

**3:30pm Finance & Personnel Committee**

**REVISED**  
**Shelby City Council Agenda**  
**Monday, September 21, 2015**  
**COUNCIL CHAMBERS**  
**29 MACK AVENUE**  
**Shelby, Ohio**  
**7:00 p.m.**

**Call to Order and Pledge of Allegiance**

**Roll Call:**

Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Dispense with Reading of Journal from August 17, 2015**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Pat Carlisle

Safety Committee—Derrin Roberts

Utilities & Streets Committee—Nathan Martin

**Reports of City Officials**

Steven L. Schag—Mayor

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**Unfinished Business**  
Sutter Roush Mausoleum  
Community broadband

**Legislation**

**ORDINANCE NO 32-2015**

**DECLARING THAT CERTAIN PROPERTY OWNED BY THE CITY OF SHELBY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC. AS THE CITY'S AGENT IN THE SALE OF SAID REAL PROPERTY**

**3RD READING**

Moved        2<sup>ND</sup>         
Mrs. Carlisle        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin       

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>         
Mrs. Carlisle        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin       

**ORDINANCE NO 40-2015**

**AMENDING ORDINANCE NO 8-2015 (ANNUAL APPROPRIATIONS), AND DECLARING AN EMERGENCY**

**Motion that the rules requiring that an ordinance be read on three separate occasions be suspended**

Moved        2<sup>ND</sup>         
Mrs. Carlisle        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin       

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>         
Mrs. Carlisle        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin

**ORDINANCE NO 41-2015**

**ENACTING CHAPTER 294 (LIVESTOCK APPEALS BOARD) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY AND DECLARING AN EMERGENCY**

**Motion that the rules requiring that an ordinance be read on three separate occasions be suspended**

Moved        2<sup>ND</sup>         
Mrs. Carlisle        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin       

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>         
Mrs. Carlisle        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin       

**ORDINANCE NO 42-2015**

**AMENDING SECTION 618.17 (KEEPING OF LIVESTOCK) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**1ST READING**

Moved        2<sup>ND</sup>         
Mrs. Carlisle        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin       

**ORDINANCE NO 43-2015**

**AMENDING SECTION 618.18 (LOCATION AND CARE OF BARN, COOPS, PENS, OR BARNYARD IN PROXIMITY TO RESIDENCES AND BUSINESSES OF THE CITY OF SHELBY)**

**1ST READING**

Moved        2<sup>ND</sup>         
Mrs. Carlisle        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin       

**ORDINANCE NO 44-2015**

**AMENDING SECTION 618.20 (DISPOSING OF ANIMAL WASTES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**1ST READING**

Moved        2<sup>ND</sup>         
Mrs. Carlisle        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin

**RESOLUTION NO 45-2015**

**ACCEPTING THE AMOUNTS AND RATES AS  
DETERMINED BY THE BUDGET COMMISSION AND  
AUTHORIZING THE NECESSARY TAX LEVIES AND  
CERTIFYING THEM TO THE COUNTY AUDITOR**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**RESOLUTION NO 46-2015**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SAFETY TO PURCHASE A PICKUP TRUCK FROM  
BUCKEYE CHRYSLER JEEP DODGE FOR THE  
OPERATION OF THE SHELBY FIRE DEPARTMENT AND  
DECLARING AN EMERGENCY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Miscellaneous Business**

**Adjournment** at \_\_\_\_\_ p.m.

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

8/17/2015  
2nd Reading  
9/8/2015

ORDINANCE NO. 32 -2015  
(Sponsors – Councilmembers Gates and Carlisle)

**DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF SHELBY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC. AS THE CITY'S AGENT IN THE SALE OF SAID REAL PROPERTY.**

WHEREAS: The City of Shelby owns parcels of land on Park and Mack Avenues within said City which the Mayor as ex-officio Director of Public Service on July 29, 2015, determined are no longer needed for municipal purposes; and

WHEREAS: Ohio Revised Code Section 721.03 authorizes the Council to declare that these properties are no longer needed for municipal purposes, and Ohio Revised Code Section 1724.10 authorizes the Council to designate the community improvement corporation as its agent for the sale of lands which have been determined not to be required by the political subdivision for its purposes; and

