



# CITY COUNCIL REGULAR MEETING AGENDA

## Monday, October 28, 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 October 14, 2024 Regular City Council Meeting minutes.
5. **MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
  - A. Recognition of employees for benchmark years of service to the City.
  - 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**
9. **INTRODUCTIONS OF 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)
10. **ADOPTION OF RESOLUTIONS**
11. **OLD BUSINESS**
  - A. Animal Ordinance Review
  - B. 2025 Budget Process
  - C. Speeding vehicles and targeted mitigation discussion
12. **NEW BUSINESS**
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. Approval of the October 14, 2024 Regular City Council Meeting minutes.

# RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

October 14, 2024

Item A. Section 4, Item

## 1. CALL TO ORDER

Mayor Schweller called the Regular Meeting of the Bellbrook City Council to order at 7:00pm

## 2. PLEDGE OF ALLEGIANCE

Mayor Schweller led the Council in the Pledge of Allegiance.

## 3. ROLL CALL

PRESENT

Mr. Logan Ashley

Mrs. Katherine Cyphers

Mr. Forrest Greenwood

Mr. Brady Harding

Mr. Ernie Havens

Mr. T.J. Hoke

Mayor Mike Schweller

## 4. APPROVAL OF THE MINUTES

A. Approval of the September 23, 2024, meeting minutes.

Deferred until next meeting

## 5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST

A. 5 Star School/5 Star Community Day Proclamation

Superintendent Dr. Doug Cozad introduced the Bellbrook-Sugarcreek Schools rating of 5 stars to achieve a 5 Star School-5 Star Community status.

Mayor Schweller read a Proclamation denoting November 14th as 5 Star Schools - 5 Star Community Day.

## 6. CITIZEN COMMENTS

David Buccalo 126 Lower Hillside. Commented a Village in Ohio violated the Open Meetings law due to a secret vote. He also commented on chicken laws for the City. He noted citizens have asked for permission to have chickens in their yards. He reviewed the City of Xenia's ordinance regarding residential chickens.

Brad Leonard 1765 Sugar Maple Place discussed updating on speeding issues.

## 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)

Mr. Greenwood read the Ordinance.

Mayor Schweller opened the public hearing at 19:15

Mayor Schweller asked if anyone present wished to speak in favor of the proposed Ordinance.

William Krebs 115 S. Main Street and on Ferry Road. He noted everything stated is correct. He noted he does not like the trucks going on Main Street, as well as on Ferry Road.

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Item A. Section 4, Item

He stated trucks are traveling 65 mph blowing up rocks and dirt. He noted concerns about putting the problem into the Township and both entities should work together.

Deborah Schramm 36 S. Main Street stated she has lived there since 1990 and there were not as many nor as large trucks on Main Street. She stated kids cannot play on the sidewalk and bicyclists are not seen anymore. She added houses on Ferry Road have a large distance between the road and the houses and on Main Street the houses are close.

Pete Fee 27 S. Main Street has lived there for 20 years and noted the increase in traffic of big vehicles has gone through the roof. He noted he cannot even talk on the phone at times. He noted the noise, dust and dirt has increased and the trucks start very early. He has had to move his bedroom to the rear of the house to control the noise. He stated it is a neighborhood street and the trucks have become a nuisance. He mentioned the possibility of setting time frames such as 10-6 and stop Saturdays. He noted it is six days a week and keeps increasing more and more. He noted this is the resident's neighborhood where their homes are.

Mayor Schweller called for anyone else to speak in favor of the proposed Ordinance. Hearing none, Mayor Schweller asked if anyone present wished to speak against the proposed Ordinance.

Collin Ernst, Tipp City Ohio noted he has spent some time monitoring sound levels with a decibel meter. He mentioned road deterioration, which says he has not seen. He also stated he did not know what to say if there were no plans to allow for truck traffic as it has been a route for 41 years. He added re-routing the 6 miles would increase 100 tons of increased CO2 emissions. He provided accident statistics. He noted they spent three days in the park and downtown and felt people were not speeding. He noted there is not a way to pass on costs. He noted Ernst is part of the community attending events and gas tax. He asked that an open mind is kept, and the roadway is critical to their business.

