



# CITY COUNCIL REGULAR MEETING AGENDA

## Monday, March 10, 2025 at 7:00 PM

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

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF THE MINUTES**
  - A. Approval of the February 24, 2025 Regular City Council Meeting minutes
5. **MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
  - A. Swearing in of Officer Dakota Cox and Firefighter/Paramedic Christopher Blanken
6. **CITIZEN COMMENTS**
7. **CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**
8. **PUBLIC HEARING OF PROPOSED ORDINANCES**
  - A. Ordinance No. 2025-O-04 REPEALING CHAPTER 890 "TAX ABATEMENT PROGRAM" OF TITLE FOUR "TAXATION" OR PART EIGHT "BUSINESS REGULATION AND TAXATION CODE" OF THE BELLBROOK MUNICIPAL CODE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 890 "TAX ABATEMENT PROGRAM" OF TITLE FOUR OR PART EIGHTY OF THE BELLBROOK MUNICIPAL CODE (Harding)
9. **INTRODUCTIONS OF ORDINANCES**
  - A. Ordinance No. 2025-O-02 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 (Ashley)
  - B. Ordinance 2025-O-05 AMENDING ORDINANCE 2024-O-14 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF BELLBROOK FOR THE PERIOD BEGINNING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY. (Cyphers)
10. **ADOPTION OF RESOLUTIONS**
11. **OLD BUSINESS**
  - A. Animal Ordinance Review
12. **NEW BUSINESS**
13. **CITY MANAGER'S REPORT**
14. **COMMITTEE REPORTS**
  - A. Safety Committee
  - B. Service Committee
  - C. Finance/Audit Committee
  - D. Community Affairs Committee
15. **CITY OFFICIAL COMMENTS**
16. **EXECUTIVE SESSION**
17. **ADJOURNMENT**

**File Attachments for Item:**

A. Approval of the February 24, 2025 Regular City Council Meeting minutes

# RECORD OF PROCEEDINGS

Bellbrook City Council Meeting  
February 24, 2025

Item A. Section 4, Item

## 1. CALL TO ORDER

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

## 2. PLEDGE OF ALLEGIANCE

Mayor Schweller led the Council in the Pledge of Allegiance.

## 3. ROLL CALL

PRESENT

Mr. Logan Ashley  
Mrs. Katherine Cyphers  
Mr. Forrest Greenwood  
Mr. Brady Harding  
Mr. Ernie Havens  
Mr. T.J. Hoke  
Mayor Mike Schweller

## 4. APPROVAL OF THE MINUTES

Mayor Schweller asked if anyone had comments or corrections to the minutes of the January 27, 2025 meeting. Hearing none, the minutes were declared to be approved.

## 5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST

Mayor Schweller noted he was back after an absence due to a surgery and thanked everyone for the well wishes and will be back to full work in March. He thanked Deputy Mayor Havens for standing in and handling the business of the City.

In addition, Mayor Schweller offered condolences to the Family of former Deputy Mayor Darryl McGill. He noted Mr. McGill's dedicated service to the community and passion for public safety.

## 6. CITIZEN COMMENTS

## 7. CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS

## 8. PUBLIC HEARING OF PROPOSED ORDINANCES

## 9. INTRODUCTIONS OF ORDINANCES

- A. Ordinance 2025-O-03 AMENDING ORDINANCE 2024-O-14 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF BELLBROOK FOR THE PERIOD BEGINNING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY. (Cyphers)

# RECORD OF PROCEEDINGS

Bellbrook City Council Meeting  
February 24, 2025

Item A. Section 4, Item

Mrs. Cyphers read the Ordinance.

Mr Schommer explained the need for the supplemental appropriation is to accept two amounts of grant funding for the Fire Department as well as appropriating the received OneOhio Opioid Settlement funds for coverage of utilizing those restricted funds.

Motion to adopt Ordinance 2025-O-03 at Introduction.

Motion made by Mrs. Cyphers, Seconded by Mr. Greenwood.

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

- B. Ordinance 2025-O-04 REPEALING CHAPTER 890 “TAX ABATEMENT PROGRAM” OF TITLE FOUR “TAXATION” OR PART EIGHT “BUSINESS REGULATION AND TAXATION CODE” OF THE BELLBROOK MUNICIPAL CODE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 890 “TAX ABATEMENT PROGRAM” OF TITLE FOUR OR PART EIGHTY OF THE BELLBROOK MUNICIPAL CODE (Ashley)

Mr. Ashley read the Ordinance.

Mr. Havens recused himself from the discussion and left the room.

Miss Grant provided a brief presentation explaining the changes to the CRA program to make it more modernized and useable as an economic development incentive.

Motion to Introduce Ordinance 2025-O-04

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

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

## 10. ADOPTION OF RESOLUTIONS

- A. Resolution 2025-R-04 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY (Hoke)

Mr. Hoke read the Resolution

Mr. Schommer explained the Resolution allows for the disposal of an old medic unit. The surplus will allow the vehicle to be sold at online auction.

Motion to adopt Resolution 2025-R-04

Motion made by Mr. Hoke, Seconded by Mrs. Cyphers.

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

# RECORD OF PROCEEDINGS

Bellbrook City Council Meeting  
February 24, 2025

Item A. Section 4, Item

- B. Resolution 2025-R-05 AUTHORIZING THE PURCHASE OF A SERVICE TRUCK AND ACCESSORIES FROM WHITE ALLEN CHEVROLET (Greenwood)

Mr. Greenwood read the Resolution.

