



**CITY COUNCIL REGULAR MEETING AGENDA**  
**Monday, October 14, 2024 at 7:00 PM**

15 East Franklin Street Bellbrook, Ohio 45305  
T (937) 848-4666 | [www.cityofbellbrook.org](http://www.cityofbellbrook.org)

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- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF THE MINUTES**
  - A. Approval of the September 23, 2024 meeting minutes.
- 5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
  - A. 5 Star School/5 Star Community Day Proclamation
  - B. Mayor Schweller conducts Oath of Office for Officer Cameron Roark
- 6. CITIZEN COMMENTS**
- 7. CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**
- 8. PUBLIC HEARING OF PROPOSED ORDINANCES**
  - A. Ordinance 2024-O-11 REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 "COMMERCIAL AND HEAVY VEHICLES" OF TITLE SIX "VEHICLES AND OPERATION" OF PART FOUR "TRAFFIC CODE" OF THE BELLBROOK MUNICIPAL CODE (Greenwood)
- 9. INTRODUCTIONS OF ORDINANCES**
- 10. ADOPTION OF RESOLUTIONS**
- 11. OLD BUSINESS**
- 12. NEW BUSINESS**
  - A. 2025 Budget Process
  - B. Speeding vehicles and targeted mitigation discussion
  - C. Animal Ordinance Review
- 13. CITY MANAGER'S REPORT**
- 14. COMMITTEE REPORTS**
  - A. Safety Committee
  - B. Service Committee
  - C. Finance/Audit Committee
  - D. Community Affairs Committee
- 15. CITY OFFICIAL COMMENTS**
- 16. EXECUTIVE SESSION**
- 17. ADJOURNMENT**

**File Attachments for Item:**

A. Ordinance 2024-O-11 REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 "COMMERCIAL AND HEAVY VEHICLES" OF TITLE SIX "VEHICLES AND OPERATION" OF PART FOUR "TRAFFIC CODE" OF THE BELLBROOK MUNICIPAL CODE (Greenwood)

**City of Bellbrook  
State of Ohio**

**Ordinance No. 2024-O-11**

**REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 “COMMERCIAL AND HEAVY VEHICLES” OF TITLE SIX “VEHICLES AND OPERATION” OF PART FOUR “TRAFFIC CODE” OF THE BELLBROOK MUNICIPAL CODE**

WHEREAS, Article XVIII, Section 3 of the Constitution of the State of Ohio grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other similar regulations that are not in conflict with the general laws; and

WHEREAS, municipal corporations have broad powers and duties with respect to the streets and highways within their limits; and

WHEREAS, the City of Bellbrook previously adopted ordinances relating to commercial and heavy vehicles which have been codified under Chapter 440 of the Bellbrook Municipal Code; and

WHEREAS, The City is primarily a residential community with industrial uses and commercial uses limits of less than 5% of the City; and

WHEREAS, Council has found that commercial and heavy vehicle traffic creates dust, noise, soot, pollution, traffic congestion and road damage that disturb the peace, safety and tranquility of the residents and residential nature of the City; and

WHEREAS, North Main Street and South Main Street were designated as traffic routes in 1983; and

WHEREAS, since 1983 much of North Main Street and South Main Street have been developed with multiple new residential neighborhoods that front or have their primary ingress and egress through North and South Main Streets; and

WHEREAS, North Main Street and South Main Street have become primarily residential streets in the primarily residential community of Bellbrook;

WHEREAS, traffic counts reveal that more than three hundred (300) commercial and heavy vehicles traverse North Main Street and South Main Street per day; and

WHEREAS, the residential character of North Main Street and South Main Street and primarily residential uses adjacent to North Main Street and South Main Street are inconsistent with commercial and heavy vehicle traffic; and

WHEREAS, the commercial and heavy vehicle traffic has been increasing and present public safety concerns for the primarily residential traffic on North Main Street and South Main Street; and

# RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2024-O-11

October 14, 2024

WHEREAS, there are multiple State Routes and interstate highways suitable for commercial and heavy vehicles outside of the City of Bellbrook within Greene County and permissible truck routes such as Franklin Street and Wilmington Pike within the City of Bellbrook that permit intrastate travel without the need for North Main Street and South Main Street to be truck routes;

