ORDINANCE NO. 13 , 2009

AN ORDINANCE REGULATING FARM ANIMALS/LIVESTOCK UNDER THE CITY'S LAND USAGE CODE

WHEREAS, the City of Montgomery is predominantly a community of single-family residences in subdivisions with ½ acre or smaller lots; and

WHEREAS, raising livestock is typically an intensive agricultural use that is not appropriate in single-family residential zones due to problems with noise, odor, groundwater and stormwater contamination, and other health and safety issues; and

WHEREAS, the City previously updated its general Code to prohibit livestock in the community, but reserved the possibility to allow certain exceptions under the Land Usage Code, and Council referred the matter to the Planning Commission for further study; and

WHEREAS, the Planning Commission has studied whether under certain conditions keeping a limited number of smaller animals defined as livestock could be accommodated in residential areas without creating threats to the health, safety, and general welfare of neighbors or the community at large; and

WHEREAS, the Planning Commission reviewed this issue in several meetings covering many hours and determined that a limited number of rabbits and chickens/hens could be safely kept using existing health department regulations, property maintenance regulations, and certain amendments to the Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Chapter 150.03 of the Land Usage Code shall be amended to include the following definition:

Farm Animals/Livestock: *Animals, including horses, pigs, goats, cows, sheep, ducks, geese, ostriches, roosters and other animals typically kept on farms. Farm Animals/Livestock does not include chickens/hens or rabbits.*

SECTION 2. The Land Usage Code shall be amended to recognize as a permitted use in the A Single Family District, B Single Family District or C Single and Two-Family District the keeping of rabbits or chickens/hens, provided such animals are kept for personal use by the resident of such property. Chickens/hens shall be limited to six or fewer chickens/hens. All other farm animals/livestock are prohibited throughout all zoning districts. All chickens/hens and/or rabbits shall be contained at all times in a sturdy, sanitary and well maintained coop or hutch located and constructed consistent with all other provisions of the Code.

Section 151.1003 of the Code shall be amended to reflect this change.

This restriction shall not limit the rights reserved under any state or federal law or regulation governing service animals for any disabled person.

SECTION 3. Section 151.1009(B) shall be amended to impose the following requirements on detached accessory buildings or structures:

Doghouses, chicken coops, rabbit hutches, beehives and other animal shelters *shall be permitted in the side or rear yard no less than fifteen feet from a side lot or rear lot line.*

It should also be noted in Section 151.1009(B) that such accessory structure, when erected or installed on such lot, must not be visible from the public

street on which such residential property fronts, and such structure must be appropriately screened from abutting properties with landscaping, a fence or a wall constructed and maintained according to the Code.

SECTION 4. Section 151.1009 shall be amended to add the following: ***Section (K)*** *Doghouses, chicken coops, rabbit hutches, beehives and other animal shelters are permitted in the rear yard or side yard of a residential property consistent with the other regulations of the Code, and whether such structure is permanently affixed, portable or mobile it shall not exceed six feet in height and it shall cover an area no greater than eighty square feet.*

SECTION 5. Section 302.14 of the Property Maintenance Code shall be amended to include doghouses, chicken coops, rabbit hutches, beehives and other animal shelters.

SECTION 6. Section 302 of the Property Maintenance Code shall be amended to add the following Section 302.17:

It shall be prohibited, in any zoning district within the City, for any person to slaughter or field dress any animal. This restriction shall not apply to any property area within the City where hunting is permitted. Additionally, any animal carcass must be properly stored before disposal so as not to cause noisome or offensive odors, attract animals or pests, and such animal carcass must be disposed of in a safe and sanitary manner.

SECTION 7. This Ordinance shall not supersede any restrictions or regulations imposed by deed restriction, subdivision regulation or Homeowner's Association regulation applicable to land within the City.

SECTION 8. If any part of this Ordinance is determined to be unconstitutional, improper or invalid, all remaining parts of this Ordinance shall continue to be enforced and such unconstitutional, invalid or improper section shall be severed from the remaining regulations enacted herein.

SECTION 9. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: December 2, 2009

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon
Terrence M. Donnellon, Law Director