

**VILLAGE OF HARTVILLE  
STARK COUNTY, OHIO  
ORDINANCE NO. 1-13.10**

ORDINANCE NO. 1-13.10 limiting the keeping, harboring or permitting of an excessive number of live chickens within the Village of Hartville.

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO.**

**Section 1. Findings and Determinations.** This Council finds and determines the following matters:

- (a) The Council, recognizing the need to balance the quantity and types of chickens located in non-agricultural zoning districts is necessary and beneficial to the health and safety of its residents.
- (b) That the keeping, harboring, or permitting of an excessive number of live chickens within the Village of Hartville, be, and the same are hereby prohibited in all zoning districts other than an agricultural district, except as provided herein.
- (c) All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22, Revised Code.

**Section 2. Definitions.**

- (a) "Person" includes a natural person, association, partnership, limited partnership, limited liability partnership, corporation, Limited Liability Company, professional association, society, foundation, federation, organization or any other legal entity.
- (b) "Chicken" means that species of fowl commonly known as domesticated fowl, typically kept for its eggs or meat, and referred to as *gallus domesticus*.
- (c) "Keep, harbor, or permit" includes having custody or control over a live chicken, within the Village.

**Section 3. Prohibitions.** That no person shall keep, harbor, or permit more than six (6) live chickens or any amount of roosters within the Village in any zoning district except an agricultural district.

**Section 4. Permitted Circumstances.** That a person is permitted to keep, harbor, or permit six (6) or less live chickens, in a non-agricultural district, if the chickens are:

- (a) at all times when outdoors kept securely enclosed in a yard or pen of at most eighteen (18) square feet ("Chicken Coop") that is cleaned on a regular basis to prevent the accumulation of animal waste, and otherwise not violating the Village's Ordinances, including but not limited to Ohio Basic Code Section 93.04;
- (b) at all times when outdoors kept at least fifty (50) feet away from any residence;

- (c) at all times when outdoors kept at least twenty (20) feet away from any property line; and
- (d) strictly for personal or household use, rather than for any commercial use. No signage shall be displayed regarding the keeping, harboring, or permitting of the chickens or the offering of eggs, even if there is no charge for the same.

**Section 5. Rodent Protection.** All chicken feed must be stored in a rodent proof container and chickens must not be fed in a manner likely to attract rodents, such as dispersing the feed on the ground.

**Section 6. Slaughtering Prohibited.** No person shall slaughter any chicken within the Village.

**Section 7. Permit Requirements.** Any person desiring to keep, harbor, or permit chickens in accordance with this Ordinance shall register and apply to the Village for a Domestic Fowl Registration Permit (“Permit”), together with paying the fee for the same, in a form as adopted by the Zoning Inspector for the Village. As part of such application, the registrant shall provide as follows:

- (a) Applicant’s full name, address, and contact information;
- (b) A sketch, layout, and images (if available), of the intended location for any chicken Coop, including information as to size, setback from residences, property lines, and the type of construction material to be used;
- (c) The number and type of chickens to be kept, harbored, permitted, or raised;
- (d) The permit fee described below; and
- (e) Any other information necessary for the Zoning Inspector to consider the Applicant’s request.

**Section 8. Permit Fee.** The Permit Fee for such Permit shall be equal to the minimum fee for obtaining a Zoning Permit in the Village, as established by the Village’s Permit Fees Ordinance. If the Permit is granted, the Permit shall be granted for one (1) year from its issuance, subject to renewal by the Zoning Inspector. The yearly renewal fee shall be one-half (1/2) of the minimum fee for obtaining a Zoning Permit in the Village.

**Section 9. Appeal Rights.** An appeal of any decision made by the Zoning Inspector, as it relates to the issuance, denial, or revocation of a Permit under this Ordinance shall be appealable in accordance with Article 20 of the Zoning Ordinance of the Village.

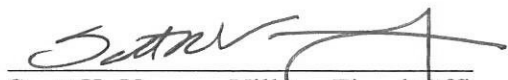
**Section 10. Penalties.** Whoever violates this Ordinance is guilty of a misdemeanor.

**Section 11. Effective Date.** If this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it will take effect and be in force immediately upon its enactment; otherwise, it will take effect and be in full force at the earliest time allowed by law.

DATE: June 4, 2013

  
Richard A. Currie, Mayor

ATTEST:

  
Scott K. Varney, Village Fiscal Officer