

**ORDINANCE NO. 2020 – WS-13**

**INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE**

**AN EMERGENCY ORDINANCE ENACTING SECTION 505.19 AND AMENDING SECTION 505.03 OF THE OAKWOOD VILLAGE CODIFIED ORDINANCES TO PROVIDE REGULATIONS FOR THE RAISING OF CHICKENS IN THE VILLAGE.**

Introduced by	ROGERS
Motioned by	_____
Seconded by	_____
1st Reading	_____
2nd Reading	_____
Third Reading	_____
Under suspension	_____

**WHEREAS**, Oakwood village Council wishes to provide regulations for the raising and Keeping of fowl located within Village limits for the public health, safety and welfare and to eliminate or control potential hazards posed by such;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of Village of Oakwood, County of Cuyahoga and State of Ohio:

**Section 1.** That new Section 505.19 of the Codified Ordinances of Oakwood Village, Ohio, entitled “Keeping Chickens”, is enacted to read as follows:

**505.19 KEEPING CHICKENS.**

The keeping/raising of fowl, and the erection of coops or other enclosures for the keeping of fowl, shall comply with the following regulations:

- (a) The keeping or raising of fowl shall only be permitted on lots zoned R1F of one (1) acre or more.
- (b) No more than four (4) chickens are permitted to be kept on each parcel of land.
- (c) Roosters are prohibited.
- (d) No person may keep or raise any fowl other than chickens, including ducks, quail, geese, or turkeys.
- (e) Chickens must be located within a designated chicken coop and chicken run. Chicken coops and chicken runs must meet the following requirements:
  - 1. The chicken coop and chicken run shall be located in the rear or backyard of owner-occupied single-family residential properties.
  - 2. Neither the coop nor run shall be located between the rear of the principal structure and the front yard lot line.
  - 3. The coop shall have a minimum twenty-five feet (25’) setback from the rear property line and twenty feet (20’) setback from each side property line. A covered enclosure or fenced enclosure shall not be located closer than thirty-five (35’) feet to any residential structure on an adjacent property.
  - 4. Coops shall be predator and rodent resistant with a solid covered roof.
  - 5. Water shall be provided onsite and accessible to chickens at all times.
  - 6. During daylight hours, the chickens shall also have access to the run and chicken coop in order to provide cover in inclement weather and fresh air when the weather is hot.
  - 7. From dusk to dawn, chickens shall be enclosed within a chicken coop.
  - 8. The maximum size per coop is one hundred (100) square feet.
  - 9. A minimum of four-square feet of space per chicken shall be provided in each the coop and the run.
  - 10. The maximum height of the coop shall be no more than seven feet at the highest

point of the roof.

- (f) Chicken coops and chicken runs shall be regularly cleaned to control dust, odor and waste so as not to create a nuisance, constitute a safety hazard, health problem or unreasonable disturbance to surrounding properties.
- (g) On-sight slaughtering is prohibited.
- (h) Chicken feed shall be stored in a reasonable, airtight, predator and rodent-proof container.
- (i) Chicken waste shall be disposed of in a waste container off-site or buried to be used as compost.
- (j) Chickens shall be kept for personal use only. No person shall sell or barter eggs or engage in chicken breeding or fertilizing production for commercial purposes.
- (k) Whoever violates subsections (a) through (j) is guilty of a misdemeanor of the third degree.
- (l) If violation of subsections (a) through (j) is continued, each day a person remains in violation shall constitute a separate offense.

**Section 2.** That Section 505.03 of the Codified Ordinances of Oakwood Village, Ohio, which currently reads as follows:

- (a) No person being the owner or having charge of cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.
- (b) No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat, unless the dog is properly in leash.
- (c) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape, or under reasonable control of some person.
- (d) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.
- (e) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree.
- (f)
  - (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.
  - (2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

Shall be and hereby is amended to read as follows:

- (a) No person being the owner or having charge of cattle, horses, swine, sheep, goats, chickens or other animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.
- (b) No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat, unless the dog is properly in leash.
- (c) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape, or under reasonable control of some person.
- (d) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.
- (e) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree.
- (f)
  - (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.
  - (2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

**Section 3.** The Codifier is hereby instructed to insert the adopted Codified Ordinance 505.19 and substitute the adopted version of Codified Ordinance 505.03 in the Oakwood Codified Ordinances.

