

**CITY OF XENIA, OHIO
ORDINANCE NUMBER 11 - 70**

ORDINANCE AMENDING CHAPTER 604: DEFINITIONS AND CHAPTER 618: ANIMALS OF PART SIX – GENERAL OFFENSES OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA.

WHEREAS, a Xenia resident was attacked by two pit bulls in September 2010 and was seriously injured; and

WHEREAS, Xenia residents are concerned about their safety because of the number of dangerous and vicious dogs in Xenia; and

WHEREAS, Chapter 618: Animals needs to be revised to require dangerous and vicious dogs be registered with the City; and

WHEREAS, the law requiring the owners of dangerous and vicious dogs to carry liability insurance needs to be enforced.

NOW, THEREFORE, the City of Xenia hereby ordains:

Section 1. Chapter 604 Definitions of Part Six – General Offenses of the Codified Ordinances of the City of Xenia is amended to include or amend the following definitions:

§604.01 DEFINITIONS

AMERICAN BULLDOG. *American Bulldog, as used herein includes, but is not limited to, any American bulldog or old country bulldog, or any mixed breed of dog which contains, as an element of its breeding, the breed of American bulldog or old country bulldog as to be identifiable as partially of the breed of American Bulldog or old country bulldog.*

CANARY DOG. *Canary Dog, as used herein includes, but is not limited to, any canary dog or Perro de Presa Canario, or mixed breed of dog which contains, as an element of its breeding, the breed of canary dog or Perro de Presa Canario as to be identifiable as partially of the breed canary dog or Perro de Presa Canario.*

DANGEROUS DOG is ~~A~~ a dog that *has been adjudicated by a Court to have*, without provocation, and subject to the following sentence, ~~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 that dog is off the premises of its owner, keeper or 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 law enforcement officers in the performance of their official duties.

NOTICE means *delivering via hand delivery or by posting at the residence where the dog(s) is located a copy of the statement from the Police Division that the dog is classified as Dangerous or Vicious. Once Notice is given by either of these two methods the person has ten business days to either comply with the requirements set forth in this section or appeal the classification to the Director of Public Safety.*

OWNER means any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a vicious or dangerous dog and shall also include the parents or guardian of a minor owning, keeping, possessing, harboring, maintaining or having the care, custody or control of a vicious or dangerous dog. A person shall not be considered an "Owner" for purposes of this section unless one of the following applies:

- (1) The person has registered the Dangerous or Vicious Dog with the City; or
- (2) The person has been given notice from the Police Division that the dog is classified as Dangerous or Vicious; and
 - A. The period for appealing the classification has lapsed; or
 - B. The classification is confirmed by the Director of Public Safety upon appeal.

PIT BULL TERRIER. Pit bull terrier, as used herein includes, but is not limited to, any American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog, which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as practically of the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.

VICIOUS DOG

(1) A dog that, without provocation and subject to subsection (2) of this definition, meets any of the following criteria:

- A. Has killed or caused serious injury to any person;
- B. Has caused injury, other than killing or serious injury, to any person, or has *attacked, injured or* killed another dog *or domestic animal in a location other than the one in which the dog is normally housed;* or
- C. Belongs to a breed that is commonly known as a pit bull *terrier, canary dog or American bulldog over three months of age.* ~~dog. The ownership, keeping or harboring of such a breed of dog shall be prima facie evidence of the ownership, keeping or harboring of a vicious dog.~~

(2) 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 law enforcement officers in the performance of their official duties; or
- 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 harborer of the dog.

Section 2. Chapter 618 Animals of Part Six – General Offenses of the Codified Ordinances of the City of Xenia is amended as follows:

§ 618.01 DEFINITIONS.

- (a) The following words and/or phrases used in this section are defined in Chapter 604, § 604.01.

AMERICAN BULLDOG
CANARY DOG
DANGEROUS DOG
EXOTIC ANIMAL
LIVESTOCK
MENACING FASHION
NOTICE

**OWNER
PIT BULL TERRIER
POLICE DOG
POULTRY
VICIOUS DOG
WITHOUT PROVOCATION**

§ 618.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE; DANGEROUS AND VICIOUS DOGS.

(a) No person who is the owner or keeper of horses, mules, cattle, sheep, goats, swine, dogs, geese or other fowl or animals shall permit them to run at large upon any public or private property within the city.

