

PROPOSED CODE CHANGE
Planning Commission File No. CC-0002-2016
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505.08 - HOUSING OF ANIMALS.

- (a) Horses, cattle, chickens, swine, sheep, goats or any other farm animals may be kept within the City only as established by ordinance of the Municipality.
- (b) Whoever violates this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for the second or subsequent offense. In addition, for second or subsequent violations, the Court may order the offender to forfeit the animals.

(Ord. 28-2001. Passed 3-5-01.)

505.081 CHICKENS.

- (a) No person shall own, keep or harbor any chickens without meeting the requirements and conditions established by ordinance of the Municipality.
- (b) No person shall sell animal products including but not limited to meat and eggs of said chickens.
- (c) No person shall own, keep, or harbor a rooster unless so authorized by ordinance of the Municipality.
- (d) No person shall fail to comply with all other sections in Chapter 505, Animals and Fowl, involving the care and responsibility of animals.
- (e) No person shall fail to comply with all requirements and regulations in the Planning and Zoning Code of the City of Gahanna.
- (f) Whoever violates this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for the second or subsequent offense. In addition, for second or subsequent violations, the Court may order the offender to forfeit the animals.

505.09 - ANIMAL NUISANCE CONDITIONS PROHIBITED.

- (a) No person shall keep or harbor any animal in the City so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.
- (b) No person shall keep or otherwise harbor any animal within the City which, by frequent and habitual barking, howling or yelping, menacing passersby, chasing vehicles, or attacking other domestic *animals*, results in disturbance of the peace, quiet and good

order of the City. Any person, who allows any animal habitually to remain, be lodged, or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such animal.

(c) Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, sidewalk, building, park, playground, school ground or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

(d) No person being the owner or in charge or control of any animal shall allow or permit such animal to commit a nuisance on any school grounds, playground, City park or upon any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such nuisance shall be considered abated.

(e) No person shall erect, use or maintain a building, structure or place for the keeping or feeding of *animals* which by causing noise or offensive smells becomes injurious to the health, comfort or property of individuals or the public.

(f) No person shall keep more than five (5) adult *animals* for pleasure, profit, breeding or exhibiting unless so authorized by ordinance of the Municipality. Adult *animals* are defined as older than three months in age.

(g) Whoever violates this section is guilty of a minor misdemeanor for the first offense, a misdemeanor of the fourth degree for the second offense, and a misdemeanor of the second degree for all subsequent offenses.

(Ord. 0105-2002. Passed 6-17-02.)

1123.34 KENNEL OR OTHER *ANIMAL* SHELTERS.

Kennel or other animal shelters means the keeping of more than five (5) animals at least three months of age for pleasure, profit, breeding or exhibiting.

CHAPTER 1170 – REGULATION OF CHICKENS

1170.01 Purpose and Intent.

The purpose of this section is to establish the requirements for the keeping of chickens on single-family residential lots smaller than one (1) acre, which are intended to prevent nuisances to occupants of nearby properties and prevent unsanitary or unsafe conditions.

1170.02 Definitions.

The following definitions shall apply for the purposes of this chapter:

- (a) *Sheltering Structure* shall mean a structure, not necessarily attached to the ground, with a top and sides that provides shelter and protection for small animals or birds.
- (b) *Rodent-proof container* shall mean a container which, by design, will prevent rodents or other animals from accessing its contents.
- (c) *Predator-proof sheltering structure* shall mean a structure, not necessarily attached to the ground, with a top and sides that provides shelter and protection for small animals or birds and which, by design, will prevent predator or other animals from gaining access.

1170.03 Establishment.

No person shall engage in the keeping of chickens prior to obtaining a permit in compliance with the requirements and regulations of the ordinances of the Municipality.

1170.04 Types and Number of Animals.

- (a) Prohibited poultry – No person shall keep any roosters, geese, peafowl, pheasants, quail, or turkeys on lots smaller than one (1) acre.
- (b) Chickens – The number of chickens allowed on a parcel smaller than one (1) acre shall be as follows:
 - 1) Smaller than .5 acres – 3 chickens maximum
 - 2) .5 acres to less than 1 acres – 5 chickens maximum
- (c) The number of animals (chickens) allowed under this chapter shall not be included when counting the maximum number of adult animals permitted to be kept in the Municipality.

1170.05 Development Standards.

(a) Yards and Location on Lot – Any sheltering structure and outdoor areas used for keeping chickens shall comply with the following yard and setback requirements:

- 1) Be located on a property containing a principal structure.
- 2) Be located in a rear yard.
- 3) Be located at least ten (10) feet from any property line.