Doug Betz 2760 Ferry Road Sugarcreek Township. He stated he serves the Sugarcreek Township's BZC and was contacted by Barry Tiffany due to a letter being received about truck routes in the City. He noted he understands what is trying to be done, however, putting the traffic into the Township is unrealistic. He noted Ferry Road is not designed to carry the traffic. He inquired about alternatives such as allowing trucks on the South side. He noted concrete has a certain amount of time that it must be delivered additional time would cut off Ernst service area. Barry stated they were shocked and not notified. He asked that an equitable solution is made to benefit the City and Township.

John Baldino 2432 Ferry Road Sugarcreek Township stated the Ordinance is not in the best interest of the community. He criticized some of the comments about the ordinance and the survey. He noted businesses will be impacted as they have invested in land, equipment and operations and feels they will take actions to sue. He stated the proposed Ordinance will not have the impact intended.

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Item A. Section 4, Item

Yance Mills 2518 Ferry Road Sugarcreek Township. Thanked for a forum to be able to speak. He noted the decision will make some happy and some not happy. He noted he and his family enjoy having a horse farm in a quiet and clean area. He noted the choice will have a direct benefit to the residents of Bellbrook but discriminate against residents on Ferry Road. The constant traffic would remove the quiet that his family enjoys. He stated there is not economic impact for the people of Sugarcreek but will impact them. He wants to be able to enjoy life as he and his wife earned.

Keith Cunningham 2115 Ferry Road Sugarcreek Township. He stated it has all become very complicated. He states this is being directed directly to Ferry Road businesses and families, such as his family being denied making a living. He stated he would like the Council and Sugarcreek Township to have a meeting before any decisions are made.

Bernadette DiSalvo 2414 Ferry Road Sugarcreek Township and owner of Sugarcreek Bird Farm. Stated it is unfair to single out businesses. Does not want the noise increased 50% to her home and not safe to have the traffic turn down her road.

Paula DiSalvo 108 S. Main Street 2365 and 2389 Ferry Road Sugarcreek Township. She stated she asked prior to the meeting if questions could be asked and was told yes, but the Mayor indicated the hearing was for statements and not questions. She noted there is no attention being paid to the speeding and traffic in Sugarcreek Township. She noted the timeframe suggestion was good. She added business has changed and restricting hours would be difficult. She noted she is not for changing the routes for trucks.

Judd Powell, 2113 Ferry Road Sugarcreek Township, also owner of Tom's Mulch. He stated that they were under the impression that they would be able to ask questions at this time. Mayor Schweller stated this was an open discussion meeting. Mr. Powell mentioned the signage of the no truck route and where it was going to be placed. He also mentioned a meeting needs to be set up between the Council and Sugarcreek Township before any decisions are made.

Phillip Gallagher 2482 Ferry Road Sugarcreek Township noted he does not understand why there needs to be a vote tonight. He stated it is going to cause a lot of issues for a lot of folks and the Council and Sugarcreek Township and the businesses need to work together to solve the issues.

Phill Gallagher Jr. 2500 Ferry Road Sugarcreek Township states he understands that Bellbrook is wanting to promote business to the downtown area but feels that trucks are the business because if trucks aren't rolling there is no business getting done. He questioned the way the online survey was worded.

Mike Bakan 2790 Ferry Sugarcreek Township spoke of all the safety hazards, conditions of road, and traffic conditions that are going to come with the truck route change to Ferry Road, also around Sugarcreek Reserve area and Wilmington Pike.

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Item A. Section 4, Item

Jeremiah Schaaf 4483 Ambridge Lane stated the unintended consequences that is going to come out of it when Council kills the truck route is his main concern.

Shannon Moeller 2853 Ferry Road Sugarcreek Township states that the outreach was lacking on the truck route change and any hard data given to support the decision of change. She has concerns of all the traffic and safety around Sugarcreek Reserve.

