

ORDINANCE NO. 72-23

**AN ORDINANCE AMENDING SECTION 618.12 OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON TO REGULATE
LIVESTOCK, POULTRY AND RABBITS
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon is a chartered municipal corporation validly organized and existing under the Constitution and laws of the state of Ohio, and as such may regulate the keeping of livestock, poultry, rabbits, etc. within the City; and

WHEREAS, the regulations set forth herein reflect the City's acknowledgment that keeping livestock, poultry, rabbits, etc. within the City, and particularly within residentially zoned areas, is under certain conditions, incompatible with adjoining permitted and special uses; and

WHEREAS, the current provisions of the Codified Ordinances with regard to the regulation of livestock, poultry and rabbits should be harmonized with the permitted uses and special uses set forth in the City's Planning and Zoning Code; and

WHEREAS, Council believes that this ordinance will achieve the proper balance between these interests and that passage of same will promote the health, safety and welfare of all citizens of Avon. Furthermore, existing property owners will not be denied any economically viable use of their property because this ordinance is intended to be prospectively applied.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 – That Section 618.12 of the Codified Ordinances of the City of Avon, Ohio which currently reading as follows:

618.12 HORSES.

(a) Definitions. As used in this section:

(1) "Horse" means and includes ponies, donkeys and mules.

(2) "Stable" means any structure or building used for the keeping, lodging or feeding of horses.

(b) Location of Stables. Stables shall be located on a lot as an accessory structure and regulated in conformity with the Zoning Code.

(c) Minimum Lot Area. No person shall keep any horse on a lot within the City unless such person has a minimum lot area of two acres. An additional quarter of an acre shall be required for each additional horse kept thereon.

(d) Fenced Lot and Stable Required. No person shall keep a horse on any lot within the City unless a fenced corral and a stable to retain such animal are constructed on such lot.

(e) Registration. No person shall stable a horse within the City without registering such horse. Registration shall be made at the office of the Police Division and shall set forth the

name, age, breed and any special markings peculiar to such animal, and the name, address and telephone number of the owner and keeper of such animal.

(f) Sanitary Regulations. All stables, yards and corrals where horses are kept shall be maintained in a sanitary condition. They shall be kept clean and in good repair so as to prevent the breeding of flies and the emission of deleterious and offensive odors.

(g) Application of Regulations. The provisions of division (c) of this section shall apply to all horses hereafter acquired and kept within the City after the adoption of this section. The provisions of divisions (d) to (f) of this section shall apply to all horses presently or hereafter kept within the City.

(h) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

shall be amended as follows: (New language in bold print; deleted language stricken)

618.12 HORSES, LIVESTOCK AND POULTRY

(a) Definitions: **Definitions of terms used in this section if not contained herein are found in Section 1222.02(b) of the Planning and Zoning Code (Part XII). As used in this section:**

(1) ~~"Horse" means and includes ponies, donkeys and mules.~~

(2) ~~"Stable" means any structure or building used for the keeping, lodging or feeding of horses.~~

(b) Location of Stables. Stables shall be located on a lot as an accessory structure and regulated in conformity with the **Planning and Zoning Code**.

(c) Minimum Lot Area Livestock Requirements. No person shall keep any ~~horse~~ **livestock** on a lot within the City unless such person **is in compliance with Part XII of the Avon Codified Ordinances otherwise known as the Planning and Zoning Code and the minimum requirements set forth therein.** ~~and meets the corresponding special use requirements, minimum lot area of two acres. An additional quarter of an acre shall be required for each additional horse kept thereon.~~

(d) Fenced Lot and Stable Required. No person shall keep ~~a horse~~ **livestock** on any lot within the City unless a fenced corral and a stable to retain such **livestock** are constructed on such lot.

(e) Registration of Livestock in Excess of 200 pounds. No person shall stable a ~~horse~~ **head of livestock in excess of 200 pounds** within the City without registering such ~~horse~~ **head of livestock**. Registration shall be made at the office of the ~~Police Division~~ **Zoning Enforcement Officer** and shall set forth the name, age, breed and any special markings peculiar to such ~~animal~~, **head of livestock** and the name, address and telephone number of the owner and keeper of such ~~animal~~ **head of livestock**.

(f) Sanitary Regulations. All stables, yards and corrals where ~~horses~~ **livestock** are kept shall be maintained in a sanitary condition. They shall be kept clean and in good repair so as to prevent the breeding of flies and the emission of deleterious and offensive odors.

(g) Poultry and/or rabbits.

(1) Poultry and/or rabbits, are permitted in the R-1 Single Family and R-2 Two-Family Residential districts, but subject to all regulations set forth in this Section, Chapter 668 and the Planning and Zoning Code.

(2) Poultry shall be kept in a covered, predator-proof coop that meets all building size and setback requirements in the Planning and Zoning Code, is well-ventilated and designed to be accessed for cleaning. The enclosure shall be maintained in good repair at all times.

(3) Poultry shall have access to an outdoor enclosure or run that is adequately fenced to contain the poultry on the property, to prevent them from running at large and to prevent access by predators. The combined area of the coop and run shall allow at least six (6) square feet per fowl. Maximum allowable quantity of fowl in R-1 & R-2 shall be twenty-five (25).

(4) Roosters are prohibited in all districts.

(5) The combined area of the hutch and run shall allow at least five (5) square feet per rabbit. Maximum allowable quantity of rabbits permitted on less than two (2) acres shall be 25.

(h) Prohibited Animals. No person shall harbor, maintain or control a wild, dangerous, undomesticated animal within the City.

(g) i) Application of Regulations. The provisions of divisions (c) thru (e) of this section shall apply to all ~~horses~~ **livestock, poultry and rabbits hereafter acquired and kept within the City after the adoption of this section. **The provisions of division (c) thru (e) of this section shall apply to all horses presently or hereafter kept within the City.** The provisions of divisions (d) thru (f) of this section shall apply to all ~~horses~~ **livestock** presently or hereafter kept within the City.**

(h) (j) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on their first offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02. **A conviction for a second offense within twelve (12) months of the offender's prior conviction under any of provisions of this Section shall be deemed a fourth degree misdemeanor and punishable accordingly.**

Section 2 – That wherever the provisions of this Ordinance conflict with any other ordinance or provision of the Codified Ordinances, the more restrictive provision(s) shall control.

Section 3 – That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 is hereby declared to be an emergency measure necessary for the preservation of the public health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to amend Section 618.12 of the Avon Codified

Ordinance No. 72-23 (Cont.)

Ordinances as it pertains the keeping of livestock, poultry and rabbits; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director