

ORDINANCE NO. 4 , 2009

AN ORDINANCE PROHIBITING FARM ANIMALS WITHIN THE CITY

WHEREAS, the Community Development Department recently received an inquiry concerning the City's Rules and Regulations governing the raising of laying hens within the City; and

WHEREAS, the Community Development Department researched current rules within the City and surrounding communities and guidelines from the Ohio State University Extension to determine the feasibility of allowing domestic farm animals within the City; and

WHEREAS, with more than two-thirds of the City zoned and developed as single-family residential property, the Community Development Department and Council do not believe there is adequate open space in most developed neighborhoods within the City to permit farm animals of any size or type without causing an annoyance or interfering with the quiet enjoyment of neighboring properties because of noise, waste management, and the need for accessory structures to maintain such farm animals to control and prevent attacks from predatory animals; and

WHEREAS, Council believes it is appropriate not only to amend Chapter 90 of the Code of Ordinances governing farm animals, but also to enact certain Rules and Regulations within the Land Usage Code to permit such farm animals on larger tracts; and

WHEREAS, to take the first step in this process, Council does desire by this Ordinance to amend Chapter 90 of the Code of Ordinances and to enact appropriate health and safety regulations governing animals within the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. No person shall shelter, maintain, keep or harbor live horses, mules, cattle, sheep, geese, ducks, turkeys, chickens, pigs, goats, or other farm-type animals within the municipal limits of the City of Montgomery, Ohio. This section shall not apply to the following:

(A) Animals which are permitted and licensed upon properties as provided by Chapter 151 of the Code of Ordinances;

(B) Animals which are located on the premises of a public or non-public school located within the City which is chartered by the State of Ohio Department of Education and provided such animals are used in the instruction of students; or

(C) Animals which are caged and/or confined during actual transport by vehicle in or through the City.

SECTION 2. All horses, mules, cattle, sheep, geese, ducks, turkeys, chickens, pigs, goats, or other farm-type animals, which are not otherwise prohibited, shall be fenced, confined, tethered, or otherwise suitably restrained by a physical device on the property of the owner, keeper, harborer or other person having control of such animal.

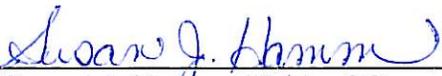
SECTION 3. The current Section 90.04(B) of the Code of Ordinances is hereby repealed.

SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

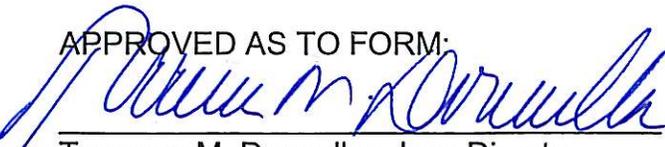
SECTION 5. The Administration working with the Planning Commission shall complete a study to determine whether appropriate rules and regulations can be put in place to permit farm-type animals on larger tracts of land within the community such as suburban farms which typically are defined by other communities to have a five acre minimum. If appropriate, the Land Usage Code shall then be amended to provide suitable restrictions for the keeping of such animals on property within the community within such larger tracts of land. Such regulations shall address the issue of setbacks from other residential structures, maintenance and accumulation of waste, stormwater quality, and noise.

SECTION 6. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: July 1, 2009

ATTEST: 
Susan J. Hamm, Clerk of Council


Gerri Harbison, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon, Law Director