Dan Ernst 2181 Ferry Road Sugarcreek Township states that trucks are essential in everyday life in business. Speaks that Ernst is there to serve the demand of the community not to cause issues. He feels there needs to be more data collected and discussed between all parties involved before ordinance is voted on.

Rick Wooldridge 2916 Pine View Drive Spring Valley, Ohio states how Council are elected officials and how this is going to affect your support from residents. Mayor Schweller irritated that delivery destinations within the city are not in the ordinance, that it is just the pass thru changes to North Main and South Main.

## **STAFF REPORT:**

Mr. Schommer highlighted information from previous discussions and meetings. He noted that there have been several public meetings where the ordinance has been discussed and there were not a whole lot of questions brought forth. The revitalization of the downtown area has been ongoing and the issue of making it a walkable area brings on the factors of all kinds of safety and all types of traffic through out the downtown area. The Council's goal has been to address specifically truck traffic as well as pedestrian traffic. The ordinance is just to remove North Main and South Main from the through traffic only.

## **COUNCIL COMMENTS:**

Mr. Ashley made comment that the City Manager delivered a letter to Barry Tiffany at the beginning of the summer, that talked about collaboration with the Township and no contact was made back to the Council.

Mr. Hoke commented on the comments that were brought to the Council. Noted that the goal of the ordinance was reported back in minutes in 2020. He mentioned that on a weekly or daily basis there has been items cleaned from the roadway by the Service Department, one in particular was on July 19, 2024, after the new asphalt pavement of the street a concrete truck had to be towed, and the back shoot was left open causing a stream of concrete dumped on the new asphalt. Mr. Hoke gave an example from the GPS Mapping system that from a 30 minute or 25-mile radius from the 675 ramp to the Spring Lakes location on Ferry Rd. adds on an extra 2 minutes from going around Bellbrook as there are already 30% of the trucks taking alternate routes. He feels that we are doing what's best for the Bellbrook residents.

Mr. Greenwood commented on Ernst's comments of staying within the 30 minutes of having concrete on the trucks. He commented on the use of the street sweeper being used a lot on the Main and Franklin intersection because of debris left on the roadways. He stated he has an

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Item A. Section 4, Item

obligation to the residents of Bellbrook and their safety as things grow and change in and around Bellbrook.

Public Hearing was closed by Mayor Schweller at 21:09

Mayor Schweller asked the Council if they would like to table the vote and reach out to the Township for a joint meeting to discuss the concerns.

Mr. Ashley commented that it is a touchy subject and unfortunately Council doesn't represent the Township. The council has an obligation to the Bellbrook residents. He stated he wanted to see a collaboration with the Township.

Mrs. Cyphers, Mr. Greenwood, Mr. Harding, noted they agreed with Mr. Ashley.

Mr. Hoke stated that everyone wants a safe and decent place to live and not opposed to a compromise and a discussion.

Mr. Havens stated he is not opposed to a meeting, but the ordinance is in the best interest of the residents that he represents. Mr. Havens mentioned that Ferry Road residents need to talk to their trustees about their concerns for their peace and tranquility.

Council agreed to give Township Trustee's 2 weeks to set up a meeting and no voting tonight

## **9. INTRODUCTIONS OF ORDINANCES**

None

## **10. ADOPTION OF RESOLUTIONS**

None

## **11. OLD BUSINESS**

None

## **12. NEW BUSINESS**

A. 2025 Budget Process

B. Speeding vehicles and targeted mitigation discussion

C. Animal Ordinance Review

# RECORD OF PROCEEDINGS

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Item A. Section 4, Item

## 13. CITY MANAGER'S REPORT

Mr. Schommer provided updates on various topics including:

Officer swearing scheduled for tonight is postponed until October 28<sup>th</sup>

Additional interviews for the Fire Department are ongoing to fill the open position

Opening in Service Department will provide additional interviews for the position

Park district has an opportunity to make some improvements to the quad baseball diamonds in Sackett Wright Park. They are requesting the ability to have the actual land transferred to their ownership in order to move forward. Currently the City's parcel is part of the baseball fields.

