

June 24, 2024

This a draft of language proposed for Plan commission consideration ONLY and shall not be disseminated to the public without prior approval.

THIS IS AN EXISTING SECTION OF THE EXISTING VILLAGE ORDINANCE. I PROPOSE WE COMBINE THE ADDITIONAL LANGUAGE WE ARE CONSIDERING WITHIN THE EXISTING SECTIONS

TITLE 5 POLICE REGULATIONS

CHAPTER 1 ANIMAL CONTROL

SECTION:

5-1-1: At Large Prohibited

5-1-2: Unlawful Activity

5-1-3: Violation; Penalty

5-1-1: AT LARGE PROHIBITED:

It shall be unlawful for any dog to roam at large within the Village, or to be off the premises of its owner unless it is under restraint:

- A. On a leash, or
- B. Within a motor vehicle, or
- C. By a person accompanying it who is able to control it and who remains within fifty feet (50') of it at all times, or
- D. As part of an organized group hunting activity or similar organized event. (Ord. 60-06, 5-2-1960)

5-1-2: UNLAWFUL ACTIVITY:

A. It shall be unlawful within the Village and a violation of this Code to do any of the following:

1. Beat, torture, torment, bait or incite toward fighting, mutilate or cruelly kill, or intentionally apply any cruel and inhumane means or methods specifically intended to inflict pain or suffering on any animal, or cause or knowingly allow the same to be done.
2. Unnecessarily fail to provide any animal that is not wild with proper and sufficient amount of food, water, air and sanitary shelter, said shelter to be sufficient to provide natural light or artificial illumination during reasonable hours, protection from drafts, reasonable safeguards against chilling and overheating caused by temperature

extremes, and space within that is sufficient for the animal to stand in an upright position and lie down stretched out so that no part of its body need touch the top or sides of the shelter structure.

3. Cruelly force any animal into undue physical exertion.
4. Carry, keep, drive, or cause to be carried, driven, or kept, any animal in a cruel manner.
5. Leave for any length of time any animal unattended in a motor vehicle and/or trailer when the outside temperature is such that the animal may suffer from excessive heat, cold, or physical stress.
6. Have, keep or harbor any animal that is infected with any disease transmissible to other animals or human beings, or that is afflicted with any painful disease or injury, including severe parasitism, unless such animal shall be under the care of a licensed veterinarian.
7. Abandon any animal on any public way or in any place where it may suffer or become a public charge.
8. Use an electric prod on any animal, unless necessary to protect against credible threat of physical harm to by-standing persons.
9. Purposefully kill any animal on any residential lot for food purposes.
10. Commercially sell any animals or animal by-products on any residential lot.
11. Use barbed or razor fencing to contain animals.
12. Knowingly or repeatedly allow animals owned by a person to wander unattended by a person onto property owned by another person without the other person's express consent.
13. Keep or maintain livestock on any property without adequate fencing to contain the livestock on that property.
14. Keep or maintain livestock on any property in excess of the number of livestock animals permitted by this Code.
15. Keep or maintain a rooster.
16. Keep or maintain livestock on a residential lot without a structure permitted to house the livestock in accordance with this Code.
17. Fail to keep and maintain hens entirely confined in a pen, coop or other structure approved by the Director of Building and Zoning for keeping and maintaining hens.
18. Fail to keep clean, sanitary and free of pest infestation, refuse and waste all structures that house livestock on residential lots.
19. Fail to at least once every twenty four (24) hours clean and containerize or dispose of all livestock waste on residential lots in a clean and sanitary fashion.

20. Fail to keep feed for livestock on residential lots in rodent proof containers until put out for consumption by the livestock.

However, as an exception to the unlawful activities set forth above, it shall not be unlawful under this section to control or eliminate pests using commonly accepted or commercially available products, services, means or methods on condition that they do not involve torturing, tormenting or other intentionally cruel and inhumane means or methods that are specifically intended to inflict pain or suffering that is unnecessary to control or eliminate the pests. (Ord. 19-13, 8-20-2019)

5-1-3: VIOLATION; PENALTY:

Violation of any provision of this chapter shall subject the violator to a fine as provided in section [1-4-1](#) of this Code for each offense. (Ord. 19-13, 8-20-2019)

THIS IS THE NEW STUFF

New definitions to be incorporated into the ordinance

PRIVATE KENNEL: Any premises or portions thereof on which more than four (4) dogs, cats or other household animals over four (4) months of age are kept,

COMMERCIAL KENNEL: Any premises or portions thereof in which one or more animals are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.

HORSES: For the purposes of this ordinance shall mean: Horses, donkeys, mules, miniature horses, ponies.

PETS: A domesticated animal, such as a dog, cat, bird, rodent (including a rabbit, hamsters and the like), aquarium fish, or turtle, that is traditionally kept in the home for enjoyment or companionship rather than for remuneration or other commercial purposes

HENS: Means the female of the species *Gallus gallus domesticus*, commonly known as *chickens*

EXOTIC ANIMAL: An exotic animal is any animal that is rare and not commonly kept as pets or requires special maintenance beyond that of your typical domestic pet. Special maintenance would also include special veterinarian services.

LIVESTOCK ANIMALS For the purpose of this ordinance all other animals not categorized elsewhere in this ordinance shall be considered "livestock animals" and shall be subject to Special Use Regulations (see 10-4-7: SPECIAL USES). Some examples of animals subject to special use are: alpacas, llamas, goats, cows, pigs, ducks, geese, waterfowl or other animals or birds not listed elsewhere in this ordinance.

