a vicious dog, but does not involve death or injury to a person, the offender is guilty of a misdemeanor of the fourth degree for a first offense, and of a misdemeanor of the third degree on each subsequent offense.

(2) If a violation of subsection (e) involves a vicious dog, in which the dog causes injury other than killing or serious injury to any person, the offender is guilty of a misdemeanor of the second degree, and of a misdemeanor of the first degree on each subsequent offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(3) If a violation of subsection (e) involves a vicious dog resulting in death or serious injury to a person, the offender shall be subject to the penalties set forth in R.C. §955.99, or similar statute in effect at the time of the violation.

(4) If a violation of subsection (f) involves a vicious dog, but does not involve death or injury to a person, the offender is guilty of a minor misdemeanor on a first offense, and of a misdemeanor of the fourth degree on each subsequent offense.

(Ord. 2016-69. Passed 8-11-16.)

618.011 ANIMALS RUNNING AT LARGE.

(a) No owner or person who has charge or control of any dog, cat or other animal shall permit the animal to run at large in the public road, highway, street, lane, or alley, or upon unenclosed land, or permit them to go upon any private yard, lot, or enclosure without the consent of the owner of the yard, lot or enclosure. All dogs, cats or other animals shall remain restrained on all public lands and in all public places. The length of a leash shall be no longer than that which is reasonably necessary to maintain control of the animal and to prevent the animal from trespassing on private property, or from chasing or attacking any person, animal or vehicle.

(b) No person, firm or corporation shall cause animals to be herded, kept or detained for the purpose of grazing on premises other than those owned or occupied by the owner or keeper thereof.

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

(d) Whoever violates the provisions of this section is guilty of a misdemeanor of the fourth degree.

(e) The owner or keeper of an animal described herein who permits it to run at large in violation of this section, is liable for all damages caused by such animal upon the premises of another without reference to the fence which may enclose such premises.

(Ord. 2009-39. Passed 11-10-09.)

618.02 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. Punishment shall be as provided in Section [698.02.](#)

(Ord. 1976-40. Passed 8-10-76.)

618.03 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, kill or injure any animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity.

(ORC 959.02)

(b) 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 less than three hundred dollars (\$300.00). 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. Punishment shall be as provided in Section [698.02](#). (ORC 959.99(B))

618.04 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 any 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 children or any of such animals, either upon his own lands or the lands of another.

(ORC 959.03; Ord. 1970-70. Passed 12-8-70.)

(b) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section [698.02](#).

(ORC 959.99(C))

618.05 CRUELTY TO ANIMALS; ANIMAL CARE STANDARDS.

(a) No person shall torture any animal, or unnecessarily or cruelly beat, cause suffering, needlessly mutilate or kill an animal.

(b) Certain Animal Care Standards have been established to protect animals against abuse or neglect:

(1) Proper food. All animals shall be provided with wholesome, and appropriated food which is free from contamination and is of adequate nutritive value and in sufficient quantity to maintain good health. All food receptacles shall be kept clean and sanitary. Receptacles shall be used to store food and shall be kept securely covered. The owner/custodian shall ensure that each animal receives sufficient food.

(2) Proper water. All animals shall have available clean and fresh drinkable water. Animals which are being worked or transported shall be provided water as often as necessary for their health and comfort. All water receptacles shall be kept clean and sanitary, be of appropriate design and size for the animal, and be positioned or affixed to prevent spillage.

(3) Proper space.

A. Animals shall be able to stand to their full height, stretch out, turn around, and lie down in areas which are both clean and sanitary, and which allow for a free flow of fresh air.

B. Animals shall be allowed to exercise and have the freedom of movement as necessary to reduce stress and maintain good physical condition. Said space shall be kept free of standing water, mud, accumulated waste and debris.

C. Dogs and cats shall not be caged except for transport, temporary confinement or as prescribed by a veterinarian. Dogs and cats kept in cages for the aforementioned reasons shall be removed and exercised so as to maintain proper health. Cats shall be provided with litter pans and litter material which shall be changed as necessary to prevent odor and accumulation of urine and fecal matter.

D. Small caged animals and rodents, rats and mice, shall be maintained in cages that are of a size sufficient to permit burrowing or nesting, and which allows necessary space for the animal to exercise.

E. Dogs maintained in a pen shall be socially compatible and no more than 4 compatible dogs shall be housed within a single pen. The minimum pen sizes shall be in accordance with the following minimum standards.

<u>Number of Dogs</u>	<u>Small Breed</u>	<u>Medium Breed</u>	<u>Large Breed</u>
	<u>Up to 25 lbs.</u>	<u>25 - 50 lbs.</u>	<u>over 50 lbs.</u>
1	3 x 7 21 sq. ft.	6 x 10 60 sq. ft.	8 x 10 80 sq. ft.
2	4 x 8 32 sq. ft.	8 x 10 80 sq. ft.	8 x 12 90 sq. ft.
3	5 x 9 45 sq. ft.	8 x 12 96 sq. ft.	10 x 14 140 sq. ft.
4	8 x 10 80 sq. ft.	10 x 12 120 sq. ft.	12 x 16 192 sq. ft.

F. Dogs continuously maintained on a restrictive chain, rope or other kind or tether shall be deemed to be improperly confined. Tethering may be acceptable in certain cases where adequate daily socialization and exercise off the tether has been afforded and verified. If a dog is confined on a tether, excepting periods of time that are brief and incidental, the tether shall be at least 15 feet in length and positioned to prevent tangling and hanging. The tether must be of proper weight for the size of the dog to be tethered and to allow for the provisions set forth in this section. Logging claims are strictly prohibited for any dog. The tethered dog shall wear a properly fitted harness or buckle type collar and be released from the tether at least twice daily and maintained under control of the owner/custodian for adequate exercise. No animal shall be tethered unless under the supervision of a custodian capable of handling the animal. Collars, harnesses and halters shall be properly fitted and maintained in good condition to prevent discomfort or injury.

(4) Proper light. Animals shall have such exposure to natural light as is necessary for their proper health and development. However, animals shall not be subjected to excessive amounts of illumination which results in conditions detrimental to the health of the animal.

(5) Proper shelter.

A. Indoor facilities shall be adequately ventilated by natural or mechanical means to prevent extreme temperatures, provide fresh air and minimize drafts, odors and moisture.

B. Animals kept outdoors shall have access to shelter that provides protection from inclement weather conditions and which shall be appropriately constructed given the species of the animal, its size, its age and its physical condition.

C. Animals shall have access to shade from the sun during hot weather.

D. Proper outdoor shelter for horses, cows and other hoofed animals shall have a roof and face away from the prevailing winds. Said shelter may be without a floor and have three sides.

E. Proper outside shelter for a dog shall have a roof, enclosed sides, a doorway, and solid, level floor raised at least two inches from the ground. The doorway shall be positioned away from the prevailing winds.

(6) Necessary veterinary care. Owners, custodians or caretakers of domestic animals who exhibit signs of diseased or severe parasitic infestation, infection, orificial discharge, loss of appetite, weight loss, abnormal skin condition or hair loss, tremors, seizures, temperature fluctuation, inability to bear weight on a limb or lameness, or any other sign of illness or injury shall provide veterinary care for said animal.

(7) Proper grooming. Hair or fur of an animal shall be clean and properly maintained as to prevent tangles, matting and debris, insect infestation, or skin disorders. Nails or hooves of animal shall be properly trimmed.

(8) Unnecessary suffering or cruelty. No animal shall be subjected to unnecessary suffering, cruelty or neglect. Unnecessary suffering, cruelty and neglect may be defined as, but is not limited to, failing to provide an animal with any of the aforementioned animal care standards.

(c) No person, business or organization shall use animals as a fundraiser as in the case of Donkey Basketball or Pony Rides, nor shall animals, birds, fish or reptiles be given as prizes for carnival games without an inspection by and approval of the Animal Control Officer.

(d) Whoever is found guilty of causing an animal unnecessary suffering, cruelty or neglect is guilty of a misdemeanor of the first degree, and shall be subject to the penalty provided in Section [698.02](#). In addition, the court may order the animal offender to forfeit the animal or livestock and may provide for its disposition, including but not limited to the sale of the animal. If an animal or livestock is forfeited and sold pursuant to this subsection, the proceeds of such 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, if any, shall be paid to the former owner of the animal.

(Ord. 1999-19. Passed 3-9-99.)

618.051 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, including a pet store as defined in Ohio R.C. 956.01. "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.

(7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

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

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

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

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

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

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

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

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

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

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

(f) (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) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.

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

B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

(5) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section 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)

618.06 COLORING RABBITS AND 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 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.

