

**ORDINANCE NO. 35 - 23**

By: Sam Marcellino

**An ordinance to amend section 618.16(a)(5) of the Bexley Codified Ordinances to amend the definition of “Vicious Animal”, and to reorder and amend existing Section 618.16(a)(8).**

**WHEREAS**, the safety of the Bexley community is a principal priority in the city and Section 618.16 sets forth restrictions and requirements that pertain to certain dog breeds that pose a higher than average threat to public safety; and

**WHEREAS**, dog attacks do occur in the city, both against humans and animals, and certain dog breeds are statistically more likely to be involved in vicious and dangerous behavior and attacks; and

**WHEREAS**, the data on dog breeds considered to be “vicious” can and does change as new breeds and breeding standards emerge, and as such, said data should be regularly evaluated to ensure that any “vicious” breed is included in the restrictions and requirements set forth in Section 618.16;

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

**Section 1.**

That a section 618.16(a)(5) of the Bexley Codified Ordinances shall be amended as follows:

(5) "Vicious animal" means:

A. Any animal, other than a police dog, that without provocation kills or causes serious physical harm to any person or kills any domestic animal which is the property of another; or

B. Any animal, whether wild or domestic, which by virtue of its species, physical attributes, temperament and/or other characteristics presents a substantial risk of serious physical harm to persons; or

**C. Any dog which belongs to a breed of dog that has been determined to be vicious due to the general characteristics and temperament of that breed, and has been listed in a written Vicious Breed Policy approved of by the Chief of Police and Public Safety Director.**

~~—C. Any dog which belongs to, or has the appearance and characteristics of being of the breed of dog known as Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, Pit Bull Terrier and any other breed of dog commonly known as Pit Bulls, Pit Bull Dogs or Pit Bull Terriers or a combination of those breeds~~

**Section 2.**

That a section 618.16(a)(8) of the Bexley Codified Ordinances shall be deleted, and shall be replaced with Section 618.16(b) as follows:

(b) A dog which is classified as a "vicious animal" per Section [618.16\(a\)\(5\)C](#). shall not be classified as a "vicious animal", provided all of the following conditions are met:

A. The dog and owner continuously satisfy the requirements of the written ~~Pit Bull Terrier~~ **Vicious Breed** Policy, which shall be created by the Animal Control Officer, approved of by the Chief of Police and the Safety Director prior to the effective date of this section, and subsequently revised as necessary. Such ~~Pit Bull Terrier~~ **Vicious Breed** Policy shall include:

1. Specific registration requirements with the Bexley Animal Control Officer, ~~including the payment of a \$45.00 registration fee, and~~ allowing for the provision of temporary registration pending satisfaction of all other requirements.

2. Behavioral certification requirements.

3. Spay/Neuter requirements.

4. Proof of dog owner liability insurance coverage for canine-inflicted injuries.

5. Prohibition of invisible fencing as an "adequate fence" for the purposes of [618.01 \(c\)](#) as it relates to breeds enumerated in [618.16\(a\)\(5\)C](#).

6. Provision of recognizable tags or collars providing evidence of registration or non-applicability of registration.

7. Additional requirements as deemed necessary and lawful.

### **Section 3.**

That the current Section 618.16(b) and following be preserved and re-enumerated as appropriate to accommodate the new Section 618.16(b).

### **Section 4.**

That this Ordinance shall take effect and be in full force and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Troy Markham, President of Council

Attest: \_\_\_\_\_  
Matt McPeek, Clerk of Council

Approved: \_\_\_\_\_, 2023

\_\_\_\_\_  
Ben Kessler, Mayor

First Reading: September 12, 2023

Second Reading:

Third Reading: