

3:30pm Community & Economic Development Committee

Shelby City Council Agenda

Monday, October 5, 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 September 21, 2015

Moved _____ 2ND _____

Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____

Public Comment

Joe Trolan—Richland County Mental Health & Recovery Services

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Garland John Gates

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
Community broadband

Legislation

AMENDED ORDINANCE NO 42-2015

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

2ND READING

Moved _____ 2ND _____

Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____

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**

2ND READING

Moved _____ 2ND _____

Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____

ORDINANCE NO 44-2015

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

2ND READING

Moved _____ 2ND _____

Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____

**ORDINANCE NO 45-2015 TRANSFERRING APPROPRIATIONS FOR THE YEAR 2015
AND DECLARING AN EMERGENCY**

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

Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____

**RESOLUTION NO 47-2015 APPROVING THE PLANS AND AUTHORIZING THE
MAYOR AS DIRECTOR OF PUBLIC SERVICE TO
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT
FOR THE CITY OF SHELBY 2015 WELL ABANDONMENT
PROJECT**

Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____

Reading
2/1/2015

AMENDED 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 ELECTED 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.
 - (1) Livestock Class I shall be any hoofed and split-hoofed 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. 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.
- (n) Council can, by resolution, exclude citizens from livestock ownership based on reports of abuse, negligence or ordinance violations.

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:


 Gordon M. Eyster
 Director of Law

1st meeting
9/21/2015

ORDINANCE NO. 43 -2015
Sponsors: Councilmembers Roberts and Carlisle

AMENDING SECTION 618.18 (LOCATION AND CARE OF BARNs, 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.

1st meeting
9/11/15

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

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

TRANSFERRING APPROPRIATIONS FOR THE YEAR 2015 AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2015 budget; 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 transfers 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 the Director of Finance shall be and is hereby authorized and directed to make the following transfers:

FROM	210-SST-234	STREET MATERIALS	\$15,000.00
TO	210-SST-500	STREET RESURFACING	\$15,000.00

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 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

RESOLUTION NO. 47 -2015
(Sponsor: Councilmember Martin)

APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CITY OF SHELBY 2015 WELL ABANDONMENT PROJECT

WHEREAS, it has become necessary to abandon a well at the Shelby Municipal Water Plant; and

WHEREAS, plans and specifications have been prepared for said project; 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 the Mayor as Director of Public Service be authorized to advertise for bids and enter into a contract for the abandonment of the well.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the City of Shelby 2015 Well Abandonment Project.

Section 2: 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 3: That this Resolution 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

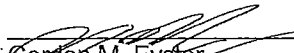
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law