(ORC 925.62)

(b) Whoever violates any provision of this section shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for a first offense; for a second offense such person shall be fined not less than forty dollars (\$40.00) nor more than fifty dollars (\$50.00); for each subsequent offense such person shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00).

(ORC 925.99(B))

618.07 ANIMAL FIGHTS.

(a) No person shall knowingly engage in or be employed at cockfighting, bearbaiting or pitting an animal against another; no person shall receive money for the admission of another to a place kept for such purpose; no person shall use, train or possess any animal for seizing, detaining or maltreating a domestic animal. Any person who knowingly purchases a ticket of admission to such place, or is present thereat, or witnesses such spectacle, is an aider and abettor. (ORC 959.15)

(b) Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section [698.02](#). (ORC 959.99(C))

618.08 ANNUAL REGISTRATION OF DOGS REQUIRED.

(a) Except for guide, leader or listener dogs, or dogs in training to become guide, leader or listener dogs, registered under Ohio R.C. 955.011, the dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no owner, keeper or harbinger of a dog, including any hybrid wolf, more than three months of age, nor owner of a dog kennel, shall fail to file an annual application for registration required by Ohio R.C. 955.01, nor shall he or she fail to pay the legal fee therefor. Such registration shall take place no later than January 31st of each calendar year.

(b) For any owner of a wolf hybrid, this section shall also require the registration of said animal with the City on forms to be provided by the Animal Control Officer.

(c) Whoever violates this section shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for a first offense. For each subsequent offense, such person shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than thirty days.

(Ord. 2009-39. Passed 11-10-09.)

618.09 HINDERING CAPTURE OF UNREGISTERED DOG.

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

(ORC 955.24)

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#).

(ORC 955.99(A))

618.10 UNLAWFUL TAGS.

(a) No person shall own, keep or harbor a dog wearing a fictitious, altered or invalid registration tag or a registration tag not issued by the County Auditor in connection with the registration of such animal.
(ORC 955.25)

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#).
(ORC 955.99(A))

618.11 ANIMAL BITES; QUARANTINE AND REPORTING.

(a) Whenever any animal bites any person or any animal, the Ohio Department of Health, Cuyahoga County Board of Health or the Animal Control Officer may order such animal quarantined for a period extending not longer than ten days or longer as determined by a representative of the Ohio Department of Health, the Cuyahoga County Board of Health, or the Animal Control Officer at the time of the biting. Any owner or person in custody or possession of such animal who fails to comply with such quarantine order shall be deemed guilty of a misdemeanor. All expenses incurred for the keeping of such animal or the necessary tests to determine whether rabies exists, shall be borne exclusively by the owner or keeper of such animal. No person, having knowledge of the existence of any rabies, or the fact that any animal has bitten any other person or animal, shall fail to immediately report such information to the Animal Control Officer, Board of Health or Police Department.

(b) Whoever violates this section is guilty of a minor misdemeanor. Punishment shall be as provided in Section [698.02](#). (Ord. 1999-18. Passed 4-13-99.)

618.12 DOGS WITH BLIND, DEAF OR MOBILITY IMPAIRED PERSONS.

(a) When a blind, deaf or mobility impaired person is accompanied by a dog that serves as a guide, leader, listener or support dog for him or her, and he or she can show proof by certificate or other means that the dog leading him or her, listening for him or her or providing support or assistance for him or her, has been trained for that purpose by a nonprofit special agency engaged in such work, the person is entitled to the full and equal accommodations, advantages, facilities and privileges of all public conveyances, hotels, 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.

(2) The dog shall be upon a leash while using the facilities of a common carrier.

(b) No person shall deprive a blind, deaf or mobility impaired person of any of the advantages, facilities or privileges provided in subsection (a) hereof, nor charge the blind, deaf or mobility impaired person a fee or charge for the dog.

(ORC 955.43)

(c) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section [698.02](#).

(ORC 955.99(C))

618.13 NUISANCE CONDITIONS/ACTIVITIES PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(b) Any dog, cat or other animal which scratches, digs or defecates upon any lawn, tree, plant, shrub, building or upon any public or private property, other than that of the owner, keeper or person in charge or control of such dog, cat or other animal, without the permission of the owner of such property, is hereby declared to be a nuisance.