Mr. Schommer explained the resolution authorizes the expenditure of appropriated funds to purchase a vehicle for the service department. He noted the purchase was approved on the 2025 CIP as well as included in the 2025 appropriations. He also noted the purchase does not reach the threshold required for competitive bidding; however, internal policy practices provides for competitive quotes and authorization by Council for expenditures above \$25,000.

Motion to adopt Resolution 2025-R-05

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

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

- C. Resolution 2028-R-06 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BELLBROOK-SUGAR MAPLE FESTIVAL COMMITTEE, INC FOR THE 2025 SUGAR MAPLE FESTIVAL (Havens)

Mr. Ashley recused himself from the discussion and left the room.

Mr. Havens read the Resolution.

Mr. Schommer explained the Resolution authorizes entering into a agreement with the Bellbrook Sugarmaple Festival Committee, INC to manage and operate the 2025 Bellbrook Sugarmaple Festival. He noted the arrangement has led to a progressively more successful event since bringing it back and recommends this model continues to be used.

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

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

## 11. OLD BUSINESS

## 12. NEW BUSINESS

- A. Appointment of BOH candidate

B.

Mr. Schommer noted there is a need to appoint a representative to the Board of Health Advisory committee. The previous appointee has retired from his service. An announcement acceptance of interested residents will be made.

## 13. CITY MANAGER'S REPORT

# RECORD OF PROCEEDINGS

Bellbrook City Council Meeting  
February 24, 2025

Item A. Section 4, Item

- A. Presentation of the City's Age-Friendly Community Action Plan
- B.

Miss Grant provided a presentation for the Bellbrook Age Friendly Community Action Plan.

## 14. COMMITTEE REPORTS

- A. Safety Committee
- B. Service Committee
  
- C. Finance/Audit Committee
  
- D. Community Affairs Committee

Mr. Havens reported the Committee met and interviewed Kelly Hodson as an applicant to serve on the Village Review Board.

Motion to appoint Kelly Hodson to the Village Review Board.

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

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

## 15. CITY OFFICIAL COMMENTS

Mr. Greenwood noted the Chamber of Commerce Monte Carlo Night is Friday February 28th and encouraged the community to attend. He also noted the re-opening ribbon cutting at Sugar Valle will be Saturday.

Mr. Hoke reported the Community Support Center relocated to East Franklin at East Street and are currently accepting donations at that location.

Deputy Mayor Havens extended his condolences to Mrs. McGill for the passing of former Council member Darryl McGill. He also noted the Chamber of Commerce Monte Carlo Night event. Additionally, he thanked the Police Department for efforts of reducing the speeders in the community in a non-aggravating manner. He also noted the Community Resource Center is focusing on its food bank operations after relocation.

Mayor Schweller again offered condolences for the passing of former Deputy Mayor Darryl McGill. Hi also thanked Mr. Schommer and Miss Grant for their efforts in the AFC plan

## 16. EXECUTIVE SESSION

- A. Motion to enter executive session to consult with an attorney concerning disputes subject to pending or imminent court action.
- B.  
Motion to enter Executive Session

# RECORD OF PROCEEDINGS

Bellbrook City Council Meeting  
February 24, 2025

Item A. Section 4, Item

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

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

Council entered Executive Session at 7:04p m

Motion to exit Executive Session

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

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

Council Exited Executive Session at 7:41pm. Mayor Schweller noted no decisions or formal  
actions were made during executive session.

## 17. ADJOURNMENT

Hearing no further business coming before the Council, Mayor Schweller declared the meeting  
adjourned at 8:59pm

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Michael Schweller, Mayor

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Robert Schommer, Clerk of Council

**File Attachments for Item:**

A. Ordinance No. 2025-O-04 REPEALING CHAPTER 890 "TAX ABATEMENT PROGRAM" OF TITLE FOUR "TAXATION" OR PART EIGHT "BUSINESS REGULATION AND TAXATION CODE" OF THE BELLBROOK MUNICIPAL CODE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 890 "TAX ABATEMENT PROGRAM" OF TITLE FOUR OR PART EIGHTY OF THE BELLBROOK MUNICIPAL CODE (Harding)



**NOTICE  
OF  
PUBLIC HEARING**



**City Council  
Public Hearing**

**Monday March 10, 2025 7:00 pm**  
*City Council Chambers 15 E. Franklin Street*

**There will be an open Public Hearing by the Bellbrook  
City Council regarding Ordinance No.2025-O-04**

A Public Hearing will be held by Bellbrook City Council, regarding Ordinance No2025-O-04

**Ordinance No. 2025-O-04**

**REPEALING CHAPTER 890 "TAX ABATEMENT PROGRAM" OF TITLE FOUR "TAXATION" OR PART EIGHT "BUSINESS REGULATION AND TAXATION CODE" OF THE BELLBROOK MUNICIPAL CODE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 890 "TAX ABATEMENT PROGRAM" OF TITLE FOUR OR PART EIGHTY OF THE BELLBROOK MUNICIPAL CODE**

Monday March 10, 2025 7:00 pm in the Council Chambers 15 E. Franklin Street.  
The public is welcome to attend or send comments to the Clerk of Council at [clerk@cityofbellbrook.org](mailto:clerk@cityofbellbrook.org). A copy of the Ordinance is attached.

