

**AN ORDINANCE TO AMEND CHAPTER 90 AND TO CREATE SECTION 90.142
TO LIMIT THE NUMBER OF PIGEONS AND TO IMPOSE CONDITIONS UPON THE OWNING,
KEEPING, HARBORING, AND PERMITTING OF PIGEONS WITHIN THE VILLAGE OF BREWSTER,
AND TO IMPOSE PENALTIES FOR VIOLATIONS ON THE KEEPING OF SAME**

WHEREAS, it is the purpose and intent of this ordinance to permit the keeping, maintenance and flying of a limited number of certain registered pigeons as a recreational sport and hobby, subject to regulations hereinafter set forth, and

WHEREAS, the keeping, breeding, maintenance and flying of fancy, racing and sporting breeds of pigeons, as defined herein, are not detrimental to the public welfare, if regulated as hereafter set forth, and

WHEREAS, it is recognized that the keeping, breeding, maintenance and flying of such pigeons is now mainly engaged in by members of local, district and national organizations, and such persons keep their pigeons in suitable permanent structures constructed and maintained for such purpose, and keep such structures in a clean and sanitary manner, and do not permit their pigeons to remain at large in the community in such manner as to disturb their neighbors or to prevent the full enjoyment of property rights by their neighbors.

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

SECTION 1: The Village shall adopt regulations for the owning, keeping, harboring, and permitting of pigeons as defined below and shall be added to Chapter 90 of the Brewster Code of Ordinances:

SECTION 90.142 - PIGEONS

A. DEFINITIONS

1. Pigeon means a member of the family Columbidae, and shall include "Racing Pigeons", "Fancy Pigeons" and "Sporting Pigeons" as defined in this ordinance.
2. "Racing Pigeon" means a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc. or the International Federation of Racing Pigeon Fanciers. Also, commonly known as Racing Homer, Homing Pigeon, or Carrier Pigeon.
3. Fancy Pigeon means a pigeon which, through past breeding has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples: Fantails, Pouters, Trumpeters.
4. Sporting Pigeon means a pigeon which, through selective past breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples: Rollers, Tiplers.
5. Loft means the structure(s) for the keeping or housing of pigeons permitted by this ordinance.
6. Mature Pigeon means a pigeon aged six months or older.
7. Owner means the owner of Pigeons subject to this ordinance.

B. CONDITIONS

The keeping, breeding, maintenance and flying of pigeons shall be permitted on the following conditions:

1. The loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.
2. There shall be at least one (1) square foot of floor space in any loft for each mature pigeon kept therein.
3. The construction and location of the loft shall not conflict with the requirements of any Building Code or Zoning Code of the Village and shall kept be fifty feet from any residence and twenty feet from any property line.
4. All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
5. The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the Village.
6. All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on the buildings or property of others.
7. All pigeons shall be fed within the confines of the loft.
8. No one shall release pigeons to fly for exercise, training or competition except in compliance with the following rules:
 - (a) The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc. the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, The American Tippler Society, The International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.
 - (b) Pigeons will not be released for flying which have been fed within the previous four hours.
9. Pigeons shall be banded and registered with one of the national pigeon associations/ registries.
10. The number of pigeons shall be limited to no more than thirty live pigeons.

C. PERMIT

An application signed by the Owner, on such form as shall be provided by the Village, wherein the owner shall certify that his loft(s) comply with applicable building, and zoning codes, and upon payment of a fee of \$ 25.00, a permit shall be issued to the owner, which shall remain in full force and effect unless suspended or revoked, or unless the use of the loft be discontinued for a period of one year.

D. RIGHT OF ENTRY FOR INSPECTION:

The Animal Control Officer and/or Village Administrator may enter and inspect any property or loft at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this ordinance.

E. VIOLATIONS AND PENALTIES

When the Animal Control Officer and/or the Village Administrator finds a violation to have occurred, the officer shall give written Notice thereof to the owner. If said violation is not remedied within ten (10) days, the Animal Control Officer and/or Village Administrator or other appropriate Officer may issue a citation to appear in municipal court to answer the charges stated thereon. Any owner found violating any of the provisions of this ordinance shall upon conviction be guilty of a misdemeanor of the fourth degree and shall result in the revocation of the permit.

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 _____

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