**Section 4.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the public health and preservation of peace in the Village, therefore, provided it receives two-third of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A Warren, President of Council

\_\_\_\_\_  
Deborah L. Hladky, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2020 -    was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Debra L. Hladky, Clerk of Council

**POSTING CERTIFICATE**

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2020 -    was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

\_\_\_\_\_  
Debra L. Hladky, Clerk of Council

- (f) "Animal Warden" means the person employed by the Municipality as its enforcement officer.
- (g) "Exposed to rabies" means that a dog has been exposed to rabies within the meaning of this chapter if it has been bitten, or has come in contact directly or indirectly with any animal known to have been infected with rabies.

(Ord. 1970-59. Passed 6-2-70.)

#### **505.03 DOGS AND OTHER ANIMALS RUNNING AT LARGE.**

(a) No person being the owner or having charge of cattle, horses, swine, sheep, geese, ducks, goats, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands or upon the premises of another.

(ORC 951.02)

(b) No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat, unless the dog is properly in leash.

(c) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape, or under reasonable control of some person.

(ORC 955.22)

(d) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(ORC 951.02)

(e) Whoever violates this subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(ORC 951.99)

(f) (1) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(2) In addition to the penalties prescribed in subsection (f)(1) hereof, if the offender is guilty of a violation of subsection (b) or (c) hereof, the court may order the offender to personally supervise the dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both.

(ORC 955.99)

#### **505.04 IMPOUNDING.**

(a) The animals found running at large in violation of Section 505.03 shall be taken by the Animal Warden and/or his assistants and impounded in a shelter designated as the Municipal Animal Shelter, and there confined in a humane manner to be reclaimed by the owner, released to the Animal Protective League or the County Dog Warden.

(b) The Animal Warden may transfer title of all animals so held to the Animal Protective League or to the Dog Kennel of Cuyahoga County if the animal is not claimed by its owner.

(c) When licensed dogs are found running at large in violation of Section 505.03, such dogs need not be impounded, but the Animal Warden may return such dogs to their owners and cite the owners of such dogs to appear in court to answer to charges of violation of Section 505.03.

(d) Immediately upon impounding dogs or other animals, the Animal Warden shall make every reasonable effort to notify the owners of such dogs, or other animals so impounded, and inform such owners of the conditions whereby they may regain custody of such animal.

(e) The owner shall be entitled to resume possession of any impounded animal except as hereinafter provided, upon compliance with the payment of an impoundment fee of five dollars (\$5.00) per day or any part thereof. Proof of ownership must be given to the Animal Warden. Proof of ownership may include a license receipt, affidavits of neighbors, a photograph or other suitable evidence.

(f) Any female dog or fierce, dangerous or vicious dog described in Section 505.03(b) and (d), respectively, found at large, shall be impounded by the Animal Warden and may not be redeemed by the owner, unless such redemption is authorized by any court having jurisdiction.

(g) Any animal impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction.

(Ord. 1970-59. Passed 6-2-70.)

#### **505.05 ABANDONING ANIMALS.**

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.

(e) Decisions of Village Council. All decisions of Village Council concerning a requested variance shall be deemed final.

(Ord. 1997-65. Passed 10-14-97.)

#### **TITLE FIVE - Other Public Services**

Chap. 981. Garbage and Refuse Collection.

Chap. 982. Snow Removal for Senior Citizens or Handicapped.

Chap. 985. Parks.

Chap. 987. Fees for Equipment Rental and Other Services.

#### **CHAPTER 981**

#### **Garbage and Refuse Collection**

**981.01 Definitions.**

**981.02 Container requirements.**

**981.03 Container location and pickup.**

**981.04 Collection regulations.**

**981.05 Uncollected waste constitutes a nuisance.**

**981.06 Wastes to be deposited in containers only.**

**981.07 Vehicle requirements.**

**981.071 Hours of collection and transportation.**

**981.08 Service and Properties Department to remove wastes.**

**981.09 Collectors to wear cap and badge.**

**981.10 Rules and regulations.**

**981.11 Enforcement.**

**981.99 Penalty.**

#### **CROSS REFERENCES**

Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01

Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.