**Agenda and additional meeting information available at [www.cityofbellbrook.org](http://www.cityofbellbrook.org)**

Posted 2/24/2025

# RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2025-O-04

March 10, 2025

## City of Bellbrook State of Ohio

### Ordinance No. 2025-O-04

#### **REPEALING CHAPTER 890 “TAX ABATEMENT PROGRAM” OF TITLE FOUR “TAXATION” OR PART EIGHT “BUSINESS REGULATION AND TAXATION CODE” OF THE BELLBROOK MUNICIPAL CODE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 890 “TAX ABATEMENT PROGRAM” OF TITLE FOUR OR PART EIGHTY 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, the City of Bellbrook previously adopted Chapter 890 “Tax Abatement Program” of Part Eight “Business Regulation and Taxation Code” and incorporated it into the Bellbrook Municipal Code; and

WHEREAS, City Council wishes to repeal Chapter 890 “Tax Abatement Program” of Title Four “Taxation” of Part Eight “Business Regulation and Taxation Code” in its entirety and enact a new Chapter 890 “Tax Abatement Program” of Title Four “Taxation” of Part Eight “Business Regulation and Taxation Code” of the Bellbrook Municipal Code.

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

Section 1. The old Chapter 890 “Tax Abatement Program” of Title Four “Taxation” of Part Eight “Business Regulation and Taxation Code” is hereby repealed in its entirety.

Section 2. A new Chapter 890 “Tax Abatement Program” of Title Four “Taxation” of Part Eight “Business Regulation and Taxation Code” of the Bellbrook Municipal Code is hereby 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 underscored.

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 \_\_\_\_ 2025.

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

# RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2025-O-04

March 10, 2025

## AUTHENTICATION:

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Michael W. Schweller, Mayor

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Robert Schommer, Clerk of Council

## APPROVED AS TO FORM:

Stephen McHugh, Municipal Attorney

**TITLE FOUR TAXATION**

**CHAPTER 890. TAX ABATEMENT PROGRAM**

**Sec. 890.01. Establishment of Community Reinvestment Area No. 1.**

- (a) For purposes of fulfilling the requirements set forth under ORC 3735.65 through 3735.70, Community Reinvestment Area No. 1 is hereby established. The construction of new structures and the remodeling of existing structures within the established Community Reinvestment Area (CRA) is hereby declared to be a public purpose for which exemptions from real property taxation may be granted in accordance with the provisions of this Chapter.**
- (b) This CRA Program is intended to promote and expand conforming uses within the designated boundaries of the CRA.**
- (c) Only new structures or remodeling classified as to use as residential, commercial, or industrial, or some combination thereof, and otherwise satisfying the requirement of ORC 3537.67, within the designated boundaries of the CRA are eligible for exemptions under the Tax Abatement Program (TAP). The classification of the structures or remodeling eligible for exemption under the CRA Program shall always be consistent with zoning restrictions applicable to the area.**
- (d) Whether a structure or remodeling composed of multiple units is classified as residential, commercial, or industrial shall be determined by the Greene County Auditor's tax classification.**

(Res. 82-W, passed 7-26-82)

**Sec. 890.02. Boundaries of Community Reinvestment Area No. 1.**

The boundaries of Community Reinvestment Area No. 1 are as follows:

Starting at a point at the intersection of the centerline of Little Sugarcreek **Road** and the centerline of West Franklin Street and heading in a generally southerly direction ~~along the centerline of Little Sugarcreek to the centerline of South Street~~ **to the southern corporate limit, including lots with frontage on West South Street;**

~~Thence along the centerline of South Street to the existing eastern~~ **southern** corporate limits **to the eastern corporate limits;**

~~Thence along the eastern corporate limits to East Franklin Street~~ **Washington Mill Road until before Hess Road, not including any lots fronting on Hess Road;**

Thence west **towards North East Street, stopping at the intersection of the centerline of North East Street and the northern boundary of East Walnut Street** ~~along East Franklin Street, including lots fronting on both sides of East Franklin Street,~~ to a point at the centerline of East Street;

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Thence west along East Walnut Street, including lots with a southern boundary within 100 feet of the centerline of East Walnut Street to North Main Street the centerline of East Street to Walnut Street;

~~Thence west along Walnut Street, including lots fronting on both sides of Walnut Street, to Main Street;~~

Thence north along North Main Street, including lots fronting on both sides of North Main Street, to the centerline of North Main Street and the southern boundary of Pavilion Lane to High Street;

Thence west along High Street, including lots fronting on both sides of High Street and lots with a southern boundary within 150 feet of the centerline of High Street, to a point at the centerline of North West Street;

Thence along the centerline of North West Street, including lots on both sides of North West Street to the centerline of Bellbrook Plaza, including lots with frontage on Bellbrook Plaza West Franklin Street;

Thence south to the centerline of West Franklin Street;

Thence along the centerline of West Franklin Street to the point of beginning, and including those lots which front on the north side of West Franklin Street and which have an eastern boundary within 650 feet from the centerline of North West Street.

