**ORDINANCE 2020-09**

**AN ORDINANCE OF THE COUNCIL OF THE VILLAGE OF JEROMESVILLE PROVIDING FOR THE KEEPING OF BACKYARD POULTRY.**

Whereas, the Council of the Village of Jeromesville has received a petition, electronically submitted by a resident citizen to provide for the keeping of backyard poultry; and

Whereas, the Council of the Village of Jeromesville has decided that there is sufficient cause for the allowance of such backyard poultry according to the rationale of the petition;

Now, therefore, be it *ORDAINED by* the Council of the Village of Jeromesville that -

**(1)Section 90.41 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:**

DEFINITIONS.
 1. “Chicken” means a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
 2. “Coop” means a cage, enclosure, or structure used for housing and protecting chickens from weather and predators.

3. “Single-family dwelling” means any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for residential purposes.

4. “Tractor” means a cage, structure, or similar enclosure capable of movement used for housing and protecting chickens from weather and predators.

5. “Urban chicken” means a chicken kept on a tract of land pursuant to a permit issued under the terms of this chapter.

**(2)Section 90.42 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows**:

PERMIT FOR URBAN CHICKENS.

1. Permit Required. No person shall raise, harbor or keep chickens on any land not zoned “A-1 Agricultural” within the City without a valid permit issued by the Mayor under the provisions of this chapter.
2. Requirements. The Mayor shall issue a permit if the following requirements have been met:
	1. The property for which the permit is sought has passed inspection by the Mayor.
	2. The fee has been paid.
	3. There are no nuisance conditions, or unresolved violations of nuisance ordinance, on the property.
	4. The parcel of land for which the permit is sought contains only one single-family dwelling which is occupied and used as such by the applicant/permittee.
	5. The applicant has provided written verification of the consent of the owner of the parcel of land for which the permit is sought, if the applicant is not the owner, and is instead tenant, lessee, or otherwise authorized to reside at and use the property.
	6. The applicant has provided verification they successfully completed an approved class in raising chickens in an urban, or suburban, setting. The City Clerk/Administrator shall maintain a current list of approved classes.
	7. The application is in compliance with all other conditions and prerequisites set out in this chapter.
	8. Applicant has paid the permit fee of $10.00.
3. Terms of Permit. The permit shall contain, and permittee shall agree to adhere, to the following:
	1. The permittee shall follow this Code of Ordinances and State law regarding animal care.
	2. The permittee grants the City the right to inspect the coop and pen with due notice.
	3. The permit is a limited license for the specific activity and person named in the permit, and no vested zoning rights arise from the permit being issued. The permit is limited to the party to whom it is issued, and does not run with the land.
	4. The permit will be permanent unless revoked pursuant to subsection 4 of this section.
4. Suspension or Revocation of Permit. The permit may be suspended or revoked by the Mayor upon hearing and finding evidence that the permittee has violated the conditions of the permit or the terms of this chapter; or made a false statement or representation on the application form. All chickens must be removed upon revocation of the permit. The permit fee will not be refunded.

**(3)Section 90.43 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows**:

GENERAL REQUIREMENTS.

1. Non-Commercial Use Only. Permit holder shall not engage in the breeding of chickens or fertilizer production for commercial purposes.
2. Single-Family Residential. Permits will only be granted for parcels with one single-family residential unit. Permits will not be granted for any parcel with more than one residential unit located upon the parcel.
3. Private Restrictions Take Precedence. Private restrictions on the use of the property shall remain enforceable and shall supersede the terms of this chapter and any permit issued. The private restrictions include, but are not limited to: deed restrictions, condominium restrictions, neighborhood association bylaws, covenants and restrictions, and rental agreements.
4. Rental Property. The owner of the parcel must concur with any application for urban chickens. Tenants must obtain the written permission from the landlord/property owner to keep chickens or install a coop.
5. Slaughter of Chickens. Any slaughter of chickens not regulated by federal or State law, or regulated otherwise, shall be performed in a humane manner and shall not be done in open view to any public area or adjacent to property owned by another.
6. Dead Chickens. Other than slaughtered chickens, the owner shall dispose of dead chickens in a sanitary manner. Composting does not qualify as proper disposal.

**(4)Section 90.44 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows**:

CHICKEN REQUIREMENTS.