Vehicle loads dropping, sifting, leaking - see TRAF. 339.08

Littering and deposit of garbage, rubbish, junk, etc. - see GEN. OFF. 517.08

Storage of vehicles and materials - see GEN. OFF. Ch. 543

Garbage disposers and incinerators - see P. & Z. Ch. 1367

#### **981.01 DEFINITIONS.**

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Garbage" means all waste or offal of fish, fowl, fruit, vegetable and animal matter resulting from the preparation of food for human consumption from houses, kitchens, hotels, restaurants, markets and commission houses, etc., exclusive of shells from oysters and clams.
- (b) "Refuse" means paper, barrels, boxes, baskets, wood, rags, mattresses, worn- out furniture, old shoes, leather, carpets, broken glass, crockery, tin cans, rubber and similar discarded materials. It does not, however, include any material in the nature of earth, sand, brick, stone, plaster, ashes or other substances that may accumulate as a result of building operations.
- (c) "Other refuse" means all discarded materials not included in the foregoing definitions.
- (d) "Owner" means the owner or part owner of the premises, including the holder of the title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof or an agent or any person, firm, corporation or fiduciary directly in control of the premises.
- (e) "Premises" means a lot, parcel or plot of land including the buildings and/or structures thereon.
- (f) "Residential unit" means the place of abode of persons living separately or together as an independent family.
- (g) "Double-family residence" means the grouping together of two residential units under a common roof.

Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(7) "Dog kennel" means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(d) No owner, manager or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment, or commit an act of cruelty against the companion animal;

(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:

(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;

(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;

(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;

(4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;

(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.

(ORC 959.131)

#### **505.08 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(b) See Section 505.99 for penalty classification.

#### **505.09 BARKING OR HOWLING DOGS.**

## CHICKENS

Diseases such as Histoplasmosis, salmonella, farmer's lung, bird flu and staph infections CAN be associated with being around chickens. So if someone in your household is susceptible to illnesses, the following guidelines will help to minimize your risks.

### **Owning and Keeping Chickens**

**Updated: Oct 16th, 2018**

[https://www.lawyers.com/legal-info/real-estate/residential-real-estate-own-keep/owning-and-keeping-](https://www.lawyers.com/legal-info/real-estate/residential-real-estate-own-keep/owning-and-keeping-chickens.html#:~:text=Plus%2C%20poultry%20and%20eggs%20can%20carry%20bacteria%20such,been%20found%20to%20contain%20lead%20and%20other%20toxins.)

[chickens.html#:~:text=Plus%2C%20poultry%20and%20eggs%20can%20carry%20bacteria%20such,been%20found%20to%20contain%20lead%20and%20other%20toxins.](https://www.lawyers.com/legal-info/real-estate/residential-real-estate-own-keep/owning-and-keeping-chickens.html#:~:text=Plus%2C%20poultry%20and%20eggs%20can%20carry%20bacteria%20such,been%20found%20to%20contain%20lead%20and%20other%20toxins.)

Before you buy a coop, learn the ins and outs of owning chickens in a residential area

To raise chickens in a residential area, you will need to comply with local ordinances. For a list of ordinances by state and municipality. There may be permits, fees or both. These are not much different than dog or cat licenses.

### **Don't Be a Nuisance**

To avoid nuisance complaints, owners of chickens must address issues like noise, smells, attraction of flies and rodents, cleanliness of coops, and proper disposal of chicken manure and deceased chickens. Some municipalities allow the slaughter of birds for meat on the premises. Others do not.

Finally, owners of backyard chickens in residential areas must make sure that any coops or fences are up to code. Some municipalities require permits and inspections.

### **Other Problems with Chickens**

Chickens are susceptible to a wide variety of diseases. Plus, poultry and eggs can carry bacteria such as salmonella and campylobacter that can sicken you, your family, and anyone else who eats them. The risk of infection is especially high for children, pregnant women, the elderly and persons with weakened immune systems. Eggs laid by urban chickens have been found to contain lead and other toxins.

