

ORDINANCE NO. 30 - 23

By: Sam Marcellino

An ordinance to amend section 618.16 of the Bexley Codified Ordinances to authorize the Animal Control Officer to designate an animal as dangerous or vicious pending the review and adjudication by the Bexley Mayor’s Court of any criminal charges filed pursuant to the codified ordinances, and to declare an emergency.

WHEREAS, Section 618.16 of the City of Bexley Codified Ordinances regulates dangerous and vicious animals; and

WHEREAS, the Animal Control Officer has certain authority to pursue a designation that an animal is dangerous or vicious within the meaning of this ordinance; and

WHEREAS, in order to protect the safety and health of residents and visitors in the City of Bexley as well as other animals, the Animal Control Officer should be able to preliminarily designate an animal as dangerous or vicious based on specific facts and circumstances involving an incident with an animal and pending review of criminal charges by the Bexley Mayor’s Court;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY:

Section 1.

That a section 618.16(k) of the Bexley Codified Ordinances shall be amended as follows, and that the current Section 618.16(k) be retitled as Section 618.16(l):

618.16 (k)

At the time the Animal Control Officer or designee issues a citation pursuant to section 618.16, they also may make a preliminary determination that the animal is dangerous or vicious within the meaning of section 618.16(a)(1) or (5) of this ordinance. Upon such preliminary determination, the owner of the animal shall take those precautions and measures required by this ordinance as determined and ordered by the Animal Control Officer.

618.16 ~~(k)~~(l)

In addition to any criminal penalties which may be imposed against the owner under this section, an Animal Warden, police officer or other person authorized by the Mayor or the Chief of Police may seize and impound a vicious animal found within the City or a dangerous animal that is not being kept, harbored or maintained as required by this section pending the disposition of charges against the owner, if known, or for observation if the owner is not known. Such animal shall not be released without the approval of the Mayor or the Chief of Police, on such conditions as may be reasonably imposed by them to ensure compliance with

this section, and after the payment of all costs and charges incurred by the City for the impounding and maintenance of such dog or animal. However, if any dangerous or vicious dog or animal, found at large cannot be safely seized for impounding, the police may use whatever force is necessary, including killing the animal, to protect the public safety and ensure the public peace and safety. Any animal which is seized or impounded but not redeemed may be disposed of as provided by Ohio R.C. 955.16.

Section 2.

That this Ordinance is declared to be an emergency measure necessary for the preservation of the public health and welfare of the City of Bexley and its residents and shall go into effect upon approval by the Mayor.

Passed: _____, 2023

Troy Markham, President of Council

Attest: _____
Matt McPeek, Clerk of Council

Approved: _____, 2023

Ben Kessler, Mayor

First Reading:
Second Reading:
Third Reading: