

# City of Seven Hills

(11-04-2021 Law Final #2 505.023)  
Revised 11-16-2021 (page 2(n))

Amended Ordinance No. 32-2021

Introduced by Mayor Biasiotta and Councilpersons Kelly,  
Elliott, Kulju, Kiriazis, Martin, Snitzky, Dell'Aquila

**AN ORDINANCE TO AMEND CHAPTER 505, ANIMALS AND FOWL, AS CONTAINED IN PART FIVE, GENERAL OFFENSES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, FOR THE PURPOSE OF ADDING NEW SECTION 505.023, CHICKEN REGULATIONS.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEVEN HILLS, OHIO:**

**Section 1.** That Chapter 505, Animals and Fowl, as contained in Part Five, General Offenses Code, of the Codified Ordinances of the City of Seven Hills, Ohio, be amended by adding new *Section 505.023, Chicken Regulations*, which shall read as follows:

**“505.023 Chicken Regulations**

A chicken is a type of domesticated fowl that is kept for its eggs or its meat. The keeping of chickens, and the erection of coops or other enclosures for keeping of chickens, shall be governed by the following regulations.

**1. Chickens, Chicken Coop/Shelter Permit.**

- (a) A permit is required to be obtained prior to the keeping or housing of any chickens upon any property within the City;
- (b) Chickens may only be kept upon a property located in a First or Second Residential District within the City and only after a permit has been obtained from the Building Commissioner authorizing same as provided herein;
- (c) Up to five (5) chickens to be kept for the private and personal use of the property owner may be authorized by the permit;
- (d) Only hens and pullets that are table egg breeds are permitted;
- (e) No rooster shall be kept in the City. Any cockerel that crows must be removed from the City;
- (f) The breeding and selling of chickens in the City is prohibited and no chickens shall be used for any commercial purposes;
- (g) No sale of chickens or chicken products is permitted.
- (h) Only a person who is the owner of property located in a First or Second Residential District and who also resides in a residential dwelling located upon said property may apply for a permit to keep and house chickens upon said property;
- (i) Applications for a permit shall be made at the City Building Department on an approved application form. The application fee shall be \$80.00. The application shall be accompanied by written consents signed by all owners of all adjacent properties indicating that such owners do not oppose the keeping or housing of chickens at applicant's property. All consents shall be in a form provided by the City. No permit shall be issued and no chickens shall be allowed to be kept unless the owners of all the adjacent properties consent in writing to the permit.
- (j) The application shall be reviewed by the City Building Commissioner who shall also inspect the property to determine compliance with the Codified Ordinances of the City as well as with the laws of the State of Ohio. The inspection of the premises

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may be waived, at the sole discretion of the City Building Commissioner, if the permit property has been inspected at any time within ninety (90) days of the filing date of the application. In addition, prior to issuance of a permit, notices must be mailed to all adjacent properties.

- (k) The City Building Commissioner shall approve or deny the permit as part of the application and site review process;
- (l) The permit shall be good for one year after date of issuance and the permit shall not be transferable. A person who wishes to continue keeping chickens beyond the expiration date of the permit shall obtain a new permit on or before the expiration date of the previous permit. Such application for a new permit shall be filed at least thirty (30) days prior to permit expiration.
- (m) Application approval and the issuance of the permit by the City and acceptance of the permit by the property owner grants the City, through its designee, the right to go onto the property to inspect the permit premises at any reasonable time to ensure compliance with the Codified Ordinances of the City of Seven Hills and with the laws of the State of Ohio. In addition, the property owner, by acceptance of the permit, agrees to be responsible for reimbursing the city for all costs borne by the city to enforce the conditions of the permit including, but not limited to, the pickup and impounding of chickens.
- (n) Any person whose permit application is denied by the Building Commissioner shall have the right to file an appeal, which shall be in writing, within thirty (30) days from the date of the denial, to the Zoning Board of Appeals. Failure to file a written appeal within the time prescribed shall constitute a waiver of the right to appeal. The Zoning Board of appeals shall also consider the coop location, including distances from neighboring property and structures occupied and unoccupied, the dimensions and characteristics of the coop, the number and nature of hens to be maintained, as well as all relevant evidence, in order to also determine whether there is a reasonable likelihood of a lack of harmony, noise or odor disturbance, vermin harborage, or the creation of conditions injurious to the peaceful and quiet enjoyment of surrounding property.

