



CITY COUNCIL REGULAR MEETING AGENDA Tuesday, November 12, 2024 at 7:00 PM

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

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF THE MINUTES**
 - A. Approval of the October 28, 2024 Regular City Council Meeting minutes.
5. **MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
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-14 AN ORDINANCE APPROVING THE APPROPRIATIONS FOR EXPENSES OF THE CITY OF BELLBROOK FOR THE PERIOD BEGINNING JANUARY 1, 2025, AND ENDING DECEMBER 31, 2025 (Cyphers)
10. **ADOPTION OF RESOLUTIONS**
 - A. Resolution 2024-R-24 APPROVING INDIVIDUAL ASSESSMENT AMOUNTS AND DIRECTING THE CITY MANAGER TO CERTIFY THE AMOUNTS TO THE GREENE COUNTY AUDITOR TO ENTER THE DELINQUENT AMOUNTS ON THE TAX DUPLICATE FOR CERTAIN PROPERTIES (Havens)
 - B. Resolution 2024-R-25 AUTHORIZING TRANSFERS WITHIN VARIOUS FUNDS OF THE CITY OF BELLBROOK (Greenwood)
11. **OLD BUSINESS**
 - A. Animal Ordinance Review
 - B. 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)
12. **NEW BUSINESS**
 - A. Resolution 2024-R-23 ADOPTING THE CITY OF BELLBROOK FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR 2025-2029 (Hoke)
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 28, 2024 Regular City Council Meeting minutes.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

October 28, 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
Mayor Mike Schweller

ABSENT

Mr. T.J. Hoke

Motion to excuse the absence of Mr. Hoke

Motion made by Mr. Havens, Seconded by Mr. Ashley.

Voting Yea: Mr. Ashley, Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mayor Schweller

4. APPROVAL OF THE MINUTES

A. Approval of the October 14, 2024, Regular City Council Meeting minutes.

Mayor Schweller asked if anyone had comments or corrections to the minutes of the October 14, 2024, meeting. Hearing none, the minutes were declared to be approved.

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

Dan Dirkson S. Main Street spoke about the truck route issue. He noted the wear and tear, the noise pollution and the amount of trucks has increased. He noted he cannot open the windows of his house due to the dust not to mention the rocks and gravel that fall onto the street. He stated he is looking for representation from City Council to re-route the trucks out of downtown. He added having people walking downtown having less trucks makes it safer.

Pete Fee 27 S. Main Street spoke about the truck route noting he lives downtown. He added it is a 6 day a week problem that starts before the sun comes up. He noted the trucks keep him up and had to move his bedroom to the back of his house. He noted the neighbors of Ferry Road speaking their concerns of what may happen to them is happening to him and his neighbors already on a daily basis 6 days a week. He added he has lived in his home for 20 years and there are more and more

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

October 28, 2024

Item A. Section 4, Item

trucks all the time. He asked that Council represent the residents noting the Township residents can approach their representatives. He added if it is not stopped at least put some restrictions on the amount and the time.

Mr. Ashley asked Mr. Fee what the impact of putting some restrictions on hours and turns how he would perceive that. Mr. Fee replied he believes in collaboration and is open to any kind of relief.

Deborah Schramm 36 S. Main Street. She noted she was not going over all the same issues and wanted to talk about Bellbrook in the past, present and future. She noted Bellbrook was quiet and it is not anymore, noting there were kids playing, cyclists and even horses traveling on the street. She added she and neighbors could talk with neighbors on the front porch when it was old Bellbrook. She noted they want Bellbrook back. Present day neighbors don't know each other, there are no kids playing, no joggers or cyclists. She stated you can't grill in your back yard, you can't sit on your front porch and can't have your windows open due to the dust. She stated in 1 hours' time earlier today there were 56 big trucks, noting the 300 average number has to be low. She also noted the trucks start at 4:30 in the morning. She commented on the future with two options, the truck route ordinance is passed and a get the neighborhood back, or don't pass it and get more and bigger trucks.

Paula DiSalvo 108 S. Main St. states that the downtown area is never going to be able to go back to the small town atmosphere that the area once was and that the businesses are being singled out.

Bernadette DiSalvo 2414 Ferry Road states she has attended several of the council meetings and the Sugarcreek Township meetings and her concern is that the speed limit on Ferry Rd. will be raised. She also agrees baby steps need to be taken to handle all the issues. Has concerns of the damages that can come between Sugarcreek and Bellbrook

Mike Bakin 2790 Ferry Road spoke of the houses near the roadway, traffic and the speed limit along with sight views on Ferry Rd and Wilmington Pk and how things are going to be worse.

Ian Farther 2126 S. Lakeman states he is not against the ordinance but since he lives closer to the Wilmington Pk area that his concerns for the future of the road.

Diedra Bakin 2790 Ferry Road noted her concern about Ferry Road speed and the trucks on the road and it is unsafe.

Brad Linard 1765 Sugar Maple Pl. spoke of the speed board sign on Little Sugarcreek Rd. and the visibility issues and the length of time the batteries last in sign. Also mentioned that people need to read the truck ordinance more thoroughly. He states that it isn't eliminating trucks just possibly reducing truck flow.

David Dault 3720 W. Franklin Street spoke about chickens.

Denny Bennett 2211 Shadowood Cir. Asked council to not allow chickens in Bellbrook.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

October 28, 2024

Item A. Section 4, Item

Council Members voiced their thoughts on the truck route ordinance. Mayor Schweller asked for motion in next meeting.

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)

Mayor Schweller noted he wanted to wait until Mr. Hoke is back so all Council can participate in the vote for such an important issue.

