

**RECORD OF ORDINANCE
VILLAGE OF SOUTH AMHERST**

Ordinance No. 1779-23

Passed:

**AN ORDINANCE ENACTING SECTION 505.16 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF SOUTH AMHERST, OHIO, TO PERMIT
RESIDENTS TO HARBOR, MAINTAIN, KEEP OR CONTROL BACKYARD
CHICKENS UNDER CERTAIN CIRCUMSTANCES**

WHEREAS, the Village Council desires to provide regulations for the raising and keeping of chickens located within the Village of South Amherst;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Amherst, Lorain County, State of Ohio that:

SECTION 1: That section 505.16 of the Codified Ordinances of the Village of South Amherst, entitled “Backyard Chickens”, a complete copy of which is attached hereto, shall be enacted, to become effective as soon as authorized by law.

505.16 BACKYARD CHICKENS

(A) As used in this section, “Chicken” means the species of fowl commonly known as domesticated fowl, typically kept for its eggs or meat, and referred to as *gallus domesticus*. “Chicken” does not include roosters or cockerel that crows.

(B) The Zoning Inspector of the Village of South Amherst, or their designee, shall be charged with the enforcement of this Section.

(C) Except as otherwise provided in this section, no person shall harbor, maintain, keep, or control chickens on any property within the Village of South Amherst.

(D) It shall not be a violation of division (C) of this section if all of the following conditions are met:

1. Prior to placement of one or more chickens on property within Village limits, the person desiring to harbor, maintain, keep, or control one or more chickens obtains a permit from the Village of South Amherst and approved by the Village Zoning Inspector or their designee, which shall include, at a minimum:

- a.) the name, address, and telephone number of the owner of any chicken,
- b.) brief description &/or picture of chicken(s),
- c.) any other information deemed relevant by the Village,
- d.) payment of twenty dollar (\$20.00) one-time registration fee.

2. The property on which any chicken is to be harbored, maintained, kept or controlled is not used as a rental property.
3. Any chicken that is to be harbored, maintained, kept, or controlled on property within the Village in zoning districts designated as R-1 or A-R:
 - a.) If the property size is one (1) acre or larger, appropriate plans must be submitted for approval to the zoning inspector
 - b.) If the property size is a half (1/2) to one (1) acre, no more than six (6) chickens are permitted on the property
 - c.) If the property is smaller than half (1/2) acre no more than two (2) chickens are permitted on the property
4. Any chicken is not housed in a cage.
5. Any chicken is housed at all times, in a coop, run, or other approved structure that:
 - a.) is located in the rear yard or backyard of the property
 - b.) is a minimum of thirty (30) feet set back from the rear property line, a minimum of twenty-five (25) set back from side property line
 - c.) is at least one hundred (100) feet from any residence or dwelling, other than the residence or dwelling of the person harboring, maintain, keeping, or controlling any chicken
 - d.) is a permanent structure that does not exceed seven (7) feet in height
 - e.) allows for adequate ventilation and light
 - f.) contains adequate, functioning feeder(s) and water necessary to feed and water any chicken
 - g.) contains one (1) nesting box for every two (2) chickens
 - h.) is predator-resistant
 - i.) contains a solid, covered roof
 - j.) provides at least two (2) square feet of space for each chicken
 - k.) contains an enclosed run with fencing that is five (5) in height and buried at least one (1) foot into the ground, or stake and/or secured in such a manner to make the run predator-resistant, and such run shall provide a minimum of four (4) square feet of space for each chicken
 - l.) does not create a nuisance, safety hazard, health concern, or unreasonable disturbance to any surround properties
6. The coop, run, or other approved structure is regularly cleaned and sanitized to control dust, odor, and waste.
7. Chicken feed is stored in a reasonable, airtight, predator-resistant container, and such container is closed at all times other than during feeding.
8. Chicken waste is disposed of in watertight containers and disposed of weekly, or composted in a manner that does not cause noxious odors and does not attract

vermin.

9. Deceased chickens are disposed of in a proper manner, such as cremation; they are not to be buried on property and are not placed in a local refuse container.

(E) A permit obtained pursuant to division (D) (I) of this section may be revoked by the Village of South Amherst upon the Zoning Inspector's determination that any of the following conditions exist on the person's property:

1. Any violation of division (D) of this Section.
2. Excessive noise or odor.
3. A nuisance.
4. An unsafe, unclean, unhealthy, or unsanitary condition.
5. A Violation of any Ordinance of the Village.
6. A violation of the Ohio Revised Code.
7. A violation of the Ohio Livestock Standards.
8. Any chicken is being harbored, maintained, kept, or controlled for purposes other than personal use.
9. Slaughtering of any chicken has occurred.
10. Breeding, selling, or bartering of any chicken has occurred; or
11. Any threat to public health or safety.

(F) Current owners of chickens as of November 10, 2023 will be grandfathered for the current size of their flock with the following conditions:

- a.) Must be registered and comply with 505.16 division D
- b.) Size of flock to correspond with 505.16 division D-3 upon the demise of any current chicken(s)

(G) If the Zoning Inspector revokes a permit obtained through division (D) of this section more than two (2) times, the person whose permit has been revoked will be prohibited from obtaining a permit.

(H) Whoever violates this section is guilty of a minor misdemeanor.

SECTION 2: This Ordinance shall repeal all Ordinances in conflict herewith.

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, including Section 121.22 of the Ohio Revised Code.

First Reading: October 10, 2023

Second Reading:

PASSED:

David Leshinski, Mayor

ATTEST: _____
Fiscal Officer

I, the Fiscal Officer of the Village of South Amherst, Lorain County, Ohio, hereby certifies that the forgoing Ordinance No. **1779-23** is taken and copied from the record of proceedings of the Village Council of the Village of South Amherst, Lorain County, Ohio and that it has been compared by me with the ordinance on the record and is a true and accurate copy. Further, I certify that the adoption of such ordinance occurred in and open meeting held in compliance with O.R.C. 121.22

Fiscal Officer

APPROVED AS TO FORM:

Matthew A. Mishak, Law Director

SA\2023.1779 -23 Backyard Chickens