(Res. 82-W, passed 7-26-82)

**Sec. 890.03. ~~Periods of tax exemptions for improvements~~ Tax exemptions in the Community Reinvestment Area No. 1.**

**(a)** Within Community Reinvestment Area No. 1, tax exemptions for improvements to real property as described in ORC 3735.67 will be granted ~~for the following periods~~ through the following processes:

**(1) Process for Residential Structures: The owner of any real property within the CRA may file an application for an exemption from real property taxation for a new structure or remodeling with the Housing Officer. The Housing Officer shall verify the construction of the new structure or the cost of remodeling and the facts asserted in the application. The Housing Officer shall determine whether the construction or the cost of the remodeling meets the requirements for an exemption under ORC 3735.67(D). If the construction or remodeling meets the requirements for exemption, after complying with the notice requirements of Section 890.08, the Housing Officer shall grant an exemption for the following exemption period:**

**(A)** Ten years for the remodeling of every dwelling containing not more than two family units, the cost of which remodeling is at least two thousand five hundred dollars (\$2,500.00), as described in ORC 3735.67(A); and

**(B) Seven (7) years for the new construction of residential structures, as described in [ORC 3735.67(D)(3)]; and**

**(C) Twelve (12) years for the remodeling of every dwelling containing more than two units, and commercial or industrial properties, the cost of which remodeling is at least five thousand dollars (\$5,000.00), as described in ORC 3735.67(B).**

**(2) Process for New Commercial and Industrial Structures: The owner of any real property within the CRA may file an application for an exemption from real property taxation for a new structure with the Housing Officer. The Housing Officer shall verify the construction of the new structure and the facts asserted in the application, and shall negotiate an agreement with the property owner or developer. Then, after all notification requirements have been met, the Housing Officer shall forward their verification, along with the property owner's application and agreement to City Council. If City Council determines that the construction meets the requirements for an exemption under ORC 3735.67(D), after complying with the notice requirements of Section 890.08, the City Council, by resolution, shall grant an exemption for the following exemption period:**

**(A) Up to fifteen years for the new construction of commercial and industrial structures, as described in [ORC 3735.67(D)(3)].**

**(b) Certification to the County Auditor: Upon the grant of an exemption by the Housing Officer, as applicable, or City Council, as applicable, the Housing Officer shall forward the application to the Greene County Auditor with a certification as the division of ORC 3735.67 under which the exemption is granted and the period of the exemption.**

**(c) Exemption: The CRA tax exemption shall first apply in the year following the calendar year in which the certification to the Greene County Auditor is made.**

**(1) If the exemption is for a remodeling, which qualifies for an exemption under Section ORC 3735.67(D)(1) and (D)(2), the dollar amount by which the remodeling increased the market assessed value of the structure shall be exempt from real property taxation during the exemption period.**

**(2) If the exemption is for new construction, which qualifies for an exemption under Section ORC 3735.67(D)(3), the structure shall not be considered an improvement on the land on which it is located for the purpose of real property taxation during the exemption period.**

(Res. 82-W, passed 7-26-82)

**Sec. 890.04. Designation of a Housing Officer.**

To administer and implement this chapter, the City Manager is designated as the Housing Officer, as described in ORC 3735.65 and 3735.66. **The City Manager is hereby authorized to, by administrative directive, designate City staff member(s) to serve as the Housing Officer in his or her stead.**

(Res. 82-W, passed 7-26-82)

**Sec. 890.05. Copy of Chapter to be sent to County Auditor.**

A copy of this chapter shall be forwarded to the County Auditor by the Clerk of Council for information and reference.

(Res. 82-W, passed 7-26-82)

**Sec. 890.06. Re-evaluation of designation of Community Reinvestment Area No. 1.**

Council reserves the right to re-evaluate the designation of Community Reinvestment Area No. 1 after seven years from the date of the adoption of this chapter (Resolution 82-W, passed July 26, 1982), at which time Council may direct the Housing Officer not to accept any new applications for exemption, as described in ORC 3735.67.

(Res. 82-W, passed 7-26-82)

**Sec. 890.07. Finding of fact.**

Council finds that the area included within the description of Community Reinvestment Area No. 1 is one in which housing facilities or structures of historical significance are located and also one in which new housing construction and repair of existing facilities or structures have been discouraged.

(Res. 82-W, passed 7-26-82)

**Sec. 890.08. Notice requirements.**

**Before certifying an exemption in CRA No. 1 to the Greene County Auditor, the Housing Officer shall notify the Board of Education of each school district in which the proposed tax-exempted property is located. The notice shall include a copy of the exemption application. The notice shall be delivered at least fourteen (14) days prior to the City Council taking formal action on the exemption application or before the Housing Officer certifies the exemption to the County Auditor, as applicable. If the Board of Education comments on the exemption, the City Council or the Housing Officer, as applicable, shall consider the comments.**

**Sec. 890.09. Remodeling of structures or new construction within the Old Village District.**

**In cases involving a structure or parcels located within the Old Village District, the designated Housing Officer shall not determine whether the remodeling or new**

**construction meets the requirements for a tax exemption under this Chapter unless the appropriateness of the remodeling or new construction has been certified, in writing, by the Old Village Review Board certifying the appropriateness of the remodeling or new construction pursuant to Article 14 of the Bellbrook Zoning Code.**