(b) A person who is the owner or has charge of any animal shall not permit it 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.

(c) No person 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 without the consent of the owner of the premises.

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

(e) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper, or harbinger at any time the dog is in heat unless the dog is properly in leash.

(f) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape; or

(2) Keep the dog under the reasonable control of some person.

(g) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger or handler of the dog, 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; or

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

adequately restrained and station a person in close enough proximity to that dog so as to prevent it from causing injury to any person; or muzzle that dog.

(h) No owner, keeper, or harbinger of a *dangerous or* vicious dog *or when so ordered by a Court* 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 one hundred thousand dollars (\$100,000.00) because of damage or bodily injury to or death of a person caused by the *dangerous or* vicious dog.

(i) No owner of a vicious or dangerous dog shall keep, own, possess, harbor, maintain, and have the care, custody, or control of such a dog within the municipal limits of the City of Xenia when such dog has been banned from the City.

(j) Any person owning, keeping, possessing, harboring, maintaining, or having the care, custody, or control of a vicious dog including but not limited to a pit bull, canary dog or American bulldog over three months of age shall:

(1) Register the dog with the City Police Division

A. On an annual basis between January 2 and January 20 or within fourteen (14) days of newly obtaining the dog; and

B. Pay an annual registration of thirty (\$30.00) dollars for each dog to cover the City's administrative expenses; and

C. Provide proof of

(a) liability insurance as required by subsection (h) hereof,

(b) such dog registration as may be required by the State of Ohio and Greene

County, and

(c) a valid rabies vaccination certificate.

(2) Notify the City within 24 hours if the vicious dog has died or has been sold, donated or otherwise transferred, and provide the City with the name, address, and telephone number of the person or entity to which the dog has been transferred.

(3) Keep the dog secured at all times by one of the following means:

A. Keep the dog inside the owner's home;

B. Keep the dog in a locked enclosure which has a top, and has a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches;

C. Keep the dog muzzled and on a chain-link leash that is not more than six feet in length which is held in the hand of a person who is of suitable age, physical capability and discretion and is outside with the dog.

(4) Ensure that the dog is not unconfined on the premises of another or at large within the City.

(k) Unless lawfully operating a kennel, or otherwise permitted by law, no person shall keep, own, possess, harbor, maintain, have the care, custody, or control of more than three (3) vicious dogs over three months of age within the municipal limits of the City of Xenia.

(l) No person shall do any of the following:

(1) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog;

(2) Possess a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced; or

(3) Falsely attest on a waiver form provided by the veterinarian under subsection (k) of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(~~j~~*m*) Before a veterinarian debarks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that the dog is not a vicious dog. The written waiver form shall include all of the following:

- (1) The veterinarian's license number and current business address;
 - (2) The number of the license of the dog if the dog is licensed;
 - (3) A reasonable description of the age, coloring, and gender of the dog as well as any notable markings on the dog;
 - (4) The signature of the owner of the dog attesting that the owner's dog is not a vicious dog;
- and

(5) A statement that division (F) of Ohio R.C. 955.22 prohibits any person from doing any of the following:

A. Debarking or surgically silencing a dog that the person knows or has reason to believe is a vicious dog;

B. Possessing a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced; or

C. Falsely attesting on a waiver form provided by the veterinarian under division (G) of Ohio R.C. 955.22 that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form.

(~~k~~*n*) It is an affirmative defense to a charge of a violation of subsection (i) of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with subsection (j) of this section and that attests that the dog is not a vicious dog.

~~(l) Any person who acquires, by purchase or otherwise, a vicious dog within the municipality shall, within 90 days of the acquisition, notify the Greene County Animal Control Officer, in writing, of the same, and shall include with the notice the following information:~~

- ~~(1) The name, age and breed of the dog;~~
- ~~(2) The name, address and telephone number of the owner, keeper or harbinger of the dog;~~
- ~~(3) The address of the premises upon which the dog will be boarded or kept; and~~
- ~~(4) The name, address and telephone number of the liability insurer covering the owner, harbinger or keeper of the dog, or the premises.~~

(~~m~~*o*) Whoever violates subsections (a) through (c) of this section is guilty of a misdemeanor of the fourth degree.

~~(np)~~ (1) Whoever violates subsections (e) or (f) of this section shall be guilty of a minor misdemeanor and each subsequent offense shall be a misdemeanor of the fourth degree.

