

ORDINANCE NO. 2018-15, AS AMENDED

INTRODUCED BY: COUNCILMAN MARK WISEMAN

AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 1478.251 ENTITLED “KEEPING OF CHICKENS” TO ESTABLISH REGULATIONS FOR THE KEEPING OF CHICKENS, AND AMENDING CODIFIED ORDINANCE SECTIONS 618.18 ENTITLED “NUMBER OF ANIMALS LIMITED” AND 618.20 ENTITLED “PROXIMITY OF DWELLINGS,” FOR CONSISTENCY WITH THE REGULATIONS FOR KEEPING OF CHICKENS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of University Heights recognizes that residents desire locally produced food; and

WHEREAS, the raising and keeping of chickens provides residents with a locally produced food source in the form of eggs; and

WHEREAS, City Council desires to enact regulations and amend its codified ordinances to allow most residents the opportunity to raise and keep chickens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. Council hereby adopts Codified Ordinance Section 1478.251 entitled “Keeping of Chickens,” to read in its entirety as follows:

1478.251 KEEPING OF CHICKENS

The keeping of chickens shall be permitted as a special use on a property subject to the following regulations.

- (a) A maximum of four (4) chickens may be kept on the property.
- (b) Roosters are not permitted. However, if the gender of a chick cannot be determined at hatching, a chick of either gender may be kept on the property for no more than thirty (30) days.
- (c) Placement of Coops: Chicken coops and runs are allowed in the rear yard only. Chicken coops and runs must be located a minimum of twenty (20) feet away from any other inhabited dwelling structure, a minimum of twenty (20) feet away from any outdoor recreational improvement (as hereafter defined), a minimum of ten (10) feet from any side yard line, and a minimum of three (3) feet away from an adjacent rear lot, except where the rear lot line forms the side lot line or front line of an abutting property, in which case the setback from such rear lot line shall be ten (10) feet. For purposes of this ordinance, an outdoor recreational improvement shall refer to any improved recreational gathering place including, but not necessarily limited to, any patio, porch, pool, deck, hot tub and/or water feature that exists at or prior to the date of the initial application for a special use permit hereunder, but excluding any garage, shed or garden.
- (d) Sanitation and nuisances: The facility must be kept in good repair, maintained in a clean and in a sanitary condition, and free of vermin, obnoxious smells and substances. The facility must not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health. The storage of chicken manure shall be in compliance with the setback requirements in Codified Ordinance Section 1478.24(b) hereof, provided, however, that a chicken coop shall not be considered a structure for purposes only of the setback requirements for the storage of chicken manure.
- (e) Coops and Cages: The chicken coop and run must be designed to ensure that the health and well-being of the animal is not endangered by the manner of keeping or

confinement. All animals shall be provided with a covered, predator proof coop, cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of animals. A minimum of 2 square feet must be provided per chicken within the chicken coop. The size of the coop shall be in compliance with Chapter 1250 of the Codified Ordinances.

(f) Enclosures and Fences: Chickens and other birds shall have access to an outdoor run, which shall be adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by predators. Any additional areas chickens have access to must have adequate safeguards such as rear yard fencing, such safeguards being required to protect the chickens from animals and to prevent unauthorized access to the chickens by members of the general public. Chickens must be kept in coops from dusk to dawn.

(g) Slaughtering of Animals: Slaughtering of chickens shall be prohibited on the property.

(h) The raising and keeping of chickens shall be for the purpose of having a locally produced food source, and not for any commercial purpose such as, without limitation, the sale of eggs or the sale of chickens, and such commercial practices are prohibited.

(i) The applicant must produce a certificate or letter showing that the applicant has taken a class in keeping backyard hens from either the Ohio State University Extension, or the Cleveland MetroParks, or some other source approved by the Public Safety Director.

(j) The keeping of chickens and chicken coops shall be subject to the issuance of a special use permit pursuant to Codified Ordinance Section 1250.02. A special use permit may be issued by the Building Department if the Building Commissioner determines the application is in compliance with regulations regarding construction, the permitted placement of enclosures, fences, cages and coops, and completion of the education requirement. The special use permit shall be in effect for a period of one (1) year from the date of issuance, and subject to annual renewal by the Board of Zoning Appeals.

(k) Prior to the renewal of any special use permit issued pursuant to this ordinance, the Building Department shall conduct an inspection of the property and shall present a written report of inspection to the Board of Zoning Appeals. The appearance of the special use permit holder before the Board of Zoning Appeals shall be required for the renewal of any special use permit hereunder. Neighboring property owners shall be entitled to notice in conformity with the requirements of the City's zoning ordinances.

(l) At any given time there shall be no more than twenty-five (25) special use permits issued by the City and in effect.

Section 2. Council hereby amends Codified Ordinance Section 618.18 entitled "Number of Animals Limited" to read in its entirety as follows:

618.18 NUMBER OF ANIMALS LIMITED

(a) No person shall keep, harbor or maintain more than a total of two animals of any kind or nature except puppies, kittens or other domestic animals not over three months old in any single family dwelling, or in any separate suite in a two-family dwelling, multi-family dwelling or apartment within the City. The terms "dwelling" and "suite", as used in this section, include the lot or parcel of land on which the house or building containing the suite is located and also all out-buildings located on such lot or parcel.

(b) This section shall not apply to limit the number of chickens kept, harbored or maintained in conformance with the regulations set forth in Section 618.25 hereof.

(c) Whoever violates this section is guilty of a minor misdemeanor.

Section 3. Codified Ordinance Section 618.18 as existing immediately prior to the passage of this ordinance is hereby repealed.

Section 4. Council hereby amends Codified Ordinance Section 618.20 entitled "Proximity to Dwellings," to read in its entirety as follows:

618.20 PROXIMITY TO DWELLINGS

(a) No person shall keep, harbor or maintain any horse, mule, cattle, sheep, goat, swine, rabbit, goose, or other fowl or animal, within 500 feet of the inhabited dwelling of any other person, except a dog or cat or chicken, provided such chicken is kept in conformance with the regulations set forth in Section 618.25 hereof and subject to the issuance of a special use permit.

(b) Whoever violates this section is guilty of a minor misdemeanor.

Section 5. Codified Ordinance Section 618.20 as existing immediately prior to the passage of this ordinance is hereby repealed.

Section 6. Prior to February 28, 2019, City Council shall hold a public hearing to review this ordinance including, but not necessarily limited to, the regulations created hereunder and the amendments to codified ordinances, for the purpose of hearing public comment and evaluating the permitted use of the keeping of chickens.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance of all legal requirements.*9*-/*

Section 8. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, the emergency being the need to allow for the issuance of a special use permit in a time frame that will allow residents to purchase chicks and thereby take advantage of these regulations in the current year; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

CITY OF UNIVERSITY HEIGHTS, OHIO


MICHAEL DYLAN BRENNAN, MAYOR

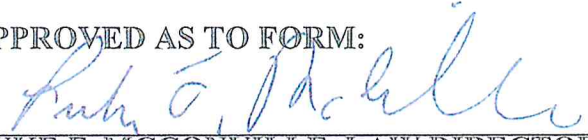
FIRST READING: March 5, 2018

PASSED: April 2, 2018

ATTEST:


KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:


LUKE F. MCCONVILLE, LAW DIRECTOR