**Sec. 890.10. Annual inspections.**

**The Housing Officer shall make annual inspections of the properties for which a CRA exemption has been granted. If the Housing Officer finds that the property has not been properly maintained or repaired due to the neglect of the owner, the Housing Officer may revoke the exemption at any time after the first year of the exemption. The Housing Officer shall notify the Greene County Auditor and the owner of the property that the tax exemption no longer applies. If the Housing Officer revokes a tax exemption, he or she shall send a report of the revocation to the City Council, containing a statement of his or her findings as to the maintenance and repair of the property and the reason for revoking the exemption.**



**File Attachments for Item:**

A. Ordinance No. 2025-O-02 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 (Ashley)

# RECORD OF ORDINANCES

Item A. Section 9, Item

Ordinance No. 2025-O-02

March 10, 2025

## City of Bellbrook State of Ohio

### Ordinance No. 2025-O-02

#### **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 originally designated as traffic routes in 1983; and

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

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

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

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

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

# RECORD OF ORDINANCES

Item A. Section 9, Item

Ordinance No. 2025-O-02

March 10, 2025

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 placing of restrictions on North Main Street and South Main Street 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 placing of restrictions on North Main Street and South Main Street 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 underscored.

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 \_\_\_\_ 2025.

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

AUTHENTICATION:

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

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

APPROVED AS TO FORM:

# RECORD OF ORDINANCES

*Item A. Section 9, Item*

Ordinance No. 2025-O-02

March 10, 2025

Stephen McHugh, Municipal Attorney

## CHAPTER 440. COMMERCIAL AND HEAVY VEHICLES

**Sec. 440.01 Definitions as used in this Chapter**

- (a) **“Commercial Truck” means any motor vehicle that has motor power, weighs more than 10,000 pounds unloaded, and is designed and used for carrying merchandise or freight or materials for commercial use.**
- (b) **“Motor Vehicle” means any vehicle, including motor homes and recreational vehicles, that is propelled or drawn by power other than muscular power.**
- (c) **“Trailer” means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle type such as that commonly known as a trailer dolly.**
- (d) **“Truck Route” means a way over certain streets, over and alone which commercial trucks coming and going out of the city must travel.**
- (e) **“Vehicle” means everything on wheels and runners, including motorized bicycles, but does not mean electric personal assistive devices, or low speed micromobility devices.**

Sec. 440.01~~2~~ Load limits.

- (a) *Local thoroughfares.* No person shall drive or operate any **Commercial Truck as defined in Section 402.01** ~~vehicle used for the transportation of goods or property, the gross weight of which, with load, exceeds five tons, upon the streets, 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 of 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~~3~~—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 **Truck** Routes.* There are hereby established in the City the following truck routes (as subject to 440.12 (c) of this Section):

(1) **Truck Routes for Commercial Trucks with Trailers:**

- a. (4) East and West Franklin Street (State Route No. 725);
- ~~(2) South Main Street;~~
- ~~(3) North Main Street; and~~
- b. (-) Wilmington Pike.

(2) **Truck Routes for Commercial Trucks (without trailers):**

- a. **East and West Franklin Street (State Route No. 725)**
- b. **Wilmington Pike**
- c. **North Main Street**
- d. **South Main Street As Specified:**
  - i. **North and South bound through and from North Main Street crossing Franklin Street (SR 725)**
  - ii. **No Commercial Vehicle shall be permitted to turn onto South Main Street from East or West Franklin Street (SR. 725)**
  - iii. **No Commercial Vehicle shall be permitted to turn from South Main Street onto West or East Franklin Street (SR 725)**

(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 **Public Safety Director** ~~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.

