

RECORD OF ORDINANCES

Ordinance No. 2022-O-09 Passed Jan 16, 2023
YEAR

VILLAGE COUNCIL OF NORTH FAIRFIELD, OHIO ORDINANCE NO: 2022-O-09

AN ORDINANCE AMENDING ORDINANCE NO.: 98-8 (UNCODIFIED) PERMITTING THE LIMITED POSSESSION OF CONFINED HEN CHICKENS, AND DUCKS

WHEREAS, the Village of North Fairfield, Ohio previously adopted Ordinance No.: 98-8 on December 14, 1998, prohibiting the harboring of certain animals within the Village of North Fairfield, Ohio and establishing a penalty for violation thereof; and

WHEREAS, Ord No.: 98-8 noted that the Village of North Fairfield had determined that it is necessary to prohibit the harboring or keeping of certain animals within the village; and that Council had received numerous complaints from citizens of the Village regarding the harboring or keeping of certain animals; and that Council had determined that the harboring or keeping of certain animals creates a public nuisance and in order to preserve the general health and safety of the inhabitants of the Village, within the village should be prohibited [sic]; and

WHEREAS, certain residents have approached village officials reporting that Ord.: 98-8 is not being enforced; and

WHEREAS, the Village of North Fairfield eliminated its police department in the late 1980s and relies of the services of the Huron County Sheriff's Office for law enforcement. *(See Village Council Meeting Minutes of 01/09/1987, 12/14/1987, 01/04/1988, and 02/08/88 and Resolution No.: 88-2 passed February 8, 1988, titled A RESOLUTION APPROVING TEH(SIC) TRANSFER OF VILLAGE POLICE PROPERTY TO THE HURON COUNTY COMMISSIONERS);* and

WHEREAS, certain residents have approached village officials requesting that chickens be permitted in the Village; and

WHEREAS, this matter was submitted to and considered by the Buildings and Grounds Committee of Village Council; and

WHEREAS, Village Council hosted several public hearings on the matter inviting and soliciting input from the residents of the village; and

WHEREAS, after consideration of the input from residents and after significant debate and deliberation, Village Council deems this legislation in the best interest of the Village and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NORTH FAIRFIELD, STATE OF OHIO: (RC 731.18)

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SECTION 1. That Ordinance 98-8 previously adopted on December 14, 1998, is hereby amended as follows:

Aa. *No person shall own, keep, harbor or otherwise have control of any of the following animals at any premises, or on any property, public or private, within the corporation limits of the Village:*

1. *Horse, cattle, swine, poultry, **roosters, turkeys,** sheep and goats, except those involved in educational purposes, **to include 4H.***
2. *All animals which have been declared to be endangered or protected under the Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., and as listed in the Federal Register by the Secretary of the Interior of the United States pursuant to 16 U.S.C. 1553(c).*
3. *All poisonous animals, including rear fang snakes.*
4. *Badgers (mellinae).*
5. *Bears (ursidae).*
6. *Beavers (castoridae).*
7. *Canids, that is, wolves, foxes, coyotes, jackals, and dingoes.*
8. *Constrictor snakes.*
9. *Crocadilians, that is, alligators, crocodiles, caimans and cavials.*
10. *Eagles, hawks and owls (falconiformes).*
11. *Felids, that is, lions, tigers, leopards, cheetahs, jaguars, pumas, lynx and ocelots.*
12. *Game cocks and other fighting birds.*
13. *Hyenas (hyendidae).*
14. *Marsupials, that is, opossums, tasmanian wolves, kangaroos, koalas and wombats.*
15. *Muskrats (ondatra).*
16. *Ostriches (struthio).*
17. *Porcupines (hystricomorpha).*
18. *Primates (non-human). that is, apes, monkeys, baboons, chimpanzees, gibbons, ~~G~~gorillas, orangutans and siamangs.*
19. *Procuonida, that is, raccoons, coatis, kingajous, ring-tailed cats and pandas.*
20. *Skunks (nephitinae).*
21. *Ungulates, that is, elephants, zebras, tapirs, rhinoceroses, camel, llama, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle and gnu.*
22. *Weasels.*
23. *Wolverines (gulo gulo).*
24. *Woodchucks (marmota monas).*

b. Hen Chickens, and ducks. Residents may own, keep, harbor or otherwise have control of up to twelve (12) or less (in any combination thereof) hen-chickens, and/or ducks only if they are fenced, confined, caged, penned and/or housed to prevent them from running at large.

Bc. *The provisions of subsection A. hereof shall not apply to any circus, carnival or commercial exhibition properly registered in accordance with the Ordinances, or a doctor of veterinary medicine licensed by the State when in the course of the performance of his or her professional duties. In addition, the provisions of subsection A. hereof shall not apply to any real estate that on the effective date of this Ordinance, is designated on the Huron County tax duplicate as agricultural and located within the corporate limits of the Village of North Fairfield.*

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~~C. Any person who owns, keeps, harbors or otherwise has control of any of the above mentioned animals at any premises, or on any property, public or private, within the corporation limits of the Village at the effective date of this Ordinance, shall register said animal(s) with the village administrator and have the animal(s) photographed, and in so doing, shall not be prohibited from owning, keeping or otherwise having control of the above mentioned registered and photographed animal(s).~~

d. Whoever violates this section on the first (1st) offense is guilty of a minor misdemeanor. Whoever violates this section on the second or subsequent offense is guilty of a fourth (4th) degree misdemeanor. In addition, a violation of this section shall constitute a nuisance for which the Village Solicitor may initiate injunction, abatement or any other appropriate action or proceeding to enjoin abate or prevent continued violation of this section.

SECTION 3. CONDIFICATION. That the Village Fiscal Officer / Clerk is hereby directed to submit this legislation to the Village Codification service for codification.

SECTION 4. PUBLIC MEETING. It is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

WHEREFORE, this Ordinance/Resolution shall take effect at the earliest period allowed by law.

PASSED AND ADOPTED on this 16 day of January 7, 2023.

AUTHENTICATION and ATTESTATION (RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.


MAYOR


FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 5 NAYS: 1 ABSTAIN: 0

First Reading: 12/05/2022

Second Reading: 12/19/2022

Third Reading: January 16, 2023

[may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]

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PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:


VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF POSTING

(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority (See Ord 2019-O-12) for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Fiscal Officer Office, 3 East Main St., North Fairfield, Ohio; and
- 2) North Fairfield Village Hall, 3 East Main St., North Fairfield, Ohio; and
- 3) North Fairfield Public Library, 5 East Main St., North Fairfield, Ohio; and
- 4) North Fairfield Post Office, 1 North Main St., North Fairfield, Ohio; and
- 5) Electronically online at official Village website.


FISCAL OFFICER