WHEREAS, Council finds, the elimination of North and South Main Streets as designated truck routes will not discriminate between local and through traffic as all commercial and heavy vehicles are subject to the same regulations and must follow designated truck routes in order to reach their destinations, even when they intend to discharge cargo in the City; and

WHEREAS, Council finds further, the elimination of North and South Main Streets as designated truck routes will not discriminate between local and through traffic because if a destination for commercial and heavy vehicles is located on a street not designated as a designated truck route, commercial and heavy vehicles must still use designated routes to reach such streets; and

WHEREAS, City Council wishes to repeal in its entirety and enact a new Chapter 440 “Commercial and Heavy Vehicles” of Title Six “Vehicles and Operation” of Part Four “Traffic Code” of the Bellbrook Municipal Code.

## **NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:**

Section 1. Chapter 440 “Commercial and Heavy Vehicles” of Title Six “Vehicles and Operation” of Part Four “Traffic Code” of the Bellbrook Municipal Code is hereby repealed in its entirety and newly enacted as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with deletions shown by ~~strike through~~ and additions shown by **bold** and underlined.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED BY City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_ Yeas; \_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Michael W. Schweller, Mayor

\_\_\_\_\_  
Robert Schommer, Clerk of Council

APPROVED AS TO FORM:  
Stephen McHugh, Municipal Attorney

## CHAPTER 440. COMMERCIAL AND HEAVY VEHICLES

## Sec. 440.01 Load limits.

- (a) *Local thoroughfares.* No person shall drive or operate any vehicle used for the transportation of goods or property, the gross weight of which, with load, exceeds five tons, upon the street, highways, bridges and culverts of the Municipality, except on designated and marked truck routes or on state routes. Drivers of such vehicles whose gross weight, with load, exceeds weight limits prescribed by this subsection may deliver or pick up goods or property at places not located on state or truck routes provided such vehicles are only operated by the shortest way possible between the state or truck route and the place of delivery or pick up or as otherwise directed by a police officer.
- (b) *Special permits.* The Chief of Police may, upon application in writing and for good cause shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination or vehicles of a size or weight of vehicle or load exceeding the maximum specified in ORC 5577.05, upon any street or other public place. Any such permit may be issued for a single or round trip or, in special instances, for a certain period of time. The Chief may issue or withhold a permit or, if a permit is issued, may limit or prescribe conditions of operation for a vehicle and require a bond or other security necessary to compensate for any damage to a roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or other lawful authority. No person shall violate any of the terms of a permit.

(Ord. 71-4, passed 4-12-71; Ord. No. 2016-2 , § 13, 3-14-2016; Ord. No. 2017-2 , § 2, 3-27-2017)

Secs. 440.02—440.05. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed §§ 440.02—440.05 which pertained to: maximum width, height and length; wheel protectors; vehicles transporting explosives; towing requirements; exception to size and weight restrictions; respectively; and derived from the 1985 Codified Ordinances.

Sec. 440.06 Loads dropping or leaking; tracking mud; removal required.

- (a) No person shall operate any vehicle so as to track mud on any public way or place.
- (b) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion thereof to be dropped or deposited upon any public way or place to immediately remove the same or cause it to be removed.

(Ord. No. 2016-2 , § 13, 3-14-2016)

Sec. 440.07, 440.08. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed §§ 440.07, 440.08 which pertained to: vehicles with spikes, lugs and chains; occupying travel trailer or manufactured home while in motion; respectively; and derived from the 1985 Codified Ordinances.

Sec. 440.09. Route and load information.

Drivers of vehicles described in this chapter are required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

Sec. 440.10. Shifting load; loose loads.

- (a) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.
- (b) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by ORC 4513.09, or any substantially equivalent municipal ordinance.

Sec. 440.11. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.11, which pertained to weighing vehicle, removal of excess load and derived from the 1985 Codified Ordinances.

