

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2015-18

By Nick Haschka Sponsored By Mayor Cyril M. Kleem  
AN ORDINANCE

## ENACTING SECTION 905.03.1, POULTRY, OF PART NINE, ANIMAL CONTROL, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA.

**WHEREAS**, residents of the city have been raising poultry on individual residential lots within the city; and

**WHEREAS**, some of these persons have created conditions which could present a risk to the poultry as well as to the neighboring residents; and

**WHEREAS**, the City has found that regulation of the raising of poultry within the City is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That section 905.03.01, Poultry, of Chapter 905, Animals, of Part Nine, General Offenses Code of the Codified Ordinances of the City of Berea shall be, and is hereby enacted to, read as follows:

### 905.03.01 Poultry

(a) No person shall keep or raise any poultry within the City of Berea unless 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;
- (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 or other enclosure shall be completely located in the rear yard and no portion of the pen, coop or other enclosure, including the fenced exercise area, shall extend into any other yards;
- (7) There shall only be one pen, coop or other enclosure, for the keeping or harboring poultry permitted on a property;
- (8) There shall be no more than eight poultry animals kept or harbored on the property unless the property is at least ten thousand (10,000) square feet in area in which case, no more than twelve poultry animals may be kept on the property. If the property area exceeds one (1) acre in size more than 12 but no more than 24 poultry animals may be kept on the property ;

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(9) There shall be no roosters kept or harbored on the property.

(b) On the effective date of this ordinance, any property owner who keeps or harbors more than the maximum number of poultry animals permitted by Subsection 905.03.01(a)(8) of this Ordinance shall provide written notice, on a form provided by the City of Berea, to the City of Berea Animal Control Officer of the property address and number of poultry animals on the property. Such written notice shall be submitted no later than April 15, 2015. Following receipt of this notice, the Animal Control Officer shall inspect the property to confirm the number of poultry animals. Should the Animal Control Officer discover any other violation of Section 905.03.01 during this inspection, the Animal Control Officer shall notify the property owner immediately. Upon confirmation of the number of poultry animals 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 animals by January 1, 2016	Maximum Number of Poultry animals by January 1, 2017
Less than 10,000 square feet	12	8
More than 10,000 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 Berea Animal Control Officer by April 15, 2015 of the number of poultry animals on a property shall be presumed to be keeping or harboring a quantity of poultry at or below the maximum quantity permitted by Subsection 905.03.01(a)(8) of this ordinance and such property owner will be required to be in compliance with the maximum quantity permitted by this ordinance by April 16, 2015.

Nothing in this subsection or any other subsection shall be interpreted as allowing any violations of Subsections 905.03.01(a)(1), (2), (3), (4), (5), (6) or (9) after the effective date of this ordinance. Any property owner who keeps or harbors more than the maximum number of poultry animals permitted by Subsection 905.03.01(a)(8) of this Ordinance, has properly provided written notice to the City of Berea Animal Control Officer by April 15, 2015, and violates Subsection 905.03.01(a)(7) may, if necessary, keep and maintain the number of pens, coops or other enclosures which exist on the property on the effective date of this Ordinance until such time as the property comes in to compliance with Subsection 905.03.01(a)(8), regulating the numbers of allowed poultry animals, and no later than January 1, 2017.

(c) Any violation of any provision of this Section shall be considered a nuisance, and in addition to any penalties provided in Sections 905.99, the nuisance may be abated by the City of Berea pursuant to Chapter 931 of the Codified Ordinances of the City of Berea.

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**SECTION 2.** 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 of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: March 2, 2015

ATTEST: [Signature]  
Clerk of Council

[Signature]  
President of Council

APPROVED: March 5, 2015

[Signature]  
Mayor

APPROVED AS TO FORM:

[Signature]  
Director of Law