

Sponsor: Duby

ORDINANCE NO. 2021-33

**AN ORDINANCE BY THE CITY OF WELLSTON LEGISLATIVE AUTHORITY  
AMENDING CHAPTER 90 OF THE WELLSTON CODIFIED ORDINANCES  
ADOPTING LIVESTOCK REGULATIONS AND DESIGNATING IT SECTION 90.29  
TO BE TITLED DOMESTIC FARM ANIMALS**

**WHEREAS** the City of Wellston Council has established Animal Control Regulations for the City of Wellston and have codified those Rules as Chapter 90 of the Wellston Codified Ordinances

**WHEREAS** the legislative authority for the City has received, from the Council's Planning Committee, recommended amendments to various rules and regulations for Chapter 90 of the Wellston Codified Ordinances, specifically the need to adopt rules and regulation concerning the keeping of domestic farm animals within the city limits, a copy of which is attached hereto as Exhibit A

**WHEREAS** the Council has reviewed and given input on the Rules and

**WHEREAS** the Council has determined that it is in best interest of the health safety and welfare of the inhabitants of the City to adopt the proposed additional Sections of Chapter 90 to be designated as Section 90.29 and titled DOMESTIC FARM ANIMALS, a copy of which is attached as Exhibit A

**NOW THEREFORE BE IT ORDAINED** by the Council that:

**Section One:** Chapter 90 of the Wellston Codified Ordinances titled ANIMALS, shall be amended and the Attached Exhibit A shall be adopted, made a part of said Chapter and designated as Section 90.29 of the Wellston Codified Ordinances and shall be titled, DOMESTIC FARM ANIMALS.

**Section Two:** It is hereby found and determined that all formal acts of this council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this council and the deliberations of the council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the legislative authority of the City of Wellston this 15<sup>th</sup> day of July, 2021.

  
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Council President

ATTEST:

  
Clerk of Council

Approved this 15<sup>th</sup> day of July, 2021.

  
Mayor

Posted 8/11/21 through 9/11/21 at The Store, Wellston City Hall, Wellston Senior Citizens' Center, the Wellston Public Library and the Post Office.

Prepared by: Randy H. Dupree, Law Director, City of Wellston

## EXHIBIT A

### 90.29 DOMESTIC FARM ANIMALS.

(A) (1) "Domestic farm animals," as used in this Section, shall mean domesticated animals or fowl which are not classified as wild animals or exotic animals by any provision of state or federal law, and are typically and historically associated with farms and agricultural uses of property, and shall include without limitation any miniature breeds of such animals. "Domestic farm animals" does not include dogs, cats, parakeets, fish and similar pets.

(2) "Hoofed animals" means domestic farm animals which are classified as ungulates, including without limitation alpacas, cattle, goats, horses, llamas, donkeys, burros, mules, ponies, sheep and swine.

(3) "Fowl" means domestic farm animals which are birds of any kind, including without limitation chickens, ducks, geese, turkeys, pigeons and guinea hens.

(4) "Property" as used in this Section includes only that real estate owned or leased in writing by the owner or keeper of the animals.

(B) Except as provided herein, domestic farm animals shall not be kept or harbored on any property located within the City of Wellston.

(C) Requirements and Standards. Domestic farm animals are allowed on property located within the City only in accordance with the following requirements and standards:

(1) The property where any hoofed animals will be kept is at least one-half (1/2) acre in area excluding the portion covered by residential structures;

(2) Fowl are kept in a structure specifically designed or adapted to house domestic farm animals, maintained in sanitary condition and in good repair. Coops or roosts for fowl must be located at least 15 feet from the nearest property line of any property not owned or leased by the keeper of the fowl. Fowl shall not be housed or kept in front yards.

(3) Hoofed animals are kept in a structure specifically designed or adapted to house domestic farm animals, maintained in sanitary condition and in good repair. Stables or pens for hoofed animals must be located at least 25 feet from the nearest property line of any property not owned or leased by the keeper of the animal(s). Hoofed animals shall not be housed or kept in front yards.

(4) Any domestic farm animal pasture, paddock, run or other area where any hoofed animal will graze or roam is at least 25 feet from the nearest foundation wall of any existing residence on any property not owned or leased by the animal's keeper, and is appropriately fenced or secured to keep the animals inside. Electric and barbed-wire fences are not permitted on residential property inside the City corporate limits.

(5) The domestic farm animals are kept in a manner that is safe, sanitary and healthful for the animals according to generally-accepted principles of animal husbandry, including guidelines promulgated, enforced, adopted or published by the City, County and State Boards of Health and the Ohio State University Farm Extension program;

(6) Proof of necessary or required vaccinations is maintained; and

(7) Manure, droppings, uneaten food and other waste is removed and disposed of at least weekly in a safe and sanitary fashion that does not cause a public nuisance.

(D) Limitations.

(1) No more than one (1) neutered male or female horse or other hoofed animal shall be kept per one half acre of property, and no more than three (3) chickens, hens or other fowl, shall be kept at any single location.

(2) Stallions or roosters shall not be kept in the City.

(3) Any limitation as to the allowed number of fowl shall not apply to legitimate educational and 4H projects.

(E) Penalties. Whoever violates paragraphs (B) or (D) of this section is guilty of a minor misdemeanor for a first offense, and a 4th degree misdemeanor for a second offense within five years of a prior conviction for the same or a similar offense. Each day of continuing violation may be prosecuted as a separate offense.