10. ADOPTION OF RESOLUTIONS

11. OLD BUSINESS

- A. Animal Ordinance Review

Mr. Schommer reviewed a document provided by Mr. Ashley and noted its purpose was to begin the discussion of reviewing the City’s Ordinances regarding animals. Council asked for a staff review and report at the next meeting.

- B. 2025 Budget Process

Mr. Schommer reviewed the budget schedule and process. He noted there will be limited Capital projects as well as reductions where possible to cover the public safety subsidy needed. He asked Council to submit any specific projects or budget concerns during the worksheet preparation period.

- C. Speeding vehicles and targeted mitigation discussion

Mr. Schommer reported staff has been obtaining quotes and reviewing the previously discussed options for speed awareness and reduction.

12. NEW BUSINESS

13. CITY MANAGER'S REPORT

None

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
October 28, 2024

Item A. Section 4, Item

14. COMMITTEE REPORTS

- A. Safety Committee
None
- B. Service Committee
Mr. Greenwood mentioned hydrant flushing Nov 4th – 8th

Finance/Audit Committee
None
- C. Community Affairs Committee
None

15. CITY OFFICIAL COMMENTS

Mr. Greenwood stated that Spellbrook went well, and people visited the Museum.

Mr. Harding congratulated the employees recognized for their years of service and welcomed Officer Roark to the department.

Mr. Havens also mentioned Spellbrook went well and thanked Mr. Hoke for all his work with Spellbrook and others that helped. He congratulated the employees recognized this evening. Thanked all the residents for coming out to share their opinions on issues.

Mayor Schweller also congratulated the employees recognized and thanked Louie the camera man.

16. EXECUTIVE SESSION

17. ADJOURNMENT

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 8:43 pm

Michael Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

A. Ordinance 2024-O-14 AN ORDINANCE APPROVING THE APPROPRIATIONS FOR EXPENSES OF THE CITY OF BELLBROOK FOR THE PERIOD BEGINNING JANUARY 1, 2025, AND ENDING DECEMBER 31, 2025 (Cyphers)

RECORD OF ORDINANCES

Item A. Section 9, Item

Ordinance No. 2024-O-14

November 25, 2024

City of Bellbrook

Ordinance No. 2024-O-14

AN ORDINANCE APPROVING THE APPROPRIATIONS FOR EXPENSES OF THE CITY OF BELLBROOK FOR THE PERIOD BEGINNING JANUARY 1, 2025, AND ENDING DECEMBER 31, 2025

WHEREAS, the City Council has reviewed the proposed 2025 annual operating budget; and

WHEREAS, the City of Bellbrook desires to adopt the 2025 annual budget and authorize the related appropriations.

Now, Therefore, the City of Bellbrook Hereby Ordains:

Section 1. That to provide for the current expenses and other expenditures of the City of Bellbrook, during the fiscal year ending December 31, 2025, the sums set forth in Exhibit A attached hereto and incorporated herein by reference be and are hereby set aside to be appropriated.

Section 2. That the Finance Director is hereby authorized to make payments from any of the foregoing appropriations upon receiving proper documentation approved by the officers authorized by law to approve the same.

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 25th day of November, 2024.

_____ Yeas; _____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

APPROVED AS TO FORM:

Stephen McHugh, Municipal Attorney

RECORD OF ORDINANCES

Item A. Section 9, Item

Ordinance No. 2024-O-14

November 25, 2024

EXHIBIT A

File Attachments for Item:

A. Resolution 2024-R-24 APPROVING INDIVIDUAL ASSESSMENT AMOUNTS AND DIRECTING THE CITY MANAGER TO CERTIFY THE AMOUNTS TO THE GREENE COUNTY AUDITOR TO ENTER THE DELINQUENT AMOUNTS ON THE TAX DUPLICATE FOR CERTAIN PROPERTIES (Havens)

RECORD OF RESOLUTIONS

Item A, Section 10, Item

Resolution No. 2024-R-24

November 12, 2024

City of Bellbrook State of Ohio

Resolution No. 2024-R-24

APPROVING INDIVIDUAL ASSESSMENT AMOUNTS AND DIRECTING THE CITY MANAGER TO CERTIFY THE AMOUNTS TO THE GREENE COUNTY AUDITOR TO ENTER THE DELINQUENT AMOUNTS ON THE TAX DUPLICATE FOR CERTAIN PROPERTIES

WHEREAS, pursuant to Section 6, Article XVIII of the Ohio Constitution the General Assembly has enacted general laws stating purposes for which municipalities may assess specially benefited property; and

WHEREAS, the General Assembly has enacted laws that require a County Auditor to act at the direction, or on behalf, of a municipality with respect to collection of certain costs assessed to properties including but not limited to R.C 743.04, 715.261 and 731.51-54; and

WHEREAS, as a result of the foregoing, the City of Bellbrook has passed, and will in the future pass laws to assess real property for all or part of the cost of a public improvement and/or certain permitted costs of abatement or collection, including but not limited to Ordinance No.2005-2 and 2009-7 codified as Bellbrook Code of Ordinances Section 678.03 (cutting trees, weeds, other vegetation); Ordinance No. 86-14 and 2013-6 codified as Bellbrook Code of Ordinances Section 1042.05 (unpaid water service); and Bellbrook Code of Ordinances Section 660.16 (abatement of nuisances) and such other ordinances or resolutions that may be passed from time to time pursuant to these codified laws; and

WHEREAS, in order to better track and account for authorized legal assessments and the amounts due to the City, City Council has determined it is in the best interest of the citizens to pass this Resolution setting forward the applicable properties and assessment amounts to be certified to the County for collection; and

WHEREAS, the assessments set forth in Exhibit A have been authorized by the City Council of the City of Bellbrook and are required by law to be assessed and collected by the County on behalf of the City.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. The properties set forth in Exhibits A through N incorporated herein by reference are to be assessed in the amount also set forth in the applicable section of Exhibits A through N unless payment is made within the time frame set forth in the applicable section of Exhibits A through N.

