

ORDINANCE NUMBER #3972

**AN ORDINANCE AMENDING CHAPTER 505 OF THE
CODIFIED ORDINANCES OF THE VILLAGE OF BARNESVILLE, OHIO,
ADDRESSING ANIMALS AND FOWL AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Barnesville Codified Ordinances currently address Animals and Fowl under Chapter 505 of the Codified Ordinances of the Village of Barnesville; and

WHEREAS, the Village of Barnesville has determined that it is necessary to amend Chapter 505 of the Codified Ordinances to protect the public interest, promote the general health, safety, and welfare of the community, and to otherwise benefit the village.

NOW THEREFORE, BE IT ORDAINED by Council of the Village of Barnesville that Chapter 505 of the Codified Ordinances be amended to include the following sections: Section 505.15 Restrictions on the Keeping of Animals, Section 505.16 Horses or Other Large Farm Animal(s) on Sidewalks, and Section 505.17 Removal of Dog and Other Animal(s)' Feces, which read in their entirety as follows:

505.15 RESTRICTIONS ON THE KEEPING OF ANIMALS WITHIN VILLAGE LIMITS

- A. Purpose. The regulations of this section are established to permit the keeping of animals in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe. All animal(s) housed are required to meet the *Ohio Department of Agriculture Livestock Care Standards* in addition to these Ordinances. Any conflicts will be resolved through our legal process.
- B. Chickens, Rabbits and Similar Small Farm Animal(s). The keeping of chicken(s), rabbit(s) and similar small farm animal(s), and cage(s), coop(s) and enclosure(s) for the keeping of such animal(s), shall be governed by the following regulations.
- (1) Number. No more than one (1) such animal shall be kept on a parcel of land for each eight hundred (800) square feet of parcel or lot area. For a standard residential lot of four thousand (4,000) square feet, this regulation would permit no more than a total of twelve (12) such animals.
 - (2) Setbacks. The coop(s) or cage(s) housing such animal(s) may not be located in front yard or side street yard areas and shall not be located within five (5) feet of a side road. No animal(s) shall be kept in front yard or side street yard areas.
 - (3) Prohibitions. No rooster(s), guinea(s), duck, peacock(s), swans, geese, turkey(s) or similar animals may be kept except on a parcel that is at least two (2) acres in area and only if the coop or cage housing the bird(s) is at least one hundred (100) feet from all property lines. No predatory bird(s) may be kept on any property under the regulations of this section.
 - (4) Enclosures and Fences. Chicken(s) and other bird(s) shall have access to an outdoor

enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dog(s) and other predator(s).

C. Goats, Pigs, Sheep and Similar Medium Animal(s). The keeping of goat(s), pig(s), sheep and similar medium farm animal(s), and stable(s) and enclosures for the keeping of such animal(s), shall be governed by the following regulations:

- (1) In the Downtown District no goat(s), pig(s), sheep or similar farm animal(s) shall be kept. For a parcel that is at least four thousand and five hundred (4,500) square feet in area, a maximum of two (2) goats or sheep may be kept on the property, with one (1) additional goat or sheep permitted for each additional two thousand (2,000) square feet of area. Stable(s) or other enclosures for such animals shall not be permitted in the front yards or in a side street yard(s) and shall be set back at least fifteen (15) feet from any street or property line.
- (2) A grandfather clause allows the keeping of goat(s) or sheep unless there are violations related to sanitation and nuisances as defined in Section (G). In cases of violation, this ordinance, along with other applicable village or state ordinances, will be enforced.

D. Companion Animal(s) A person may not possess, keep, or harbor more than five dogs or cats over four months of age, in any combination, unless said person has a kennel license and/or a commercial breeders license from the Ohio Department of Agriculture. Any companion animal that is confined for more than 12 hours must be given food, water, or proper attention. All dog(s) must be licensed through the County Auditor's office.

- (1) No cat(s) shall run freely in the community without being spayed or neutered. Cat(s) must be maintained in the home or personal property of the owner.
- (2) No owner, keeper or harbinger of any female dog(s) shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog(s) is in heat, unless the dog(s) is properly in leash.

No person shall tether, fasten, chain, tie, or restrain a dog(s), or cause a dog(s) to be tethered, fastened, chained, tied, or restrained, to a dog(s) house, tree, fence, or any other stationary object without food, water or protection from the weather elements, including rain, snow, cold, wind, and extreme heat.