Urban chickens often fall prey to dogs, raccoons, foxes and coyotes. Neighbors can be quick to file complaints. Raising chickens for eggs and meat can be meaningful, but it is a lot of work. As a result, unwanted urban chickens and roosters increasingly end up in local animal shelters.



## **Sharing or Selling Eggs and Meat**

Operators of successful backyard chicken operations soon find themselves sharing eggs with family, friends and neighbors. Many start to think about selling extra eggs.

Usually, there is no need to register with any state or federal agency, pasteurize your eggs, or use any special wash on the eggs you sell when you sell only your own eggs, you sell your eggs only at your house or by home delivery, the eggs are fresh and unwashed, you don't grade the eggs by size (AA, A or B, etc.), and you don't label your eggs as "organic" (which requires special certification).

If someone becomes ill from eggs that you give or sell to them, you could be liable for damages. Before sharing or selling your eggs, you might want to consult with your insurance agent or a lawyer. If selling, you should check with your municipality about the need for a business license or permit.

### **10 Health Precautions For Backyard Chicken Owners**

<https://www.backyardchickens.com/articles/10-health-precautions-for-backyard-chicken-owners.63058/>

- Author [Carol J](#)
- Publish date [Feb 17, 2012](#)
- Updated [Mar 27, 2012](#)

[Article Reviews \(22\) Gallery](#)

### **10 Health Precautions for Backyard Chicken Owners**

Note: This page is for people who have a suppressed immune system, asthma, COPD or any condition that makes them especially susceptible to illnesses. A search of the BYC Forum or a Google search will help in obtaining further information about each of the illnesses and precautions mentioned below.

In order to remain healthy around chickens, most people don't need to do anything other than wash their hands after handling their chickens. However, there are many people who must be extra cautious because of suppressed immune systems, asthma, COPD or other conditions that make them more susceptible to illnesses that might be transmitted via chickens. Since one of my little granddaughters battled cancer (she's doing very well now), I've studied about and now practice strict health precautions in caring for my small backyard flock.

While it isn't likely that you will contract an illness from your chickens, it is possible. Diseases such as Histoplasmosis, salmonella, farmer's lung, bird flu and staph infections CAN be associated with being around chickens. So if someone in your household is susceptible to illnesses, the following guidelines will help to minimize your risks.

**Wash Hands.** This is a good practice for preventing illnesses from any source. Whenever you've

collected eggs, handled chickens, worked in your chicken coop or filled water bowls and feeders, always wash your hands with soap and water afterwards.

**Wear a face mask.** Chickens create a tremendous amount of dust. That's one of the reasons that ventilation is so important in a chicken coop. If your chicken coop is enclosed, wear a face mask whenever you work inside it – whether it's filling feeders and waterers or cleaning. For me, the ear-loop masks are the easiest to use. I found some on sale at my local grocery store and bought several boxes. I keep a box at the entrance to my chicken coop. Whenever I enter the coop to work, I put on a face mask. If I'm just gathering eggs quickly, I usually don't bother since I'll only be in there for a few seconds. However, if you are especially susceptible to lung issues, wearing a mask every time would help.

**Mist coop and roost areas with water.** A VERY light mist of water will help to decrease the amount of dust. You don't want the materials (shavings, straw, etc.) to be wet, though. Wet shavings/straw would only help bacteria grow! A light mist is all that is needed. Some people like to add bleach or Oxine to the water to help cut down on bacteria. If you use bleach, Oxine or other products, be sure to follow the directions on the package carefully to keep the proportions of the solution safe for your chickens.

**Keep the coop clean.** If you have a "poop board" under the roosting area, be sure and keep the droppings cleaned up. Putting dry sand under the roosts make it fairly simple to scoop up the poop frequently to keep down odor and bacteria. You might want to research the "deep litter method" also for managing your coop. I use the deep litter method for the coop floor, and I use sand for the poop boards. Find out what method works best for you and makes it easiest for you to keep your coop clean.

**Change into clean clothing after working in the chicken coop.** After working in the chicken coop, there is usually dust and other unwanted substances on your clothing. Have a clean set of clothes ready for afterwards, and wash dirty clothes as soon as possible.