Section 2. In the event a payment for the amount or any portion of the amount set forth in Exhibits A through N are received by the City prior to final assessment date set forth in Exhibits A through N, which is the same date set forth in the notice sent to such property owner, the City Manager is authorized to remove or revise such assessment from Exhibits A through N prior to certification to the County Auditor.

RECORD OF RESOLUTIONS

Item A. Section 10, Item

Resolution No. 2024-R-24

November 12, 2024

Section 3. The City Manager is instructed to certify this Resolution, including the final assessed properties in Exhibits A through N, to the Greene County Auditor for collection.

Section 4. That it is found and determined that all formal actions of the City Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

Section 5. That this resolution shall take effect and be in force forthwith.

PASSED BY City Council this 12th day of November, 2024.

_____ Yeas; _____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

Resolution 2024-R-24

Exhibit A

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Abatement of dead tree	L35000100020010200	60 S West Street	\$ 659.23	5/28/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit B

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Mowing	L35000100020010200	60 S West Street	\$ 364.76	4/23/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit C

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Mowing	L35000100020010200	60 S West Street	\$ 385.71	5/13/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit D

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Mowing	L35000100100005100	1846 Bledsoe Drive	\$ 364.76	4/23/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit E

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Mowing	L35000200060015700	2064 Clearview Drive	\$ 432.60	6/13/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit F

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Mowing	L35000200120002500	2213 S Lakeman Drive	\$ 343.80	4/24/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit G

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Mowing	L35000200120002500	2213 S Lakeman Drive	\$ 343.80	5/13/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit H

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Mowing	L35000200120002500	2213 S Lakeman Drive	\$ 343.80	6/11/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit I

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Mowing	L35000200110015200	2264 S Linda Drive	\$ 364.76	4/16/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit J

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Mowing	L35000200110015200	2264 S Linda Drive	\$ 385.71	5/14/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit K

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Mowing	L35000200110015200	2264 S Linda Drive	\$ 343.80	6/11/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit L

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Delinquent Water Bill	L35000100020010200	60 South West Street	\$ 141.12	1/3/2024	2024 paid in 2025

Resolution 2024-R-24

Exhibit M

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Delinquent Water Bill	L35000200020005500	2088 Dane Lane	\$ 100.38	10/2/2023	2024 paid in 2025

Resolution 2024-R-24

Exhibit N

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Delinquent Water Bill	L32000200160038900	1332 Pewter Court	\$ 152.28	11/1/2023	2024 paid in 2025

File Attachments for Item:

B. Resolution 2024-R-25 AUTHORIZING TRANSFERS WITHIN VARIOUS FUNDS OF THE CITY OF BELLBROOK (Greenwood)

RECORD OF RESOLUTIONS

Item B. Section 10, Item

Resolution No. 2024-R-25

November 12, 2024

City of Bellbrook State of Ohio

Resolution No. 2024-R-25

AUTHORIZING TRANSFERS WITHIN VARIOUS FUNDS OF THE CITY OF BELLBROOK

WHEREAS, the City of Bellbrook has adopted Ordinance 2023-O-6 establishing appropriations for the 2024 fiscal year; and

WHEREAS, the 2024 budget has adequate funds appropriated at the fund level to cover the cost of city operations; and

WHEREAS, fund transfers are necessary to appropriately classify and account for received funds..

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. That fund and cash transfers necessary for the operations of the City of certain monies up to amounts not exceeding those shown for the purposes cited in Exhibit A are hereby authorized, and such authorization applies to any and all such transfers necessary and effected after January 1, 2024.

Section 2. That it is found and determined that all formal actions of the City Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

Section 3. That this resolution shall take effect and be in force forthwith.

PASSED BY City Council this 12th day of November, 2024.

_____ Yeas; _____ Nays.

AUTHENTICATION:

Mike Schweller, Mayor

Robert Schommer, Clerk of Council

Resolution 2024-R-25

Exhibit A

Amount	From Fund	To Fund	Purpose
\$75,000	230 Police	250 Fire	Cover Personnel Expenses
\$2,000	100.12 General Admin	100.15 Gen-Comm Env	Cover Personnel Expenses
\$10,000	100 General -Personnel	100 General – Other	Cover Year End Expenses

File Attachments for Item:

A. Animal Ordinance Review

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.

- (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.

¹Cross 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.

