

NEWCOMERSTOWN VILLAGE ORDINANCE #15-2018

OHIO BASIC CODE / NEWCOMERSTOWN VILLAGE ORDINANCE 93.041

NUISANCE CONDITIONS ANIMALS PROHIBITED

Whereas, the Council of the Village of Newcomerstown finds and declares a population of stray and feral animals may pose a danger to the health, safety, and welfare of the public and constitute a potential nuisance.

Now, therefore, be it ordained by the Council of the Village of Newcomerstown: the following section is added to Chapter 93 of the Ohio Basic Code/ Codified Ordinances of the Village of Newcomerstown entitled “nuisances.” New section 93.041, to be titled as noted above, shall read as follows:

- (A) No person shall keep or harbor any animal or fowl within the Village so as to create noxious or offensive odors or unsanitary conditions which endanger the health, comfort or safety of any other person, or contribute to the damage of real or personal property of any other person.
- (B) No person shall intentionally or recklessly provide food within the Village to any wild or feral animal so as to create noxious or offensive odors or unsanitary conditions, endanger the health, comfort or safety of any other person, or contribute to the damage of real or personal property of any other person.

(C) As used in division (B), “food” does not include:

- (1) Growing plants, including, but not limited to shrubs, trees, flowers, grasses, fruits, grains, nuts, seeds and vegetables; or
- (2) Mulch and/or compost, including mulch and/or compost consisting of grains, fruits, vegetable material or residue from lawns, gardens or fields; or
- (3) Food dispensed from bird feeders; or
- (4) Food authorized by Village Council or the Mayor to be fed to wildlife on a temporary basis for a specific public purpose as determined by the Village Council or the Mayor; or
- (5) Incidental spills, including spills of seed materials from bird feeders or of materials intended for planting or of crop materials that have been harvested if the spills are incidental to the feeding of birds or normal agricultural operations and such materials are not intentionally made available to wild or feral animals (other than birds feeding at such bird feeders); or
- (6) Food provided by any Health Department employee, law enforcement officer or State or Federal game official acting within the scope of his or her official duties; or
- (7) Food provided pursuant to activities permitted by the Ohio Division of Wildlife hunting regulations when provided by an individual holding a valid State hunting license and in those areas where wildlife hunting is otherwise authorized by law.

(D) Whoever violates this section and fails to cure such violation within five business days after receipt of a notice of violation from the Police Department shall be guilty of a third degree misdemeanor and shall be subject to the penalty provided in R.C. 2901.02(G) and/or Ohio Basic Code 130.99.

First Reading: September 4, 2018

Second Reading: September 17, 2018

Third Reading: October 1, 2018

Passed in Council this 1st day of October, 2018.

Ayes Nays

Heather M. Stein-Wells

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APPROVED:

Patrick M. Codelle

PAT CADLE, MAYOR

ROBERT R. STEPHENSON, II, SOLICITOR