## Sec. 440.12. Truck routes.

- (a) *Use by commercial trucks required; exceptions.* Commercial trucks in the City shall be operated only over and along the truck routes established in this section and on other streets over which commercial truck travel is permitted, except as follows:
- (1) *Operation on street of destination.* The operation of commercial trucks upon any street of origin, or where necessary to conduct business at a destination point, provided truck routes are used to or from the nearest intersection to the point of origin or destination, is permitted.
  - (2) *Emergency and public safety vehicles.* The operation of emergency and public safety vehicles upon any street in the City is permitted.
  - (3) *Public utilities.* The operation of commercial trucks owned or operated by the City, any public utility or any contractor or materialman, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities in the City, is permitted.
  - (4) *Detoured trucks.* The operation of commercial trucks upon any officially established street established as a detour is permitted.
- (b) *Establishment of routes.* There are hereby established in the City the following truck routes:
- (1) East and West Franklin Street (State Route No. 725);
  - ~~(2) South Main Street;~~
  - ~~(3) North Main Street; and~~
  - (4) Wilmington Pike.
- (c) *Truck Traffic in the City.*
- (1) *Outside origin; outside destination.* All commercial trucks entering the City from points outside the City and proceeding directly to a destination point outside the City shall operate only over designated truck routes.
  - (2) *Outside origin; inside destination.*
    - A. *One inside destination point.* All commercial trucks entering the City for a destination point in the City shall proceed only over an established truck route and shall deviate only at the intersection nearest such destination point. Upon leaving such destination point, a deviating commercial truck shall return to the truck route by the shortest permissible route.
    - B. *Multiple inside destination points.* All commercial trucks entering the City for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection nearest to the first destination point. Upon leaving such destination point, a deviating commercial truck shall proceed to other destination points by the shortest and most direct course. Upon leaving the last destination point, a deviating commercial truck shall return to a truck route by the shortest permissible route.

(3) *Inside origin.*

(1) *Outside destination point.* All commercial trucks, on a trip originating in the City and traveling through the City to a destination point outside the City, shall proceed by the shortest and most direct course over streets to a truck route as established in this section.

(2) *Inside destination point.* All commercial trucks, on a trip originating in the City and traveling within the City to a destination point in the City, shall proceed only by the shortest and most direct course.

(d) *Signs.* The Police Chief shall cause all truck routes to be clearly posted to give notice that this section is in effect.

(e) *Compliance required.* No person shall drive a commercial truck over any public street in the City, except upon those streets herein designated as truck routes and except upon streets providing the shortest and most direct course between truck routes and origin or designation points, as herein provided.

(f) *Penalty.* Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor. The penalty shall be as provided in [Section 408.01].

(Ord. 83-5, passed 3-14-83)

Sec. 440.13. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.13, which pertained to chauffeured limousines and derived from the 1985 Codified Ordinances.

Sec. 440.99. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.99, which pertained to penalty, and derived from the 1985 Codified Ordinance



**File Attachments for Item:**

A. 2025 Budget Process

**General Fund**

*Item A. Section 12, Item*

<b>GENERAL FUND</b>	<b>For 2022 Actual</b>	<b>For 2023 Actual</b>	<b>Current Year Projected 2024</b>	<b>Budget Year Projected 2025</b>
<b>REVENUE</b>				
Total Local Taxes	\$ 709,270	\$ 713,906	\$ 961,000	\$ 970,000
Total Intergovernmental Revenues	\$ 353,146	\$ 285,146	\$ 234,815	\$ 250,000
Charge for Services	\$ 99,441	\$ 23,522	\$ 19,000	\$ 19,500
Special Assessments	\$ 359	\$ 2,887	\$ 3,000	\$ 3,000
Fines, Licenses, and Permits	\$ 33,515	\$ 113,934	\$ 102,600	\$ 103,300
Investment Earnings	\$ 70,410	\$ 217,309	\$ 150,000	\$ 150,000
Miscellaneous	\$ 22,082	\$ 75,730	\$ 11,000	\$ 11,000
<b>TOTAL REVENUE</b>	<b>\$ 1,288,223</b>	<b>\$ 1,432,434</b>	<b>\$ 1,481,415</b>	<b>\$ 1,506,800</b>
<b>EXPENDITURES</b>				
<b>General Fund</b>				
<b>Total Expenses</b>	\$ 558,391	\$ 1,104,511	\$ 1,089,359	\$ 1,250,000
<b>Other Uses of Funds</b>				
Transfer to the Police Fund	\$ -	\$ 110,000	\$ 342,160	\$ 385,929
Transfer to the Fire Fund	\$ -	\$ -	\$ -	\$ -
Transfer to the Capital Improvement Fund	\$ -	\$ -	\$ -	\$ -
<b>Total Other Uses of Funds</b>	\$ -	\$ 110,000	\$ 342,160	\$ 385,929
<b>TOTAL EXPENDITURES</b>	<b>\$ 558,391</b>	<b>\$ 1,214,511</b>	<b>\$ 1,431,519</b>	<b>\$ 1,635,929</b>

