

**CITY OF MIDDLEBURG HEIGHTS, OHIO****Ordinance No. 2022- 45 1**

Introduced By: Mr. Grech Co-Sponsors: Mr. Bortolotto, Mr. Ference

**AN ORDINANCE  
AMENDING CHAPTER 618 ENTITLED "ANIMALS"  
OF THE CODIFIED ORDINANCES OF THE  
CITY OF MIDDLEBURG HEIGHTS**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That Section 618.08 entitled "Permit to Keep Animals" shall be repealed.

Section 2: That Section 618.09 entitled "Issuance of Permit; Conditions" shall be repealed.

Section 3: That Section 618.01 entitled "Definitions" shall be amended to read as follows:

**618.01 DEFINITIONS.**

As used in this chapter:

- (a) "Horse" includes a pony, donkey, mule, burro, or any other equine animal.
- (b) "Farm Animal" includes 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.
- (c) "Predatory Bird" includes an owl, hawk, falcon, eagle, or similar bird that feeds principally by catching living prey.
- (d) "Stable" means any structure or building used for the keeping, lodging, or feeding of horses.
- (e) "Coop" and "Cage" means 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.
- (f) "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.

Section 4: That Section 618.02(a) shall be amended to read as follows:

(a) No person, being the owner or having charge of horses, ~~mules, cattle, swine, sheep, goats, geese, ducks, turkeys, chickens or other fowl~~ or animals shall permit the same to run at large on any public street or upon any unenclosed lands within the corporate limits.

Section 5: That Section 618.11(a) shall be amended to read as follows:

(a) No person shall keep a horse, or pony, ~~cow, steer, or sheep~~ on any lot within the City unless adequate fencing is provided so as to keep such animal securely confined. Such fencing shall conform to all building and zoning laws.

Section 6: That Section 618.12(a) shall be amended to read as follows:

(a) All stables, yards, and corrals where a horse, or pony, ~~cow, steer, or sheep~~ is kept shall be maintained in a sanitary condition and shall be kept clean and in good repair so as to prevent the breeding of flies and the emission of deleterious and offensive odors.

Section 7: That Section 618.13 shall be amended to read as follows:

The provisions of this chapter shall apply to all stables erected or constructed after the first adoption of this chapter (Ordinance 1970-69, passed June 9, 1970). The provisions of this chapter shall apply to all horses, or ponies, ~~cows, steers, and sheep~~ hereafter kept within the City except that those persons who presently maintain any number of horses or ~~cows~~ in excess of the amount allowed by this chapter, upon securing a **permit** ~~licenses~~ for such horses or ~~cows~~ within 30 days of the effective date of this chapter (Ordinance 1971-122, passed December 14, 1971), shall have the right to continue to maintain such number of horses or ~~cows~~. (Ord. 1983-43. Passed 4-12-83.)

Section 8: That Section 618.14 shall be amended to read as follows:

Whenever it is necessary for the City to take charge of or confine any horse, ~~cow~~, cat, dog, fowl or other animal, the City shall recover from the owner thereof the cost of such capture and confinement prior to the release of such fowl or animal. Such cost shall include ~~ten~~ **fifty** dollars (\$50.00) for the first taking charge of or confinement, ~~twenty-five~~ dollars (\$25.00) for the second taking charge of or confinement and ~~one hundred~~ dollars (\$100.00) for the third taking charge of or **taking charge of** or confinement and shall include boarding charges at the rate of three ~~ten~~ dollars (\$10.00) per day or any part thereof.

