

ORDINANCE NO. 2020 -96**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 <u>ROGERS</u>
Motioned by <u>Rogers</u>
Seconded by <u>Sanders</u>
1st Reading <u>12-08-2020</u>
2nd Reading <u>12-15-2020</u>
Third Reading <u>01-12-2021</u>
Under suspension <u>NO</u>

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.

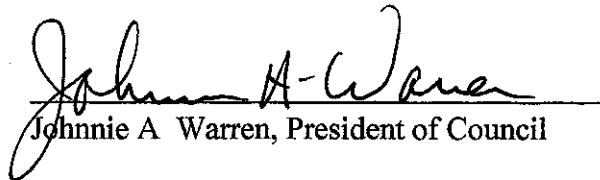
Section 3. The Codifier is hereby instructed to insert the adopted Codified Ordinance 505.19 and substitute the adopted version of Codified Ordinance 505.03 in the Oakwood Codified Ordinances.

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: January 12, 2021



Deborah L. Hladky, Clerk of Council



Johnnie A. Warren, President of Council

Presented to the Mayor January 13, 2021

Approved: January 26, 2021

Gary V. Gottschalk
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 - 96 was duly and regularly passed by this Council at the meeting held on the 12 day of January, 2020.

Debra L. Hladky
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 -96 was duly posted on the 26 day of January, 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
Debra L. Hladky, Clerk of Council