

ORDINANCE NO. 48-2022

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE AMENDING PART SIX – GENERAL OFFENSES, CHAPTER 618 – ANIMAL SECTION 618.015 “KEEPING AND MAINTAINING WILD OR POTENTIALLY DANGEROUS ANIMALS,” AND DECLARING AN EMERGENCY

WHEREAS, the current code of the City of Olmsted Falls fails to address an exception for falconry licenses and permitted individuals and is appropriate to amend the code to provide for such regulations. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:

SECTION 1. That Section 618.015 of current Chapter 618 are hereby amended to read as shown on Exhibit “A” attached hereto and incorporated herein by reference, and current Sections are therefore repealed.

SECTION 2. All prior legislation inconsistent with this legislation in whole or in part are hereby repealed to the extent necessary to avoid conflict with this legislation.

SECTION 3. Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the health, safety and welfare of the residents of the City of Olmsted Falls for the further reason that it is necessary to update the Codified Ordinance to permit licenses falconry. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

Cornel Munteanu, President of Council

PASSED: _____

APPROVED: _____
James Graven, Mayor *Date*

APPROVED AS TO FORM: _____
Andrew D. Bemer, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Munteanu	_____	_____
Chitester	_____	_____
Jones	_____	_____
McFadden	_____	_____
Wolanin	_____	_____
Buchholz	_____	_____
Saari	_____	_____

Exhibit "A"

PART SIX – GENERAL OFFENSES CHAPTER 618 – ANIMALS

618.015 KEEPING AND MAINTAINING WILD OR POTENTIALLY DANGEROUS ANIMALS.

(a) No person shall keep, own, harbor, have charge of, maintain or have control of within the City a wild or potentially dangerous animal.

(b) For purposes of this section, a wild or potentially dangerous animal is defined as a mammal, reptile, fowl, or other vertebrate species which is not naturally tame or gentle, but is of a wild nature or disposition or not customarily domesticated, and which because of its characteristics may constitute a danger to human life or property if it escaped from secure quarters. A wild or potentially dangerous animal shall include, but not be limited to:

- (1) All poisonous reptiles;
- (2) All reptiles over eight feet in length;
- (3) Alligators, crocodiles and caimans;
- (4) Bears;
- (5) Cheetahs;
- (6) Birds of Prey, including, but not limited to, falcons, hawks, owls;
- (7) Coyotes and Coyote-dog hybrids;
- (8) Elephants;
- (9) Hyenas;
- (10) Jaguars;
- (11) Leopards;
- (12) Lions;
- (13) Lynxes;
- (14) Monitor Lizards, including, but not limited to Nile Monitor, Water Monitor and Cape Monitor;
- (15) Pumas, also known as cougars, mountain lions and panthers;
- (16) Primates, non-human, including, but not limited to apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs;
- (17) Tegu lizards;
- (18) Tigers;
- (19) Wolves and wolf-dog hybrids;
- (20) Wildcats, ocelot, margay, serval, leopard cat.

(c) It shall be unlawful for any person or persons to keep or maintain a wild or potentially dangerous animal, either inside or outside a structure, within the City, with the following exceptions:

- (1) The Division of Wildlife in the Department of Natural Resources;
- (2) The Ohio Department of Agriculture;
- (3) An incorporated humane society;
- (4) A veterinarian holding a valid license under Ohio R.C. Section 4741.11, who has custody of the animal for the purpose of providing medical treatment to the animal.

(5) Any organization that is an accredited member of the American Association of Zoological Parks and Aquariums.

(6) An agency or official of the United States government acting in its official capacity.

(7) Any research facility within the meaning of the "Animal Welfare Act" 80 STAT 359 (1966) 7 USCG Section 2131, as amended.

(8) A common carrier with possession of the animal for the purpose of transportation when the wild or potentially dangerous animal is transported in humane quarters constructed to prevent escape;

(9) Any person who is not currently dwelling in the City, who is traveling through the City with any wild or potentially dangerous animal and who is in the City for no more than 24 hours when the wild or potentially dangerous animal is maintained in humane quarters constructed to prevent escape.

(10) The International Society for the Preservation of Wild Animals;

(11) Any circus or professional entertainer present within the City for the purposes of entertainment to the general public provided the wild or potentially dangerous animal is maintained in humane quarters which will prevent escape.

(12) Retail pet stores, with all proper licenses, located in a commercial zoning district, provided the animals prohibited by this section are not being offered for sale in the City; and

(13) Any fish or similar aquatic vertebrates, with the exception of domesticated pets as permitted in Chapter 153 of the Codified Ordinances of the City;

(14) Any person licensed through the Ohio Department of Natural Resources (ODNR) as a falconer and complies with all federal standards required by USFWS;

(d) Nothing in this section shall prohibit the keeping of household domesticated pets as permitted in Chapter 153 of the Codified Ordinances of the City;

(e) (1) It shall be unlawful for any person to display or have in his possession or in his control, in any public place within the City, any wild or potentially dangerous animal of any nature.

(2) For purposes of this section, a "Public Place" means a place to which the public or a substantial group of persons has access and includes but is not limited to, street, highways, alleys, sidewalks and all public rights of ways, transportation, facilities, school, places of amusement, parks, places of business, playgrounds, hallways and lobbies and other portions for actual residence. An act shall be deemed to have occurred in a public place if it produces consequences in a public place.

(f) Any person violating this section shall be deemed guilty of a minor misdemeanor for the first offense. For the second and subsequent violations of this section, the violator shall be deemed guilty of a misdemeanor of the fourth degree. Under all circumstances, persons found guilty of violating this section shall be liable to the City for all expenses, whether incurred by the City or advanced by the City, for shelter, food, veterinary expenses, boarding and transportation of the seized wild or potentially dangerous animal, and such other expenses as may be required in the relocation or destruction of any such wild or potentially dangerous animal. In addition, the Court may order the wild or potentially dangerous animal transferred to an appropriate zoological or similar facility. If that is not practical, as an alternative, the Court may order the wild or potentially dangerous animal destroyed by a qualified veterinarian.

(Ord. 47-2000. Passed 5-23-00.)