**General Fund**

Item A. Section 12, Item

<b>GENERAL FUND</b>	<b>For 2022 Actual</b>	<b>For 2023 Actual</b>	<b>Current Year Projected 2024</b>	<b>Budget Year Projected 2025</b>
Revenues over/(under) Expenditures	\$ 729,832	\$ 217,923	\$ 49,896	\$ (129,129)
Beginning Unencumbered Balance	\$ 2,017,810	\$ 2,748,002	\$ 2,774,895	\$ 2,624,791
Ending Cash Fund Balance	\$ 2,747,642	\$ 2,965,925	\$ 2,824,791	\$ 2,495,662
Estimated Encumbrances (outstanding at year end)	\$ 143,485	\$ 191,030	\$ 200,000	\$ 20,000
<b>Estimated Ending Unencumbered Fund Balance</b>	<b>\$ 2,604,157</b>	<b>\$ 2,774,895</b>	<b>\$ 2,624,791</b>	<b>\$ 2,475,662</b>

**Police Fund**

Item A. Section 12, Item

<b>POLICE LEVY FUND</b>	<b>For 2022 Actual</b>	<b>For 2023 Actual</b>	<b>Current Year Projected 2024</b>	<b>Budget Year Projected 2025</b>
<b>REVENUE</b>				
Property Tax	\$ 1,403,059	\$ 1,412,090	\$ 1,597,000	\$ 1,616,000
Total Intergovernmental Revenues	\$ 208,318	\$203,600.05	\$ 190,000	\$ 195,700
Charges for Services	\$ 18,375	\$26,784.61	\$ 62,000	\$ 63,860
Fines, Licenses & Permits	\$ 2,323	(\$1,641.08)	\$ 2,250	\$ 2,300
Miscellaneous	\$ 9,735	\$4,221.97	\$ 3,000	\$ 3,000
Transfers-in from the General Fund	\$ -	\$110,000.00	\$ 342,160	\$ 385,929
<b>TOTAL REVENUE</b>	<b>\$ 1,641,810</b>	<b>\$ 1,755,056</b>	<b>\$ 2,196,410</b>	<b>\$ 2,266,789</b>
<b>EXPENDITURES</b>				
<b>Total Police Expenses</b>	<b>\$ 1,774,171</b>	<b>\$ 1,997,331</b>	<b>\$ 2,200,766</b>	<b>\$ 2,266,789</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 1,774,171</b>	<b>\$ 1,997,331</b>	<b>\$ 2,200,766</b>	<b>\$ 2,266,789</b>
Revenues over/(under) Expenditures	\$ (132,361)	\$ (242,275)	\$ (4,356)	\$ -
Beginning Unencumbered Balance	\$ 413,990	\$ 281,631	\$ 39,356	\$ -
Ending Cash Fund Balance	\$ 281,629	\$ 281,631	\$ 35,000	\$ -
Estimated Encumbrances (outstanding at year end)	\$ 53,072	\$ 41,150	\$ 35,000	\$ -
<b>Estimated Ending Unencumbered Fund Balance</b>	<b>\$ 228,557</b>	<b>\$ 240,481</b>	<b>\$ -</b>	<b>\$ -</b>

