

**ORDINANCE NO. 73-23**

**AN ORDINANCE AMENDING CHAPTER 668 OF THE CODIFIED ORDINANCES  
OF THE CITY OF AVON REGULATING STABLES AND KENNELS  
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 stables and kennels within the City; and

**WHEREAS**, the regulations set forth herein reflect the City's acknowledgment that keeping animals, livestock, poultry, etc. within the City will require stables, kennels, coops, hutches and other structures designed to house them; and

**WHEREAS**, the current provisions of the Codified Ordinances with regard to the regulation of these shelters should be harmonized with the other provisions of the City's Planning and Zoning Code designed to protect the interests of adjoining property owners; 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 the provisions of Chapter 668, entitled “Stables & Kennels” shall be amended to read as set forth in the new Chapter 668 which is attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 2 – That the Codifier is hereby instructed to insert new Chapter 668 as contained in Exhibit A of this legislation in the appropriate order within the existing codified ordinances, renumbering and/or re-lettering anywhere applicable. All other language contained in Chapter 668 not specifically amended herein shall remain in full force and effect.

Section 3 – That wherever the provisions of this Ordinance conflict with any other ordinance or any provision of the Codified Ordinances of the City, the restrictive provision(s) shall control.

Section 4 – 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 5 – 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 update the Avon Codified Ordinances as it pertains to stables and kennels and other structures for housing animals, livestock, poultry, etc.; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 22, 2023

DATE SIGNED: May 22, 2023

By: Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: May 23, 2025

[Signature]  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

ATTEST:

Barbara Brooks  
Barbara Brooks, Clerk of Council

Posted: May 24, 2023  
Electronically and at City Hall as  
Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 73-23, passed by the Council of said City on May 22, 2023.

IN WITNESS WHEREOF, I have on this 23rd day of May, 2023, affixed my signature and official seal.

Barbara J. Brooks  
Barbara J. Brooks, Clerk of the Council  
of the City of Avon, Ohio

## EXHIBIT A TO ORDINANCE NO. 73-23

### CHAPTER 668 Stables and Kennels

- 668.01 Definitions.
- 668.02 Zoning regulations.
- 668.03 Location.
- 668.04 Minimum lot size.
- 668.05 Fence and shelter requirements.
- 668.06 Off-street parking.
- 668.07 Sanitary regulations.
- 668.08 Enforcement.

#### ***CROSS REFERENCES***

Animals generally - see GEN. OFF. Ch. 618

Offensive odors - see GEN. OFF. 660.04

#### 668.01 DEFINITIONS.

As used in this chapter:

- (a) "Animal" means any live or dead dog, *canis familiaris*; cat, *felis catus*; monkey, non-human primate mammal; guinea pig, hamster; rabbit; or any other warm-blooded animal which is a domesticated pet, or used for exhibition purposes, or is intended for use in research, testing or experimentation. "Animal" excludes livestock and poultry.
- (b) "Commercial" designation applies where any animals are used for hire, or where fur-bearing animals are bred or raised for the sale of pelt or meat, or where a permanent sign is erected to indicate the presence of the kennel or stable or academy.
- (c) "Commercial Farm." A parcel of land having a principal, special or accessory use of agriculture; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod or mushrooms; forestry and forestry products; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to such husbandry or production. The use of the land shall not include the commercial feeding of garbage to livestock. "Farm" ~~does not~~ includes the raising of animals for medical experimentation, commercial dog kennels and animal boarding facilities and commercial riding stables for riding academies. Generally applies where any animals are used for hire, or where fur-bearing animals are bred or raised for the sale of pelt, or meat, or where a permanent sign is erected to indicate the presence of the kennel or stable or academy.
- (d) "Commercial farm building." A building or structure accessory to a commercial farm and primarily occupied with, activities involving the products of that farm such as propagating,

growing, processing, storage, marketing, packaging for sale or distribution, shipping, wholesaling, or retailing including but not limited to a greenhouse, fruit and vegetable market, roadside stand, and similar buildings.

(e) "Coop." Any cage, structure or building where animals are bred or raised.

(f) "**Farm.**" A parcel of land having a principal or special use of agriculture; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod or mushrooms; forestry and forestry products; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to such husbandry or production. The use of the land shall not include the commercial feeding of garbage to livestock. "Farm" does not include the raising of animals for medical experimentation, the raising of fur-bearing animals for commercial purposes, commercial dog kennels, and commercial riding stables or riding academies.

(g) "Hutch" means any cage, structure or building used for raising, breeding, keeping, lodging or feeding of *animals or livestock where animals are bred or raised*.

(d h) "Keeping" or "harboring" an animal, livestock or poultry includes allowing an animal, livestock or poultry to remain or be lodged or fed within a building, enclosure or yard, or maintaining such animal, livestock or poultry in one's custody or control.