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that these parcels be declared no longer needed for municipal purposes and that the Community Improvement Corporation of Shelby, Ohio, Inc. be designated the agent of the City for the sale of the parcels of land located at 15 Park Avenue and at the southwest corner of Mack and Park Avenues.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, A MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That the following real estate, designated as Permanent Parcel No. 046-08-186-10-000 and located at 15 Park Avenue, is no longer needed for any municipal purpose, to wit:

Being the East part of Lots Number One Thousand Two Hundred Ninety-nine (#1299), One Thousand Three Hundred (#1300) and One Thousand Three Hundred One (#1301) of the consecutively numbered lots in the City of Shelby, Richland County, Ohio and more particularly described as follows: Beginning for the same at a point which is the intersection of the East right-of-way line of Park Avenue and the South right-of-way line of Park Avenue and which point is the Northwest corner of Lot No. 1299; Thence North 88 degrees 55 minutes 15 seconds East along the South right-of-way line of Park Avenue (North line of Lot No. 1299) a distance of 96.00 feet to an iron pipe which is the real point of beginning of the parcel herein described; Thence continuing North 88 degrees 55 minutes 15 seconds East along the South right-of-way line of Park Avenue (North line of Lot No. 1299) a distance of 41.82 feet to point on the West right-of-way line of a twelve-foot alley and which point is also the Northeast corner of Lot No. 1299; Thence due South along the West right-of-way line of said alley a distance of 133.00 feet, of which 41.50 feet are along the East line of Lot No. 1299, 41.50 feet are along the East line of Lot no. 1300, and 50.00 feet are along the East line of Lot No. 1301, to a point which is the Southeast corner of Lot No. 1301; Thence South 88 degrees 55 minutes 15 seconds West along the South line of Lot No. 1301, a distance of 42.41 feet to an iron pipe; Thence North 0 degree 15 minutes 15 seconds East on a line parallel to the East right-of-way line of Park Avenue a distance of 133.00 feet, of which 50.00 feet are in Lot No. 1301, 41.50 feet are in Lot No. 1300, and 41.50 feet are in Lot No. 1299, to an iron pipe which is the real point of beginning and containing 0.129 acre, more or less, but subject to all legal easements now on record.  
PPN: 046-08-186-10-000

Section 2: That the following real estate designated as Permanent Parcel Nos. 046-08-186-11-000 and 046-08-186-14-000 and located at the southwest corner of Mack and Park Avenues, is no longer needed for any municipal purpose, to wit:

Being Lot Number One Thousand Three Hundred Sixteen (#1316) of the consecutively numbered lots in the City of Shelby, Richland County, Ohio and being more particularly described as follows: Beginning for the same at a point which is the intersection of the South right-of-way line of Park Avenue and the Southwest right-of-way line of Mack Avenue; Thence South 43 degrees 47 minutes 30 seconds East along the Southwest right-of-way line of Mack Avenue (Northeast line of Lot No. 1316) a distance of 110.07 feet to a point; Thence due South along the West line of Mack Avenue (East line of Lot No. 1316) a distance of 2.12 feet to a point which is the Southeast corner of Lot No. 1316; Thence South 88 degrees 55 minutes 15 seconds West along the South line of Lot No. 1316, a distance of 154.00 feet to a point on the East right-of-way line of a twelve-foot alley and which point is also the Southwest corner of Lot No. 1316; Thence due North along the East right-of-way line of said alley (West line of Lot No. 1316) a distance of 83.00 feet to a point on the South right-of-way line of Park Avenue and which is the Northwest corner of Lot No. 1316; Thence North 88 degrees 55 minutes 15 seconds East along the South right-of-way line of Park Avenue (North line of Lot No. 1316) a distance of 77.82 feet to a point which is the real point of beginning and containing 0.223 acre, more or less, but subject to all legal easements.