The weight of the tether should be no more than 1/10th of the weight of the animal(s). The length of the tether should be at least five times the length of the animal and a minimum of 10 feet. Tethers should also have swivels on each end to prevent twisting or tangling. The area for tethering must be free of debris to prevent injury to the dog(s). All dog(s) tethered permanently outside must be checked periodically for injury or embedding of the collar and must have a dog(s) box and heat source in the winter (example Straw).. No dog(s) should be directly tethered to a chain.

Kennels must allow the dog(s) to turn around and lay down without laying in their own feces and urine. Dog(s) kept in kennels must be protected from the elements

(rain, wind, cold, and heat/sun). Dog(s) kennels must be cleaned regularly to avoid contamination of dog(s).

- (3) No person shall act as or perform the functions of a dog broker in this state without a dog broker license issued by the director of agriculture.

Commercial dog breeders must comply with Ohio Department of Agriculture rules and regulations for commercial breeding.

Commercial breeding is defined as:

An establishment that keeps, houses, and maintains 6 or more breeding dog(s) and does at least one or more of the following:

(a) in return for a fee or other consideration, sells 5 or more adult dog(s) or puppies in any calendar year to dog brokers or pet stores;

(b) in return for a fee or other consideration, sells 40 or more puppies in any calendar year to the public;

(c) Keeps, houses, and maintains, at any given time in a calendar year, more than 40 puppies that are under four months of age, that have been bred on the premises of the establishment, and that have been primarily kept, housed, and maintained from birth on the premises of the establishment.

- E. Prohibitions. No horse(s), cow(s), alpaca(s), llama(s) or similar large animal(s) shall be kept on a property except in areas specifically designated for the keeping of such animals.

(1) The Livestock Auction property, located at 315 S. Gardner Street, Barnesville, Ohio 43713, is a designated property that falls under the Ohio Department of Agriculture Rules and is designated property for any animals addressed in this ordinance.

(2) A grandfather clause allows the keeping of horse(s), cow(s), or other similar farm animal(s) on any parcel not in the downtown or that is 2 acres or larger unless there are violations related to sanitation and nuisances as defined in Section (G). In cases of violation, this ordinance, along with other applicable village or state ordinances, will be enforced.

(3) Horse(s) must have adequate grazing ground of 2 acres for the first horse and 1 acre for each additional horse. Horse(s) kept in stalls must have access to grazing lots, and exercise lots. Horse(s) kept in a stall must have an exercise plan in place for the health of the horse. Horse(s) must be tethered in a safe designated area. Horse(s) must not be tethered for more than 6 hours at a time without access to food or water.

(4) Setback: Stables(s) or other enclosures for such animals shall not be permitted in the front yards or in a side street yard(s) and shall be set back at least fifteen (15) feet from any street or property line.

- F. Exceptions to be granted by village council. The village council reserves the right and declares that certain exceptions to this ordinance may be granted to permit the staging of a rodeo show, or other community activity which may warrant the lifting of the restrictions of this chapter for the benefit of the citizens, visitors, tourists, and guests of the community.

Any exception granted by the village council shall only pertain to the particular event to which the exception vote of the council clearly pertains.

- G. Building Conditions. The keeping of farm animals shall not be permitted on a property occupied by a building that has been condemned by the Village of Barnesville.
- H. Sanitation and Nuisances. Farm animals 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. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
- I. Animal or Bird Noise. It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.
- J. Definitions. Terms used in this section shall have the meanings assigned to them in the following definitions:
 - (1) Farm Animal. "Farm animal" means any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm and is not an "exotic animal" and is not a house pet such as a dog, cat or similar animal.
 - (2) Predatory Bird. "Predatory bird" means an owl, hawk, falcon, eagle or similar bird that feeds principally by catching living prey.
 - (3) Downtown. "Downtown" shall be defined as the parcels on or within these intersections within the Village of Barnesville: West Main Street and Broadway to East Main Street and Arch Street, and from North Chestnut Avenue and Church Street to South Chestnut Avenue and South Street, and all the parcels and buildings within this square.
- K. Violations.
 - (1) Enforcement.
 - (a) The creation or maintenance of a violation of this chapter is prohibited and shall constitute a misdemeanor. Each day that a violation is permitted to continue constitutes a separate offense.
 - (b) All inspections, enforcement actions, and hearings on violations, unless expressly stated to the contrary, shall be under the direction and supervision of an Enforcement Officer, who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this Code, including inspections and holding of hearings. The Enforcement Officers are hereby authorized to abate such violations in accordance with the procedures of this Code and to serve notice to abate same, whether upon the owner or other responsible party for a premises upon which a violation is being maintained, or upon the person or persons causing or maintaining the violation.