## **2. Chicken Coop/Shelter Permit revoked**

- (a) The permit authorizing the keeping or housing of chickens shall be revoked upon the determination of the City Building Commissioner that any of the following conditions exist at or on the permit premises;
  - 1. A nuisance exists;
  - 2. Any unsafe, unclean, unhealthy or unsanitary condition exists;
  - 3. Non-compliance with any applicable Codified Ordinance of the City;
  - 4. Non-compliance with any applicable provision of the Ohio Revised Code or Ohio Administrative Code;
  - 5. Any rooster present on or at the premises;
  - 6. Any breeding operation;

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7. Any violation of the Ohio Livestock Care Standards Board;
8. The disrepair of any coop, run, or fencing;
9. Any failure to properly maintain and/or remove urine, manure/feces of the chickens;
10. Any contamination of water supply or water runoff from the permit premises;
11. Excessive noise;
12. Excessive odor;
13. Any threat to public health;
14. Misrepresentation of any material fact by the applicant in obtaining a permit;
15. Unauthorized departure from or disregard of plans and/or specifications filed with a permit application;
16. Any other cause which in the opinion of the Building Commissioner justifies this action including, but not limited to, receipt of official notification from a homeowner association that private restrictions applicable to a property prohibit the keeping or housing of chickens on such property.

(b) Private Restrictions Enforceable. Notwithstanding the issuance of any permit by the City, private restrictions on the use of property shall remain enforceable and shall take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions and homeowner association rules, regulations, and by-laws. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping and housing of chickens shall be revoked by the Building Commissioner upon receipt of official notification from a homeowner association notifying that such restriction exists and applies to the property in question. The interpretation and enforcement of a private restriction is the sole responsibility of the private parties involved.

(c) No chicken coop/shelter permit shall be revoked without giving the property owner three days' notice to cure any and all defects or non-compliances. Notice shall be in writing. The three-day notice to cure is waived in matters involving the public health, safety, and welfare. The Notice shall be served upon the owner and/or occupant, or either's agents, executors, administrators, assigns, or lawful representatives, in one of the following ways:

- (1) By making personal delivery of the notice.
- (2) By leaving the notice with some person of suitable age and discretion upon the premises, or at the residence or business office of the owner and/or occupant.
- (3) By affixing a copy of the notice to the door at the entrance of the premises in violation, or by otherwise posting a copy of the notice in a conspicuous location on the premises in violation.
- (4) By mailing a copy of the notice to the last known address of the owner and/or occupant, or either's agents, executors, administrators, assigns, or lawful representatives, by regular mail, and service shall be deemed complete upon mailing.

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(5) By publishing a copy of the order in a local newspaper once a week for three successive weeks.

(d) Any person whose permit is revoked by the Building Commissioner shall have the right to file an appeal, which shall be in writing, within thirty days (30) from the date of the revocation order to the Zoning Board of Appeals. Failure to file a written appeal within the time prescribed shall constitute a waiver of the right to appeal. Except where the three-day notice to cure is waived in matters involving the public health, safety, and welfare pursuant to Section 505.023(2)(c), filing of an appeal from the revocation order shall suspend further or future action on enforcement of such revocation order until the appeal is acted upon by the Board.

### 3. Removal of Chickens.

The city may remove from any premises and/or destroy any chickens that:

- (a) Are not removed by the property owner within seventy-two hours of the revocation of a permit;
- (b) Are a threat to the public health, safety, and welfare;
- (c) Are a nuisance that remains unabated after three days' notice;
- (d) Are not in an approved coop and approved fenced-in area and/or are not kept upon the premises in compliance with this and all applicable sections of the City's Codified Ordinances.

