



ORDINANCE 2024-34

AN ORDINANCE AMENDING PART FIVE OF THE CODIFIED ORDINANCES REGARDING CODE ENFORCEMENT STANDARDS, REQUIREMENTS, AND PROCEDURES.

WHEREAS, City Council has established a goal to improve the efficiency of City operations through modernizing and streamlining processes; and,

WHEREAS, Staff have identified potential updates to the Codified Ordinances in a continued effort to analyze code requirements, procedures, and standards; and,

WHEREAS, the periodic analyzing, revising, and updating of the Codified Ordinances to reflect best practices and streamline processes is in the best interest of the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, AND STATE OF OHIO, AS FOLLOWS:

Section 1: That Part Five of the Codified Ordinances are hereby amended as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest period allowed by law.

[Signature]
Tom Counts
Mayor

10/1/24
Date

[Signature]
Elaine McCloskey
City Clerk

EFFECTIVE DATE: October 31, 2024

This legislation has been posted in accordance with the City Charter on this date 10/2/2024
[Signature]
City Clerk



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### 505.15 OUTDOOR FEEDING PROHIBITED.

- (a) The following definitions shall apply for this section.
  - (1) *Nuisance animal* means a non-native, invasive, or potentially dangerous animal that has been identified by the Ohio Department of Natural Resources (ODNR).
  - (2) *Feed or feeding* means the act of or furnishing of food or other sustenance.
  - (3) *At large animal* means an animal that is off its owners' premises, without a leash, and without a person in control of the animal.
- (b) No person shall intentionally feed, cause to be fed, or provide food for at large or nuisance animals on any public or private property within the City. The feeding of a person's own animal(s) on their own premises is exempt from this section provided that the feed does not attract at large or nuisance animals from public property, public rights-of-way, or private property not owned by the feeding person.
- (c) Whoever violates this section shall be fined \$150.00 per offense. Each day that a violation continues may be deemed a separate offense.

### 557.02 NOTICE TO CUT.

- (a) The Zoning Inspector or their designee shall provide a notice to the owner, agent, occupant, or other representative of the property in violation of Section 557.01 Cutting Required. The notice shall include essential information as determined by the Zoning Inspector or their designee such as the code violation, the property address, and the compliance date to cut overgrown vegetation and/or noxious weeds. The compliance date for the notice of violation shall be five to seven calendar days from the issuance date of the notice.
- (b) Should the owner, agent, occupant, or other representative fail to comply with Section 557.01, the City will cut the overgrown vegetation and/or noxious weeds at the property owner's expense. This expense will include the contracted cost to cut the property in violation plus an administrative fee per the City's fee schedule.



**505.15 ~~WILD OR EXOTIC ANIMALS~~ OUTDOOR FEEDING PROHIBITED.**

- (a) The following definitions shall apply for this section.
- (1) ~~Wild Nuisance animal~~ means ~~any warm-blooded nondomestic animal which is indigenous to the State of Ohio and capable of transmitting rabies a non-native, invasive, or potentially dangerous animal that has been identified by the Ohio Department of Natural Resources (ODNR).~~
  - (2) ~~Pocket pet~~ ~~Feed or feeding~~ means ~~small pets such as hamsters, gerbils, guinea pigs, domestic rabbits, mice, etc. the act of or furnishing of food or other sustenance.~~
  - (3) ~~Exotic animal~~ ~~At large animal~~ means ~~all nondomestic animals not indigenous to the State of Ohio, whether warm or cold-blooded, plus all poisonous fish and reptiles an animal that is off its owners' premises, without a leash, and without a person in control of the animal.~~
- (b) ~~No person shall keep, maintain, or have in his possession or control, within the corporation limits of the City, unless properly caged or housed, any wild or exotic animals as defined in subsection (a) hereof. This section does not apply to "pocket pets."~~ No person shall intentionally feed, cause to be fed, or provide food for at large or nuisance animals on any public or private property within the City. The feeding of a person's own animal(s) on their own premises is exempt from this section provided that the feed does not attract at large or nuisance animals from public property, public rights-of-way, or private property not owned by the feeding person.
- (c) ~~Before bringing any wild or exotic animals as defined in subsection (a) hereof into the City, the person so doing shall first construct, purchase, or obtain a cage or other structure to confine the wild or exotic animal. Further before bringing the wild or exotic animal into the City limits, the cage, pen, tank, aquarium, or other housing shall first be inspected by the Zoning Inspector. The cage, pen, tank, aquarium or other housing shall be so constructed so as to assure that the wild or exotic animal will not escape nor will unauthorized persons be able to enter. A cage, pen, tank, aquarium or other housing containing such wild or exotic animals shall be enclosed on all sides and the top, with a gate locked with a padlock or other locking device requiring a key to open. The bottom of the cage, pen, tank, aquarium, or other housing shall be constructed of concrete, blacktop, or other material sufficient to prevent the animal from digging himself out of the enclosure. The person intending to have one of the animals classified as wild or exotic by this section located within the City limits shall do so only upon receiving written approval of the Zoning Inspector. Whoever violates this section shall be fined \$150.00 per offense. Each day that a violation continues may be deemed a separate offense.~~
- ~~(d) The wild or exotic animal shall not be removed from the enclosure, except if it is going to be permanently removed from the City limits or for purposes of veterinary treatment. If another wild or exotic animal is intended to be housed in the same structure which was previously approved, approval must first be obtained from the Zoning Inspector prior to bringing the wild or exotic animal into the City.~~
- ~~(e) An inspection fee of \$50.00 will be paid to the Zoning Inspector when the Inspector is contacted to inspect the cage, pen, tank, aquarium or other housing, as required by this section. In addition, an annual inspection fee of \$25.00 will be paid to the City through the Zoning Inspector on or before January 5, of each calendar year.~~
- ~~(f) Before any of the wild or exotic animals as defined by subsection (a) hereof are brought into the City, the owner, keeper, or harbinger of such wild or exotic animal, in addition to the above requirements, shall procure personal liability and property damage liability insurance and have evidence of the same posted with the City by having the same filed with the Zoning Inspector. The liability insurance shall provide minimum coverage of \$250,000.00 per occurrence and shall contain a provision of commitment from the insurer that the City will be notified if the coverage is cancelled or in any other way should lapse. Upon notification to the City through the appropriate channels that liability coverage has lapsed, the City will contact the insured, through the Zoning Inspector, Chief of Police, Clerk of Council, Solicitor, or other elected official, and notify~~