PPN: 046-08-086-11-000 and 046-08-186-14-000

Section 3: That the City designate the Community Improvement Corporation of Shelby, Ohio, Inc. (CIC) as its agent in the sale of the above described real property in accordance with Ohio Revised Code Section 1724.10(B), subject to the following conditions:

- A. Said real property shall be sold for not less than the appraised value as determined by the Richland County Auditor.
- B. Said real property shall be in contract to sell within six months of the effective date of this Ordinance.
- C. The CIC shall have the exclusive right to sell said real property within six months of the effective date of this Ordinance.
- D. The CIC may retain a sum not greater than six percent (6%) of the sale price.
- E. A quit-claim deed shall be used to transfer said real property.
- F. Said real property shall be sold "as is -- where is" with no warranties whatsoever, either expressed or implied.

Section 4: That the Director of Finance and Public Record shall deposit the net proceeds from the sale of said real property into the General Fund.

Section 5: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

Section 6: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST:

\_\_\_\_\_  
Steve Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

ORDINANCE NO. 40-2015  
(Sponsor - Councilmember Carlisle)

AMENDING ORDINANCE NO. 8-2015 (ANNUAL APPROPRIATIONS), AND  
DECLARING AN EMERGENCY.

WHEREAS, on March 16, 2015, the Council of the City of Shelby passed its Annual Appropriation Ordinance as required by the Ohio Revised Code Section 5705.38; and

WHEREAS, it is necessary to increase line items within the 2015 budget and to fund said line item with previously unappropriated monies; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that these additional appropriations be made effective so as to balance the books for the calendar year 2015, and so as to fund necessary expenditures and/or projects.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That Ordinance No. 8-2015 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

101-POL-501	COMPUTER SUPPORT	\$6,200.00
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Section 2: That all other portions of Ordinance No. 8-2015 not modified herein shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby, Ohio, and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

ORDINANCE NO. 41 -2015  
Sponsors—Councilmembers Roberts and Carlisle

**ENACTING CHAPTER 294 (LIVESTOCK APPEALS BOARD) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY AND DECLARING AN EMERGENCY.**

WHEREAS: Keeping, harboring, and maintaining livestock inside the city limits has become sufficiently frequent so as to necessitate a permitting process; and

WHEREAS: The livestock permitting process allows for an appeal in the case of the denial of a permit; and

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Council enact Chapter 294 (Livestock Appeals Board).

NOW, THEREFORE, BE IT ORAINED BY THE COUNCIL OF THE CITY OF SHELBY, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That Chapter 294 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**CHAPTER 294: LIVESTOCK APPEALS BOARD**

- 294.01 Establishment; Membership; Compensation
- 294.02 Terms of Office; Vacancies
- 294.03 Powers and Duties
- 294.04 Officers; Rules; Quorum; Report
- 294.05 Definitions

**294.01 ESTABLISHMENT; MEMBERSHIP; COMPENSATION.**

There is hereby established a Livestock Appeals Board, which shall consist of the following five members: one resident elector from each of the four wards and one at-large member who may be a nonresident elector. All members shall be appointed by the Mayor and subject to confirmation by Council. Members shall be qualified by their education and/or experience in raising livestock, community service, concern for the welfare of animals, and/or other such criteria as determined by the Mayor. Members of the Livestock Appeals Board shall serve faithfully, honestly and impartially and without compensation.

**294.02 TERMS OF OFFICE; VACANCIES.**

The term of office shall be three years, except that terms of the members appointed to the first Livestock Appeals Board shall end on December 31, 2016 for Wards One and Three members; on December 31, 2017 for Wards Two and Four members; on December 31, 2018 for the At-Large member. All terms shall begin on January 1. In the event that a vacancy occurs during the term of any member, the successor shall be appointed by the Mayor and subject to confirmation by Council for the unexpired portion of the term.

**294.03 POWERS AND DUTIES.**

The Livestock Appeals Board shall have the power to hear appeals for the denial of an annual permit to keep, harbor, and maintain livestock inside the city limits. The Board shall have the power to visit the premises, observe the livestock, and investigate the neighborhood where the permit was denied. The Board may temporarily and cautiously waive a permit requirement with additional conditions not to exceed the length of the permit. The Board may recommend to the Mayor or his/her designee that the permit with additional conditions and waiver be granted.