**Fire Fund**

*Item A. Section 12, Item*

<b>FIRE LEVY FUND</b>	<b>For 2022 Actual</b>	<b>For 2023 Actual</b>	<b>Current Year Projected 2024</b>	<b>Budget Year Projected 2025</b>
<b>REVENUE</b>				
Property Taxes	\$ 1,119,115	\$ 1,126,408	\$ 1,234,000	\$ 1,250,000
Total Intergovernmental Revenues	\$ 123,762	\$ 121,853	\$ 117,000	\$ 120,000
Charges for Services	\$ 101,735	\$ 118,697	\$ 100,000	\$ 103,000
Miscellaneous	\$ 32,048	\$ 3,379	\$ 2,000	\$ 2,000
Transfer-in from the General Fund	\$ -	\$ -	\$ -	\$ -
<b>TOTAL REVENUE</b>	<b>\$ 1,376,660</b>	<b>\$ 1,370,337</b>	<b>\$ 1,453,000</b>	<b>\$ 1,475,000</b>
<b>EXPENDITURES</b>				
<b>Total Fire Expenses</b>	<b>1,397,287</b>	<b>1,419,898</b>	<b>1,564,755</b>	<b>1,611,698</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 1,397,287</b>	<b>\$ 1,419,898</b>	<b>\$ 1,564,755</b>	<b>\$ 1,611,698</b>
Revenues over/(under) Expenditures	\$ (20,627)	\$ (49,561)	\$ (111,755)	\$ (136,698)
Beginning Unencumbered Balance	\$ 535,454	\$ 514,828	\$ 465,266	\$ 321,011
Ending Cash Fund Balance	\$ 514,827	\$ 465,267	\$ 353,511	\$ 184,313
Estimated Encumbrances (outstanding at year end)	\$ 93,818	\$ 30,000	\$ 32,500	\$ 35,000
<b>Estimated Ending Unencumbered Fund Balance</b>	<b>\$ 421,009</b>	<b>\$ 435,267</b>	<b>\$ 321,011</b>	<b>\$ 149,313</b>

**Police Pension Fund**

*Item A. Section 12, Item*

<b>POLICE PENSION LEVY FUND</b>	<b>For 2022 Actual</b>	<b>For 2023 Actual</b>	<b>Current Year Projected 2024</b>	<b>Budget Year Projected 2025</b>
<b>REVENUE</b>				
Total Property Taxes	\$ 56,700	\$ 57,111	\$ 81,000	\$ 82,000
Total Intergovernmental Revenues	\$ 8,345	\$ 8,381	\$ 8,000	\$ 8,000
<b>TOTAL REVENUE</b>	<b>\$ 65,045</b>	<b>\$ 65,492</b>	<b>\$ 89,000</b>	<b>\$ 90,000</b>
<b>EXPENDITURES</b>				
Total Police Pension Expenses	\$ 64,638	\$ 80,590	\$ 89,590	\$ 95,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 64,638</b>	<b>\$ 80,590</b>	<b>\$ 89,590</b>	<b>\$ 95,000</b>
Revenues over/(under) Expenditures	\$ 407	\$ (15,098)	\$ (590)	\$ (5,000)
Beginning Unencumbered Balance	\$ 24,861	\$ 25,268	\$ 10,170	\$ 9,580
Ending Cash Fund Balance	\$ 25,268	\$ 10,170	\$ 9,580	\$ 4,580
Estimated Encumbrances (outstanding at year end)	\$ -	\$ -	\$ -	\$ -
<b>Estimated Ending Unencumbered Fund Balance</b>	<b>\$ 25,268</b>	<b>\$ 10,170</b>	<b>\$ 9,580</b>	<b>\$ 4,580</b>

**Other Funds**

Item A, Section 12, Item

FUND	Estimated Unencumbered Fund Balance 1/1/2025	Budget Year Projected Receipts	Total Available For Projected Expenditures	Budget Year Projected Expenses	Projected Unencumbered Balance 12/31/2025
<b>Special Revenue Funds:</b>					
Street Fund	\$ 367,000	\$ 435,000	\$ 802,000	\$ 420,000	\$ 382,000
State Highway Fund	\$ 98,590	\$ 30,000	\$ 128,590	\$ 53,000	\$ 75,590
Fuel System Fund	\$ 3,295	\$ 1,500	\$ 4,795	\$ 2,500	\$ 2,295
Motor Vehicle License Fund	\$ 106,819	\$ 49,000	\$ 155,819	\$ 50,000	\$ 105,819
OneOhio Opioid Settlement Fund	\$ 6,398	\$ 6,000	\$ 12,398	\$ 12,000	\$ 398
Capital Improvement Fund	\$ 301	\$ 440,000	\$ 440,301	\$ 440,000	\$ 301
<b>TOTAL SPECIAL REVENUE FUNDS</b>	<b>\$ 582,403</b>	<b>\$ 961,500</b>	<b>\$ 1,543,903</b>	<b>\$ 977,500</b>	<b>\$ 566,403</b>
<b>Enterprise Funds:</b>					
Waste Collection Fund	\$ 224,300	\$ 645,000	\$ 869,300	\$ 650,000	\$ 219,300
Water Fund	\$ 4,533,985	\$ 1,635,000	\$ 6,168,985	\$ 1,640,000	\$ 4,528,985
<b>TOTAL ENTERPRISE FUNDS</b>	<b>\$ 4,758,285</b>	<b>\$ 2,280,000</b>	<b>\$ 7,038,285</b>	<b>\$ 2,290,000</b>	<b>\$ 4,748,285</b>
<b>TRUST AND AGENCY FUNDS</b>					
Performance Bond Fund	\$ 78,533	\$ 21,000	\$ 99,533	\$ 25,000	\$ 74,533
Agency Fund	-	-	-	-	-
<b>TOTAL TRUST AND AGENCY FUNDS</b>	<b>\$ 78,533</b>	<b>\$ 21,000</b>	<b>\$ 99,533</b>	<b>\$ 25,000</b>	<b>\$ 74,533</b>
<b>TOTAL OTHER FUNDS (MEMO ONLY)</b>	<b>\$ 5,419,221</b>	<b>\$ 3,262,500</b>	<b>\$ 8,681,721</b>	<b>\$ 3,292,500</b>	<b>\$ 5,389,221</b>
<b>GRAND TOTAL ALL FUNDS</b>	<b>\$ 8,374,603</b>	<b>\$ 8,601,089</b>	<b>\$ 16,975,692</b>	<b>\$ 8,515,987</b>	<b>\$ 8,073,776</b>







**File Attachments for Item:**

C. Animal Ordinance Review

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## CHAPTER 618. ANIMALS<sup>1</sup>

### Secs. 618.01, 618.02. Reserved.

Editor's note(s)—Ord. No. 2016-6 , § 3, adopted July 11, 2016, repealed §§ 618.01, 618.02 which pertained to: dogs and other animals running at large; nuisance, dangerous and vicious dogs; hearings; abandoning animals; respectively; and derived from the 1985 Codified Ordinances.

### Sec. 618.03—618.06. Reserved.

### Sec. 618.07. Barking or howling dogs.

- (a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who allows any dog habitually to remain or be lodged or fed within any dwelling, building, yard or enclosure, which he or she occupies or owns, shall be considered to be harboring such dog.
- (b) No person shall be convicted under division (a) of this section unless the noises created by such dog are heard or detected by at least one or more residents in the vicinity or a City police officer.
- (c) Whoever violates this section is guilty of a minor misdemeanor.

### Secs. 618.08—618.11. Reserved.

Editor's note(s)—Ord. No. 2016-6 , § 3, adopted July 11, 2016, repealed §§ 618.08, 618.09, 618.095, 618.10, 618.11 which pertained to: registration of dogs required; hindering capture of unregistered dog; dogs required to wear tags; unlawful tags; rabies quarantine; respectively; and derived from the 1985 Codified Ordinances and Ord. Ord. 80-15, passed 10-13-80.

### Sec. 618.12. Hunting prohibited.

- (a) The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means. However, nothing in this section shall be deemed to prohibit the killing of rats and other undesirable rodents authorized to be killed by the Chief of Police using means for such killing which are also authorized by the Chief.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

### Sec. 618.13. Nuisance conditions prohibited.

- (a) No person shall harbor, keep or maintain an animal in such a manner as to be injurious to the health, comfort or property of individuals or the public.

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<sup>1</sup>Cross reference(s)—Driving animals upon roadway, see Secs. 404.05; Animals in parks, see Secs. 1062.08, 1062.09.

- (b) No owner, keeper or harbinger of any dog or animal approved and/or licensed by the Ohio Department of Natural Resources shall fail at any time to do either of the following:
- (1) Keep the animal physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape.
  - (2) Keep the animal under the reasonable control of some person.
- (c) Subject to division (a) of this section, and without in any way limiting the applicability thereof, any of the following acts committed in connection with the harboring, keeping or maintaining of an animal shall constitute maintenance of a public nuisance and is hereby prohibited:
- (1) Permitting offensive or obnoxious odors to be released and carried to the property of another; or
  - (2) Permitting loud, offensive and regularly repeated barking or howling by a dog.
- (d) Any violation of ORC Chapter 955 within six months of a previous violation thereof shall be a prima-facie violation of this section.
- (e) The Municipal Attorney may proceed by civil action in any court of record to obtain an abatement order under this section.
- (f) Whoever violates any of the provisions of this section is guilty of maintaining a public nuisance, a misdemeanor of the fourth degree. The penalty shall be as provided in ORC Chapter 2929. In addition to imposing the appropriate punishment the court shall order such nuisance to be abated.