(c) No person being the owner or keeper, or being in charge or control of any dog, cat or other animal, shall allow or permit such animal to commit a nuisance on any school grounds, City parks or other public property, or upon any private property, other than that of the owner or person in charge or control of such animal, without the permission of the owner of such property. If the owner, keeper or person in charge or control of such animal immediately removes all the feces deposited by such animal and disposes of the same in a sanitary manner, such nuisance shall be considered abated. The owner of any animal shall take all reasonable action to keep such animal from becoming a nuisance.

(d) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor for a first offense, a misdemeanor of the fourth degree for a second offense, a misdemeanor of the third degree for a third offense and a misdemeanor of the second degree for a fourth or subsequent offense. Punishment shall be as provided in Section 698.02.

(Ord. 2009-39. Passed 11-10-09.)

618.14 BARKING OR HOWLING DOGS.

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

(Ord. 1970-70. Passed 12-8-70.)

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense, a misdemeanor of the fourth degree for a second offense, a misdemeanor of the third degree for a third offense and a misdemeanor of the second degree for a fourth or subsequent offense. Punishment shall be as provided in Section [698.02](#).

(Ord. 1982-44. Passed 10-12-82.)

618.15 HUNTING PROHIBITED.

(a) Except as provided in Section [618.151](#), the hunting of animals within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal by the use of firearms or any other means.

(b) No person shall trap, hunt, shoot or attempt to shoot or molest in any manner, any bird or wild fowl, or to rob birds' nests or wild fowls' nests. Provided, however, if starlings or similar birds are found to be congesting in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the City, then in such event the officials of the City shall meet with representatives of the local Audubon Society, garden clubs and service clubs of the City after having given at least three days' notice to meet.

If, as a result of such meeting, no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such numbers and in such a manner as is deemed advisable by the above authorities under the supervision of the Chief of Police.

(Ord. 1966-31. Passed 9-13-66.)

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section [698.02](#).

618.151 NON-FIREARM DEER HUNTING EXCEPTION.

(a) Notwithstanding the prohibition of Section [618.15](#), hunting by use of a crossbow, long bow, or other bow and arrow hunting device may be permitted within the City upon the granting of a Deer Hunting Permit.

(b) The Chief of Police may issue a Deer Hunting Permit if the application meets the following requirements:

(1) The Chief of Police determines that the applicant has complied with all laws, rules, and regulations of the Ohio Division of Wildlife;

(2) The applicant demonstrates completion of the Ohio Division of Wildlife hunter safety course and all other State requirements;

(3) The property from which the hunting is to be conducted meets the following requirements:

A. It consists of no more than two adjacent parcels of land that, combined, consist of no less than two (2) acres;

B. The hunting is conducted from an elevated platform. The platform and its location shall be inspected and approved by the Chief of Police or his designee to ensure the safety of persons and property;

(4) Written permission from the property owner(s) has been obtained;

(5) The application provides the global positioning system ("GPS") coordinates of the approved site/platform;

(6) The applicant agrees, in writing, to defend and indemnify the City for any acts committed by the applicant while exercising hunting rights granted hereunder; and

(7) The Chief of Police does not find that the application otherwise infringes upon the health, safety, and welfare of the residents of the City.

(c) The Deer Hunting Permit shall be used only by the named permit holder.

(d) Each Deer Hunting Permit shall be valid only during the dates specified on the Permit. Along with the deer hunting permit, the City shall provide license bibs to be displayed as set forth in subsection (h).

(e) The number of does and bucks harvested shall be reported to the Independence Police Department at the end of the deer hunting season.

(f) Permit holders shall remove all deer carcasses and deer remains from the hunting site. (Ord. 2013-34. Passed 12-10-13.)

(g) The Mayor shall not authorize hunting upon any lands where, in the Mayor's opinion, such hunting would constitute a potential hazard to the safety of persons or property. Permit holders shall display in plain view on the permit holder's front and back the issued license bib, except while occupying a stationary deer or tree stand.

(Ord. 2014-22. Passed 5-13-14.)

(h) Each permit holder, while engaged in the act of deer hunting, shall display in plain view on the permit holder's front and back the issued license bib.

(i) Whoever violates this section is guilty of a first degree misdemeanor. (Ord. 2013-34. Passed 12-10-13.)

618.16 ANIMAL OWNER LIABLE FOR DAMAGE TO PROPERTY.

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

(Ord. 1985-31. Passed 6-11-85.)

