

Ordinance No. 1-87.10

Passed October 5 19 87

ORDINANCE NO. 1-87.10 amending Chapter 90 of the Code of the Ordinances of the Village of Hartville by the addition of Section 90.19 "Dangerous or Vicious Animals" and amending Section 90.99 "Penalties", and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO.

SECTION 1: That Chapter 90 of the Code of Ordinances of the Village of Hartville be amended by the addition of Section 90.19 which shall read as follows:

"90.19 DANGEROUS OR VICIOUS ANIMALS.

(A) No person shall knowingly keep, maintain or have in his possession or under his control within the Village any dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal, except vicious and dangerous dogs which shall be regulated by Section 90.19 of this Code of Ordinances, or any other animal or reptile of wild, vicious or dangerous propensities. As used in this section, 'dangerous or vicious animal' means and includes the following:

- (1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- (2) Any animal which attacks a human being or domestic animal without provocation; or
- (3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

(B) For purposes of this section, there shall be an irrebuttable presumption that, when kept or maintained within the Village of Hartville, the animals listed below are considered dangerous animals to which the prohibition of subsection (a) hereof, applies:

- (1) All crotalid, elapid and venomous colubroid snakes;
- (2) Apes: Gibbons (hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus);
- (3) Baboons (Papoi, Mandrillus);
- (4) Bears (Ursidae);
- (5) Cheetahs (Acinonyx jubatus);
- (6) Crocodilians (Corcodilia) when twenty-four (24) inches in length or more;
- (7) Constrictor snakes exceeding six (6) feet in length.
- (8) Coyotes (Canis latrans);
- (9) Deer (Cervidae); includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
- (10) Foxes (Canis vulpes);
- (11) Game cocks and other fighting birds;
- (12) Hyenas (Hyaenidae);
- (13) Jaguars (Panthera onca);
- (14) Leopards (Panthera pardus);
- (15) Lions (Panthera leo);

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- (16) Lynxes (Lynx);
- (17) Ostriches (Struthio);
- (18) Piranha fish (Characidae); except those considered vegetarians;
- (19) Pumas (Felis concolor), also known as cougars, mountain lions and panthers;
- (20) Snow leopards (Panthera uncia);
- (21) Tigers (Panthera tigris);
- (22) Wolves (Canis lupus);
- (23) Scorpions;
- (24) Birds of prey, except for those held by licensed falconers;
- (25) Venomous fish;
- (26) Poisonous spiders, except for tarantulas;
- (27) Stinging insects (except honey bees);
- (28) Bats.

(C) Penalty. Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree on the first offense and misdemeanor of the third degree on any subsequent offense."

SECTION 2: That Section 90.99 of the Code of Ordinances of the Village of Hartville be amended to read as follows:

"90.99 PENALTY.

(A) Whoever violates any provision of this Chapter, for which another penalty is not specifically provided, shall be guilty of a minor misdemeanor.

(B) Whoever violates Section 90.11, if the value of the animal killed or the injury done amounts to less than \$300, is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to \$300 or more, such person is guilty of a misdemeanor of the first degree.

(c) Whoever violates Section 90.12, 90.14, 90.15 or 90.17, is guilty of a misdemeanor of the fourth degree.

(D) Whoever violates Section 90.13 (A), 90.18 is guilty of a misdemeanor of the second degree.

(E) In the event of a conviction pursuant to Section 90.19 of the Code of Ordinances:

(1) Any dangerous or vicious animal which attacks a human being or another domestic animal may be ordered destroyed when, in the Court's judgment, such dangerous or vicious animal represents a continuing threat of serious harm to human beings or other domestic animals.

(2) Any person found guilty shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of any animal for the protection of the public, and any other expenses as may be required for the destruction of any such animal."