

PASSED: May 14, 2012  
BY: Muething

ORDINANCE NO. 2012-02

ORDINANCE ADOPTING SECTION 154.54 TO PERMIT  
DOMESTICATED CHICKENS IN THE VILLAGE

**WHEREAS**, Amberley Village encourages residents to pursue healthy eating options, which includes locally and organically grown and raised food sources;

**WHEREAS**, in recent years there has been a significant trend around the nation and the region to promote urban farming, including the raising of domesticated chickens on residential properties;

**WHEREAS**, chickens are permitted in a large number of surrounding communities under certain conditions, including the City of Cincinnati, Deer Park, Norwood, Montgomery, Madeira, Wyoming, Glendale, Milford, Terrace Park and Indian Hill;

**NOW, THEREFORE, BE IT ORDAINED BY THE** Council of Amberley Village, State of Ohio, six (6) members elected thereto concurring:

**SECTION 1:** Section 154.54 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

**§ 154.54 CHICKENS.**

(A) Notwithstanding other provisions in the Village Code of Ordinances, chickens may be kept within the Village in any residential 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 Village may keep up to six chickens on the premises at any one time. If two residents share a common chicken habitat or coop on one property, up to 12 chickens may be kept on the premises.

(2) Only female chickens, aka hens, may be kept in the Village. Males, aka 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, designed 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 Section 154.12, including but not limited to a 20-foot setback from adjoining property lines in Residence A Districts, and a 12-foot setback from such lot lines in Residence B Districts.

(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. In addition to the provisions and remedies set forth in the Property Maintenance Code, 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 Manager 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 Manager. A decision on a permit application shall be made by the Manager 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 Manager's decision to the Board of Zoning Appeals within seven business days of the date the Manager's written decision is issued. The Manager 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 Board of Zoning Appeals unless the revocation is due in whole or part to a nuisance, in which event such nuisance must be remedied as directed by the Manager 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 Manager becomes aware of a possible violation of this section on property subject to a permit under this section, the Manager 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 Manager 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 Manager. If the property is not brought into compliance within the time to remedy a violation, the permit shall be automatically revoked.

(F) The Village Manager may designate any employee or agent of the Village to perform any of the duties of the Manager, or exercise the authority of the Manager, 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 2:** If any section, paragraph, subsection, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part hereof.

**SECTION 3:** The Health, Education & Welfare Committee shall revisit and review this ordinance no later than one year from the effective date hereof.

**SECTION 4:** That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Passed this 14<sup>th</sup> day of May, 2012.

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Mayor J.K. Byar

Attest:

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Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Muething Second: Doering

Byar	<u>Aye</u>
Wolf	<u>Aye</u>
Hattenbach	<u>Aye</u>
Muething	<u>Aye</u>
Bardach	<u>Aye</u>
Warren	<u>Nay</u>
Doering	<u>Aye</u>

I, Clerk of Council of Amberley Village, Ohio, certify that on the \_\_\_\_ day of May, 2012, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

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Nicole Browder, Clerk of Council