**Observe your flock.** Whenever you're around your flock, pay attention to how they look and what they're doing. If there is anything unusual going on, check it out. If a bird appears sick, isolate it from the rest of the flock until you can determine what is wrong and take measures to correct it. In caring for animals of any kind, a watchful eye is vital.

**Have a pair of "chicken coop" shoes.** I keep a pair of slip-on rubber shoes by the backdoor. Anytime I go out to the chicken coop, I slip off the shoes I'm wearing and put on those shoes. When I return to the house, I switch back. This cuts down on germs being tracked into the home. Slip-on shoes makes this much easier.

**Closely supervise children around chickens.** Never leave children unsupervised around baby chicks or older chickens. There are immediate physical dangers such as an aggressive rooster who sees a small child as a challenge. Health-wise, children frequently put their hands in their mouths. Help them wash their hands thoroughly after handling chickens or eggs.

**Wash eggs.** There is a lot of disagreement both about the need to wash eggs and the need to

refrigerate eggs. You will have to decide what you're comfortable with. Because of my family's need for extra precautions, I wash all the eggs I gather. As soon as I bring the basket of eggs inside, I wash the eggs gently with either an organic egg cleaner or a mild solution of dish soap. Use very warm water and don't immerse the eggs in the water. Then rinse them well. After rinsing, pat them dry and place them in the refrigerator. Although washing eggs might remove the "bloom" (the natural protectant that covers the shell) we use our eggs up quickly. So that isn't an issue for us.

**Practice biosecurity.** Biosecurity is basically a way to keep disease away from your flock and other people's flocks. Part of practicing biosecurity is to keep your chickens away from visitors and other birds, keep shoes, tools and equipment clean, don't share tools and equipment with other chicken owners, observe your chickens carefully to watch for early signs of illness and report any signs of disease or unexpected deaths. When the chickens in your flock are healthy, there is much less risk of you becoming sick.

Chickens can be an amazing resource for food and entertainment, and keeping chickens is an effective step towards self-sufficiency. With just a few precautions, even people with suppressed immune systems and other health issues can enjoy the benefits of a backyard flock.

Reactions:[CherBear1658](#), [rdubas](#), [BayviewPaula](#) and 40 others

# Memo

To: File  
From: Amily A. Imbrogno  
cc:  
Date: Tuesday, November 17, 2020  
Re: Village of Oakwood Re: General Matters 2020, OAKW/200002  
Topic: Grandfathering limitations on number of chickens

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**Does Oakwood Village need to allow those property owners with more than 6 chickens currently to continue to harbor more than 6 chickens? Yes, unless there is evidence that the current condition imperils public health, safety, or morals.**

Property owners have challenged enactment of ordinances regulating the use of property through both RC 713.15 and Sections 16 and 19, Article I of the Ohio Constitution.

RC 713.15 provides:

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enacting a zoning ordinance or an amendment to the ordinance, may be continued, although such use does not conform with the provisions of such ordinance or amendment, but if any such nonconforming use is voluntarily discontinued for two years or more, or for a period of not less than six months but not more than two years that a municipal corporation otherwise provides by ordinance, any future use of such land shall be in conformity with sections 713.01 to 713.15 of the Revised Code. The legislative authority of a municipal corporation shall provide in any zoning ordinance for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses upon such reasonable terms as are set forth in the zoning ordinance.

RC 713.15 does not prevent a municipality from taking legislative action pursuant to its police power to abate a preexisting use which has become a nuisance. *Northern Ohio Sign Contractors Ass'n v. City of Lakewood*, 32 Ohio St.3d 316, 317-318 (1987). However, a nuisance is a legal concept with a particular meaning, so a court will not find that a condition arises to the level of nuisance unless it meets that definition. *State v. Skilwies*, 2d Dist. No. 17077, 1999 WL 6507. If a condition is a danger to the public health, safety, morals or public welfare, it is a public nuisance and a municipality may abate a preexisting, nonconforming use. *Northern Ohio Sign Contractors*, supra. In *Gates Co. v. Housing Appeals Board*, 10 Ohio St.2d 48, 52 (1967), the Supreme Court of Ohio equated it with a "factual determination that the continued use immediately and directly imperils the public health, safety, or morals."