(Ord. 78-16, passed 4-24-78; Ord. 99-10, passed 8-9-99; Ord. No. 2014-6 , § 1, 9-8-2014; Ord. No. 2017-3 , § 1, 3-27-2017)

#### **Sec. 618.14. Impounding and redemption.**

A police officer or Animal Warden contracted with or hired by the Municipality, or any other person appointed by the Manager, may pick up and impound any dog, licensed or unlicensed, or any other animal found running at large on any street or on any public or private property within the Municipality. Such officer, Animal Warden or other person shall have the right to go onto private property to capture the dog or other animal. The dog or other animal shall be released to the owner or to the person entitled to the possession of the same upon payment by the owner or such other person to the Municipality of a pick-up fee of ten dollars (\$10.00) for the first offense and twenty-five dollars (\$25.00) for each offense thereafter. If the dog has been placed in the County Dog Pound, the owner shall also be required to pay charges assessed by the County.

(Ord. 78-17, passed 4-24-78)

#### **Sec. 618.15. Certain animals prohibited.**

- (a) No person shall keep within the Municipality any horse, cow, pig, goat, or chicken on any parcel of property, except in agricultural zoning districts on parcels of five acres.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 2007-4, passed 8-27-07; Ord. 2010-7, passed 9-13-10)

**Sec. 618.16. Dead animals.**

- (a) When any animal dies in the possession of any person in the Municipality, no such person shall fail to remove such animal or cause the same to be removed outside the limits of the Municipality or to be buried, so that the same does not corrupt the air or cause any injury to the health of any other person in the Municipality.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 118, passed 2-19-36; Ord. 74-38, passed 11-11-74)

**Secs. 618.17, 618.18. Reserved.**

Editor's note(s)—Ord. No. 2016-6 , § 3, adopted July 11, 2016, repealed §§ 618.17, 618.18 which pertained to: dogs with blind, deaf or hearing impaired, or mobility impaired person, or trainer with assistance dog; animal fights; respectively; and derived from the 1985 Codified Ordinances.

**Sec. 618.19. Dangerous, wild and undomesticated animals or pets prohibited.**

- (a) For the purposes of this section, a household pet is a dog, cat or other species of animal, fish, fowl, amphibian or reptile which is normally deemed to be tame and domesticated or which is commonly kept as a pet inside a residence.
- (b) A wild, dangerous or undomesticated animal is an animal that is not defined as a household pet and that would be ordinarily confined to a zoo, farm or the wilderness, or that otherwise causes fear to the general public.
- (c) No person shall harbor, maintain or control a wild, dangerous or undomesticated animal within the City.
- (d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(Ord. 2007-4, passed 8-27-07)

**Sec. 618.20. Reserved.**

Editor's note(s)—Ord. No. 2016-6 , § 3, adopted July 11, 2016, repealed § 618.20, which pertained to dangerous and vicious dogs, and derived from the 1985 Codified Ordinances.

**Sec. 618.21. Beekeeping.**

The keeping of bees in residential areas is permitted under the following conditions:

- (a) Definitions.
  - (1) *Bee* means any stage of any species of the genus *Apis*.
  - (2) *Hive* means any modern frame hive, box hive, box, barrel, log gum, skep or any other natural or artificial receptacle, or any part thereof, that may be used as a domicile for bees.
  - (3) *Colony* means any hive and its equipment, including bees, combs and brood.
  - (4) *Equipment* means any used hives or parts thereof, used frames, used honey houses, used tools, used machines, or used devices employed in the handling or manipulation of bees, honey, or beeswax, or any used container for honey or beeswax.
  - (5) *Swarm* means a population of bees that is not permanently established.