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(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

Bellbrook

Section of 618	Description
.01 & .02	Reserved
.03 - .06	Reserved
0.07	Barking or howling dogs
.08 - .11	Reserved
0.12	Hunting prohibited
0.13	Nuisance conditions prohibited
0.14	Impounding and redemption
0.15	Certain animals prohibited
0.16	Dead animals
.17 & .18	Reserved
0.19	Dangerous, wild and undomesticated animals or pets prohibited
0.20	Reserved
0.21	Beekeeping

Section	Description (Reserved removed)
0.07	Barking or howling dogs
0.12	Hunting prohibited
0.13	Nuisance conditions prohibited
0.14	Impounding and redemption
0.15	Certain animals prohibited
0.16	Dead animals
0.19	Dangerous, wild and undomesticated animals or pets prohibited
0.21	Beekeeping

Neighboring Jurisdictions Code Reference	
Centerville	Beavercreek
Oakwood	Xenia
Springboro	Kettering
Fairborn	

Centerville

Section of 618	Description
0.01	Dogs and other animals running at large
0.02	Abandoning animals
0.03	Killing or injuring animals
0.04	Poisoning animals
0.05	Cruelty to animals; cruelty to companion animals
0.06	Coloring rabbits and baby poultry; sale or display of poultry
0.07	Barking or howling dogs
0.08	Registration of dogs required
0.09	Hindering capture of unregistered dogs
0.095	Dogs required to wear tags
0.10	Unlawful tags
0.11	Rabies; restrictions; vaccination
0.12	Hunting (repealed)
0.13	Nuisance conditions prohibited
0.14	Reporting escapes (repealed)
0.15	Keeping or maintaining wild animals
0.16	Restrictions on dog ownership for certain convicted felons
0.17	Outdoor feeding prohibited
0.18	Sexual conduct with an animal

Bellbrook

Description (Reserved removed)
Barking or howling dogs
Hunting prohibited
Nuisance conditions prohibited
Impounding and redemption
Certain animals prohibited
Dead animals
Dangerous, wild and undomesticated animals or pets prohibited
Beekeeping

Code Differences
Abandoning animals
Killing or injuring animals
Poisoning animals
Cruelty to animals; cruelty to companion animals
Coloring rabbits and baby poultry; sale or display of poultry
Registration of dogs required
Hindering capture of unregistered dogs
Dogs required to wear tags
Unlawful tags
Rabies; restrictions; vaccination
Hunting (repealed)
Reporting escapes (repealed)
Restrictions on dog ownership for certain convicted felons
Outdoor feeding prohibited
Sexual conduct with an animal

Oakwood

Section of 505	Description
0.01	Dogs at large
0.02	Keeping of poultry and fowl
0.03	Poultry and fowl at large
0.04	Abandoning animals
0.05	Killing or injuring animals
0.06	Poisoning animals, endanger children by poison
0.07	Cruelty to animals generally
0.071	Cruelty to companion animals
0.08	Nuisance conditions prohibited
0.09	Barking or howling dogs
0.10	Hunting prohibited
0.11	Animal bites; quarantine and reporting
0.12	Dog owner, keeper liable for damage to public property
0.121	Nuisance, dangerous and vicious dogs
0.13	Bird sanctuary created
0.14	Coloring rabbits or baby poultry
0.15	Trapping of fur-bearing animals

Bellbrook

Description (Reserved removed)
Barking or howling dogs
Hunting prohibited
Nuisance conditions prohibited
Impounding and redemption
Certain animals prohibited
Dead animals
Dangerous, wild and undomesticated animals or pets prohibited
Beekeeping

Code Differences
Poultry and fowl at large
Abandoning animals
Killing or injuring animals
Poisoning animals, endanger children by poison
Cruelty to animals generally
Cruelty to companion animals
Animal bites; quarantine and reporting
Dog owner, keeper liable for damage to public property
Nuisance, dangerous and vicious dogs
Bird sanctuary created
Coloring rabbits or baby poultry
Trapping of fur-bearing animals

Springboro

Section of 618	Description
0.01	Dogs and other animals running at large
0.02	Abandoning animals
0.03	Killing or injuring animals
0.04	Poisoning animals
0.05	Cruelty to animals generally
0.051	Cruelty to companion animals
0.06	Coloring rabbits and baby poultry; sale or display of poultry
0.07	Barking or howling dogs
0.08	Registration of dogs required
0.09	Hindering capture of unlicensed dogs
0.10	Unlawful tags
0.11	Rabies quarantine
0.12	Hunting prohibited
0.13	Nuisance conditions prohibited
0.14	Impounding and disposition; records
0.15	Proximity of animals to human habitations
0.16	Wild birds
0.17	Report of escape of exotic or dangerous animal
0.18	Assaulting police dog or horse or an assistance dog

DANGEROUS ANIMALS (part of Section 618)

Section of 618	Description
0.51	Definitions
0.52	Prohibition
0.53	Exceptions; permit and registration requirements
0.54	Exemptions
0.55	Notice of keeping dangerous animals
0.56	Seizure and impounding of dangerous animals
0.57	Permit required
0.58	Issuance of permit
0.59	Application for permit
0.60	Permit fee
0.61	Temporary permit; powers of Animal Control Officer
0.62	Term and renewal of permits
0.63	Inspection for renewal
0.64	Revocation of permits
0.65	Commercial establishments
0.66	Appeals; fees
0.67	Appeals; administrative hearing
0.68	Subpoena power
0.69	Appeal to Common Pleas Court

Bellbrook

Description (Reserved removed)
Barking or howling dogs
Hunting prohibited
Nuisance conditions prohibited
Impounding and redemption
Certain animals prohibited
Dead animals
Dangerous, wild and undomesticated animals or pets prohibited
Beekeeping

Code Differences

Abandoning animals
Killing or injuring animals
Poisoning animals
Cruelty to animals generally
Cruelty to companion animals
Coloring rabbits and baby poultry; sale or display of poultry
Registration of dogs required
Hindering capture of unlicensed dogs
Unlawful tags
Rabies quarantine
Proximity of animals to human habitations
Wild birds
Report of escape of exotic or dangerous animal
Assaulting police dog or horse or an assistance dog
Definitions
Exceptions; permit and registration requirements
Exemptions
Notice of keeping dangerous animals
Seizure and impounding of dangerous animals
Permit required
Issuance of permit
Application for permit
Permit fee
Temporary permit; powers of Animal Control Officer
Term and renewal of permits
Inspection for renewal
Revocation of permits
Commercial establishments
Appeals; fees
Appeals; administrative hearing
Subpoena power