It is likely of no consequence that the proposed ordinance will not fall under the “zoning” section of codified ordinances. The substance of a particular legislative enactment, rather than how the municipality has chosen to codify it, determines whether RC 713.15 will apply. *State v. Skilwies*, 2d Dist. No. 17077, 1999 WL 6507, citing *Northern Ohio Sign Contractors*, supra.

Courts will presume the constitutionality of a municipal ordinance and that the party challenging a legislative act of a municipality bears the burden of demonstrating its unconstitutionality. *Northern Ohio Sign Contractors Ass'n v. City of Lakewood*, 32 Ohio St.3d 316, 317-318 (1987). As the constitutional right of the individual to use private property has always been subservient to the public welfare under Section 19, Article I of the Ohio Constitution, such use is subject to the legitimate exercise of local police power pursuant to Sections 3 and 7, Article XVIII of the Ohio Constitution. *Id.* at 318. A municipal ordinance passed under such authority will be valid if it bears a real and substantial relationship to the health, safety, morals or general welfare of the public and if it is not unreasonable or arbitrary. *Id.*

An ordinance may be applied to regulate preexisting conditions if they have become a public nuisance. *Northern Ohio Sign Contractors Ass'n*, supra. However, retroactive zoning ordinances founded upon arbitrary, unsupported legislative declarations of nuisance, or comprised of arbitrary, discriminatory, capricious, or unreasonable terms, remain without real and substantial relation to legitimate governmental objectives. *Northern Ohio Sign Contractors*, 32 Ohio St.3d 321.

# Memo

To: File  
From: Amily A. Imbrogno  
cc:  
Date: Tuesday, November 17, 2020  
Re: Village of Oakwood Re: General Matters 2020, OAKW/200002  
Topic: Reasons to limit chickens in the Village

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The average hen produces about 300 eggs per year.<sup>1</sup> Therefore, the average number of eggs laid per hen, per week, is between 5 and 6 eggs. This number is consistent through the winter if the owner provides light to the chickens.<sup>2</sup> Therefore, 4 chickens will yield about 20 – 24 eggs per week, and 6 chickens would yield about 30-36 eggs per week. It would make sense for a larger family that desires to eat eggs more frequently to have 6 chickens as opposed to 4.

Additionally, poultry can cause disease, including Campylobacteriosis, salmonella and avian flu. Salmonella is transmitted through the chickens' feces.<sup>3</sup> Therefore limiting the number of poultry permitted in a backyard will also limit the amount of excrement produced, in turn reducing the risk of salmonella. Six hens will produce between 137 and 480 pounds of manure per year.<sup>4</sup> For reference, a typical dog excretes 274 pounds of waste per year.<sup>5</sup> Since many people own two dogs and are able to manage their excrement, a person would probably be able to manage six chickens that excrete the same amount as two dogs.

Many municipalities prohibit roosters because roosters crow, usually (though not always) in the morning hours.<sup>6</sup> Since roosters do not produce eggs and can be annoying to neighbors in the morning, it is rational to prohibit them.

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<sup>1</sup> "More than Eggs – Relationship Between Productivity and Learning in Laying Hens" - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6212530/>

<sup>2</sup> <https://www.purinamills.com/chicken-feed/education/detail/three-tips-to-help-your-hens-produce-quality-eggs>

<sup>3</sup> <https://odh.ohio.gov/wps/portal/gov/odh/know-our-programs/zoonotic-disease-program/resources/poultry>

<sup>4</sup> [http://extension.missouri.edu/webster/backyardchickens/UrbanChickenManureManagementBrieMenjoulet-\(ScreenVersion\).pdf](http://extension.missouri.edu/webster/backyardchickens/UrbanChickenManureManagementBrieMenjoulet-(ScreenVersion).pdf)

<sup>5</sup> <ftp://ftpfc.sc.egov.usda.gov/AK/Publications/dogwastecomposting2.pdf>

<sup>6</sup> Shimmura, Tsuyoshi & Yoshimura, Takashi. (2013). Circadian clock determines the timing of rooster crowing. *Current biology* : CB. 23. R231-3. 10.1016/j.cub.2013.02.015.