Safe the Date for the Patriot John Bigger rededication November 1<sup>st</sup> at noon at Pioneer Cemetery

## 14. COMMITTEE REPORTS

### A. Safety Committee

Mr. Hoke mentioned Ohio Collaborative will be here to inspect and credit the Police Department on Tuesday, October 22<sup>nd</sup>. The City is waiting on Motorola radio transfer from Xenia Police.

### B. Service Committee

November is hydrant flushing from the 4<sup>th</sup> – 8<sup>th</sup> between 8 - 3

### C. Finance/Audit Committee

None

### D. Community Affairs Committee

None

## 15. CITY OFFICIAL COMMENTS

Mr. Ashley commented that the Planning Board had a meeting last week and wanted to publicly thank Mr. Schommer and Michaela Grant for their professionalism.

Mr. Greenwood agreed with Mr. Ashley's comment

Mr. Hoke reminded the audience of Spellbrook on October 26<sup>th</sup>. Also had a question on animal trapping, it is illegal.



# RECORD OF PROCEEDINGS

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Item A. Section 4, Item

## 16. EXECUTIVE SESSION

None

## 17. ADJOURNMENT

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 10:02 pm

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Michael Schweller, Mayor

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Robert Schommer, Clerk of Council

**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 9, 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. 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.

- 
- (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 A, Section 11, 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.

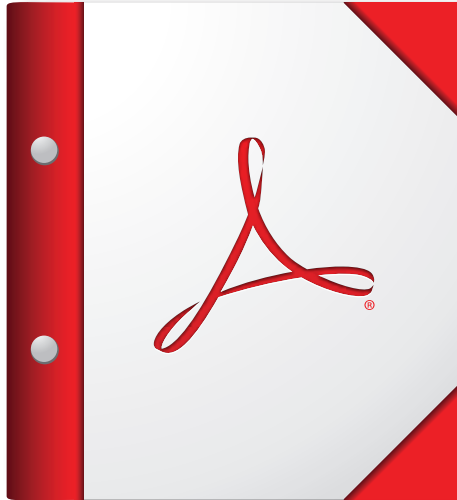
Section 2. That this ordinance shall take effect and be in force from and after the earliest period provided by law.

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



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PART SIX - GENERAL OFFENSES CODE CHAPTER 618. ANIMALS Bellbrook, Ohio, Code of Ordinances Created: 2021-07-26 19:25:41 [EST] (Supp. No. 5) Page 1 of 5 CHAPTER 618. ANIMALS1 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~~ Nuisance Animal Noise.

(a) No person shall keep or harbor any ~~dog~~ animal 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~~ animal 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~~ animal.

(b) No person shall be convicted under division (a) of this section unless the noises created by such ~~dog~~ animal 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 and Slaughtering 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.

(b) No person shall slaughter any animal, for any purpose whatsoever in a residential district, except for pet cemeteries and veterinarian purposes. Slaughter shall mean the killing of any animal, by any person, group, firm or corporation. 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.

(c) 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. 1Cross reference(s)—Driving animals upon roadway, see Secs. 404.05; Animals in parks, see Secs. 1062.08, 1062.09. Created: 2021-07-26 19:25:41 [EST] (Supp. No. 5) Page 2 of 5

(b) No owner, keeper or harbinger of any **dog** **animal** 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 an **animal** **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 any other agricultural animal or livestock or chicken~~ on any parcel of property, except in agricultural zoning districts on parcels of five acres. **See Bedford vs Deal. No. 99071. Ohio State Court of Appeals and ORC 959.131(A)(1).**

(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) Created: 2021-07-26 19:25:41 [EST] (Supp. No. 5) Page 3 of 5

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.

