

**AN ORDINANCE TO AMEND CHAPTER 90 AND TO CREATE SECTION 90.141
TO PROHIBIT THE OWNING, KEEPING, HARBORING, AND PERMITTING OF CERTAIN FARM
ANIMALS AND TO LIMIT THE NUMBER OF CHICKENS AND RABBITS WITHIN THE
VILLAGE OF BREWSTER, AND TO IMPOSE CONDITIONS ON THE KEEPING OF SAME**

WHEREAS, the Council of the Village of Brewster finds it necessary to the health, safety and welfare of its citizens to prohibit ownership, keeping, harboring and permitting of certain farm animals and to limit the number of chickens and rabbits that may be kept in the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: Chapter 90 of the Codified Ordinances of Brewster shall be amended to include the following:

SECTION 90.141: CHICKENS AND RABBITS

- A.** The owning, keeping, harboring, or permitting of certain farm animals and an excessive number of chickens and rabbits within the Village shall be prohibited.
- B.** Definitions:
- (1) "Person" includes a natural person, association, partnership, organization or corporation or other similar legal entity.
- (2) "Own, keep, harbor or permit" includes having legal title, custody or control over a prohibited farm animal.
- C.** In addition to other animals prohibited by other sections of this Chapter the following farm animals shall be prohibited: cows, sheep, ducks, geese, llamas, goats, donkeys, horses, hogs, swine, and buffaloes. Also prohibited are an excessive number of chickens and rabbits as limited by the following section.
- D.** No person shall own, keep, harbor, or permit more than six (6) live chickens and (6) live rabbits within the Village and no roosters shall be allowed.
- (a) A person is allowed to keep, harbor or permit six (6) or less live chickens or rabbits if the animals are:
- (1) At all times when outdoors kept securely enclosed in a yard or pen that is cleaned to prevent the accumulation of animal waste;
- (2) At all times when outdoors kept at least fifty (50') feet away from any neighboring residence;
- (3) At all times when outdoors kept at least twenty feet (20') feet away from any property line; and,
- (4) Strictly for personal or household use, rather than for any commercial use.
- (5) Any structures or fencing associated with the keeping of the above animals may not be situated in a front or side yard in a residential area
- (b) All feed must be stored in a rodent proof container and animals must not be fed in a manner likely to attract rodents, such as dispersing the feed on the ground.
- (c) No person shall slaughter any animals within the Village.
- E.** No person shall keep any chicken or rabbit without first having obtained a permit from the Village Administrator. This permit may be revoked at any time by the Village Administrator.

(a) The permitting process will be as follows:

(1) Any person desiring to have chickens or rabbits shall contact the Village Administrator prior to obtaining any chicken or rabbit. Persons that currently have chickens or rabbits shall contact the Village Administrator and will be given six months to abide by the restrictions placed on the ownership of six chickens or rabbits.

(2) Regulations shall be developed by the Village Administrator to administer this ordinance. The regulations and amendments thereto established under this section shall be reduced to writing, filed with the Clerk of Council and maintained in the office of the Village Administrator. The Village Administrator may grant an exemption pursuant to the exemption provisions contained in 90.14 (E) of the codified ordinances of the Village.

(3) No Permit shall be granted unless all the regulations established by Village Administrator and the conditions of this ordinance are complied with by the applicant.

(b) The Permit application shall be accompanied by the payment of a fee of \$25.00 to cover the processing of the application.

F. Penalty: Whoever violates this section is guilty of a minor misdemeanor. Every day a violation occurs shall be a separate offense. In the event a person is convicted more than one time in a two-year period the degree of offense for the second conviction shall be a misdemeanor of the fourth degree.

A violation of this section is deemed to constitute a nuisance and shall be subject to abatement procedures under the Ohio Revised Code and/or pursuant to the ordinances of the Village.

SECTION 2: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on October 16, 2017

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni’s IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King