(e i) "Kennel" means any structure or building where dogs are bred, trained or boarded.

(f j) "Livestock" means horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, ~~bulls~~, bullocks, steers, heifers, cows, calves, mules, jacks, jennys, burros, goats, kids, swine, **donkeys, llamas, alpacas** and any animals normally found in the wild state which are being kept for exhibition purposes or as private pets.

(g k) "Owner" refers to any person, firm, association or corporation owning, keeping or harboring any animal, livestock or poultry.

(h l) "Poultry" means all domesticated fowl and all game birds which are legally held in captivity.

(i m) "Runways" means any area with definite boundaries and in which animals are confined.

(j n) "Stable" means any structure or building used for the keeping, lodging or feeding of livestock. (Ord. 33-75. Passed 12-10-75.)

## 668.02 ZONING REGULATIONS.

(a) **For zoning purposes**, the raising of animals for medical experimentation, the raising of fur-bearing animals for commercial purposes, commercial dog kennels, and commercial riding stables or riding academies, ~~shall be permitted only in an "M-1" General Industrial, and as a special use in "C-4" General Business, as described in the Zoning Code. However, if any of the foregoing are restricted to the conditions of a home occupation as described in the Zoning Code, such uses shall be permitted in a Residential District, but only in a single family dwelling. A noncommercial stable shall be permitted in any zoning district~~ **are regulated under Part 12 of the Avon Codified Ordinances.**

(Ord. 33-75. Passed 12-10-75.)

(b) ~~Whoever violates or fails to comply with this section is guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty shall be as provided in Section 698.02.~~

(Ord. 33-12. Passed 7-9-12.)

668.03 LOCATION.

(a) **Unless otherwise specified in Part 12 of the Avon Codified Ordinances**, none of the following uses may be located within 100 feet of any dwelling. All buildings, pens and runways, exclusive of pasture, for housing or keeping, animals and livestock shall not be less than the following setbacks:

	<u>Required Setback From Street or Roadway (ft.)</u>	<u>Required Setback From Any Adjacent Property Line (ft.)</u>
Commercial riding stables, fur-bearing animal hutches and hutches of animals for medical experimentation	150	150
Noncommercial riding stables	150	25 60
Commercial dog kennels, boarding	300	150
Veterinary hospitals	100 (1)	50
<b>(1) Shall comply with District Regulations</b>		

(Ord. 33-75. Passed 12-10-75.)

668.04 MINIMUM LOT SIZE.

(a) Minimum lot area for the following uses shall be:

- (1) Commercial riding stable or riding academy **in a non-residential district** - the greater of ten acres, or one acre per horse, and a minimum lot width of 500 feet;
- (2) Noncommercial riding stable and the keeping of a horse - see Section 618.12(c);
- (3) Commercial fur-bearing animal farm - five acres;
- (4) Raising animals for medical experimentation - ~~five~~ **ten** acres; and
- (5) Commercial dog kennel - five acres.

(Ord. 33-75. Passed 12-10-75.)

668.05 FENCE AND SHELTER REQUIREMENTS.

(a) No person shall keep any animal for commercial purposes on any lot, unless the lot is a fenced area and a shelter constructed on such lot.

(b) A stable, barn or shelter shall be required for the keeping or harboring of **animals and** livestock. Such stable, barn or shelter shall meet the requirements of 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 100 feet to any dwelling.~~

(Ord. 33-75. Passed 12-10-75.)

668.06 OFF-STREET PARKING.

(a) Off-street parking is required for each lot subject to the requirements of this chapter as follows:

- (1) Boarding kennel or stable - one space for each employee, plus three spaces for each person authorized to admit and release animals;
  - (2) Academy - one space for each employee, plus two spaces for each appointment and student;
- and

(3) Veterinary hospitals - one space for each employee plus three spaces for each person authorized to schedule appointments.  
(Ord. 33-75. Passed 12-10-75.)

668.07 SANITARY REGULATIONS.

(a) All stables, pens, hutches, yards or other quarters where animals 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 harmful and offensive odors. Manure piles must be removed twice each year.  
(Ord. 33-75. Passed 12-10-75.)

668.08 ENFORCEMENT.

The provisions of this chapter shall be administered and enforced by a Zoning Enforcement Officer appointed by the Director of Public Safety who shall have the power to carry out his or her duties in the enforcement of this chapter.  
(Ord. 33-75. Passed 12-10-75.)

668.09 PENALTY.

**(b) Whoever violates or fails to comply with this any section contained within this Chapter 668 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 or noncompliance 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 Chapter shall be deemed a fourth degree misdemeanor and punishable accordingly.**