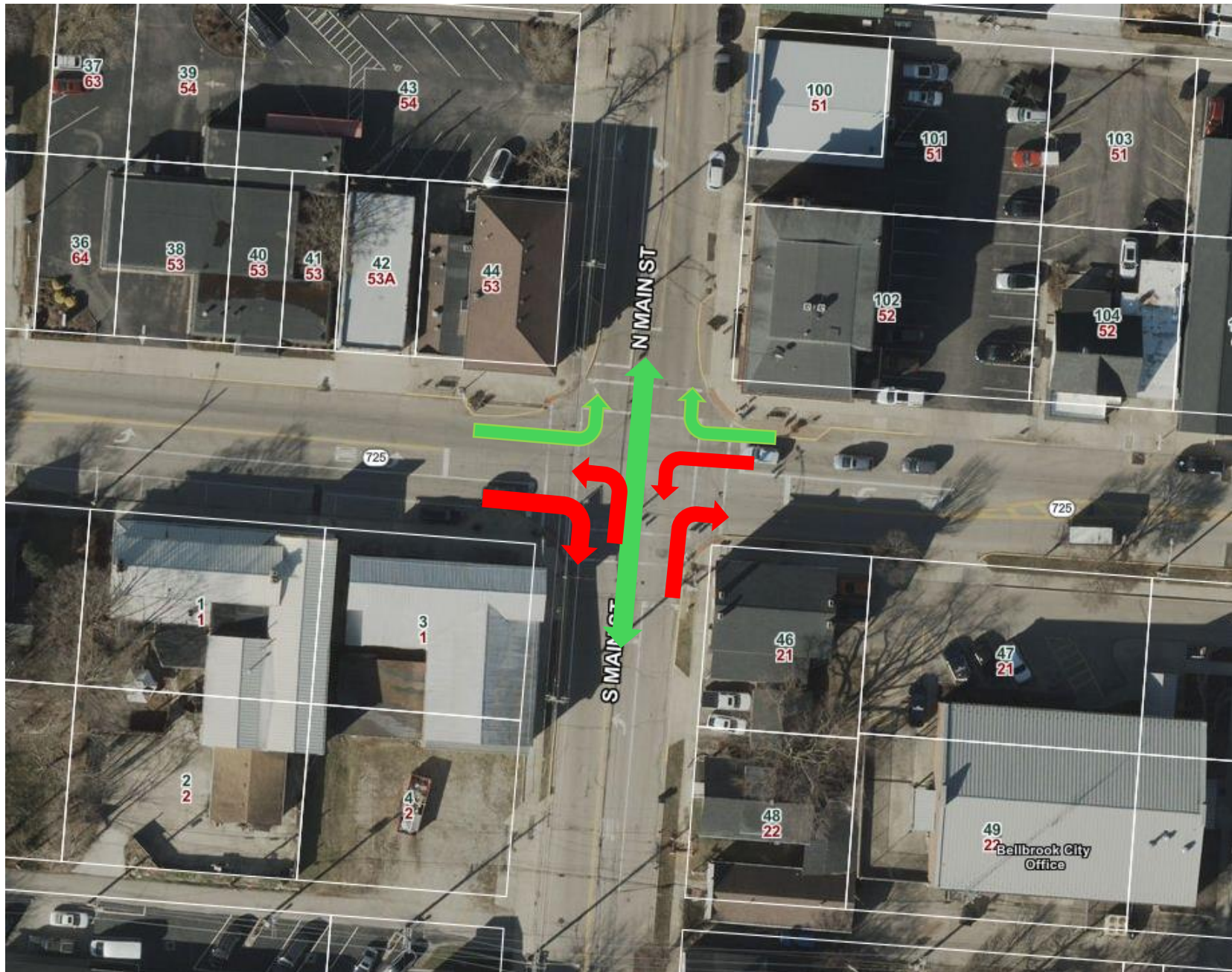
Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.13, which pertained to chauffeured limousines and derived from the 1985 Codified Ordinances.

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

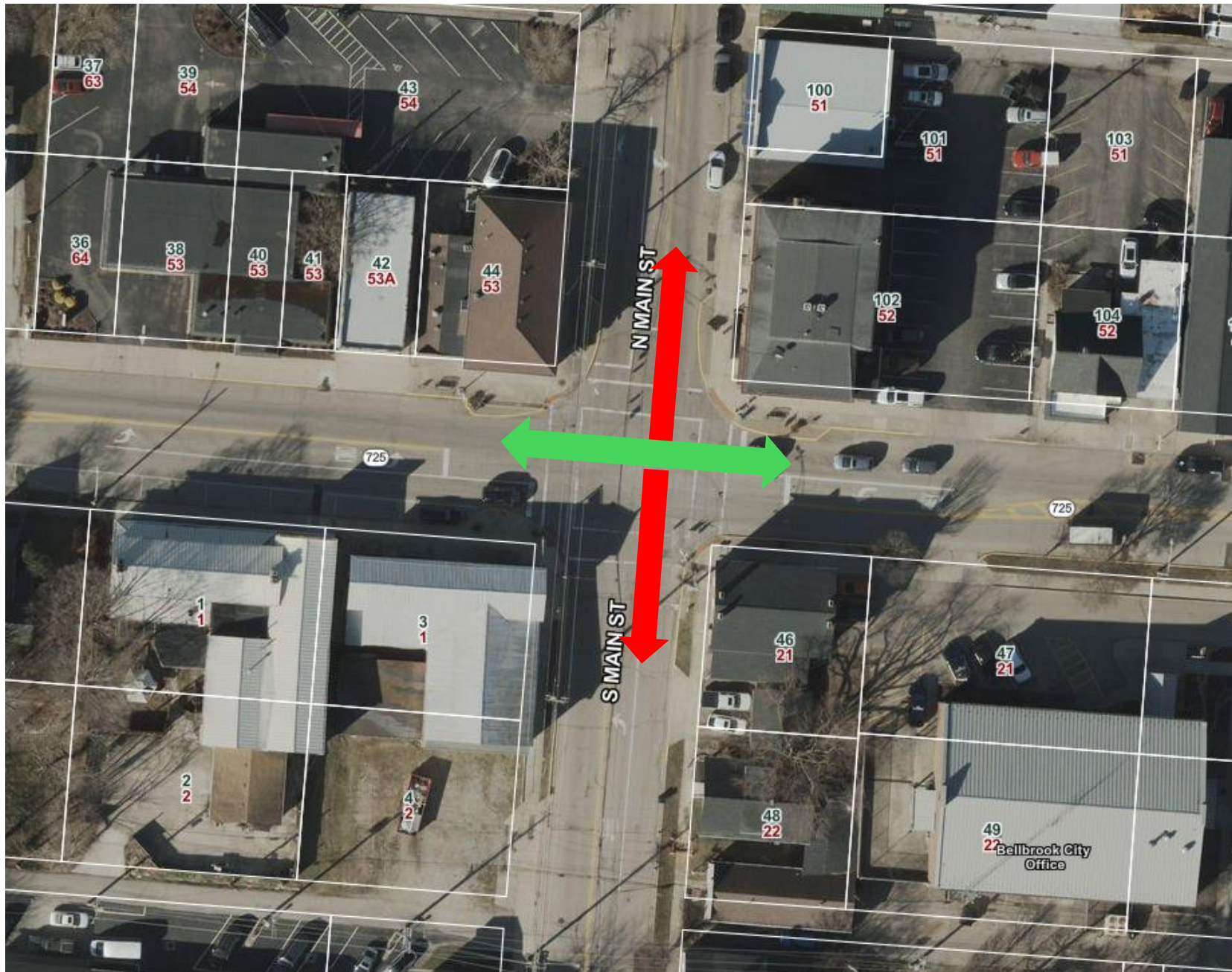


South and North Main Street Truck Route Designation for Commercial Trucks Without Trailers