(b) Sheltering Structures and Outdoor Areas

- 1) All chickens shall be provided with a covered, predator-proof sheltering structure, which shall be kept in sound and usable condition. Sheltering structures shall be thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals.
- 2) A sheltering structure shall be considered as an unattached accessory use.
- 3) There shall be no more than one (1) sheltering structure with a minimum required size of two (2) square feet per chicken and a maximum of four (4) square feet per chicken.
- 4) Any outdoor areas accessible to chickens shall be adequately fenced or otherwise bounded to contain the animals. The outdoor area shall meet the minimum required size of four (4) – five (5) square feet per chicken.

(c) Screening – Properties must screen sheltering structures and outdoor areas used by chickens from adjacent properties and from the public right-of-way. Fences used for screening shall be six (6) feet in height, 100% opaque, and made of wood or other similar opaque fencing material that complies with Planning and Zoning Code of the City of Gahanna.

(d) Feed Storage – All feed shall be stored in rodent-proof containers.

(e) Manure – Manure from chickens must be disposed of in one of the following manners:

1) Household trash collection

- a. Manure must be bagged, placed in a waterproof container and disposed of with household trash.

2) Composted and applied onsite

- a. Manure must be kept in a rodent-proof container designed to limit odors.
- b. Containers must be located in a rear yard a minimum of ten (10) feet from property lines.
- c. Finished compost may be applied onsite.

3) Directly applied onsite

- a. Manure applied directly onsite must be done in such a way as to prevent nuisance and polluted stormwater runoff.

1170.06 Animal Products and Processing.

(a) Sale of Animal Products – The sale of animal products including but not limited to meat and eggs shall be prohibited.

(b) Slaughtering and Butchering – The slaughtering and butchering of animals shall be prohibited within the municipal boundaries.

1170 .07 Permits.

(a) Annual Permit – Applicants seeking to keep chickens must apply each year for and receive a permit. The permit is valid for one year from the date of issuance unless otherwise revoked.

(b) Information required – Proof of immunization of each chicken must be submitted with the permit application. A permit will not be issued or may be revoked if the keeping of chickens is prohibited by deed restriction. If the applicant is someone other than the property owner, the application must include a notarized statement of consent, signed by the property owner. The following information must be included on the site plan or in accompanying documentation:

- 1) The actual dimensions of the lot including easements;
- 2) The exact size and location of all buildings on the lot;
- 3) The proposed new construction;
- 4) The existing and intended use of all parts of the land or buildings;
- 5) A description of the type and number of animals to be kept;
- 6) Coop or shelter type;
- 7) Location of coop or shelter with all setbacks from property lines indicated. If using a portable coop or shelter, indicate the yard area in which the coop or shelter will be kept;
- 8) Location and manner of containment of outdoor areas with all setbacks from property lines indicated. If using a portable containment system, indicate the yard area in which the system will be kept;
- 9) Feed storage container location and type;
- 10) Location, method, and schedule of manure storage and disposal;
- 11) Any other relevant information related to keeping the animals, if requested by the City.

(c) Operation – The person or persons keeping the chickens shall own or otherwise have the present right of possession of the parcel upon which coops or shelters are situated.

(d) Conditions - Notwithstanding compliance with the various requirements of this section, chickens shall not be kept in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others. Chickens shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. It is the responsibility of the person keeping chickens to be aware of and abide by all applicable local, state and federal requirements including but not limited to the Ohio Department of Agriculture's Ohio Livestock Care Standards as well as private deed or covenant restrictions.

(e) Fees – The applicant shall pay fees, as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of These Codified Ordinances.

1170.08 – Variances and Appeals.

(a) *Variances.* No variances shall be granted or approved for this chapter.

(b) *Appeals.* Any person affected by any decision of the Planning and Zoning Administrator made pursuant to this chapter may file an appeal with the Board of Zoning and Building Appeals.

1170.09 – Penalty.

Any person, firm, corporation or other entity violating any provision, amendment or supplement of this chapter, or failing to obey any lawful order of the Planning and Zoning Administrator issued in pursuance thereof, shall be deemed guilty of a minor misdemeanor. Each and every day during which such violation of any provision, amendment or supplement of this chapter occurs or each and every day during which there is failure to obey any lawful order of the Planning and Zoning Administrator may be deemed a separate offense.