(2) In addition to the penalties prescribed in subsection (n)(1) above, if the offender is guilty of a violation of subsection (e) or (f) of this section, the court may order the offender to personally supervise the dog that the offender owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

~~(oq)~~ (1) If a violation of subsection (g) of this section involves a dangerous *or vicious* dog, whoever violates that subsection (g) is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the first degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that the offender owns, keeps, or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (h) of this section. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(2) If a violation of subsection (g) of this section involves a vicious dog, whoever violates that subsection (g) is guilty of one of the following:

A. A felony, to be prosecuted under appropriate state law, on a first or subsequent offense if the dog kills or seriously injures a person. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden or the county humane society.

B. A misdemeanor of the first degree on a first offense and a felony, to be prosecuted under appropriate state law, 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.

C. A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to a person.

~~(pr)~~ Whoever violates subsection (c) *or* (h) of this section is guilty of a misdemeanor of the first degree.

(s) Whoever violates subsections (j)(3) or (j)(4) hereof is guilty of a misdemeanor of the first degree. Whoever violates subsections (j)(1), (j)(2) or (k) hereof 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. Additionally, the court may order the vicious dog to be permanently removed from the municipal limits of the City or humanely destroyed by a licensed veterinarian of the Humane Society of Greene County or Greene County Animal Control.

~~(qf)~~ Whoever violates subsection (l) of this section is guilty of a felony to be prosecuted under appropriate state law. Additionally, the court shall order that the vicious dog be humanely destroyed by as licensed veterinarian, the County Dog Warden or the County Humane Society.

(u) (1) A person who receives a Notice that his/her dog is classified as a Dangerous or Vicious Dog as defined in §604.01, may appeal that classification by submitting a letter to the Director of Public Safety challenging said classification and setting forth the specific reasons why the dog should

not be classified as Dangerous or Vicious. Said letter shall be submitted to the Director of Public Safety at City Hall within ten business days of receiving the Notice. Failure to timely submit a letter of appeal waives the right to challenge the classification.

(2) After receipt of a letter of appeal, the Director of Public Safety shall investigate the basis for the classification and may require a hearing on the matter. If the classification of "Vicious" is based on the definition in §604.01, then the person challenging the classification shall present certification with the letter of appeal that the dog is not one of the breeds identified in subsections (1)C of the definition of "Vicious Dog." Failure to do so may result in dismissal of the appeal. After conducting the investigation and/or hearing, the Director of Public Safety shall decide whether or not the classification is appropriate. This decision is final.

(3) A finding by the Director of Public Safety that the dog is not a Vicious or Dangerous Dog as defined in §604.01, does not preclude a subsequent classification based on events occurring after the Public Safety Director's decision.

(v) Nothing in this section shall preclude the City from enforcing any other ordinances pertaining to dogs as set forth in Chapter 618 of the Codified Ordinances of the City of Xenia.

~~(r) Whoever violates subsection (l) of this section is guilty of a minor misdemeanor.~~

§ 618.03 ABANDONING ANIMALS.

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

(b) Whoever violates subsection (a) of this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
(ORC 959.99(E)(2))

§ 618.04 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, kill or injure a dog, cat, or any other domestic 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) (1) Except as otherwise provided in this subsection, whoever violates subsection (a) of this section is guilty of a misdemeanor of the second degree.

(2) If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, whoever violates subsection (a) of this section is guilty of a misdemeanor of the first degree.

§ 618.05 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 this section is guilty of a misdemeanor of the fourth degree on a first offense; each subsequent offense is a misdemeanor of the third degree.

§ 618.06 REGISTRATION OF DOGS REQUIRED.

(a) No owner, keeper, or harbinger of a dog more than three months of age, nor owner of a dog kennel, shall fail to file an application for registration required by Ohio R.C. 955.01, nor shall he or she fail to pay the legal fee therefor.
(ORC 955.21)

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; each subsequent offense is a misdemeanor of the fourth degree.
(ORC 955.99(E))

§ 618.07 HINDERING CAPTURE OF UNREGISTERED DOG.

(a) No person shall obstruct or interfere with anyone lawfully engaged in capturing an unlicensed 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.
(ORC 955.99(B))

§ 618.08 DOGS REQUIRED TO WEAR TAGS.