618.17 IMPOUNDING AND DISPOSITION; RECORDS. (REPEALED)

(EDITOR'S NOTE: Former Section 618.17 was repealed by Ordinance 1998-18, passed 4-13-99.)

618.18 MAXIMUM NUMBER OF DOGS PERMITTED.

(a) Not more than two dogs, except puppies not over three months old, may be kept in any single-family dwelling within the City. "Dwelling," as used in this section, includes the lot or parcel of land on which the dwelling is located and all out-buildings located on the lot or parcel.

(b) Any person requesting to increase the maximum number of dogs permitted shall be subject to a one time fee of twenty-five dollars (\$25.00). An applicant shall file an application with the Police Department. Said application must provide information regarding age, description, breed, name of dog(s), current dog licenses and/or rabies tags. Veterinarian information and emergency numbers shall also be required, inspection of the property will need to be made by the Animal Control Officer before a permit may be issued. Random inspections will also be allowed by the applicant. Any person who either does not maintain control of the dogs, meet standards of animal care, or has dog-related complaints against them may not be renewed. When inspecting property, the Animal Control Officer will inspect for proper care and standards of animal care, licensing, rabies inoculations and nuisance conditions. (Ord. 1999-17. Passed 5-11-99.)

618.19 ANIMAL CONTROL OFFICER.

There is hereby established the position of Animal Control Officer who shall be appointed by and serve at the pleasure of the Mayor. Such Animal Control Officer shall report to the Chief of Police and shall enforce this chapter and other applicable sections of these Codified Ordinances.

(Ord. 1997-32. Passed 9-9-97.)

618.20 REPORTING ESCAPES .

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his or her custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or is listed or described in Section [618.21](#), or is a combination of any of these characteristics, shall, within one hour after he or she discovers or reasonably should have discovered the escape, report it to:

- (1) A law enforcement officer of the Municipality and the County Sheriff; and
- (2) The Clerk of the Municipality.

(b) If the office of the Clerk of the Municipality is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with paragraph (a)(2) 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. Punishment shall be as provided in Section [698.02](#).

(Ord. 1989-37. Passed 9-12-89.)

618.21 WILD OR DANGEROUS ANIMALS.

(a) For the purpose of this section, "dangerous animal" shall include, unless the context clearly indicates or requires a different meaning, the following:

(1) Any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristic, would constitute a danger to human life or property if it escaped from secure quarters.

(2) Any domestic mammal, reptile or fowl which, because of its size, vicious propensity or other characteristic, would constitute a danger to human life or property if it escaped from secure quarters.

(b) No person shall keep, maintain or have in his or her possession or under his or her control within the City any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, or any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities.

(c) No person shall keep, maintain or have in his or her possession or under his or her control within the City any of the following animals:

(1) Any animal which has been declared to be protected or endangered by the U.S. Department of Interior or the Ohio Revised Code.

(2) All poisonous animals, including rear-fang snakes.

(3) Badgers (mellinae) .

(4) Bears (ursidae) .

(5) Beavers (castoridae).

(6) Canids, that is: wolves, foxes, coyotes, jackals, dingo, racoon dogs.

(7) Civet (viverrines).

(8) Civet or racoon dog (nycterevtes procyonoides).

(9) Constrictor snakes.

(10) Crocadilians, that is: alligators, crocodiles, caimans, cavials.

(11) Eagles, hawks, owls (falconiformes).

(12) Edentata, that is: anteaters, tamaduas, sloths, armadillos.

(13) Emus (casuariiformes).

(14) Felids, that is: lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots.

(15) Gamecocks and other fighting birds.

(16) Hyenidae (hyenas) .

(17) Marsupials, that is: opossums, tasmanian wolf, kangaroos, koalas, wombats.

(18) Muskrats (ondatra).

(19) Ostriches (struthio) .

(20) Porcupine (hystricomorpha).

(21) Primates (nonhuman), that is: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs.

(22) Procuonids, that is: racoons, coatis, kinkajous, ring-tailed cats, pandas.

(23) Rheas (rheiformes) .

(24) Skunks (mephitinae).

(25) Squirrels (sciuridae).

(26) Sharks (chondrichthyes) .

(27) Swine (suidae).

(28) Ungulates, that is: elephants, zebra, tapirs, rhinoceroses, camel, llama, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle, gnu.