NEW LANGUAGE FOR ANIMAL CONTROL

1. PETS: All animals classified as pets shall be permitted in all residential zoning districts.
2. Commercial kennels are not permitted.

3. The keeping, caring for, breeding, or other animal activities for commercial purposes is not permitted unless by a special use
4. HORSES: There shall be not more than two (2) horses kept on a lot containing two (2) acres of area. On lots over two (2) acres in area, no more than one additional horse in excess of two (2) shall be permitted for each one acre of lot area over two (2) acres. Partial acres shall not be used in any area calculation.
5. EXOTIC ANIMALS: Exotic animals are not permitted in the village of Wayne
6. HENS: The following is a permitted accessory use on a residential lot of eight thousand (8,000) square feet or more in Residential Zoning Districts W-1 through W-5: no more than one coop and pen and, in addition to and without limiting the number of other livestock animals permitted on the lot (if any), no more than the greater of either six (6) hens per lot or four (4) hens per acre up to a maximum of twelve (12) hens on any lot, further provided that any lot adjoining smaller lots shall not be permitted to keep or maintain more than the maximum number of hens permitted on the smallest adjoining lot (if any). Residential lots that are less than eight thousand (8,000) square feet or that adjoin a residential lot less than eight thousand (8,000) square feet are not permitted to build, keep or maintain coops, pens or hens. The entirety of this section, and all permissions granted by it, will expire and be deemed null and void twenty-four (24) months after the effective date of this section unless and for such time as it may be extended (if at all) by subsequent ordinance issued by the Village Board. (Ord. 19-13, 8-20-2019; amd. Ord. 21-05, 3-16-2021; Ord. 23-06, 4-20-2023)
7. LIVESTOCK ANIMALS: All instances of keeping livestock animals shall be a SPECIAL USE and subject to the provisions of Section 10-4-7.
 - a. CONDITIONS: In addition to the conditions found in 10-4-7-F, additional conditions for a livestock special use shall include:
 - b. In evaluating the Special Use the Plan Commission shall consider the following additional conditions
 - i. There needs to be a hearing and all neighbors within 200 ft must be formally notified.
 - ii. The type and propose quantity of animals
 - iii. Provisions for stabling, fencing, waste removal, and the like.
 - iv. The size of the lot and its screening from all adjacent lots.
 - v. Other conditions that may be germane to the type of animals requested.

THIS IS THE EXISTING SPECIAL USE LANGUAGE My edits are in RED below

10-4-7: SPECIAL USES:

A. Purpose: The development and execution of this title is based upon the division of the village into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which because of their unique character cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon public need for the particular use of the particular location. Such special uses fall into ~~five (5)~~ **SIX (6)** categories: (Ord. 89-13, 5-16-1989; amd. Ord. 97-19, 6-3-1997)

1. Uses operated by a public agency or publicly regulated utilities or uses traditionally affected with a public interest; except that any modifications to an existing wireless tower or base station that do not substantially change the physical dimensions of such tower or base station shall be approved without a special use, and may not be denied. (Ord. 12-13, 7-17-2012)

2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

3. Planned developments meeting the objectives and requirements defined in chapter 11 of this title.

4. Commercial equestrian and commercial stables meeting the requirements defined in section [10-12-1](#) of this title. (Ord. 89-13, 5-16-1989)

5. Private equestrian facilities meeting the requirements defined in section [10-12-2](#) of this title. (Ord. 97-19, 6-3-1997)

6. Approval to keep animals requiring a special use. (See Ordinance XYZ)

B. Authority: Special uses shall be authorized or denied by the village board in accordance with the statutes of the state applicable to amendments of this title, and the regulations and conditions set forth in this title for special uses.

No application for a special use shall be acted upon by the village board until after a public hearing has been held by the plan commission, after due notice by publication as provided by the applicable statutes of the state for amendments, and the findings and recommendations of the plan commission have been reported to the village board.

C. Initiation: An application for a special use may be made by any person or by any office, department, board, bureau or commission, requesting or intending to request a zoning certificate.

D. Processing: An application for a special use, in such form and accompanied by such information as shall be established from time to time by the plan commission, shall be filed with the village clerk and thereafter processed in the manner prescribed heretofore for applications and amendments. The village clerk shall also forward a copy

of every application for a special use within a historic district to the historic sites commission for review and recommendation to the plan commission and to the village board.

E. Decisions: The village board, upon report and recommendation of the plan commission without further hearing, may authorize or deny an application for a special use in accordance with the statutes of the state applicable to amendments or may refer it back to the plan commission further consideration.

No special use shall be authorized by the village board unless the special use meets the following criteria, where applicable, for the proposed special use:

1. Is deemed necessary for the public convenience at that location;
2. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
3. Would not cause substantial injury to the value of other property in the neighborhood in which it is located;
4. Satisfies the standards and conditions required elsewhere in this title applicable to the proposed special use. (Ord. 89-13, 5-16-1989)
5. For property located in a historic preservation district set forth in subsection [9-3-4B](#) of this code, is compatible with and promotes the purposes of title 9, chapter 3, "Historic Preservation Districts", of this code. (Ord. 05-30, 9-6-2005)

F. Conditions: The plan commission may recommend, and the village board provide, such conditions and restrictions upon the construction, location and operation of a special use, including, but not limited to, provisions for off street parking or loading as may be deemed necessary to promote the general objectives of this title and to minimize injury to the value of the property in the neighborhood. (Ord. 89-13, 5-16-1989)