

adopted 3-28-2022

passes 4-3

ORDINANCE NO.: AMENDED 70-2021
SPONSORED BY: COUNCILPERSON AVERY JOHNSON

AN ORDINANCE AMENDING SECTION 505.13, *ANIMALS PROHIBITED IN CITY*, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS

WHEREAS, Section 505.13 of the Garfield Heights Codified Ordinances states that chickens are not permitted within in the City, and

WHEREAS, at this time, Garfield Heights City Council wishes to amend Section 505.13 to permit residents to raise hens.

NOW, THEREFORE, BE IT ORDAINED by this Council of the City of Garfield Heights, Ohio that:

SECTION 1. Section 505.13 of the Codified Ordinances of the City of Garfield Heights, Ohio, which currently reads as follows (~~strike through~~ indicating language to be removed):

505.13 ANIMALS PROHIBITED IN CITY.

(a) No person being the owner or harborer, or having charge of any horse, mule, cow, sheep, goats, swine, chickens, geese, ducks or any other fowl or animals shall keep, harbor or permit same within the City.

(b) The provisions of this section shall not be applicable to domesticated dogs and cats, which are not permitted to run at large, nor shall such provisions be applicable to mercantile establishments engaged in the sale of fowl, cattle, sheep and swine for human consumption.

(~~e~~) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Shall be amended to read as follows (**bold** indicating new language):

505.13 ANIMALS PROHIBITED IN CITY.

(a) No person being the owner or harborer, or having charge of any horse, mule, cow, sheep, goats, swine, chickens, geese, ducks or any other fowl or animals shall keep, harbor or permit same within the City.

(b) The provisions of this section shall not be applicable to domesticated dogs and cats, which are not permitted to run at large, nor shall such provisions be applicable to mercantile establishments engaged in the sale of fowl, cattle, sheep and swine for human consumption.

(c) **Notwithstanding any of the foregoing, female chickens ("hens," for the purpose of this subsection (c)), may be kept in the City only in accordance with the following regulations:**

(1) Zoning Districts. Hens may be kept only in an U1 Residential Single - Family or U2 Residential Single - and Two - Family District.

(2) Application, Permit and Renewal. Before the keeping of hens may occur, an annual permit shall have first been obtained from the Building Department. The permit application must be accompanied by a \$25.00 fee paid to the City. New permit applications shall include the following information: the name, phone number, home

address and email address of the applicant; the size and location of the subject property; a proposal containing the number of hens the applicant seeks to keep on the property; a description of any coop or outdoor enclosure providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties, with specifications and drawings; a certificate or letter showing that the applicant has passed a class in keeping backyard hens from the Ohio State University Extension or other source approved by the Building Commissioner; the written permission of the adjacent property owners for the applicant to keep hens, and, if the applicant is not the owner of the property, the written permission of the property owner, and the applicant's permission for any City official to enter the lot to determine whether the permit should be granted and the use maintained. Renewal permit applications shall be on a form prescribed by the Building Commissioner. Both New and Renewal permit applications shall contain a waiver to allow a records check within the City to ensure that the applicant is in compliance with all applicable codes.

(3) **Inspection.** Within 30 days of the Building Commissioner or his or her designee receiving the initial application, he or she shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the lot dimensions in the application are accurate; determine the feasibility of the applicant meeting the remaining criteria in this subsection (c); and note whether any extraordinary circumstances exist, such as outstanding property citations or unsanitary property conditions, or such as the applicant's proximity to other approved or proposed coops such that a neighborhood may be adversely impacted, that would militate against the granting of the application. For new permit applications, an inspection of the coop and any fencing shall be conducted within 30 days' notice from the applicant that the coop has been installed.

A determination shall be made, within 30 days of the inspection, whether the permit should be issued.

(4) **Personal Use; Limitations.** Hens may be kept only for personal use by persons residing in the principal structure on the lot on which the hens are kept. No hens may be kept on a lot containing more than three dwelling units. Residents of no more than one dwelling unit within a structure may keep hens on that lot. No more than six hens shall be allowed on any lot.

(5) **Setbacks.** Coops or accessory structures housing hens shall be kept at least three feet from the side and rear property lines. All such structures shall be located no less than 20 feet behind the rearmost wall of the principal structure on the lot.

(6) **Enclosure.** The base surface of a coop and run must not exceed 80 square feet and six feet in height and shall be exempt from the lot coverage restrictions contained in the Zoning Code. Hens shall not be allowed out of these enclosures unless the rear yard of the property is fenced along the rear and side lot lines, and a resident of the property on which the hens are kept is directly monitoring them within the fenced area of the back yard such that the resident is able to immediately return the hens to the cage or coop if necessary. (The manufacturer's specifications for the coop, or otherwise adequate drawings including dimensions, shall be submitted for approval together with the application for the permit.) These requirements are repeated above in the application section. Hens shall be kept in a covered, predator-proof coop that is well-ventilated and designed to be accessed for cleaning. The enclosure shall be of uniform and sturdy design and constructed of quality, decay-resistant materials. Fencing, if used, shall comply with Chapter 1155 of this code. The enclosure shall be maintained in good repair at all times so as to protect the aesthetics of the neighborhood and to not present a blighted or untidy appearance to the property or to neighbors. Hens shall have access to an outdoor enclosure or run that is adequately fenced to contain the hens on the property, to prevent them from running at large, and to prevent access by

predators. The combined area of the coop and run shall allow at least three-square feet per hen, and shall otherwise be constructed to provide humane conditions and to ensure the health and well-being of the animals occupying it are not endangered by the manner of keeping or confinement.

(7) Sanitation; Slaughtering. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. All feed must be stored in a weather and rodent - proof container. No hens shall be slaughtered except in accordance with, and only if permitted by, Chapter 918 of the Ohio Revised Code.

(8) Number and Transferability. Within the first year of the effective date of this section, no more than 24 non - transferable permits shall be issued pursuant to this subsection (c). At the first anniversary of the effective date of this section and at each anniversary thereafter, an additional 13 non - transferable permits may be issued pursuant to this subsection (c), except that at no time shall the total number of permits issued in the City exceed 50. Initial applications shall be kept on file by the Building Commissioner and considered in order of their receipt.

(9) Enforcement. All complaints arising from the keeping of hens shall be investigated by the Animal Warden. All complaints arising from the structure containing the hens shall be investigated by the Building Department. Each department shall issue orders and citations as necessary.

(10) Permit Revocation. The Building Commissioner and the Animal Warden shall have the authority to revoke a permit at any time if the permit holder materially fails to adhere to the provisions of this subsection (c). When a permit is revoked, all animals and housing for the animals shall be removed from the property within 7 days of the revocation.

(11) Appeal. Any denial of a permit application or revocation of a permit may be appealed to the Board of Zoning Appeals within 30 days of such notice, pursuant to Chapter 1123.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Each subsequent violation shall be charged as a misdemeanor of the first degree.

SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: 3-28-2022

APPROVED: 
MAYOR


PRESIDENT OF COUNCIL

ATTEST: 
CLERK OF COUNCIL

EFFECTIVE DATE: 4-27-2022