(29) Water buffalo (bubalus).

(30) Wart hogs (phacocherus aethiopicus).

(31) Weasels.

(32) Wolverines (gulo gulo).

(33) Woodchucks (marmota monas).

(34) Any other dangerous animal.

(d) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the first degree for any subsequent offense. Punishment shall be as provided in Section [698.02](#).

(Ord. 1989-37. Passed 9-12-89.)

618.22 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

(1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.

(2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(b) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike a police dog or horse;

(2) Throw an object or substance at a police dog or horse;

(3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:

A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;

B. Deprives the law enforcement officer of control of the police dog or horse;

C. Releases the police dog or horse from its area of control;

D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.

(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.

(2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.

(d) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:

A. Inhibits or restricts the assisted or served person's control of the dog;

B. Deprives the assisted or served person of control of the dog;

C. Releases the dog from its area of control;

D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;

E. Inhibits or restricts the ability of the dog to assist the assisted or served person.

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

(e) (1) Whoever violates subsection (a) hereof is guilty of assaulting a police dog or horse. If the violation results in physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation

results in death or serious physical harm to the police dog or horse, such violation is a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (b) hereof is guilty of harassing a police dog or horse. Except as otherwise provided in this subsection, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse or if the violation results in serious physical harm to the police dog or horse but does not result in its death, harassing a police dog or horse is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree.

(3) Whoever violates subsection (c) hereof is guilty of assaulting an assistance dog. If the violation results in physical harm to the dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the dog, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the dog, such violation is a felony and shall be prosecuted under appropriate State law.

(4) Whoever violates subsection (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

(5) In addition to any other sanction or penalty imposed for the offense under this section, whoever violates subsection (a), (b), (c) or (d) of this section is responsible for the payment of all of the following:

A. Any veterinary bill or bill for medication incurred as a result of the violation by the Police Department regarding a violation of subsection (a) or (b) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of subsection (c) or (d) of this section;

B. The cost of any damaged equipment that results from the violation;

C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;

D. If the violation resulted in the death of the assistance dog that was the subject of the violation or resulted in serious physical harm to the police dog or horse or the assistance dog or horse that was the subject of the violation to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.

(f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.

(g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or assistance dog.

(h) As used in this section:

(1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(2) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.

(3) "Serious physical harm" means any of the following:

A. Any physical harm that carries a substantial risk of death;

B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;

C. Any physical harm that causes acute pain of a duration that results in substantial suffering.

(4) "Assistance dog", "blind", and "mobility impaired person" have the same meanings as in Ohio R.C. 955.011.

(ORC 2921.321)

618.23 RABIES VACCINATION OF ANIMALS REQUIRED.

(a) Any person owning, keeping or harboring any dog, cat or ferret over the age of three months, shall be required to have such animal currently immunized against rabies by a licensed veterinarian.

(b) All owners or keepers as described in subsection (a) hereof shall maintain a record of such immunization as provided by a veterinarian. Should any animal be impounded by the City, prior to release, the owner shall provide proof of immunization to the Animal Control Officer. If proof of immunization is not provided, the owner shall have seven days to provide immunization from a licensed veterinarian to the City Police Department from the date the animal is released to the owner.

(c) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for any subsequent offense. Whoever violates subsection (b) hereof is guilty of a minor misdemeanor. Punishment shall be provided in Section [698.02](#). (Ord. 2009-39. Passed 11-10-09.)

618.24 FEEDING OF WILD LIFE AND STRAY ANIMALS PROHIBITED.

(a) No person shall provide food for dogs, cats, deer, geese, ducks, raccoons, fowl or other wild animals or wildlife by setting such food out on any public property or within a 150 yard radius of any private residence or public roadway. This section does not apply to animals owned by a person or song birds fed from an elevated stationary feeder which is at least forty-eight inches from ground level, and built of such design and construction as to minimize the potential for food and/or seed from spilling or dropping to the ground.

(b) No person maintaining a bird feeder in accordance with this section shall allow spilled food or seed to remain under or around the stationary feeder.

(c) Whoever violates this section is guilty of a minor misdemeanor for the first offense, a fourth degree misdemeanor for the second offense, a third degree misdemeanor for the third offense and a second degree misdemeanor for the fourth or subsequent offense. Penalty shall be as provided in Section [698.02](#).

(Ord. 2009-39. Passed 11-10-09.)