

CHAPTER 618. ANIMALS¹

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."

¹Cross 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:

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- (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.

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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.

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

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