Section 9: That new Section 618.xx entitled "Keeping of Farm Animals" be enacted to read as follows:

#### 618.xx. KEEPING OF FARM ANIMALS

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

(b) The keeping of chickens, ducks, and rabbits, and the cages, coops, and enclosures for the keeping of such animals in residential districts shall be governed by the following regulations:

(1) Number. No more than six such animals shall be kept on a parcel of land **used or zoned as** ~~under~~ a residential lot. ~~of 130,680 square feet or 3 acres.~~

(2) Setbacks. ~~The coops, cages or enclosures that house such animals may not be located in the front or side street (on a corner lot) and shall not be located within twenty (20) feet of a side yard line nor within twenty (20) feet of a rear yard line.~~

(2) Horses and Ponies. No person shall keep or raise any horse or pony within the Municipality without having first obtained a written permit from the Division of Building to keep such an animal. an application form and registration for such permit shall be upon as prescribed by the Division of Animal Control and shall set forth the name, age, breed, description and any special markings peculiar to such animal and the name, address, and telephone number of the owner and/or keeper of such animal. The fee for such permit shall be five dollars (\$5.00) for each animal so registered. **The City must be notified upon any changes to the registration such as acquiring a new farm animal or upon the death of a farm animal.** The permit shall be valid for a period of one year and shall be renewable annually. ~~The Division of Building shall issue a permit for keeping a horse or pony when all conditions~~ **All persons must conform to the zoning laws of the City.**

(3) Prohibited Animals. No roosters, geese, turkeys, peacocks, Guineafowl, **cows, steer, camelidae,** goats, sheep, or pigs may be kept in any residential district. No predatory birds may be kept on any residential property.

(4) Coops, Cages & Enclosures. Chickens, ducks, and rabbits shall be provided with a covered, predatory-proof coop, cage or enclosure 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. The total area of all coops, cages or enclosures on a lot shall not be greater than thirty-two (32) square feet for up to 6 animals. Coops, cages, and enclosures singly or in combination shall not exceed ~~fifteen~~ twelve (12) feet in height. **All coops must comply with the zoning laws of the City.**

(5) 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.

(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.

(7) Animal or Bird Noise. It shall be unlawful for any person or 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.

~~(9) Application to Division of Building. Any person proposing to keep farm animals on a property in the City of Middleburg Heights, or to expand such use shall apply for approval from the Division of Building. The Division of Building shall determine if the application follows regulations regarding construction and permitted placement of enclosures, fences, coops, flyway barriers, stables and other structures used in the keeping of farm animals and whether the property is occupied by a condemned building.~~

(8) Building Permits. A building permit shall be required for the 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 coops that are not permanently attached to the ground.

(9) Enforcement. The Division of Building and/or Animal Control 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, stables, and other structures used in the keeping of farm animals and shall have the authority to enforce the regulations of this Section as they apply to such matter.

~~(10) Review and Expiration. Not later than 2 years after the effective date of this Section, the Division of Building and/or Animal Control shall submit a report to City Council listing any public complaints received and any enforcement actions taken during the first 2 years after the effective date of this Section relative to the keeping of farm animals in accordance with the regulations of this Section. Upon receiving this report, City Council shall use this report to decide on the effectiveness of the regulations. The section 618.xx (b)12 shall expire and be of no further force and effect 3 years after the effective date of section 618.xx.~~

(10) Penalty. Whoever violates section 618.xx is guilty of a misdemeanor of the third degree.

Section 10: It is hereby 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 any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: 5/24/22

David Butcher  
President of Council

Presented to Mayor: 5/25/22

5-25-22  
Mayor

Attest: M. Meola  
Clerk of Council

Approved On: Matthew Casella

	Yea	Nay
Bortolotto	<input checked="" type="checkbox"/>	_____
Ali	<input checked="" type="checkbox"/>	_____
Sage	<input checked="" type="checkbox"/>	_____
Meany	<input checked="" type="checkbox"/>	_____
McGregor	<input checked="" type="checkbox"/>	_____
Ference	<input checked="" type="checkbox"/>	_____
Grech	<input checked="" type="checkbox"/>	_____

**CERTIFICATE**  
I, Mary Ann Meola, Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2022-45 passed on the 24<sup>th</sup> day of May 2022 by said Council.  
Mary Ann Meola  
Clerk of Council

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2022-45 adopted by the Council of the City of Middleburg Hts., on 5/24/22 was posted for a period of fifteen days, beginning 5/24/22 and remained so posted for fifteen days at the two posting places as designated by Charter.  
Mary Ann Meola  
Clerk