

ORDINANCE AMENDING SECTION 505.15 OF THE CODIFIED ORDINANCES OF THE CITY OF NORWOOD, OHIO, ENTITLED "PROHIBITED ANIMALS".

WHEREAS, Council desires to amend Section 505.15 of the Codified Ordinances of the City of Norwood, Ohio, entitled "Prohibited Animals" to better protect the health, safety, and welfare of the community; now therefore,

BE IT ORDAINED by the Council of the City of Norwood, State of Ohio, that:

SECTION 1. Section 505.15 of the Codified Ordinances of the City of Norwood, Ohio, entitled "Prohibited Animals" is hereby amended to read as follows:

505.15 PROHIBITED ANIMALS.

(a) **Keeping or Harboring of Animals Prohibited.** No person shall keep or harbor within the corporate boundaries of the City:

(1) Any animal categorized as *ferae naturae* or wild animals, including, but not limited to, exotic fowl or birds, reptiles and prehensile or carnivorous mammals normally found in a circus or zoological garden; or

(2) Those domesticated animals commonly found on a farm including, but not limited to, sheep, goats, swine, horses, ponies, donkeys, mules, cattle, rabbits, ducks, geese, turkeys and chickens.

(3) A "pitbull terrier".

A. "Pitbull terrier" is hereby defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier, as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

B. Testimony by a veterinarian, zoologist, animal control officer (SPCA), or Health Department code official (designated as an animal control inspector) that a particular dog exhibits distinguishing physical characteristics of a pitbull shall establish a rebuttable presumption that the dog is a pitbull.

(b) **Property Owner Deemed a Harboring.** No person, being the owner of real property within the corporate boundaries of the City, shall knowingly allow any such animal described or named in subsection (a) hereof, to be kept or harbored upon his property.

(c) (1) **Exclusions.** The following animals are specifically excluded from the parameters of this section: dogs (other than pitbull terriers), cats, guinea pigs, Vietnamese potbellied pigs, gerbils, hamsters, parakeets, canaries, parrots and other birds commonly available for purchase in area pet shops, goldfish and tropical fish.

(2) The animals listed as prohibited animals under this chapter are permitted within the City limits for educational use or exhibition provided that the educator takes precautions to ensure the safety of person viewing or handling such animals and that such educator obtains the written permission of the Board of Health and complies with such

safety precautions and insurance coverage as the Board of Health deems necessary to protect the health and safety of all persons presenting or attending such exhibition.

(3) The prohibition to keeping chickens in this section does not apply to the keeping of up to seven (7) female chickens while the animals are kept in such a manner that the following standards are complied with:

A. No person shall keep a chicken on property within the City of Norwood without a permit issued by the Health Department.

B. Application for a permit required by this section shall be made in writing on a form provided by the Health Department. The permit fee shall be twenty-five dollars (\$25). Prior to issuing such permit, the Health Department shall inspect the property to ensure compliance with the requirements of this section.

C. Chickens shall only be kept on a single-family or two family owner occupied parcel(s).

D. Chickens shall be provided with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens, designed to be easily accessed, cleaned, and maintained by the owners and be at least two 2 square feet per chicken in size.

E. No chicken house shall be visible from the public street on which such residential property fronts. Such structures shall be appropriately screened from abutting properties by either a solid fence, wall, or landscaping at a height no less than four feet and no greater than six feet high.

F. The chickens shall be shut into the chicken house at night, from sunset to sunrise.

G. During daylight hours the adult chickens shall have access to the chicken house and, weather permitting, shall have access to an outdoor enclosure on the subject property, adequately fenced to contain chickens and to prevent access to the chickens by dogs and other predators.

H. Stored feed must be kept in a rodent-and-predator-proof container.

I. It is unlawful for the owner, custodian, or keeper of any chicken to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature. The Health Department shall be permitted to inspect the property to determine whether or not a nuisance exists. If the Health Department finds that a nuisance exists, the Health Department shall revoke the permit to allow for chickens on the property.

J. No person shall own, keep, or harbor any rooster in the City of Norwood.

K. No person shall slaughter any chicken upon a residential lot.

(d) Nuisance. Any animal listed or described in subsection (a) hereof is hereby declared to be a public nuisance.

(e) Penalty. Whoever violates this section is guilty of a minor misdemeanor. Each day that the animal continues to be harbored within City limits shall be deemed a separate violation of this section.

(f) Effective Date. This section shall take effect and become enforceable thirty days after the first day of its posting in accordance with the applicable provisions of the Ohio Revised Code. Any person keeping or harboring animals as prohibited by this section within the corporate limits of the City shall therefore abate such nuisance by the time this section becomes enforceable as hereinabove provided by this section.

SECTION 2. This ordinance shall go into effect on the earliest date allowed by law.

PASSED _____

Date

Jane M. Grote
President of Council

ATTEST:

Cassandra N. Brown, the duly appointed Clerk of Council, attests that this ordinance was passed at a regular/special meeting of Norwood City Council on the _____ day of _____, 2010 in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the _____ day of _____, 2010.

Cassandra N. Brown
Clerk of Council

APPROVED _____

Date

Thomas F. Williams
Mayor

CERTIFICATE OF PUBLICATION:

Cassandra N. Brown, the duly appointed Clerk of Council, attests that this ordinance was published in the _____ on _____ and _____.
(Name of Newspaper) (date) (date)

Cassandra N. Brown
Clerk of Council