Created: 2021-07-26 19:25:41 [EST] (Supp. No. 5) Page 4 of 5

- (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. Created: 2021-07-26 19:25:41 [EST] (Supp. No. 5) Page 5 of 5 (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)

## **Sec. 618.22. – Backyard Chickens and Rabbits**

The keeping of chickens and rabbits in a residential area is permitted under the following conditions:

### **TYPE AND NUMBER OF ANIMALS**

#### **(a) Limitations**

- (1) No person shall own, keep, harbor, or permit more than six (6) live chickens, rabbits, or combination of the two on each parcel of land under five (5) acres with a single-family dwelling.
- (2) Roosters are prohibited.
- (3) These restrictions do not apply to parcels of land of 5 acres or greater.

## SHELTER

### (a) Structure

- (1) All chickens and rabbits shall be kept in a sheltering structure or fenced outdoor area at all times. They shall not be allowed to roam "at large" in the city.
- (2) Chickens and rabbits shall be provided with a covered, predator-proof sheltering structure, which shall be kept in sound and usable conditions. Sheltering structures shall be thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals.
- (3) Chicken coops, runs, and rabbit hutches shall be regularly cleaned to control dust, odor, and waste. See **Sec. 618.13**.
- (4) If the total area of sheltering structure does not exceed 65 square feet or if the sheltering structure does not otherwise meet the definition of a building, the structure shall not be considered an accessory building.
- (5) There shall be no more than one (1) sheltering structure 65 square feet or smaller in size.

### (b) Yards and Location on Lot

- (1) Any sheltering structure and outdoor areas used for keeping chickens or rabbits shall comply with the following yard and setback requirements:
- (2) Be located on a property containing a single-family dwelling structure.
- (3) Be in the rear yard.
- (4) Be located at least 25 feet from any residential structure on an adjacent property.
- (5) Control of chickens and rabbits will comply with **Sec. 618.13**.

## MANURE

(a) Manure from chickens and rabbits must be disposed of in one of the following manners:

- (1) Manure may be bagged, placed in a waterproof container, and disposed of with household trash.
- (2) Composted and applied onsite. Manure applied directly onsite must be done in such a way as to prevent nuisance and polluted stormwater runoff.

(3) Must comply with Sec. 618.13.

## **ANIMAL PRODUCTS AND PROCESSING**

(a) The sale of animal products including but not limited to meat, eggs, and fur shall be prohibited unless in conformance with all local and state law.

## **ZONING PERMIT**

(a) Certificate of Zoning Compliance Required

(1) Information required

(a) Applicants seeking to engage in keeping chickens or rabbits must apply for and receive a certificate of zoning compliance. If the applicant is someone other than the property owner, the application must include a notarized statement of support, signed by the property owner.

(b) Application for Certificates,

(1) The following information must be included on the site plan or in accompanying documentation:

(a) A description of the type and number of animals to be kept

(b) Coop or shelter type

(c) Location of coop or shelter with all setbacks from property lines

Indicated. If using a portable coop or shelter, indicate the yard area in which the coop or shelter will be kept.

(d) Location and manner of containment of outdoor areas with all setbacks from property lines indicated. If using a portable containment system, indicate the yard area in which the system will be kept.

(e) Any other relevant information related to keeping the animals, if requested.

(c) Rights and responsibilities

(1) The person or persons that keep the chickens or rabbits shall be the person or persons who own or otherwise have the present right of possession of the parcel upon which coops or shelters are situated.



(2) Notwithstanding compliance with the various requirements of this ordinance, chickens and rabbits shall not be kept in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

(3) It is the responsibility of the person keeping chickens and/or rabbits to be aware of and abide by all applicable local, state, or federal requirements including but not limited to the Ohio Department of Agriculture's Ohio Livestock Care Standards and private deed or covenant restrictions.

DRAFT

**File Attachments for Item:**

B. 2025 Budget Process

**General Fund**

*Item B. Section 11, 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 B. Section 11, 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 B. Section 11, 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 B. Section 11, 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 B. Section 11, 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 B, Section 11, 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>