1. Hens Only. Only female chickens (hens) are allowed. Male chickens (roosters) are not allowed and shall be removed immediately by the owner.
2. No More than Six Allowed. No more than six chickens shall be allowed on any parcel.

**(5)Section 90.45 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows**:

SITE REQUIREMENTS.

1. Enclosures Required. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a coop or chicken tractor during non-daylight hours.
2. Location and Separation Distances.
	1. Coops, including tractors, must be at least 10 feet from any property lines.
	2. Coops must be at least five feet from the principal use residential structure on the applicant’s property.
	3. Coops must be in the rear yard of the property.

**(6)Section 90.46 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows**:

ENCLOSURE REQUIREMENTS.

1. Enclosures, coops and tractors must be kept in clean, dry, odor free, neat and sanitary conditions at all times.
2. Coops and tractors shall be well maintained.
3. Coops and tractors must provide adequate ventilation, sun and shade.
4. Coops and tractors shall be constructed, maintained and repaired to prevent entry by rodents, wild birds, predators, dogs and cats.
5. Coops and tractors shall be built of solid materials such as wood, metal or plastic.
6. Coops and tractors shall be at least 18 inches in height.
7. Coops and tractors shall be designed to provide safe and healthy living conditions for the chickens which reside therein, with a minimum of 16 square feet. Maximum coop size is 96 square feet. Coops must allow a minimum of four square feet per chicken.
8. Coops and tractors shall be enclosed on all sides and shall have a roof and at least one door. Access doors must be able to be shut and locked at night. Opening windows, vents or doors must be covered with predator and bird proof wire of less than one-inch openings.
9. Materials used for coops or tractors shall be uniform of each element of the structure that the walls are made of the same material, the roof has the same shingles or covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal or similar materials is prohibited.
10. Well Drained. Enclosures, coops and tractors must be well drained to prevent accumulations of moisture; accumulations of moisture shall be avoided and removed.
11. Fences. Fences that serve as enclosures for chickens shall consist of sturdy wire fencing of a type customarily designed for and used to enclose chickens and shall be constructed in a sturdy manner so as to contain the chickens and prevent entry by predators, dogs and cats.

**(7)Section 90.47 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows**:
(A) PREDATORS, RODENTS, INSECTS AND PARASITES.

1. The permittee shall take necessary action to reduce the attraction of predators and rodents, and the potential for infestation by insects and parasites. Chickens found to be infested with insects or parasites that may result in unhealthy conditions to human habitation shall be removed by the owner and may be removed by the Mayor at the owner’s expense.

(B) FEED AND WATER.

1. Chickens shall be provided with access to feed and clean water at all times. All feed and other items associated with keeping chickens shall be protected in a manner to prevent rodents, wild birds, and predators from coming into contact with them.

**(8)Section 90.48 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows**:

CHICKENS AT LARGE AND INJURY CAUSED BY OTHER ANIMALS.

1. At Large Prohibited. Permittee shall not allow chickens to roam off the parcel of land covered by the permit. Any chicken found off the permitted property shall be considered to be “at-large” and subject to the penalties and provisions of this Code of Ordinance for at-large animals.
2. Dangerous or Vicious Designation. Injury or death to a chicken that is caused by a dog, cat or other domesticated animal shall not be considered sufficient grounds, in and of itself, to designate the animal as dangerous or vicious pursuant to this Code of Ordinances.
3. Village not Liable. The Village shall not be liable for injury or death of chickens caused by dogs, cats, or other animals domestic or wild, regardless of whether or not licensed by the Village.

**(9)Section 90.49 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows**:

(A)STORAGE AND REMOVAL OF FECES AND WASTE.

1. Feces and waste shall be removed from enclosures, coops and tractors at least once per week.
2. Feces and waste may be stored on the permittees property. Feces and waste must be stored in a fully enclosed unit with a roof or lid. The storage unit may allow sunlight and movement of air so the materials dry, but must be designed, used and maintained in such a manner as to keep the material fully contained so that it does not blow or otherwise erode onto other properties. When stored, feces and waste must be stored in a manner to not attract flies, rodents or other vermin.

(B) NUISANCES.

1. Any violation of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance, subject to sanctions and abatement as set out in this Code of Ordinances.

Signed, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2020

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 Randy Spade, Mayor

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 Krystal Reynolds, Registrar