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the insured he has three business days in which to procure new liability coverage in the same minimum amounts and that failure to do so will mean an automatic revocation of consent to keep, maintain, possess, or control the wild or exotic animal, plus subsection to prosecution for violation of this section.

- (g) ~~Commercial exhibitors who have complied with the rules and licensing requirements established by the United States Department of Agriculture are exempt for this section.~~
- (h) ~~Whoever violates any provision of this section is guilty of a minor misdemeanor and shall be fined not more than \$100.00. Each day that the violation continues shall be treated as a separate offense. If a person has been previously convicted of a violation of this section, the subsequent violation shall constitute a misdemeanor of the first degree.~~

(Ord. No. 84-33, 9-4-1984)

### 557.02 NOTICE TO CUT.

- (a) ~~The Zoning Inspector or their designee shall provide a notice to the owner, agent, occupant, or other representative of the property in violation of Section 557.01 Cutting Required. The notice shall include essential information as determined by the Zoning Inspector or their designee such as the code violation, the property address, and the compliance date to cut overgrown vegetation and/or noxious weeds. The compliance date for the notice of violation shall be five to seven calendar days from the issuance date of the notice.~~
- (b) ~~Should the owner, agent, occupant, or other representative fail to comply with Section 557.01, the City will cut the overgrown vegetation and/or noxious weeds at the property owner's expense. This expense will include the contracted cost to cut the property in violation plus an administrative fee per the City's fee schedule. The City Manager shall provide a notice in a newspaper of general circulation within the City to be published the last full week of the third (3rd) month of the calendar year informing the property owners of the City of Powell about Section 557.01 Cutting Required Ordinance and 557.02 Notice to Cut in the City of Powell Codified Ordinances. Such notice shall not be required to describe the lands or to specify the name of the owner of such property. However, such notice shall constitute notice to any owner of any land upon which overgrown vegetation and/or noxious weeds are grown that the same must be cut and destroyed within five calendar days after such publication. Such notice shall further specify that such overgrown vegetation and/or weeds shall be cut every subsequent time the height exceeds ten inches. Such notice shall be published one time per year in order to constitute notice hereunder. Said notice shall substantially state the following:~~
  - (1) ~~All noxious weeds and vegetation growing, lying, or located on any land within the City are hereby declared to be a public nuisance per se.~~
  - (2) ~~All properties within the City of Powell shall keep their property in accordance with Section 557.01 of the City of Powell Codified Ordinances;~~
  - (3) ~~Should the owner of the property fail to comply with Section 557.01, the City will cut the weeds or growth at the owner's expense;~~
  - (4) ~~Contact information of the City agency.~~
  - (5) ~~Failure to read the notice shall not constitute a defense to, nor waive liability imposed by the tax lien.~~
- (b) ~~One additional written notice will be served upon the owner either in person, or by regular mail to the legal mailing address provided by the Delaware County Auditor. This second written notice will serve as the second and final notice for the mowing season to all property owners.~~

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~~(c) Those vacant properties found to be in violation shall have a sign conspicuously placed on the premises from April 1st until November 15th or until the property becomes inhabited. Said notice shall contain the following information:~~

- ~~(1) The nature of the code violation;~~
  - ~~(2) An order to cut or remove the weeds or grass when the growth meets or exceeds ten inches;~~
  - ~~(3) A statement indicating that should the property owner fail to comply with the order, the city will cause the weeds or growth to be cut or removed at the owner's expense, and the city will place a lien on the property; and~~
  - ~~(4) Contact information of the appropriate city agency;~~
  - ~~(5) Removal of the notice before the property is brought into compliance shall constitute a violation of this section.~~
- ~~(b) In those instances where the address of the owner is unknown, it shall be sufficient to publish a notice once in a newspaper of general circulation in the county.~~

~~(Ord. No. 97-50, 10-9-1997; Ord. No. 2022-30 , § 1, 10-4-2022)~~

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