**294.04 OFFICERS; RULES; QUORUM; REPORT.**

The Livestock Appeals Board shall annually choose a chair and a secretary. Written and or electronic minutes of each meeting shall be kept and made available for public inspection. It shall meet as often as necessary in order to accomplish its duties and shall respect all ordinances regulating livestock inside the city limits. A majority of its members shall be a quorum for the transaction of business. It shall report its determination on each appeal to the Mayor or his/her designee, the Police Department, and the Health Department. Members shall be subject to all Shelby ordinances regarding conflict of interest and ethics as well as provisions in the Ohio Revised Code. The Board shall comply with state and local laws dealing with public meetings and shall provide adequate advance notice of meetings. All appeals determinations made by the Board shall be in writing and shall designate by name those members of the Board approving or concurring therein. Members who do not approve or concur therein shall have the right, as a part of the report, to state their reasons for refusing to approve or concur.

**294.05 DEFINITIONS.**

"Livestock" shall mean all animals mentioned in Chapter 618; Section 618.17.

"Appeal" shall mean only an appeal of a denied permit to keep, harbor, and maintain livestock inside the city limits. It does not mean appeal of complaint findings by the Police Department, Health Department, County Humane Society, or Municipal Court.

"Resident Elector" shall mean a person who is duly registered to vote and lives inside the city limits.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance has been deemed to be an emergency, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

ORDINANCE NO. 42 -2015  
Sponsors: Councilmembers Roberts and Carlisle

**AMENDING SECTION 618.17 (KEEPING OF LIVESTOCK) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, it has become necessary to amend Section 618.17 to provide more detailed regulations for the raising of livestock within the city limits; and

WHEREAS, it has become necessary for the City of Shelby to know the types, quantities, and locations of livestock within the city limits; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 618.17 be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTD THERETO CONCURRING:

Section 1: Section 618.17(Keeping of Livestock) shall be amended as follows:

- (a) There shall be three classes of livestock permitted inside the city limits. All keeping, harboring, or maintaining of livestock must be permitted annually through an application process made to the Mayor or his/her designee. All livestock owners and property owners must apply for a joint permit within 30 days of the effective date of this section. The permit fee shall be ten (10) dollars annually per address. Should any changes occur during the year, the applicant(s) must report such changes to the Mayor or his/her designee and seek to amend the permit. Livestock owners and property owners are responsible for renewing the permit annually. All permits limit the maximum total number of livestock per address as well as the maximum number of each class of livestock per address. If a permit is denied, an appeal process and inspection of the property and livestock may be requested through the Livestock Appeals Board.
  - (1) Livestock Class I shall be any hooved and split-hooved livestock including but not limited to any horse, pony, cattle, sheep, swine, goat, llama, and alpaca.
  - (2) Livestock Class II shall be any chicken (except no roosters), turkey, geese, duck, pheasant (except no peafowl), quail or other fowl.
  - (3) Livestock Class III shall be any rabbit, hare, pika, chinchilla, rodent, or animal of the order Lagomorpha.
- (b) Lot sizes or contiguous parcels owned by the same person as determined by property tax identification that are more than one acre shall be permitted for a maximum total of fifteen (15) livestock but no more than three (3) from Class I, twelve (12) from Class II, or ten (10) from Class III.
- (c) Lot sizes or contiguous parcels owned by the same person as determined by property tax identification that are less than one acre but a half acre or more shall be permitted for a maximum total of (10) livestock but not more than one (2) from Class I, eight (8) from Class II, or six (6) from Class III.
- (d) Lot sizes or contiguous parcels owned by the same person as determined by property tax identification that are less than a half acre but a third acre or more shall be permitted for a maximum total of eight (8) livestock but not more than zero (0) from Class I, six (6) from Class II, or four (4) from Class III.
- (e) Lot sizes or contiguous parcels owned by the same person as determined by property tax identification that are less than a third of an acre are not permitted to have any livestock of any class.
- (f) Any lot on which there are multiple-family units in one or more buildings whether occupied or not are not permitted to have any livestock of any class.
- (g) This section does not apply to livestock that is part of a recognize educational program such as FFA or 4H as long as the livestock are kept, harbored, and maintained on the

grounds of the educational institution. This section does not apply to shows or exhibits duly permitted and approved by the Police Department and/or Health Department as part of a community event. However, no permit shall be approved where it is proposed to offer the animals for sale.

