

ORDINANCE O-2020-3

AN ORDINANCE AMENDING SECTION 505.15, FARM ANIMALS, EXOTIC ANIMALS, REPTILES OR OTHER PETS PROHIBITED OF THE WINDHAM CODIFIED ORDINANCES.

WHEREAS, the Committee of the Whole Council has determined that revisions to Windham Codified Ordinance 505.15 are needed; and

WHEREAS, upon review, the Council has determined that the revisions to the Windham Codified Ordinances as are set forth in Exhibit A hereto are appropriate and should be enacted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Windham, County of Portage, State of Ohio that the majority of its members thereto concurring that:

**Section One:** Section 505.15 of the Windham Codified Ordinances is hereby repealed.

**Section Two:** The provisions set forth and shown in Section 505.15 of the Windham Codified Ordinances as are shown on the attached Exhibit "A" are hereby enacted. The stricken text is removed and the underlined text is added to the former Section 505.15 of the Windham Codified Ordinances.

**Section Three:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

First reading: January 28, 2020

Second reading: February 25, 2020

Third reading: March 24, 2020

Vote of Council:     Ayes: 6  
                              Nays: 0

ATTEST:

  
Fiscal Officer, Cheree M. Taylor

APPROVED:

  
Scott Garrett, Mayor

APPROVED AS TO FORM:

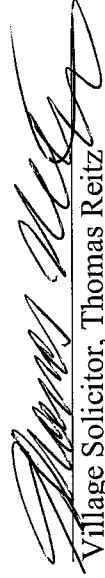
  
Village Solicitor, Thomas Reitz

Exhibit A

505.15 FARM ANIMALS, EXOTIC ANIMALS, REPTILES OR OTHER PETS PROHIBITED.

(a) Except for dogs, cats, household birds, other creatures indigenous to the area, or other animals or creatures exhibited as part of duly recognized circus show, no person shall keep or harbor within the Village any horses, mules, cattle, swine, sheep, goats, rabbits, ~~geese, ducks, turkeys or chicken, or any other fowl~~, exotic animals, reptiles or other creatures which are not indigenous to the area, unless kept or harbored on a minimum of five acres of land.

(b) ~~Geese, ducks, turkeys or chickens, or any other fowl may be kept or harbored on parcels of property which are a minimum of .9 acres in size.~~

(bc) It shall be an affirmative defense to prosecution under this section for one who keeps or harbors any exotic animals, reptiles or other creatures which are not indigenous to the area, on less than five acres of land, if the following apply:

- (1) The creature is at all times kept within its owner's enclosed dwelling; or

(2) The creature is in the immediate presence of its owner, kept on a restraint device maintained by the owner, no closer than twenty-five feet from the edge of the owner's property.

(e) Violation of this provision shall constitute a misdemeanor of the fourth degree.