

ORDINANCE NO. 22-52

AN ORDINANCE RESTRICTING THE KEEPING OF FARM ANIMALS AND BEES.

WHEREAS, the Village of Deshler desires to regulate the keeping of farm animals and bees inside the village; and

WHEREAS, council believes it to be in the best interest of the Village and the citizens to restrict the keeping of farm animals and bees.

NOW THEREFORE, BE IT ORDAINED, By the Council of the Village of Deshler, Henry County, Ohio:

Section 1: The regulations of this section are established to permit the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

Section 2: Farm Animal and Bee Permit

- (1) A Farm Animal and Bee Permit shall be required to keep such Farm animals or Bees on any property within the Village of Deshler.
- (2) The permit may be applied for by using the Application attached as "Exhibit A."
- (3) The Permit is valid for one (1) year from the Date it was issued.
- (4) The Permit issued shall be substantially in the form as attached as "Exhibit B."
- (5) The Zoning Inspector shall determine that the application meets all of the requirements of this Ordinance, before issuing a permit. The Zoning Inspector is instructed to review the Application and to perform a site in section to confirm compliance with this Ordinance.

Section 3: Chickens, Ducks, Rabbits and Similar Animals. The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations:

- (1) In Residential Districts. In Residential Districts, the following regulations shall apply:
 - A. Number. No more than one (1) such animal shall be kept on a parcel of land for each eight hundred (800) square feet of parcel or lot area. For a standard residential lot of four thousand eight hundred (4,800) square feet, this regulation would permit no more than a total of six (6) such animals.
 - B. Setbacks. The coops or cages housing such animals may not be located in front yard or side street yard areas and shall not be located within five (5) feet of a side yard line nor within five (5) feet of a rear yard line, except where the rear lot line forms the side lot line or front lot line of an abutting property, in

which case the setback from such rear lot line shall be ten (10) feet, and within fifteen (15) feet of a dwelling or the permitted placement of a dwelling on another parcel, No animals shall be kept in required front yard or side street yard areas.

- C. Prohibitions. No roosters, geese or turkeys may be kept in a Residential District except on a parcel that is at least one (1) acre in area and only if the coop or cage housing the bird(s) is at least one hundred (100) feet from all property lines. For parcels greater than one (1) acre in area, one (1) additional such bird may be kept for each twenty-four thousand (24,000) square feet in excess of one (1) acre. No predatory birds may be kept on any property under the regulations of this section.
- D. Coops and Cages. All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than sixty-four (64) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed fifteen (15) feet in height.
- E. Enclosures and Fences. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

- (2) In Non-Residential Districts. In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of such animals shall be limited to one (1) animal for each four hundred (400) square feet of lot area.

Section 4: Goats, Pigs, Sheep and Similar Animals. The keeping of goats, pigs, sheep and similar farm animals, and stables and enclosures for the keeping of such animals, shall be governed by the following regulations:

- (1) In Residential Districts. In Residential Districts, no goats, pigs, sheep or similar farm animals shall be kept on a parcel of land less than twenty-four thousand (24,000) square feet in area. For a parcel that is at least twenty-four thousand (24,000) square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional two thousand four hundred (2,400) square feet of area. Stables or other enclosures for such animals shall not be permitted in front yards or in side street yards and shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an

adjoining vacant parcel.

- (2) In Non-Residential Districts. In zoning districts other than Residential Districts, no goats, pigs, sheep or similar farm animals shall be kept on a parcel of land less than fourteen thousand four hundred (14,400) square feet in area. For a parcel that is at least fourteen thousand four hundred (14,400) square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional one thousand two hundred (1,200) square feet of area. Stables or other enclosures for such animals shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.
- (3) Prohibitions. No horses, cows, alpacas, llamas or similar animals shall be kept on a property except in areas specifically designated for the keeping of such animals.