(h) Persons currently owning, keeping, harboring, or maintaining livestock of Classes I, II, and III in excess of the permitted limited numbers in subsections (a) through (f) above shall have 30 days from the effective date of this section to comply by moving the livestock to appropriately-sized parcels.

(i) No person shall raise or hatch any livestock of Classes I, II, and III in a residence or business where any person resides or works, except that the business be solely an operation properly licensed and designed for raising livestock.

(j) No owner, keeper, harborer or person having charge of any livestock shall allow the animal to escape or permit the animal to run at large on any public thoroughfare or public land or any private premises. When made aware that the animal has escaped, the owner, keeper, harborer or person having charge of the animal must immediately catch and confine the animal on the permitted parcel.

(k) No owner, keeper, harborer or person having charge of any livestock shall permit the animal to graze, scratch, dig or otherwise damage any lawn, tree, shrub, plant, building or other public or private property other than the property of the owner or person having charge of the animal. This section shall not apply to private property onto which the owner or person having charge of any animal has permission of the owner or occupier of the property authorizing the entry of the animal onto the property.

(l) Complaints of improper nutrition, lacking veterinarian care, abuse, or neglect of any animal in this section will be investigated by the Health Department, Police Department or County Humane Society and reported to the proper authorities.

(m) Any person, non-profit organization, firm, or corporation violating any provision of this section is guilty of a minor misdemeanor. Subsequent offenses of any provision of this section shall be a misdemeanor of the fourth degree and the livestock permit can be revoked. The Police Department, Health Department, and Municipal Court can revoke a permit at any time. Nothing in this section shall limit any such owner, keeper, harborer, or person having charge of livestock from any other civil or criminal penalty as provided by law.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

ORDINANCE NO. 43 -2015

Sponsors: Councilmembers Roberts and Carlisle

**AMENDING SECTION 618.18 (LOCATION AND CARE OF BARN, COOPS, PENS, OR BARNYARD IN PROXIMITY TO RESIDENCES AND BUSINESSES OF THE CITY OF SHELBY.**

WHEREAS, it has become necessary to amend Section 618.18 to provide more detailed regulations for the use, maintenance, and location of structures for raising livestock within the city limits; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 618.18 be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: Section 618.18 (Location and Care of Barns, Coops, Pens, or Barnyard in Proximity to Residences and Businesses) shall be amended as follows:

- (a) No person shall construct, use, or maintain a barn, coop, pen, or barnyard within 20 feet of a property line and within 50 feet of any structure intended for human habitation or place of business.
- (b) All construction of barns, coops, pens, or fencing must be properly permitted according to city ordinances regulating such structures.
- (c) No person shall construct, use, or maintain a barn, coop, pen or barnyard such that the contents thereof are discharged or run upon another's premises, into any street, alley, waterway, or right of way of the city.
- (d) Attached garages shall not be used at any time to keep, harbor, or maintain any livestock listed in Section 618.17.
- (e) All structures for keeping, harboring, or maintaining any livestock shall be such as to provide the best possible enclosure for the safety, health, containment, and welfare of the animals as recommended in United States Department of Agriculture standards .
- (f) The areas where livestock are kept, including but not limited to barns, coops, pens, or barnyard must be daily cleaned of manure and soiled bedding to prevent insect, rodent, or vermin infestations and odors. All manure and soiled bedding must be removed from the premise weekly to a location outside the city.
- (g) Complaints will be investigated by the Police Department, and/or Health Department, and/or County Humane Society.
- (h) Any person, non-profit organization, firm, or corporation violating any provision of this section is guilty of a minor misdemeanor. Subsequent offenses of any provision of this section shall be a misdemeanor of the fourth degree. Nothing in this section shall limit any owner, keeper, harborer, or person having charge of livestock from any other civil or criminal penalty as provided by law.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance has been deemed to be an emergency, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

