

ORDINANCE NO. 2018-116

AN ORDINANCE AMENDING SECTION 505.19 AND ENACTING SECTION 505.22 OF THE CODIFIED ORDINANCES OF THE CITY OF KENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Section 505.19(b) of the Codified Ordinances; and

WHEREAS, the City of Kent wishes to enact Section 505.22 of the Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (7) of all members elected thereto concurring:

SECTION 1. That Council does hereby amend Section 505.19(b) of the Codified Ordinances of the City of Kent to delete certain language and to enact Section 505.22 per Exhibit "A", attached hereto and made a part thereof.

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 action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: October 17, 2018
Date

Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: October 17, 2018
Date

ATTEST: Tara Grimm
Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

TARA GRIMM, MMC
CLERK OF COUNCIL

EXHIBIT "A"

505.19 FARM ANIMALS/LIVESTOCK

(b) Permit Necessary "No person shall keep or harbor domestic farm animals or livestock, ~~chickens or fowl~~ 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 animals."

505.22 BACKYARD CHICKENS.

- (a) It shall be unlawful to place or maintain backyard chickens in any area unless the following conditions and requirements are met:
- (1) No more than six (6) backyard chickens are permitted per dwelling unit or school.
 - (2) Roosters and chicks are prohibited. For purposes of this Section, "chicks" shall be defined as young chickens under the age of six (6) months old.
 - (3) Other poultry or fowl are prohibited. No person may own or keep any other fowl, including ducks, quail, geese, or turkeys.
 - (4) Backyard chickens are required to be located within a designated chicken coop and chicken run that shall meet the following requirements:
 - A. The chicken coop and chicken run shall be located in the rear or backyard of owner-occupied, single family a residential properties located in zoning districts designated as R-1, R-2, R-3 or any school property, public or private.
 - B. Neither the coop nor run shall be located between the rear of the principal structure and the front yard lot line.
 - C. The coop shall have a minimum thirty feet (30') setback from the rear property line, and ten feet (10') setback from the side property line.
 - D. Coops shall be predator and rodent resistant with a solid covered roof.
 - E. Water shall be provided onsite and accessible to chickens at all times.
 - F. During daylight hours, the chickens shall also have access to the run and chicken coop in order to provide cover in inclement weather and fresh air when the weather is hot.

- G. From dusk until dawn, chickens shall be protected from predators by being enclosed within a chicken coop.
 - H. The maximum chicken coop size is one hundred (100) square feet.
 - I. A minimum of four (4) square feet of space per chicken shall be provided in both the coop and the run; however, the coop shall provide at least two (2) square feet of space for each chicken.
 - J. The maximum height of the coop shall be no more the seven feet (7') at the highest point of the roof.
- (5) Chicken, Chicken coops and chicken runs shall be maintained and shall be regularly cleaned to control dust, odor, and waste so as to not create a nuisance, constitute a safety hazard, health problem or unreasonable disturbance to surrounding properties.
 - (6) No on-site slaughtering is allowed.
 - (7) Chicken feed shall be stored in a reasonable, airtight, predator proof container.
 - (8) Chicken waste shall only be stored in a reasonable, airtight, predator proof container or buried in order for it to be used as compost.
- (b) Commercial Uses Prohibited. Chickens shall be kept for personal use only. No person shall sell or barter eggs or engage in chicken breeding or fertilizing production for commercial purposes.
 - (c) Penalties for Violations. Violations of this Section shall be subject to the Civil Penalties as provided by Section 501.03 of the Codified Ordinances.