0.70	Severability
0.71	Violations and penalties
0.72	Costs to be paid by responsible persons

Appeal to Common Pleas Court
Severability
Violations and penalties
Costs to be paid by responsible persons

Fairborn

Section of 505	Description
0.01	Dogs and other animals running at large
0.02	Impounding and disposition; records
0.03	Annual registration of dogs; tags required
0.04	Abandoning animals
0.05	Killing or injuring animals
0.06	Poisoning animals
0.07	Cruelty to animals generally
0.071	Cruelty to companion animals
0.08	Nuisance conditions prohibited
0.09	Barking or howling dogs
0.11	Hunting prohibited
0.12	Coloring rabbits or baby poultry; sale or display of poultry
0.13	Report of escape of exotic or dangerous animal
0.14	Dangerous and vicious dogs
0.15	Animal defecation
0.16	Kennel location
0.17	Keeping wild or exotic animals
0.99	Penalty
1128.06	Keeping of animals

Bellbrook

Description (Reserved removed)
Barking or howling dogs
Hunting prohibited
Nuisance conditions prohibited
Impounding and redemption
Certain animals prohibited
Dead animals
Dangerous, wild and undomesticated animals or pets prohibited
Beekeeping

Code Differences
Annual registration of dogs; tags required
Abandoning animals
Killing or injuring animals
Poisoning animals
Cruelty to animals generally
Cruelty to companion animals
Coloring rabbits or baby poultry; sale or display of poultry
Report of escape of exotic or dangerous animal
Dangerous and vicious dogs
Animal defecation
Kennel location
Penalty

Beavercreek

Section of 91	Description
0.01	Cruelty to animals; cruelty to companion animals
0.02	Animals at large
0.03	Offensive odors and substances
0.04	Poisonous substances
0.05	Harboring of bees; bee removal
0.06	Birds
0.07	Hunting and trapping prohibited
0.08	Prohibiting animal nuisances

DOG CONTROL (part of Section 91)

Section of 91	Description
0.20	Dogs running at large
0.21	Barking or howling dogs
0.22	Vicious dogs
0.23	Unsanitary conditions, odors and nuisance prohibited
0.24	Dog kennel requirements and restrictions
0.25	Rabies control

Bellbrook

Description (Reserved removed)
Barking or howling dogs
Hunting prohibited
Nuisance conditions prohibited
Impounding and redemption
Certain animals prohibited
Dead animals
Dangerous, wild and undomesticated animals or pets prohibited
Beekeeping

Code Differences

Cruelty to animals; cruelty to companion animals
Animals at large
Offensive odors and substances
Poisonous substances
Birds
Vicious dogs
Unsanitary conditions, odors and nuisance prohibited
Dog kennel requirements and restrictions
Rabies control

Xenia

Section of 618	Description
0.01	Reserved
0.02	Running at Large; Dangerous and Vicious Dogs
0.10	Animal Bites; Reports and Quarantine
0.11	Hunting Prohibited
0.12	Nuisance Conditions Prohibited
0.15	Wild, Untamed, Dangerous or Vicious Animals
0.16	Health Risk Animals
0.17	Marketing Wild or Exotic Animals
0.18	Livestock Prohibited
0.19	Owner Liable for Damages to Public Property

Bellbrook

Description (Reserved removed)
Barking or howling dogs
Hunting prohibited
Nuisance conditions prohibited
Impounding and redemption
Certain animals prohibited
Dead animals
Dangerous, wild and undomesticated animals or pets prohibited
Beekeeping

Code Differences
Animal Bites; Reports and Quarantine
Health Risk Animals
Marketing Wild or Exotic Animals
Owner Liable for Damages to Public Property

Kettering

Section of 618	Description
0.01	Definitions
0.02	Control of Dogs
0.03	Animals Running at Large
0.04	Abandoning Animals
0.05	Killing or Injuring Animals
0.06	Poisoning Animals
0.07	Cruelty to Animals
0.08	Coloring Rabbits and Baby Poultry; Sale or Display of Poultry
0.09	Nuisance Conditions Prohibited
0.10	Registration of Dogs; Tags to be Worn
0.11	Hindering Capture of Unlicensed Dogs
0.12	Rabies Immunization and Quarantine
0.13	Hunting and Trapping
0.14	Wild or Exotic Animals
0.15	Disposition of Animals; Animal Control Officer
0.16	Management of Cat Population

Bellbrook

Description (Reserved removed)
Barking or howling dogs
Hunting prohibited
Nuisance conditions prohibited
Impounding and redemption
Certain animals prohibited
Dead animals
Dangerous, wild and undomesticated animals or pets prohibited
Beekeeping

Code Differences

Definitions
Control of Dogs
Abandoning Animals
Killing or Injuring Animals
Poisoning Animals
Cruelty to Animals
Coloring Rabbits and Baby Poultry; Sale or Display of Poultry
Registration of Dogs; Tags to be Worn
Hindering Capture of Unlicensed Dogs
Rabies Immunization and Quarantine
Disposition of Animals; Animal Control Officer
Management of Cat Population