ORDINANCE NO. 44 -2015  
Sponsors: Councilmembers Roberts and Carlisle

**AMENDING SECTION 618.20 (DISPOSING OF ANIMAL WASTES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, it has become necessary to amend Section 618.20 to provide more detailed regulations for disposing of animal wastes especially livestock waste within the city limits; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 618.20 be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: Section 618.20 (Disposing of Animal Wastes) shall be amended as follows:

- (a) No person shall deposit any manure or soiled bedding from a stable, chicken coop, animal enclosure, swill, garbage or offensive substances within 50 feet of any occupied dwelling or place of business.
- (b) No owner or person having charge of any animal shall permit the animal to place waste upon public land or private premises of another or business property within the city.
- (c) Any owner or person having charge of any animal observing or learning of his or her animal placing waste upon public land or private premises of another or business property shall immediately remove the waste and dispose of the waste in an enclosed container.
- (d) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
  - (1) "Animal" is any domestic or livestock animal including but not limited to dogs, cats, horses, goats, rabbits, and chickens.
  - (2) "Owner" is a person who harbors, keeps, controls, or possesses an animal.
  - (3) "Public land" is all property owned by the city and includes sidewalks, rights-of way, streets, alleys, park lands, and reservoirs.
  - (4) "Waste" is fecal matter derived from animals.
- (e) Whoever violates any provision of this section is guilty of a minor misdemeanor.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance has been deemed to be an emergency, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

CITY OF SHELBY, OHIO

PERMIT NO. \_\_\_\_\_

APPLICATION AND ANNUAL PERMIT FOR LIVESTOCK INSIDE CITY LIMITS

Print below the complete address where livestock will be kept, harbored, or maintained:

\_\_\_\_\_  
Print below name(s), address(es), and phone number(s) of the livestock owner(s):  
\_\_\_\_\_

\_\_\_\_\_  
Print below name(s), address(es), and phone number(s) of the property owner(s):  
\_\_\_\_\_

Indicate how many of each class of livestock will be kept, harbored, and maintained:

\_\_\_\_\_ Class I hooved and split-hooved such as any horse, pony, cattle, sheep, swine, goat, llama, and alpaca

\_\_\_\_\_ Class II any chicken (no roosters), turkey, geese, duck, pheasant, quail or other fowl.

\_\_\_\_\_ Class III any rabbit, hare, pika, chinchilla, rodent, or animal of the order of Lagomorpha

Which of the above listed livestock will be bred? \_\_\_\_\_

We, the livestock owner(s) and property owners (s) understand that any violations of City Ordinance Sections 660.04, 618.17, 618.18, 618.19, 618.20, 1260.09, and 1462.09 can result in this permit being revoked, order to remove the livestock, court summons, and court fines. We understand that we must report any changes occurring during the year and are responsible for annual renewals. This permit will be revoked if information is falsified.

Signature(s) of livestock owner(s): \_\_\_\_\_

Signature (s) of property owner(s): \_\_\_\_\_

Below for Office Use:

Date Application Received:	_____
Date Permit Fee Paid:	_____
Verified lot size (acres)	_____
Date Permit Granted	_____
Date Permit Expires	_____
Date Application Denied	_____
Reason for Denial	_____
Signature/Title of Permitting Authority	_____
Amendments & Notes:	_____
	_____

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY AUDITOR

(CITY COUNCIL )

Revised Code, Secs. 5705.34-5705.35

RESOLUTION NO. 45-2015  
(Sponsor - Councilmember Carlisle)

The Council of the City of Shelby, Richland

County, Ohio, met in Regular session on September 21, 2015  
(Regular Or Special)

at the office of Shelby City Council with the following members present:

Mr./Mrs.

Mr./Mrs.

Mr./Mrs.

Mr./Mrs.

Mr./Mrs.

Mr./Mrs.

Mr./Mrs.