- (c) The objective of this Code being the abatement of violations, persons violating this Code shall be allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties for a violation is undertaken. Consideration will be given to evidence of a good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors.
- (d) Violations which are not voluntarily remedied may be abated by an administrative abatement process; the municipal infraction process; by court proceedings; at the abatement and assessment of costs therefore against the responsible party, at the discretion of the Village.
- (e) It is further provided by this Code that if the Village judges that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the Village may order such action as may be necessary to meet the emergency. Any orders issued pursuant to this paragraph shall be effective immediately or in the time and manner prescribed in the order itself.
- (f) The enforcement officer may, but shall not be required to, give notice to abate prior to issuance of a civil citation for a repeat offense involving the same property and occurring within one year of a prior violation and notice to abate.

L. Remedies and Penalty.

- (1) Whoever violates this section is guilty of a minor misdemeanor. (See Section 501.99 for penalties applicable to any misdemeanor classification.)
- (2) In the event that the violation is not abated as ordered and within the time specified, the Village may abate such violation by any of the following means:
 - (a) By undertaking such abatement and assessing the costs therefore against the property.
 - (b) By issuance of a civil action charging the owner or responsible party with a municipal infraction.
- (3) The Village may order any one or more of the following:
 - (a) Place a judgment against the person and/or property of defendant for the costs of abatement.
 - (b) Levy a civil penalty (fine) against the defendant of up to the one hundred dollars (\$100.00) for the first offense and up to two hundred (\$200.00) for repeat offenses.
 - (c) Order abatement of the violation in any manner.
 - (d) Assess costs of abatement against the premises.

505.16 HORSES OR OTHER LARGE FARM ANIMAL(S) ON SIDEWALKS.

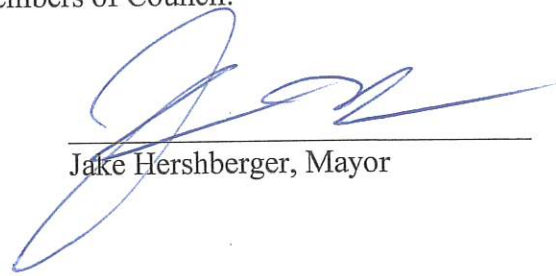
- A. No person shall cause a horse(s) or other large farm animal(s) to stand, walk, trot, gallop, or run on any sidewalk or walking trail within the Municipality unless posted otherwise.
- B. Whoever violates this section is guilty of a minor misdemeanor.

505.17 REMOVAL OF DOG AND OTHER ANIMAL(S)' FECES.

- A. No person, being the owner of or in charge or control of any animal(s), shall permit such animal(s) to commit a nuisance on school grounds, Village grounds or other public property, or upon any private property other than the property of such owner or person, without the permission of the owner of such other property. Where the owner or person in charge or control of such animal(s) immediately removes all feces deposited by such animal(s) and disposes of the same in a sanitary manner, such nuisance shall be considered abated.
- (B) Whoever violates this section and does not abate the nuisance as provided in subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (See Section 501.99 for penalties applicable to any misdemeanor classification.) (\$250.00)

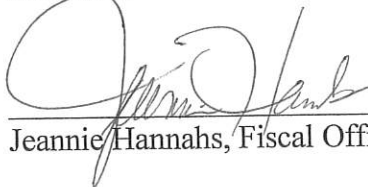
IN ADDITION, that this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety and this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED at a regular meeting of Council of the Village of Barnesville, held this 17th day of June, 2024, by a vote of a majority of the members of Council.



Jake Hershberger, Mayor

ATTEST:



Jeannie Hannahs, Fiscal Officer

1st Reading 6/3/2024
Passed w/suspension 6/17/2024