Code Section Type (based on Bellbrook's sections)	Municipalities that address the section	Municipalities that do not address/partially address the section	Comparison
Barking or howling dogs	Centerville, Oakwood, Springboro, Fairborn, Beaver creek, Xenia and Kettering via Nuisance Conditions section		Appears in line with the comparison municipalities
Hunting prohibited	Oakwood, Springboro, Fairborn, Beaver creek (and trapping), Xenia, Kettering	Centerville repealed	Appears in line with the comparison municipalities
Nuisance conditions prohibited	Centerville, Oakwood, Springboro, Fairborn, Beaver creek (Prohibiting animal nuisances), Xenia, Kettering		Appears in line with the comparison municipalities
Impounding and redemption	Springboro, Fairborn	Beaver creek and Centerville partially address elsewhere Oakwood addresses elsewhere Kettering addresses elsewhere Xenia does not address	Appears in line with the comparison municipalities
Certain animals prohibited	All address in some form throughout their codified ordinances		Appears limited based on how the comparison municipalities address this section type
Dead animals		Centerville, Oakwood, Springboro, Fairborn, Beaver creek, Xenia, Kettering do not address	Appears comprehensive based on how the comparison municipalities address this section type
Dangerous, wild and undomesticated animals or pets prohibited	Xenia, Fairborn, Kettering, Springboro, Centerville	Beaver creek and Oakwood partially address	Appears in line with the comparison municipalities
Beekeeping		Beaver creek partially addresses Centerville, Oakwood, Springboro, Fairborn, Xenia, Kettering do not address	Appears comprehensive based on how the comparison municipalities address this section type

Notes

Other municipalities appear to have more expansive dog regulations, especially relating to dog bites, dangerous dogs, and tags/registration. They also have sections that address animal cruelty and treatment (e.g., abandoning or poisoning animals). Some also have more expansive definitions contained within their animal code.

Backyard Poultry

Municipality	Allowed? Yes/No
Bellbrook	No
Centerville	Yes, with restrictions
Oakwood	No
Springboro	Yes, with restrictions
Fairborn	No
Beavercreek	No
Xenia	Yes, with restrictions
Kettering	No

Common restrictions

- No roosters
- All animals and appurtenances therein kept in the backyard of the property
- No free-range/at-large animals (must have a fence or other enclosure)
- Accessory structures pertaining to the animals' enclosure/habitat are a certain distance from adjacent properties

Centerville

- Allows a combined total of six chickens or rabbits kept for residents living in agricultural zones or low-density residential zones
- Permits chickens and rabbits to be kept for food production
- Permit \$10
- Must have fence or contain chickens in a run
- No roosters; must be removed within five months of hatching
- Direction for size of coop construction and kept clean
- Permits slaughtering of animals for food; remains must be discarded properly

Springboro

No person shall keep a pig, horse, cow, goat, three or more dogs at least three months of age or any other animal, fowl or poultry in pen, yard, lot or other enclosure situated within 100 feet of an inhabited dwelling house, other than the house of the owner of such animal, fowl or poultry.

Xenia

Property owners are permitted to raise and keep livestock on all properties of five acres or more. For properties that are less than five acres, the keeping of six chickens, rabbits, or other small livestock as approved by the City Planner, is permitted provided that:

- The principal use of the lot is a single-family dwelling
- No person shall keep any rooster
- The livestock shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times
- No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot

Definition Updates

- Livestock under ORC Section 5739.01 (MM) Sales tax definitions.
 - "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.
- Livestock Structure under ORC ORC Section 5739.01 (NN) Sales tax definitions.
 - "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

Source(s): <https://codes.ohio.gov/ohio-revised-code/section-5739.01>

Franklin County Ohio – 115 – Regulation of Agriculture

SECTION 115 – REGULATION OF AGRICULTURE

115.08 - REGULATION OF CHICKENS, DUCKS AND RABBITS

115.082– Purpose and Intent

- a) Pursuant to Ohio Revised Code Section 303.21, SECTION 115.08 – REGULATION OF CHICKENS, DUCKS AND RABBITS applies to lots that meet all of the following:
 - 1) Lot meets the criteria outlined in SECTION 110.011(b).
 - 2) Lot is located in a residential zoning district as identified in SECTION 2.00 –THE RESIDENTIAL DISTRICTS and SECTION 3.00 – THE PLANNED RESIDENTIAL DISTRICTS.
 - 3) Lot is used primarily for one- or two-family dwelling purposes.
- b) The purpose of this section is to establish certain requirements for the keeping of chickens, ducks and rabbits on lots smaller than 5 acres, which are intended to prevent nuisances to occupants of nearby properties and prevent unsanitary or unsafe conditions.
- c) The following findings are hereby made in relation to chickens, ducks and rabbits:
 - 1) Keeping chickens, ducks and rabbits provides access to fresh, healthful food products.
 - 2) Keeping chickens, ducks and rabbits is a productive and sustainable use of land.
 - 3) Chickens, ducks and rabbits can be kept on lots smaller than 5 acres without causing a nuisance if appropriate practices and limits are observed.

115.084 - Establishment and Applicability – No person shall engage in the keeping of chickens, ducks or rabbits without a certificate of zoning compliance that specifically identifies such use in compliance with the requirements of SECTION 115.08 – REGULATION OF CHICKENS, DUCKS AND RABBITS.