South and North Main Street Truck Route Designation for Commercial Trucks With Trailers



**File Attachments for Item:**

B. Ordinance 2025-O-05 AMENDING ORDINANCE 2024-O-14 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF BELLBROOK FOR THE PERIOD BEGINNING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY.  
(Cyphers)

# RECORD OF ORDINANCES

Item B. Section 9, Item

Ordinance No. 2025-O-05

March 10, 2025

## City of Bellbrook

### Ordinance No. 2025-O-05

#### **AMENDING ORDINANCE 2024-O-14 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF BELLBROOK FOR THE PERIOD BEGINNING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2025, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Bellbrook adopted the 2025 annual budget based on the best information available at the time; and

WHEREAS, additional costs and/or adjustments are required for various 2025 Personnel Services and Other Expenses which requires the amendment of various appropriation levels.

#### **Now, Therefore, the City of Bellbrook Hereby Ordains:**

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

Section 2. This Ordinance is declared to be an emergency measure necessary to meet a public emergency affecting health, safety, morals or the public welfare, or a special emergency in the operation of a Municipal department, and for the further reason that there is a need to apply appropriate OneOhio Opioid funding and receive a public safety grant for radios; therefore, this Ordinance shall take full force and effect immediately upon its adoption by Council

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 10<sup>th</sup> day of March, 2025.

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

#### AUTHENTICATION:

\_\_\_\_\_  
Michael Schweller Mayor

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

#### APPROVED AS TO FORM:

Stephen M. McHugh, Municipal Attorney

# RECORD OF ORDINANCES

Item B. Section 9, Item

Ordinance No. 2025-O-05

March 10, 2025

## EXHIBIT A

| Fund                                      | 2025 Current Appropriations | Personnel Revisions | Other Expenses Revisions | Total Revisions | Amended 2025 Appropriations |
|---|-----------------------------|---------------------|--------------------------|-----------------|-----------------------------|
| <b>100 General Fund</b>                   | \$1,145,871.85              |                     |                          |                 | \$1,145,871.85              |
| <i>11 Legislative</i>                     | \$44,051.91                 |                     |                          |                 | \$44,051.91                 |
| <i>12 Administrative</i>                  | \$907,070.14                | <b>\$10,000</b>     | <b>\$30,000</b>          |                 | \$947,070.14                |
| <i>13 Library</i>                         | \$3,164.76                  |                     |                          |                 | \$3,164.76                  |
| <i>14 Museum</i>                          | \$33,750.04                 |                     |                          |                 | \$33,750.04                 |
| <i>15 Community Environment</i>           | \$82,835.00                 |                     |                          |                 | \$82,835.00                 |
| <i>30 Capital Outlay</i>                  | \$78,000.00                 |                     |                          |                 | \$78,000.00                 |
| <b>202 OneOhio Opioid Settlement Fund</b> | \$24,107.61                 |                     |                          |                 | \$24,107.61                 |
| <b>210 Street Fund</b>                    | \$471,386.77                |                     |                          |                 | \$471,386.77                |
| <b>220 State Highway Fund</b>             | \$53,000.00                 |                     |                          |                 | \$53,000.00                 |
| <b>230 Police Fund</b>                    | \$2,308,327.16              |                     |                          |                 | \$2,308,327.16              |
| <b>240 Fuel System Fund</b>               | \$2,550.00                  |                     |                          |                 | \$2,550.00                  |
| <b>250 Fire Fund</b>                      | \$1,672,844.49              |                     |                          |                 | \$1,672,844.49              |
| <b>270 Police Pension Fund</b>            | \$90,590.00                 |                     |                          |                 | \$90,590.00                 |
| <b>280 Motor Vehicle License Fund</b>     | \$205,100.00                |                     |                          |                 | \$205,100.00                |
| <b>300 Capital Improvement Fund</b>       | \$140,573.63                |                     |                          |                 | \$140,573.63                |
| <b>610 Waste Collection Fund</b>          | \$668,847.00                |                     |                          |                 | \$668,847.00                |
| <b>620 Water Fund</b>                     | \$1,847,363.47              |                     |                          |                 | \$1,847,363.47              |
| <b>800 Performance Bond Fund</b>          | \$10,000.00                 |                     |                          |                 | \$10,000.00                 |
| <b>810 Agency Fund</b>                    | \$1,500.00                  |                     |                          |                 | \$1,500.00                  |
|   |                             |                     |                          |                 |                             |
| <b>Total All Funds</b>                    | <b>\$8,641,613.98</b>       | <b>\$10,000</b>     | <b>\$30,000</b>          | <b>\$40,000</b> | <b>\$8,681,613.98</b>       |

**File Attachments for Item:**

A. Animal Ordinance Review

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

### Sec. 618.01. Definitions.

For the purpose of this chapter, the following definitions shall apply:

*Agricultural animal.* The definition of animal is the same as set forth in Ohio Revised Code Section 903.01 (A) including but not limited to the following text: "any animal generally used for food or in the production of food, including cattle, sheep, goats, rabbits, poultry, and swine; horses; alpacas; llamas; and any other animal included by the director of agriculture by rule. "Agricultural animal" does not include fish or other aquatic animals regardless of whether they are raised at fish hatcheries, fish farms, or other facilities that raise aquatic animals."