(a) No owner of a dog, except a dog constantly confined to a registered kennel, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog's failure at any time to wear a valid tag shall be prima facie evidence of a lack of registration and shall subject any dog found not wearing such tag to impoundment, sale or destruction.
(ORC 955.10)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 955.99(B))

§ 618.09 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 that animal.
(ORC 955.25)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 955.99(B))

§ 618.10 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) (1) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the Health Officer within 24 hours. The dog or other animal inflicting the bite shall immediately be examined by a qualified veterinarian and the results of such examination shall be reported to the Board of Health within 24 hours. At the direction of the Health Officer, the dog or other animal shall either be confined by its owner or harbinger to his or her premises, away from the public at large, or be placed under

the supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten, at which time report of the condition of the animal shall be made to the Health Officer.

(3) No person shall fail to comply with the requirements of this section or with any order of the Health Officer made pursuant thereto, nor fail to immediately report to the Health Officer any symptom or behavior suggestive of rabies.

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

§ 618.11 HUNTING PROHIBITED.

(a) The hunting of animals or fowl within the municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means, *unless authorized to do so by the Director of Public Safety under §678.09(b)*.

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

§ 618.12 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal, livestock, poultry, wild or exotic animal in the city so as to create offensive odors or unsanitary conditions.

(b) No person, owning, keeping or harboring any animal shall permit such animal to dig, urinate, defecate or other damage any public property or private property other than the parcel owned or occupied by such owner, keeper or harborer of such animal. The person in charge of such animal shall immediately remove all feces deposited by it and shall dispose of the same in a sanitary manner.

(c) No person shall keep or harbor any animal, livestock, poultry, wild or exotic animal within the city which, by frequent and habitual howling, yelping, barking or other activity, creates unreasonably loud and disturbing noises of such character, intensity and duration as to disturb the peace and quiet of the community or as to annoy, disturb or endanger the comfort, repose or health of persons occupying property in the neighborhood. This provisions of this subsection shall pertain to and be enforced in all areas incorporated within the city including all public parks. This subsection shall not apply to a guide dog accompanying a blind person or to a service dog accompanying a disabled person or to a dog when used in police or rescue activities.

(d) No person shall keep or harbor any animal, livestock, poultry, wild or exotic animal in or about an animal shelter adjoining to or abutting upon any lot upon which another person resides, or any street or highway, so as to constitute a threat to the preservation of the health, safety or general welfare of the public. All places maintained for the harboring or keeping of an animal, livestock, poultry, wild or exotic animal shall be maintained in a clean and sanitary condition free from rats, mice, filth, vermin, rubbish or collection of feces.

(e) No person owning, keeping or harboring any animal, livestock, poultry, wild or exotic animal shall take, lead or carry such animal, livestock, poultry, wild or exotic animal into any store or place of business, or permit or allow such animal, livestock, poultry, wild or exotic animal to enter any store or place of business within the city except the office of a veterinarian or pet shop or other place of business for the purpose of obtaining services therein offered to such animal, livestock, poultry, wild or exotic animal, provided, however, this section shall not apply to a blind person accompanied by a Aseeing eye@ dog.

(f) No person owning, keeping or harboring any animal, livestock, poultry, wild or exotic animal shall fail to exercise proper care and control of his or her animal, livestock, poultry, wild or exotic animal to prevent them from becoming a public nuisance. Chasing vehicles, molesting passerby, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance.

(g) Nothing in subsection (a) shall prohibit the keeping of animals in public parks or at the Greene County Fairgrounds.

(h) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in § 698.02.

§ 618.13 IMPOUNDING AND DISPOSITION.

The Greene County Dog Warden or any police officer may pick up and impound any dog, licensed or unlicensed, or other animal found running at large on any street or any public or private property within the city. Such officers shall have the right to go onto private property to capture the dog or other animal. The dog or other animal shall be released to the owner or person entitled to possession on payment to the county of an impounding fee set by Greene County as set forth in the fee schedule in Part Two - Title Twelve, Chapter 298 of these Codified Ordinances. This fee shall be in addition to the charges assessed by and required to be paid to Greene County. The City Manager is hereby authorized to enter into an agreement with the Greene County Commissioners, on behalf of the city, to provide for the control and impounding of dogs or other animals found running at large within the city.

§ 618.14 REPORTING ESCAPES.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from the owner's or keeper's custody or control and that is not indigenous to this state or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after the owner or keeper 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 Council.

