

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 244

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING CHAPTER 618 OF PART SIX-GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO ESTABLISH A NEW SECTION 618.23 CONCERNING REGULATION OF POULTRY IN THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Chapter 618 of Part Six-General Offenses Code of the Codified Ordinances of the City of Strongsville is hereby amended by establishing a new Section 618.23 to read in its entirety as follows:

**CHAPTER 618
Animals**

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| 618.01 | Dogs and other animals running at large. |
| 618.02 | Abandoning animals. |
| 618.03 | Harming or obstructing animals used in law enforcement. |
| 618.04 | Poisoning animals. |
| 618.05 | Cruelty to animals generally. |
| 618.051 | Cruelty to companion animals. |
| 618.06 | Sale, display, coloring or offering of live animals. |
| 618.07 | Barking or howling animals. |
| 618.08 | Registration of dogs required. |
| 618.09 | Hindering capture of unregistered dog. |
| 618.10 | Unlawful tags. |
| 618.11 | Rabies quarantine. |
| 618.12 | Hunting or trapping prohibited. |
| 618.13 | Nuisance conditions prohibited. |
| 618.14 | Impounding and disposition; fees. |
| 618.15 | Reporting escapes. |
| 618.16 | Animal owner liable for damage to public property. |
| 618.17 | Transfer of ownership or possession of dog; classification as dangerous, nuisance or vicious dog; court hearing; appeal. |
| 618.18 | Confinement or restraint of dog; liability insurance; debarking or surgically silencing dog. |
| 618.19 | Vicious animals. |

- 618.20 Dogs with blind, deaf or mobility impaired persons.
- 618.21 Exceptions.
- 618.22 Assaulting police dog or horse or an assistance dog.
- 618.23 Poultry.

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618.23 POULTRY.

(a) As used in this Section, "Poultry" means any domesticated fowl collectively, including but not limited to any chickens, turkeys, ducks and geese.

(b) No person shall keep or raise any poultry within the City of Strongsville unless all of the following conditions are met:

- (1) An accessory structure such as a pen, coop or other enclosure, with a fixed location secured to the ground, shall be required for the keeping or harboring of poultry;
- (2) Such pen, coop or other enclosure shall contain or be within or contiguous to an attached area surrounded by a fence, at least eighteen (18) inches in height, to allow the poultry to exercise ("poultry exercise area");
- (3) Such pen, coop or other enclosure, including the fenced exercise area, shall meet the requirements of all building and zoning laws;
- (4) Such pen, coop or other enclosure, shall not be dilapidated;
- (5) Such pen, coop or other enclosure, including the adjacent yard area, shall be kept in a sanitary condition as determined by the Animal Control Officer or any inspector from the Building Department. As used herein, the term, "sanitary condition" means a condition that does not destroy the lawn or yard area, allow flies to breed, cause an odor offensive to an adjacent residence or business property or cause or allow the poultry to become ill;
- (6) Such pen, coop, other enclosure or poultry exercise area shall be in compliance with Chapter 1432 of the Strongsville Codified Ordinances and Section 1252.03(e)(1) of the Strongsville Codified Ordinances;
- (7) There shall only be one pen, coop or other enclosure, for the keeping or harboring poultry permitted on a property;
- (8) Any poultry, while on the premises of its owner or custodian, shall be confined in such pen, coop, other enclosure or poultry exercise area.

- (9) Any poultry raised or kept within the City of Strongsville shall only be permitted on a lot of not less than 20,000 square feet in area.
- (10) There shall be no more than twelve (12) poultry kept or harbored on property that is at least twenty thousand (20,000) square feet in area. If the property area exceeds one (1) acre in size, no more than twenty-four (24) poultry may be kept on the property; and
- (11) There shall be no roosters kept or harbored on the property.

(c) On the effective date of this Ordinance, any property owner who keeps or harbors more than the maximum number of poultry permitted by this Ordinance shall provide written notice, on a form provided by the City of Strongsville, to the City of Strongsville Animal Control Officer, of the property address and number of poultry on the property. Such written notice shall be submitted no later than April 15, 2017. Following receipt of this notice, the Animal Control Officer shall inspect the property to confirm the number of poultry. Should the Animal Control Officer discover any violation during this inspection, the Animal Control Officer shall notify the property owner immediately. Upon confirmation of the number of poultry by the Animal Control Officer, the property owner shall reduce the quantity of poultry pursuant to the following schedule:

Lot Size	Maximum Number of Poultry by December 31, 2017	Maximum Number of Poultry by December 31, 2018
More than 20,000 square feet but less than 1 acre	18	12
More than 1 acre	36	24

Any property owner who does not provide written notice to the City of Strongsville Animal Control Officer by April 15, 2017 of the number of poultry on a property, shall be presumed to be keeping or harboring a quantity of poultry at or below the maximum quantity permitted by this Ordinance and such property owner will be required to be in compliance with the maximum quantity permitted by this Ordinance by April 16, 2017.

Nothing in this subsection or any other subsection shall be interpreted as allowing any violations of this Ordinance after its effective date.

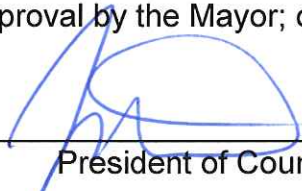
(d) Whoever violates any provisions of this Section shall be guilty of a misdemeanor of the fourth degree.

(e) Any violation of any provision of this Section shall be considered a nuisance, and in addition to any penalties provided herein, the nuisance may be abated by the City of Strongsville pursuant to Section 606.28 of the Codified Ordinances of the City of Strongsville.

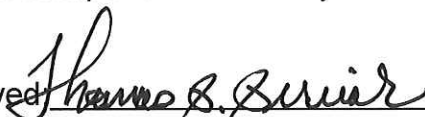
Section 2. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to provide regulation of poultry animals in the City for the safety of all residents. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.



President of Council

Approved: 

Mayor

Date Passed: December 19, 2016

Date Approved: December 20, 2016

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	_____
Daymut	<u>✓</u>	_____
DeMio	<u>✓</u>	_____
Dooner	<u>✓</u>	_____
Schonhut	<u>✓</u>	_____
Short	<u>✓</u>	_____
Southworth	<u>✓</u>	_____

Attest: 

Assistant Clerk of Council

ORD. No. 2016-244 Amended: _____
1st Rdg. 12-19-16 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: 12-19-16 Defeated: _____