Section 5: Bees. The keeping of bees, and associated beehives, shall be governed by the following regulations:

- (1) In Residential Districts. In Residential Districts, the following regulations shall apply:
 - A. Number. No more than one (1) beehive shall be kept for each two thousand four hundred (2,400) square feet of lot area, and no beehive shall be kept on a lot less than two thousand four hundred (2,400) square feet in area.
 - B. Location and Setbacks. No beehive shall be kept closer than five (5) feet to any lot line and fifteen (15) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.
 - C. Fences and Shrubs. A solid fence or dense hedge, known as a "flyway barrier," at least six (6) feet in height shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.
 - D. Water Supply. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
 - E. Prohibitions. No Africanized bees may be kept on a property under the

regulations of this section.

- (2) In Non-Residential Districts. In zoning districts other than Residential Districts, all applicable in Residential Districts shall apply except that the number of beehives shall be limited to one (1) for each one thousand (1,000) square feet of lot area.

Section 6: Sanitation and Nuisances. Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

Section 7: Animal or Bird Noise. It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.

Section 8: Slaughtering of Animals. Chickens, ducks, rabbits and similar small animals may be slaughtered on site only if for consumption by the occupants of the premises. No other farm animal may be slaughtered on site.

Section 9: Building Permits. A Building Permit shall be required for installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, or beehives that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No Building Permit shall be required for the barrier constituting a required enclosure if such barrier is not permanently attached to the ground and does not exceed three (3) feet in height; and no permit shall be required for a "flyway" barrier not exceeding six (6) feet in length.

Section 10: Building Conditions. The keeping of farm animals or bees shall not be permitted on a property occupied by a building that has been condemned.

Section 11: Enforcement. Department of Zoning shall have the authority to inspect any property to determine compliance with the regulations of this section regarding the construction and permitted placement of enclosures, fences, cages, coops, beehives, stables and other structures used in the keeping of farm animals or bees and shall have the authority to enforce the regulations of this section as they apply to such matters.

Section 12: Variances. The Board of Zoning Appeals may vary the regulations of this section as they apply to a particular property if it determines that such variance will be consistent with the stated purpose of this section.

Section 13: Definitions. Terms used in this section shall have the meanings assigned to them in the following definitions:

(1) Farm Animal. "Farm animal" means any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm and is not an "exotic animal" and is not a house pet such as a dog, cat or similar animal.

(2) Coop and Cage. "Coop" and "cage" mean a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.

(3) Enclosure. "Enclosure" means a set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.

(4) Predatory Bird. An owl, hawk, falcon, eagle or similar bird that feeds principally by catching living prey.

(5) Similar Animal. Any farm animal that is similar to other animals listed in a particular category of permitted animals with respect to impacts to nearby properties, including noise, odors, safety hazards or other nuisances.

Section 14: That, it is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of the Village Council, that all deliberations of this Village Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 15: This ordinance shall be effective 30 days after passage.

1st Reading: October 10, 2022

2nd Reading: October 24, 2022

3rd Reading: November 14, 2022

Passed this 14 day of November, 2022.

Dated: November 14, 2022

Stephen D. Gibson
Mayor

ATTESTED:

Sarah Suber
Clerk

Exhibit A.

APPLICATION FOR KEEPING FARM ANIMALS AND BEES

1. Name of Person(s) Keeping Farm Animals or Bees (Applicant):

2. Location Where Farm Animals or Bees are Kept: _____

3. List of Farm Animals to Desired Be Kept:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

4. If Keeping Bees How Many Hives: _____

- a. Location of Hive at Site: _____
- b. Any Flyway Barrier? _____
- c. Type of Bee: _____

5. Type of Enclosure Provided for Farm Animals: _____

6. Method of Sanitation and Limiting of Nuisance:

7. Preferred Site Inspection Date: _____

This application is submitted this _____ day of _____ 20____.

Applicant

Exhibit B.

PERMIT FOR KEEPING FARM ANIMALS OR BEES

I have reviewed the Application submitted by _____ as the Applicant, have performed a site inspection at the location listed in the Application, and have determined that the Applicant and Site meet the requirements for keeping the Farm Animals or Bees as requested in the Application.

Dated: _____

Zoning Inspector