

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2014-47

By Nick Haschka Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

**AMENDING CODIFIED ORDINANCE SECTIONS NUMBER 905.03, LIVESTOCK PERMITS, AND NUMBER 905.17, FAIRGROUNDS, OF CHAPTER 905, ANIMALS, OF THE CODIFIED ORDINANCES OF THE CITY OF BREA.**

**BE IT ORDAINED** by the Council of the City of Berea, Cuyahoga County, State of Ohio:

**SECTION 1.** That Berea Codified Ordinance Number 905.03, Livestock Permits, which has heretofore read as follows:

### 905.03 LIVESTOCK PERMITS.

(a) No person shall keep a barn, stable or enclosure for any livestock within the City without having first obtained a permit from the Director of Public Safety. Such permit shall contain the name, age, breed, description and any special markings peculiar to such livestock.

(b) No permit shall be issued by the Director of Public Safety for any livestock unless the following conditions are met:

(1) The sublot or parcel of real property upon which such livestock shall be kept or harbored shall be not less than one acre in size for each such livestock.

(2) If such livestock shall be kept or harbored upon property not owned by the owner of such livestock, no permit shall be issued until there shall have been filed with the Director of Public Safety the written consent of the owner of the sublot or parcel of property upon which such livestock shall be kept or harbored.

(3) A stable, barn or enclosure shall be required for the keeping or harboring of livestock. Such stable, barn or enclosure shall meet the requirement of the building and zoning laws and shall be kept in a sanitary condition, and shall not be nearer than fifty feet to a street or any property line, or municipal boundary line, nor nearer than one hundred feet to any dwelling. The provisions of subsection (3) shall not apply to stables presently in use on the Cuyahoga County Fairgrounds property.

(4) Non-domesticated livestock shall not be permitted unless the permit applicant shall demonstrate to the satisfaction of the Director of Public Safety that:

A. All reasonable precautions have been taken to securely cage or enclose the livestock and prevent the livestock from running at large; and

B. Such livestock will not present a threat to the public peace, health and safety if the livestock escapes its cage or enclosure.

The fee for any livestock permit shall be ten dollars (\$10.00) for any calendar year or part thereof.

(Ord. 90-158. Passed 9-17-90.)

Shall be and is hereby amended to read as follows:

### 905.03 LIVESTOCK PERMITS.

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City of Berea, Ohio

ORD

No. 2014-47

By Haschka

Sponsored By Mayor Kleem

(a) No person shall keep a barn, stable or enclosure for any livestock within the City

without having first obtained a permit from the Director of Public Safety. Any such permit shall only be issued and used for keeping or harboring animals owned by the owner of the property or a person residing at the property for which the permit is issued. In no instance shall a permit holder rent or lease the property for use by animals not owned by the permit holder or accept any form of compensation for allowing an animal to be kept or harbored on the property other than an animal owned by the owner of the property or a person residing at the property which is subject to the permit. Such permit shall contain the name, age, breed, description and any special markings peculiar to such livestock.

(b) No permit shall be issued by the Director of Public Safety for any livestock unless the following conditions are met:

(1) The subplot or parcel of real property upon which such livestock shall be kept or harbored shall be not less than one acre in size for each such livestock.

(2) If such livestock shall be kept or harbored upon property not owned by the owner of such livestock, no permit shall be issued until there shall have been filed with the Director of Public Safety the written consent of the owner of the subplot or parcel of property upon which such livestock shall be kept or harbored.

(3) A stable, barn or enclosure shall be required for the keeping or harboring of livestock. Such stable, barn or enclosure shall meet the requirement of the building and zoning laws and shall be kept in a sanitary condition, and shall not be nearer than fifty feet to a street or any property line, or municipal boundary line, nor nearer than one hundred feet to any dwelling. The provisions of subsection (3) shall not apply to stables presently in use on the Cuyahoga County Fairgrounds property.

(4) Non-domesticated livestock shall not be permitted unless the permit applicant shall demonstrate to the satisfaction of the Director of Public Safety that:

A. All reasonable precautions have been taken to securely cage or enclose the livestock and prevent the livestock from running at large; and

B. Such livestock will not present a threat to the public peace, health and safety if the livestock escapes its cage or enclosure.

The fee for any livestock permit shall be ten dollars (\$10.00) for any calendar year or part thereof.

**SECTION 2.** That Berea Codified Ordinance Number 905.17, Fairgrounds, which has heretofore read as follows:

## 905.17 FAIRGROUNDS.

The provisions of this chapter shall not apply to the keeping and harboring of animals, livestock or poultry exhibited or displayed upon the Cuyahoga County Fairgrounds during such time that the fair or animal, livestock or poultry show is in progress and three days before and three days after such fair or show is open to the public, except that no person owning, keeping or harboring any animal, livestock or poultry shall permit such animal, livestock or poultry to run at large upon such Fairgrounds or elsewhere.

(Ord. 90-158. Passed 9-17-90.)

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The permit requirement set forth in Section 905.03 of this Chapter shall not apply to the Fairgrounds property.

**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 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.

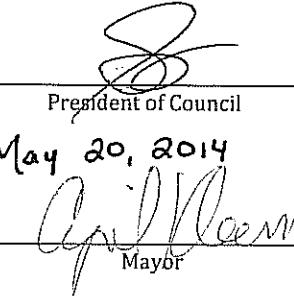
**SECTION 4.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 19, 2014

  
President of Council

ATTEST: Alfred Foss  
Clerk of Council

APPROVED: May 20, 2014

  
Mayor

Approved as to Form:

James H. Walter III  
Director of Law