

ORDINANCE NO. 1 , 2010

AN ORDINANCE RECOGNIZING THE EXCEPTION TO THE GENERAL PROHIBITION AGAINST FARM ANIMALS WITHIN THE CITY

WHEREAS, Council did enact Ordinance No. 4, 2009 prohibiting farm animals within the City; and

WHEREAS, Council did create certain exceptions to the general prohibition of farm animals and requested the staff and Planning Commission to study exceptions which may be recognized under the Land Usage Code; and

WHEREAS, in finalizing such exceptions, staff has requested an additional exception to recognize events such as petting zoos or other events directed and/or sponsored by the City Department of Parks and Recreation; and

WHEREAS, Council does desire to recognize such exception and to amend Ordinance No. 4, 2009; and

WHEREAS, Council does desire to delineate the penalty for violation of Ordinance No. 4, 2009, as amended herein, to bring it in compliance with a similar prohibition under consideration to restrict exotic animals in the community.

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

SECTION 1. Section 1 of Ordinance No. 4, 2009 shall be amended to add the following exception:

(D) Prohibited animals which are part of a performance or exhibition under the direction, control, and/or sponsorship of the City Department of Parks and Recreation, or a contractor to the Department of Parks and Recreation.

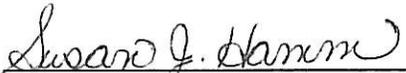
SECTION 2. Any person who violates any section of Ordinance No. 4, 2009, as enacted or as amended by this Ordinance, is guilty of a minor misdemeanor on the first conviction. If within one year of the offense a person is convicted of or pleads guilty to a subsequent violation of Ordinance No. 4, 2009, as amended, the person who violates such Ordinance shall be guilty of a misdemeanor of the fourth degree.

SECTION 3. If any part of this Ordinance is determined to be unconstitutional, improper or invalid, all remaining parts of this Ordinance and Ordinance No. 4, 2009 shall continue to be enforced, and such unconstitutional, invalid or improper section shall be severed from the remaining regulations enacted therein.

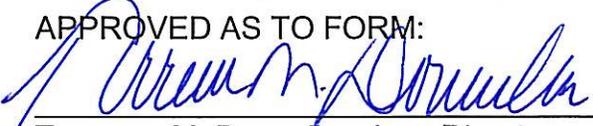
SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: January 6, 2010

ATTEST: 
Susan J. Hamm, Clerk of Council


Gerri Harbison, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon, Law Director