

ORDINANCE NO. 17-02

AN ORDINANCE AMENDING SECTION 505.23 OF THE  
CITY OF DELAWARE'S CODIFIED ORDINANCES,  
RELATING TO WILD AND EXOTIC ANIMALS.

WHEREAS, Section 737.01 has not been amended since 1976; and

WHEREAS, Council has adopted a change to 737.01 which requires a corresponding amendment to make effective; and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware; State of Ohio:

SECTION 1. 505.23 of the City of Delaware Codified Ordinances shall be amended as follows:

505.23. - Wild or exotic animals.

- (a) No person shall market in any form wholesale or retail, any wild or exotic animal and any animal otherwise prohibited by any other section of these Codified Ordinances. Exceptions to this prohibition include:

~~those animals native to the farm and sold at auction or by private sale, such as horses, cattle, swine and poultry and those animals sold by pet dealers or by private sale, such as domestic cats, domestic dogs, domestic rabbits, guinea pigs, chinchilla, mice, hamsters, gerbils, psittacine birds and nonpoisonous, nonmaneating fish.~~

- (1) **FARM ANIMALS SUCH AS HORSES (INCLUDING RACE HORSES), CATTLE, SWINE AND POULTRY**
- (2) **~~AS WELL AS DOMESTIC CATS, DOMESTIC DOGS, DOMESTIC RABBITS~~**
- (3) **GUINEA PIGS, CHINCHILLA, MICE, RATS, HAMSTERS, GERBILS**
- (4) **PSITTACINE BIRDS, FINCHES, CANARIES, DOVES**
- (5) **AMPHIBIANS**
- (6) **NON-VENOMOUS, NON-CROCODILIAN REPTILES UNDER SIX FEET IN LENGTH**
- (7) **NON POISONOUS, NONMANEATING FISH**

- (b) No person shall own or harbor any wild or exotic animal. Exceptions to this prohibition are ~~eireuses~~, veterinarians (for the purpose of medical treatment), **ANIMAL CARE PROFESSIONALS EMPLOYED BY ASSOCIATION OF ZOOS AND AQUARIUMS (AZA) AND ZOOLOGICAL ASSOCIATION OF AMERICA (ZAA) ACCREDITED ZOOS**, and educational research facilities.

(c) **ANIMALS LISTED IN 505.23(A) MAY BE OWNED AND KEPT PURSUANT TO THE REQUIREMENTS AND LIMITATIONS OF THE DELAWARE CODIFIED ORDINANCES, INCLUDING BUT NOT LIMITED TO, THE ZONING CODE.**

~~Farm animals such as horses, cattle, swine and poultry, as well as domestic cats, domestic dogs, domestic rabbits, guinea pigs, chinchilla, mice, hamsters, gerbils, psittacine bird, nonmaneating fish may be owned and kept pursuant to the requirements of the Codified Ordinances of the City of Delaware including, but not limited to, the Zoning Code.~~

~~Permission may be given by the City Manager or his designate for a person to temporarily keep, care or protect a wild animal native to the State which has been deemed to be homeless, provided it is under the care of a licensed veterinarian.~~

(d) **No person shall own, harbor or keep any animal listed AS THREATENED OR ENDANGERED by the Federal ENDANGERED SPECIES ACT, UNLESS LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE TO OWN, HARBOR OR KEEP ANY SUCH ANIMAL, OR BY THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA, EXCEPT ANIMALS HELD UNDER PERMITS ISSUED BY THE U.S, FISH & WILDLIFE SERVICE.**

~~Government or considered by the American Humane Society, Local and State authorities to be an endangered species.~~

(e) **Whoever violates any provision of this section is guilty of a misdemeanor of the fourth degree. Additionally, the Court shall order that such animal be removed from the City or be humanely destroyed by a licensed veterinarian, the DELAWARE COUNTY Dog Warden, the DELAWARE COUNTY Humane Society, a COUNTY OR CITY law enforcement officer or the CITY Community Service Officer.**

AMENDED: February 27, 2017

YEAS 5 NAYS 0  
ABSTAIN 1

PASSED: February 27, 2017

YEAS 5 NAYS 0  
ABSTAIN 1

ATTEST: Elaine McCoskey  
CITY CLERK

Paul Hefert  
MAYOR