### 4. Chicken coops and runs.

- (a) All chickens permitted on any premises within the City shall be provided a coop for shelter and a run, no cage housing for chickens is permitted in the City. The coop and run shall comply with the following minimum standards:
  1. The coop shall be a permanent structure, not exceeding 48 square feet in size. The coop shall not exceed eight (8) feet maximum height. Lot coverage rules apply;
  2. The coop shall be located in the rear yard and shall be set back from the main residence not less than 20 feet;
  3. The coop shall be located in the rear yard and shall be set back not less than 40 feet from all adjoining residential lot lines;
  4. The coop shall be at least 75 feet distance from any adjoining residential dwelling;
  5. The coop shall provide adequate ventilation and light through windows covered in ½" square or less wire mesh. Ventilation windows shall be no less than one square foot for every ten square feet of floor space;
  6. All coops must have proper flooring. Flooring may be wood and attached to the coop walls, and at least one foot off of the ground or the coop floor may be cement and the coop walls fastened thereto;
  7. All coops must have adequate functioning feeders and waterers sufficient to feed and water the permitted chickens.

- (b) Each coop shall be equipped as follows:

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1. One nesting box for every three laying hens; and
  2. Not less than six square feet per chicken up to 48 square feet total permitted on the shelter permit.
- (c) Each coop shall provide access to a run for chickens attached to the coop, enclosed by fencing five feet in height and buried at least twelve inches into the ground or pinned down in such a manner that it prevents the rodents and predators from getting in. The run shall be 30' off the lot line. The run shall be large enough to allow freedom of movement and provide not less than four (4) square feet per chicken.
5. **Poultry-food storage.**  
All feed shall be stored inside the coop, stored in metal containers with tightly fitted locking or latching lids, and shall be contained (closed) at all times other than when feed is being extracted.
6. **Manure and Waste Disposal.**  
Waste storage must be at least fifty feet from any side or rear property line or dwelling, and is only permitted in the rear yard of the shelter permit premises, and shall be disposed of in the following manner:
- (a) Stored in a watertight container thrown out weekly with the trash;
  - (b) Composted in a manner causing no noxious odor to adjoining property owners or the general public, in accordance with all health codes and USDA guidelines; and
  - (c) In a manner that does not attract vermin.
7. **Euthanasia.**  
Euthanasia of any sick, lame, or aged chickens shall be conducted as humanely as possible, away from public view, and only as set forth in Ohio Administrative Code Chapter 901:12-1, except that gunshot is not permitted.
8. **Disposal of Dead Chickens.** The following are the permitted methods of disposal of dead chickens;
- (a) burial in a hole dug to a depth of no less than four feet; and
  - (b) Wrapped and sealed in a plastic bag and placed in the owner's trash container for pickup by the City's trash disposal service at the owner/shelter permit holder's address.
9. **Application of Section.**  
The provisions of this section shall apply to all yards and structures existing upon the effective date of this section not in conformity with the requirements of this section.

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## 10. Penalty

Whoever violates any of the provisions of this Section is guilty of a misdemeanor of the third degree for a first offense. The second violation within any two-year time period shall be charged as a misdemeanor of the second degree. A third or more violation within any two-year time period shall be charged as a misdemeanor of the first degree. Each day that the violation continues shall constitute a separate offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including but not limited to the sale of the animal or livestock and to reimburse the City for all costs borne by the City to enforce the conditions of the permit.

If the animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay or reimburse all costs and expenses incurred with regard to the care of the animal or livestock from the time it was ordered forfeited or taken or received from the custody of the former owner and to reimburse the City for all costs borne by the city to enforce the conditions of the permit. The balance of the proceeds from the sale, if any shall be paid to the former owner of the animal, provided the former owner provides a current address to the City Building department directing to where such payment shall be mailed.

**Section 2.** That except as herein amended and supplemented, all the provisions of Chapter 505, Animals and Fowl, as contained in Part Five, General Offenses Code, of the Codified Ordinances of the City of Seven Hills, Ohio, shall remain in full force and effect.

**Section 3.** That this Ordinance shall take effect and be in force immediately upon its passage; otherwise from and after the earliest period allowed by law.