- (6) *Beekeeper* means the person who takes care of and/or registers the apiary where the honey bee colonies are kept.
- (b) In order to have beekeeping privileges within the City, all beekeepers are required to maintain and register their hives as set forth in ORC Chapter 909 Apiaries.
- (c) All beekeepers are required to register with the City, setting forth the location of their hives and number of colonies of bees.
- (d) Any lot used for beekeeping must have a minimum size of 14,000 square feet. There shall be no more than two hives established on any lot used for beekeeping, except two additional temporary hives are allowed for hive separation or new swarm establishment purposes. Such temporary hives shall be removed from the property within two weeks.
- (e) Hives shall be placed in the rear yard of the property and in no case shall the hives be closer than 30 feet from a public or private street, sidewalk or roadway. In no case shall the hives be closer than 25 feet to an abutting property line.
- (f) A fresh water source shall be maintained within 15 feet of the hives.
- (g) The owner of the hive(s) must be a resident in a dwelling located on the same lot on which the hive(s) are registered. Hives are only permitted on lots with single family residential units located on them.
- (h) The maintenance of each colony shall meet the following conditions:
- (1) Colonies shall be maintained in readily movable frame hives.
  - (2) Each hive must conspicuously display the Apiary Identification Number assigned pursuant to ORC Chapter 909 on no less than the base and the box. The identification number shall be on a side that is visible without moving or lifting of said hive.
  - (3) Adequate space shall be maintained in the hive to prevent overcrowding and swarming.
  - (4) Colonies shall be re-queened following any swarming or aggressive behavior or seized and destroyed without remuneration.
- (i) A certificate or permit providing the privilege to keep bees within the City may be provided by the City to a beekeeper once it is established that the necessary requirements outlined in this section are satisfied.
- (j) (1) Beekeeping privileges may be revoked from any property by written notification to the property owner by the City. Revocation must be done with cause, however, the cause needs not to be the fault of the beekeeper, nor be a factor that is under the control of the beekeeper. The City may revoke beekeeping privileges for any condition or combination of circumstances that jeopardizes, endangers or otherwise constitutes an actual, potential or perceived menace to public health or safety. Once beekeeping privileges have been revoked on a particular property, such privilege may be reestablished only upon written request. Additionally, a permit or certificate may be revoked by the City due to a failure to satisfy any of the requirements of this section.
- (2) A perceived menace to public health may also include, but is not limited to:
- A. Written documentation over a medical doctor's signature certifying that the medical condition caused by bee stings to a resident of an abutting property would constitute a higher than normal health hazard will constitute sufficient cause to withdraw beekeeping privileges from any specific property.
  - B. Abnormally aggressive behavior by bees defending their hive beyond the property lines may constitute sufficient cause to withdraw beekeeping privileges from any specific property.

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- (k) The City may revoke a beekeeper's privilege to maintain hives within the City by revoking the beekeeper's permit or certificate. If such revocation occurs, the permit holder will be given an opportunity for a hearing before the City Council to determine whether cause exists for revoking the beekeeping privileges.

(Ord. 2010-7, passed 9-13-10)

RECORD OF ORDINANCES

Item C, Section 12, Item

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2010-2

Passed April 26, 2010

CITY OF BELLBROOK, OHIO
ORDINANCE NO. 2010-2

AN ORDINANCE AMENDING ARTICLE #3, DEFINITIONS, SECTION 3.02(62), KENNEL, OF THE BELLBROOK MUNICIPAL CODE TO REVISE THE DEFINITION OF "KENNEL."

WHEREAS, the Bellbrook Planning Board conducted a public hearing on March 15, 2010 and has recommended that an amendment be made to Article 3 of the Bellbrook Zoning Code.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1: That the following amendment to Article 3 of the Bellbrook Zoning Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

ARTICLE 3 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

62. Kennel:

(a) Any lot or premises used for the sale, training, boarding or breeding of dogs, cats or other animals;

(b) or any lot or premises upon which are kept more than [two (2)] four (4) animals which are over the age of four (4) months and which are either dogs or cats. [In addition, a kennel shall be deemed to exist on any residentially-zoned lot upon which ten (10) or more animals have been raised or kept for sale during any calendar year, regardless of the age of those animals. (NOTE:] Kennels are not included as permitted principal or accessory uses in any Residential Zoning Districts and so are not allowed in those districts.)

(1) An excess number of dogs and/or cats on lots or premises that exist as of the effective date of this ordinance (May 26, 2010) may remain without penalty until the permitted number of dogs and/or cats is achieved on the premises. No additional dogs and/or cats may be added to any such lot or premises until the number of dogs and cats is reduced to three (3) or less.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period provided by law.

Passed this 26th of April, 2010.

Mary C. Graves
MARY C. GRAVES, MAYOR

ATTEST:
Jill D. Rosner
JILL D. ROSNER, Clerk of Council

APPROVED AS TO FORM:
Richard A. Freudenberger
Law Director