(b) If the office of the Clerk of Council is closed to the public at the time a report is required by subsection (a) of this section, it is sufficient compliance with subsection (a)(2) of this section if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 2927.21)

§ 618.15 WILD, UNTAMED, DANGEROUS OR VICIOUS ANIMALS.

(a) It shall be unlawful for any person to 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, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

(b) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

- (1) All poisonous animals including rear-fang snakes;
- (2) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*);
- (3) Baboons (*Papoi*, *Mandrillus*);
- (4) Bears (*Ursidae*);
- (5) Bison (*Bison*);
- (6) Cheetahs (*Acinonyx jubatus*);
- (7) Constrictor snakes, six feet in length or more;
- (8) Coyotes (*Canis latrans*);
- (9) Crocodilians (*Crocodylia*), 30 inches in length or more;
- (10) Deer (*Cervidae*); includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
- (11) Elephants (*Elephas* and *Loxodonta*);
- (12) Game cocks and other fighting birds;
- (13) Hippopotami (*Hippopotamidae*);
- (14) Hyenas (*Hyaenidae*);
- (15) Jaguars (*Panthera onca*);
- (16) Leopards (*Panthera pardus*);
- (17) Lions (*Panthera leo*);
- (18) Lynxes (*Lynx*);
- (19) Monkeys, old world (*Cercopithecidae*);
- (20) Ostriches (*Struthio*);
- (21) Piranha fish (*Characidae*);
- (22) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers;
- (23) Rhinoceroses (*Rhinocero tidae*);
- (24) Sharks (class *Chondrichthyes*);
- (25) Snow leopards (*Panthera uncia*);
- (26) Spiders (*Arachnida*);
- (27) Swine (*Suidae*), except pot-bellied pigs;
- (28) Tigers (*Panthera tigris*); and
- (29) Wolves (*Canis lupus*).

(c) The provisions of sections (a) and (b) shall not apply to, zoological gardens and circuses, if:

- (1) Their location conforms to the provisions of the Zoning Code of the city;
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
- (3) Animals are maintained in quarters so constructed as to prevent their escape; and
- (4) No person lives or resides within 100 feet of the quarters in which the animals are kept.

(d) Whoever violates this section is guilty of a minor misdemeanor; each subsequent offense is a misdemeanor of the fourth degree.

§ 618.16 HEALTH RISK ANIMALS.

(a) No person shall willfully own, keep, feed, or harbor any dangerous or wild animal within city limits which could constitute a health risk to humans or domesticated animals. These Ahealth risk

animals@ include, but are not limited to, rodents, raccoons, opossum, skunks, coyotes, wolves, bats, groundhogs, or any other animal capable of passing harmful viruses, fungi, or bacteria such as, but not limited to, rabies, tuberculosis, and encephalitis. Squirrels and wild birds shall be an exception to this section.

(b) Squirrels and wild birds may be fed within city limits providing reasonable efforts are made to avoid access to the feed by other animals covered with subsection (a) of this section.

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

§ 618.17 MARKETING WILD OR EXOTIC ANIMALS.

(a) No person shall market in any form wholesale or retail, wild or exotic animals within the municipality. Exceptions to the above include pure domestic cats, pure domestic dogs (not highbred), domestic rabbits, guinea pigs, chinchilla, mice, hamsters, gerbils, parrot-like birds, non-poisonous fish, and non-lethal reptiles.

(b) Whoever violates this section is guilty of a minor misdemeanor. Each day such section is violated shall constitute a separate offense.

§ 618.18 LIVESTOCK PROHIBITED.


Livestock, or farm animals, and poultry shall be prohibited within the municipality, except in the A-1 Agricultural District.

§ 618.19 ANIMAL OWNER LIABLE FOR DAMAGE TO PUBLIC PROPERTY.

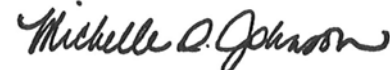
The owner, keeper or harbinger of any animal, livestock, poultry, wild or exotic animal which damages or destroys public property shall be held liable for the full value of the property damaged or destroyed, in addition to any penalty imposed for violation of this chapter.

Section 3. This ordinance shall take effect and be in force effective January 1, 2012.

Passed: November 22, 2011
Effective: January 1, 2012


Jeanne Mills, President
Xenia City Council

Attest:


Michelle D. Johnson
Clerk, Xenia City Council