

**ORDINANCE NO. 2018 - 12**

**AN ORDINANCE REGULATING CHICKENS**

**WHEREAS**, there is a popular trend in and around communities abutting Golf Manor to exclude chickens as prohibited farm animals and to allow the raising of chickens for personal use on residential property; and

**WHEREAS**, Council, after considering the issue of urban farming of chickens, does believe it is appropriate, consistent with rules and guidelines to protect surrounding residents, to permit residents within the Village to raise chickens on their property for personal use.

**NOW THEREFORE**, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

**SECTION I.** The Code of Ordinances is hereby amended to add the following Section 505.001:

**§ 505.001 DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply:

*Family Pets or Pets.* Small animals kept in or around a family home and are customarily animals such as dogs, cats and small furry animals and does not include any animal except a dog which when grown to maturity weighs more than 30 pounds.

*Farm Animal.* A farm animal is any type of animal customarily raised for profit except riding horses which are not maintained for commercial purposes.

**SECTION II.** Section 505.17 of the Code of Ordinances is hereby amended as follows:

**§ 505.17 RESTRICTIONS ON HOUSING PETS.**

(A) No farm animals including live poultry or livestock shall be kept in any residential dwelling or part thereof. Any fowls or animals kept on the same lot or premises with a residential dwelling shall be in accordance with § 505.19, any restriction or regulations under the Planning and Zoning Code, or regulations of the Hamilton County Board of Health.

(B) No person shall house, store, board or otherwise maintain more than three dogs over twelve weeks of age within or upon the property of any single family residential home of the Village, and no more than six dogs within or upon the

property of any multi-family structure within the residential district of the Village.

(C) Whoever violates this section is guilty of a minor misdemeanor. Each day such violation occurs shall be considered and charged as a separate offense.

**SECTION III.** Chapter 505 of the Code of Ordinances is hereby amended to add the following Section 505.19:

**§ 505.19 CHICKENS.**

(A) Notwithstanding other provisions in the Village Code of Ordinances, chickens may be kept within the Village in the R-A Residential Single Family District and R-B Multi-Family District, subject to the following rules and conditions.

(B) For purposes of this section, chickens are not deemed to be “farm animals” as defined in the Village Code of Ordinances so long as said chickens are kept, raised, or used in any manner related to a personal or household use, such as for personal consumption, education, or to maintain such animals as pets. Chickens may not be kept, raised or used for commercial purposes, including but not limited to the sale of chickens or eggs or to convey the same for profit, in which case such chickens are deemed to be “farm animals” as defined in this Code.

(C) *Restrictions.*

(1) Each household in the R-A Residential Single Family District may keep up to six chickens on the premises at any one time. If two or more residents in the R-B Multi-Family District share a common chicken habitat or coop on one property, up to 12 chickens may be kept on the multi-family premises.

(2) Only female chickens, a/k/a hens, may be kept in the Village. Males, a/k/a roosters, are not allowed at any time.

(3) No chickens may be slaughtered on any residential property in the Village.

(4) Chicken feed must be kept in a rodent- and predator-proof container.

(D) *Habitat.*

(1) Chickens may only be maintained outdoors in a predator-proof chicken house, coop, or other structure that is thoroughly ventilated, of sufficient size to permit free movement of the animals, designated to be easily

accessed, cleaned, and maintained by the owner, and at least two square feet in size for each chicken.

(2) All such structures are herein defined as “habitat” or “habitat structure” and shall be considered as accessory structures as defined elsewhere in this Code. A zoning permit is required for this and all other accessory structures. All such structures shall comply with the provisions set forth in § 1129.03 and § 1131.03, including but not limited to six (6) foot setback from adjoining property lines.

(3) In addition to the other conditions and restrictions applicable to accessory structures, at least 50% of any structure housing chickens must be appropriately screened from the street and abutting properties by either a fence, wall, or landscaping as permitted in the Village to provide reasonable and appropriate cover to reduce, lessen, or obscure the visual impact of the structure. Such screening shall be evenly spaced around the structure as appropriate.

(4) Chickens shall be enclosed within the habitat structure at night from sunset to sunrise. If chickens are allowed by the owner to be outside of the structure from sunrise to sunset, the chickens must be contained within an area that is fenced or surrounded by other barriers (“containment area”) so as to prevent access to the chickens by dogs or other predators, and to prevent chickens from travelling outside of the containment area.

(5) All areas in and around the chicken habitat structure must be maintained in a clean, safe, sanitary and orderly manner for the health and welfare of the chickens as well as all other animals and persons. No part of the structure or surrounding area shall constitute a nuisance. No person shall allow the chickens or the habitat to be a nuisance, including but not limited to allowing noxious odors or any noise of a loud or persistent and habitual nature.

(E) *Permits.*

(1) No person shall keep a chicken on property within the Village without a permit issued by the Village. There is no fee for the permit. The Village Administrator has the authority to consider all such permit applications as well as revocations of any such permit. Applications for a permit shall be made in writing and submitted to the Administrator. A decision on a permit application shall be made by the Administrator within 15 business days of receipt, excluding weekends and holidays. If a permit application is denied, or if a permit is revoked, the property owner may appeal the Administrator’s decision to the Planning Commission within seven (7) business days of the date the Administrator’s written decision is issued. The Administrator may, at his or her sole discretion, provide an extension of time for good cause to any person filing an appeal. If a permit is revoked, the property owner may continue to maintain chickens on the subject property pending an appeal and decision by

the Planning Commission unless the revocation is due, in whole or in part, to a nuisance, in which event such nuisance must be remedied as directed by the Administrator whether or not the revocation is appealed.

(2) Any person submitting an application for a permit under this section shall consent to an inspection by the Village of the property where the chicken(s) will be kept.

(3) If the Administrator becomes aware of a possible violation of this section on property subject to a permit under this section, the Administrator shall be permitted to inspect the property at any reasonable time after written notice to the occupants of the subject property to determine whether or not a violation exists. If the Administrator determines that a violation of the Village Code of Ordinances exists, the property owner shall be notified to bring the property into compliance within a reasonable amount of time as determined by the Administrator. If the property is not brought into compliance within the time to remedy a violation, the permit shall be automatically revoked.

(F) The Village Administrator may designate any employee or agent of the Village to perform any of the duties of the Administrator, or exercise the authority of the Administrator, as prescribed by this section.

(G) *Penalty.* Whoever violates this section is guilty of a minor misdemeanor. Each day the violation exists constitutes a separate violation.

**SECTION IV.** This Ordinance shall take effect the earliest opportunity as allowable by law.

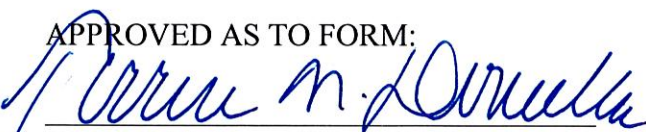
PASSED this 27<sup>th</sup> day of August, 2018.

  
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Mayor Greg Schwartzberg

ATTEST:

  
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Anna Gedeon, Assistant Clerk

APPROVED AS TO FORM:

  
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Terrence M. Donnellon, Solicitor