115.086- Types and Number of Animals

- a) **Prohibited poultry** – No person shall keep any roosters, geese, peafowl, or turkeys on lots smaller than 5 acres.
- b) **Allowed densities for keeping any combination of chickens, ducks, and rabbits** – When both poultry and rabbits are kept on a parcel smaller than 5 acres, the method for determining the allowed numbers of animals shall be as follows: each one (1) chicken, duck or rabbit shall count as one (1) point. It shall be unlawful to keep more animals than the point system below allows:
 - 1) Smaller than 0.5 acres – 4 points maximum
 - 2) 0.5 acres to less than 1.0 acres – 8 points maximum
 - 3) 1.0 acres to less than 2.5 acres – 16 points maximum
 - 4) 2.5 acres to 5.0 acres – 24 points maximum

115.088 - Development Standards

- a) **Yards and Location on Lot** – Any sheltering structure and outdoor areas used for keeping chickens, ducks or rabbits shall comply with the following yard and setback requirements:
 - 1) Be located on a property containing a principal structure.
 - 2) Be located in a side or rear yard.

- 3) Be located at least 10 feet from any property line.
- b) **Sheltering Structures and Outdoor Areas** – All chickens, ducks and rabbits shall be kept in a sheltering structure or fenced outdoor area at all times.
- 1) All chickens, ducks 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.
 - 2) 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.
 - 3) There shall be no more than one (1) sheltering structure 65 square feet or smaller in size.
 - 4) If the sheltering structure exceeds 65 square feet and meets the definition of a building such structure shall be considered an accessory building and must comply with the requirements of SECTION 512 – ACCESSORY BUILDINGS and the setback requirements of Section 115.088(a).
 - 5) Any outdoor areas accessible to chickens, ducks, or rabbits shall be adequately fenced or otherwise bounded to contain the animals on the property.
- c) **Screening** – Properties smaller than 1 acre must screen sheltering structures and outdoor areas used by chickens, ducks, or rabbits, from adjacent properties and from the public right-of-way. Fences used for screening shall be 6 feet in height, 100% opaque, and made of wood or other similar opaque fencing material that complies with SECTION 501.024 – Fence Materials.
- d) **Feed Storage** – All feed shall be stored in rodent-proof containers.
- e) **Manure** – Manure from chickens, ducks and rabbits must be disposed of in one of the following manners:
- 1) Household trash collection
 - a. Manure must be bagged, placed in a waterproof container and disposed of with household trash.
 - 2) Composted and applied onsite
 - a. Manure must be kept in a rodent-proof container designed to limit odors.
 - b. Containers must be located in a side or rear yard a minimum of 10 feet from property lines.
 - c. Finished compost may be applied onsite.
 - 3) Directly applied onsite
 - a. Manure applied directly onsite must be done in such a way as to prevent nuisance and polluted stormwater runoff.

115.0810 – Animal Products and Processing

- a) **Sale of Animal Products** – The sale of animal products including but not limited to meat, eggs, and fur shall be prohibited unless in conformance with Section 110.011(b).
- b) **Slaughtering and Butchering** - Chickens, ducks and rabbits may be slaughtered and butchered onsite only inside an accessory structure or otherwise out of public view. All waste must be bagged and disposed of with household trash to prevent nuisance and health hazards.

115.0812 – Certificate of Zoning Compliance Required

- a) **Information required** –Applicants seeking to engage in keeping chickens, ducks 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. In addition to the requirements of SECTION 705.022 – Application for Certificates, the following information must be included on the site plan or in accompanying documentation:
- 1) A description of the type and number of animals to be kept
 - 2) Coop or shelter type
 - 3) 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.
 - 4) 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.
 - 5) Feed storage container location and type
 - 6) Location, method, and schedule of manure storage and disposal
 - 7) Any other relevant information related to keeping the animals, if requested by the Administrative Officer
- b) **Operation** – The person or persons that keep the chickens, ducks 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.
- c) **Conditions** - Notwithstanding compliance with the various requirements of this section, chickens, ducks 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. Chickens, ducks and rabbits shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. It is the responsibility of the person keeping chickens, ducks 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.

SECTION 720 – DEFINITIONS

Sheltering Structure - a structure, not necessarily attached to the ground, with a top and sides that provides shelter and protection for small animals or birds.

Adult Rabbit – any of several soft-furred, long-eared, mammals of the family Leporidae having a divided upper lip and long hind legs. “Adult” refers to the capability to produce offspring.

Rodent-proof container – a container which, by design, will prevent rodents or other animals from accessing its contents.

Predator-proof sheltering structure – a structure, not necessarily attached to the ground, with a top and sides that provides shelter and protection for small animals or birds and which, by design, will prevent predator or other animals from gaining access.

Brewster Ohio - 90.141 - Chickens and Rabbits

§ 90.141 CHICKENS AND RABBITS.

Item A, Section 11, Item

(A) The owning, keeping, harboring, or permitting of certain farm animals and an excess chickens and rabbits within the village shall be prohibited.

(B) Definitions:

OWN, KEEP, HARBOR OR PERMIT. Includes having legal title, custody or control over a prohibited farm animal.

PERSON. Includes a natural person, association, partnership, organization or corporation or other similar legal entity.

(C) In addition to other animals prohibited by other sections of this chapter the following farm animals shall be prohibited: cows, sheep, ducks, geese, llamas, goats, donkeys, horses, hogs, swine, and buffaloes. Also prohibited are an excessive number of chickens and rabbits as limited by the following section.

(D) No person shall own, keep, harbor, or permit more than six live chickens and live rabbits within the village and no roosters shall be allowed.

(1) A person is allowed to keep, harbor or permit six or less live chickens or rabbits if the animals are:

(a) At all times when outdoors kept securely enclosed in a yard or pen that is cleaned to prevent the accumulation of animal waste;

(b) At all times when outdoors kept at least 50 feet away from any neighboring residence;

(c) At all times when outdoors kept at least 20 feet away from any property line; and

(d) Strictly for personal or household use, rather than for any commercial use.