Mr./Mrs. moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted  
a Tax Budget for the next succeeding fiscal year commencing January 1st, 2016 ; and  
Year

WHEREAS, The Budget Commission of Richland County, Ohio, has  
certified its action thereon to this Council together with an estimate by the County Auditor of the rate  
of each tax necessary to be levied by this Council, and what part thereof is without, and what part within,  
the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Shelby  
Richland County, Ohio, that the amounts and rates, as determined by the

Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate  
of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A  
 SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET  
 COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
General Fund	\$239,906.00		2.00	
Police Pension	\$35,985.00		0.30	
Fire Pension	\$35,985.00		0.30	
Park Fund		\$179,000.00		1.50
Health Fund		\$227,900.00		1.90
<b>TOTAL</b>	<b>\$311,876.00</b>	<b>\$406,900.00</b>	<b>2.60</b>	<b>3.40</b>

**SCHEDULE B**  
**LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
<b>GENERAL FUND:</b>		
Current Expense Levy authorized by voters on for not to exceed years.		
<b>SPECIAL LEVY FUNDS:</b>		
Park Fund Levy authorized by voters on March 6, 2012 for not to exceed 5 years. TY 12-16	0.50	\$179,000.00
Park Fund Levy authorized by voters on November 2, 2010 for not to exceed 5 years. TY 10-14	1.00	
Health Fund Levy authorized by voters on November 8, 2011 for not to exceed 5 years. TY 12-16	0.90	\$227,900.00
Health Fund Levy authorized by voters on November 3, 2009 for not to exceed 5 years. TY 10-14	1.00	
Levy authorized by voters on for not to exceed years. TY		

and be it further

*RESOLVED*, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr./Mrs. \_\_\_\_\_ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr./Mrs. \_\_\_\_\_

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2015

Attest:

Clerk of Council

Vice President of Council

CERTIFICATE OF COPY  
ORIGINAL ON FILE

The State of Ohio, Richland County, ss.

I, \_\_\_\_\_, Clerk of the Council of  
City of Shelby \_\_\_\_\_, in said County, and in whose custody the Files  
and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby  
certify that the foregoing is taken and copied from the original \_\_\_\_\_

now on file with said Board, that the foregoing has been compared by me with said original document,  
and that the same is a true and correct copy thereof.

WITNESS my signature, this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Clerk of Council

City of Shelby of Richland County, Ohio

A copy of this resolution must be certified to the County Auditor within the time prescribed by O.R.C. Sec. 6705.34, or at such a later date as may be approved by the Board of Tax Appeals

No. \_\_\_\_\_

\_\_\_\_\_  
(CITY COUNCIL )

City of Shelby  
Richland County, Ohio.

\_\_\_\_\_  
RESOLUTION  
ACCEPTING THE AMOUNTS AND RATES  
AS DETERMINED BY THE BUDGET  
COMMISSION AND AUTHORIZING THE  
NECESSARY TAX LEVIES AND CERTIFYING  
THEM TO THE COUNTY AUDITOR.

\_\_\_\_\_  
(CITY COUNCIL )

\_\_\_\_\_  
Adopted \_\_\_\_\_, 2015

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Filed \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
County Auditor

By \_\_\_\_\_  
Deputy.

RESOLUTION NO. 46-2015  
(Sponsor- Councilmember Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PURCHASE A PICKUP TRUCK FROM BUCKEYE CHRYSLER JEEP DODGE FOR THE OPERATION OF THE SHELBY FIRE DEPARTMENT AND DECLARING AN EMERGENCY.**

WHEREAS, The Shelby Fire Department is in need of replacing its existing pickup truck; and

WHEREAS, Buckeye Chrysler Jeep Dodge had the best quote for providing same; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that said pickup truck be purchased as soon as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Safety shall be and is hereby authorized to purchase from Buckeye Chrysler Jeep Dodge a pickup truck including an engine upgrade for the ongoing operation of the Shelby Fire Department.

Section 2: That the existing pickup truck in use by the Shelby Fire Department shall be traded in as part of the purchase of the new pickup truck.

Section 3: That Resolution 17-2015 shall be repealed in its entirety.

Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 5: That this Ordinance is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

\_\_\_\_\_  
Gordon M. Byster  
Director of Law