*Animal.* The definition of animal is the same as set forth in Ohio Revised Code Section 941.01 (D) including but not limited to the following text: "any animal that is a bird, reptile, amphibian, fish, or mammal, other than humans."

*Companion animal.* The definition of companion animal is the same as set forth in Ohio Revised Code Section 959.131 (A)(1) including but not limited to the following text: "any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in section 956.01 of the Ohio Revised Code. "Companion animal" does not include livestock or any wild animal."

*Domestic animal.* The definition of domestic animal is the same as set forth in Ohio Revised Code Section 941.01 (E) including but not limited to the following text: "livestock; other animals that through long association with humans have been bred to a degree resulting in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them different from nondomestic animals of their kind; and other animals as defined by rule by the director."

*Livestock.* The definition of companion animal is the same as set forth in Ohio Revised Code Section 5739.01 (MM) including but not limited to the following text: "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."

*Non-domestic animal.* The definition of companion animal is the same as set forth in Ohio Revised Code Section 941.01 (G) including but not limited to the following text: "any animal that is not domestic, including at least nonindigenous animals and animals usually not in captivity."

*Pet.* The definition of companion animal is the same as set forth in Ohio Revised Code Section 961.01 (D) including but not limited to the following text: "an animal that has been adapted or tamed to live in intimate association with or for the pleasure or advantage of people and includes but is not limited to dogs, cats, birds, rabbits, and hamsters." Pets are not considered to be animals used for livestock or agricultural purposes.

*Poultry.* The definition of companion animal is the same as set forth in Ohio Revised Code Section 941.01 (H) including but not limited to the following text: "any domesticated fowl kept in confinement, except for doves and pigeons, that are bred for the primary purpose of producing eggs or meat for human consumption."

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



**Service animal. The definition of companion animal is the same as set forth in Ohio Revised Code Chapter 3344-79 Rule 3344-79-02 (A) (2) including but not limited to the following text: "any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability and meets the definition of "service animal" under the Americans with Disabilities Act ("ADA") regulations at 28 CFR 35.104. The work or tasks performed must be directly related to the individual's disability."**

**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 noises.**

- (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 is 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.
- (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 **or unreasonably loud and disturbing noises** by an ~~dog~~ **animal**.
- (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 **agricultural animal or livestock, nor any animal used for agricultural or livestock purposes**, on any parcel of property, except in agricultural zoning districts on parcels **with a minimum** of five acres **as provided in the Bellbrook Zoning Code Article 18 Section 18.41 – Small livestock**.
- (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)

**Article 18      Section 18.41 Small Livestock**

The keeping of small livestock in a residential area is permitted under the following conditions:

- (a) Roosters are prohibited.
- (b) Residential lot sizes and number of animals:
  - (1) Lots smaller than 0.5 acres, no more than four (4) small livestock animals
  - (2) Lots 0.5 acre to less than 1.0 acre, no more than six (6) small livestock animals
  - (3) Lots 1.0 acres to less than 2.5 acres, no more than twelve (12) small livestock animals
  - (4) Lots 2.5 acres to less than 5.0 acres, no more than twenty (20) small livestock animals
  - (5) This restriction does not apply to parcels of land of 5 acres or more.
- (c) Unless attended by a keeper, all small livestock animals shall be kept in an outdoor sheltering structure at all times, and all sheltering structures must be within an enclosed fenced yard. No small livestock shall be allowed to roam “at large” in the city. See Sec. 618.14. - Impounding and redemption.
- (d) Sheltering structure or fenced outdoor area must be located at least X feet from any property line. Additionally, any outdoor sheltering structure must be in the defined rear yard of the property.
- (e) The sale of animal products including but not limited to meat, eggs, and fur shall be prohibited.
- (f) Small livestock animals may be slaughtered and butchered onsite only inside the primary structure. All waste must be bagged and disposed of with household trash to prevent nuisance and health hazards.
- (g) Notwithstanding compliance with the various requirements of this ordinance, small livestock 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. See Sec. 618.13. - Nuisance conditions prohibited.
- (h) It is the responsibility of the person keeping small livestock 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.
- (i) A zoning permit is required by the City of Bellbrook.

## ZONING PERMIT

### (a) Zoning Permit Required

#### (1) Information required

(a) Applicants seeking to engage in keeping any small livestock must apply for and receive a zoning permit.

### (b) Application for Permits

(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) Sheltering Structure

(1) All small livestock shall be provided with an outdoor, 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) There shall be no more than one (1) sheltering structure.

### (d) Yards and Location on Lot

(1) Any sheltering structure and outdoor areas used for keeping small livestock shall comply with the following yard and setback requirements:

(2) Be located on a property containing a single-family dwelling structure.

(3) Be located in the defined rear yard.

(4) Be located at least 15 feet from any property line.