(e) Any structures or fencing associated with the keeping of the above animals may not be situated in a front or side yard in a residential area.

(2) All feed must be stored in a rodent proof container and animals must not be fed in a manner likely to attract rodents, such as dispersing the feed on the ground.

(3) No person shall slaughter any animals within the village.

(E) No person shall keep any chicken or rabbit without first having obtained a permit from the Village Administrator. This permit may be revoked at any time by the Village Administrator.

(1) The permitting process will be as follows:

(a) Any person desiring to have chickens or rabbits shall contact the Village Administrator prior to obtaining any chicken or rabbit. Persons that currently have chickens or rabbits shall contact the Village Administrator and will be given six months to abide by the restrictions placed on the ownership of six chickens or rabbits.

(b) Regulations shall be developed by the Village Administrator to administer this section. The regulations and amendments thereto established under this section shall be reduced to writing, filed with the Clerk of Council and maintained in the office of the Village Administrator. The Village Administrator may grant an exemption pursuant to the exemption provisions contained in § 90.14(E) of the codified ordinances of the village.

(c) No permit shall be granted unless all the regulations established by Village Administrator and the conditions of this section are complied with by the applicant.

(2) The permit application shall be accompanied by the payment of a fee of \$25 to cover the processing of the application.

(F) *Penalty.*

(1) Whoever violates this section is guilty of a minor misdemeanor. Every day a violation occurs shall be a separate offense. In the event a person is convicted more than one time in a two-year period the degree of offense for the second conviction shall be a misdemeanor of the fourth degree.

(2) A violation of this section is deemed to constitute a nuisance and shall be subject to abatement procedures under the Ohio Revised Code and/or pursuant to the ordinances of the village.

(Ord. 65-2017, passed 10-16-2017)

Item A. Section 11, Item

Backyard Poultry Health Concerns

- The Centers for Disease Control and Prevention acknowledges that raising poultry (birds like chickens, ducks, geese, guinea fowl, and turkeys) has become more popular in urban and suburban areas
- Owners should keep in mind that, like all animals, backyard poultry bird species can carry germs that can cause diseases harmful to humans, especially young children, older adults, and individuals with weakened immune systems
 - Diseases that backyard poultry can spread include avian influenza (Bird flu), Campylobacter infection, E. coli infection, Histoplasmosis, and Salmonella infection
 - Diseases can spread to people through contact with the birds, their droppings, or their environment
- While people interested in keeping backyard poultry should research best practices to keep their animals and themselves healthy, some tips include:
 - Wash hands after interaction with poultry, including handling eggs, food/water containers, and other equipment used for poultry
 - Provide routine veterinary care for poultry
 - Monitor the health of the animals for any sign of distress or illness
 - Avoid close contact (such as hugging or kissing)
 - Keep poultry and equipment outside
 - Implement proper biosecurity measures
 - Always properly prepare and cook poultry products
 - Keep coops, shelters, and habitats clean
 - Prevent poultry bites and scratches
 - While they do not have teeth, bills and beaks can cause injury
 - Consult professionals and industry experts for further information and advice

Source: <https://www.cdc.gov/healthy-pets/about/backyard-poultry.html>

Links

- <https://www.daytondailynews.com/news/beavercreek-residents-want-city-to-allow-backyard-chickens/5SUUD6VPPFCRRPESV7DCHXZG4E/>
- <https://www.ketteringoh.org/question/can-chickens-kettering/#/city/answers/city-ordinances/can-chickens-kettering>
- <https://www.deseret.com/2010/4/23/20110450/centerville-allows-chickens-rabbits-in-certain-zones/#:~:text=CENTERVILLE%20%E2%80%94%20The%20Centerville%20City%20Council,allowed%20to%20have%20the%20animals.>
- https://www.fairbornoh.gov/government/development_services/property_maintenance_division/property_maintenance_definitions.php#:~:text=Animals%20and%20Pets,on%20any%20non%2Dagricultural%20lot.
- <https://oakwoodohio.gov/question/what-are-the-citys-rules-about-pets/#/city/answers/city-ordinances/can-you-have-chickens-in-oakwood>
- <https://www.ketteringoh.org/search-site/?term=chicken#/city/answers/animals/can-chickens-kettering>

File Attachments for Item:

B. 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)

RECORD OF ORDINANCES

Item B. Section 11, Item

Ordinance No. 2024-O-11

October 14, 2024

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 B, Section 11, 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. Resolution 2024-R-23 ADOPTING THE CITY OF BELLBROOK FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR 2025-2029 (Hoke)

RECORD OF RESOLUTIONS

Item A. Section 12, Item

Resolution No. 2024-R-23

November 25, 2024

City of Bellbrook State of Ohio

Resolution No. 2024-R-23

ADOPTING THE CITY OF BELLBROOK FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR 2025-2029

WHEREAS, the City Charter requires Council to adopt a Capital Improvement Plan in conjunction with the submission of the budget; and

WHETEAS, on November 25, there was a public hearing conducted regarding the 2025-2029 Capital Improvement Plan; and

WHEREAS, the 2025-2029 Five-Year Capital Improvement Plan has been prepared by City Staff containing a clear general summary of its contents.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. The Five-Year Capital Improvement Plan (CIP) for 2025-2029 attached hereto and incorporated herein by reference as Exhibit A is hereby approved.

Section 2. That it is found and determined that all formal actions of the City Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

Section 3. That this resolution shall take effect and be in force forthwith.

PASSED BY City Council this 25th day of November, 2024.

_____ Yeas; _____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council