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May 20, 2022

AKRON CITY COUNCIL

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Requested by Department of Neighborhood Assistance

Offered by: FUSCO

ORDINANCE NO. 133 -2022 amending and/or supplementing Title 9, Chapter 92 "Animals," Section 92.18 "Restricting certain animals," Section 92.24 "Keeping dangerous animals—Permit—Fees," and Section 92.29 "Beekeeping" of the Akron Codified Ordinances in order to replace "Director of Public Health" with "Director of Neighborhood Assistance"; and declaring an emergency.

BE IT ENACTED by the Council of the City of Akron:

Section 1. That Title 9, Chapter 92 "Animals," Section 92.18 "Restricting certain animals", Section 92.24 "Keeping dangerous animals—Permit—Fees," and Section 92.29 "Beekeeping" of the Akron Codified Ordinances is hereby amended and/or supplemented as read as follows:

92.18 – Restricting certain animals.

- A. Fowl. No person shall keep chickens or other poultry in any dwelling or within one hundred feet thereof.
- B. Rabbits. No person shall keep rabbits in any dwelling or within twenty-five feet thereof.
- C. Hogs. No person shall keep hogs within the city, except that:
 - 1. No more than one miniature potbellied pig may be kept in a single-family dwelling as defined in § 153.14 of this code.
 - a. A miniature potbellied pig is defined as one which meets the requirements of and is registered with the Potbelly Pig Registry Service, Inc. of Lakeville, Indiana and/or the International Potbelly Pig Registry Service of Pescadero, California;
 - b. Each miniature potbellied pig shall be a pet, that is to be kept for personal enjoyment and not kept or raised for human consumption;
 - c. The maximum weight of a miniature potbellied pig shall not exceed sixty-five pounds. If the weight exceeds sixty-five pounds, the miniature potbellied pig shall be removed;
 - d. Miniature potbellied pigs shall not be bred within the city;
 - e. Miniature potbellied pigs must be spayed or neutered if three months or older;

- f. If a miniature potbellied pig is taken off its owner's property, it shall be on a secure leash that is not more than six feet in length which is held in the hand of a person who is of suitable age and discretion;
- g. Waste from miniature potbellied pigs must be removed in an appropriate manner to prevent health and odor problems;
- h. Miniature potbellied pigs shall reside in the residence of the owner as a house pet and shall not be kept in an outside pen; and
- i. If a miniature potbellied pig becomes a nuisance, disturbs the tranquility of the surrounding neighborhood, or becomes a health problem, the ~~Director of Public Health~~ **Director of Neighborhood Assistance** shall have the authority to order and have the miniature potbellied pig removed from the city;
- j. Any person found guilty of violating the provisions of this section shall pay all expenses, including shelter, food, and veterinary expenses necessitated by the seizure of any miniature potbellied pig pursuant to § 92.26(C).

D. Other Hoofed Animals.

1. No person shall keep, harbor or maintain any horse, pony, cow, calf, goat or other hoofed animal other than hogs in the city, except that the keeping, harboring or maintaining of any such animals may be authorized by the ~~Director of Health~~ **Director of Neighborhood Assistance** for the City by permit duly issued therefore, provided that such animals are located on lots or parcels of one acre or more. This prohibition and conditions do not apply when not more than one spayed or neutered pygmy goat, defined as meeting the requirements of the National Pygmy Goat Association located in Mendon, Massachusetts, is kept as a pet in single-family dwelling. However, any owner or keeper of a pygmy goat shall:
 - a. Keep the pygmy goat, when it is outdoors, in an area enclosed by a fence at least four feet in height;
 - b. Provide suitable shelter to protect the pygmy goat from the elements; and
 - c. Promptly remove and dispose of all goat droppings.
2. Such permits may be issued by the Director on written application therefor in such form as the director requires, and shall specify any restrictions, limitations, conditions, or prohibitions which the Director deems reasonably necessary to protect any person or any neighboring use from unsanitary conditions, unreasonable noise or odors, or other annoyance, or to protect the public health or safety. All such animals kept in connection therewith shall be located no closer than fifty feet to any building used or designed for human habitation.

3. The Director shall investigate or cause to be investigated the keeping of any such hoofed animals. ~~and shall report the results of such investigation to the Health Commission.~~ The Commission may, at its discretion, conduct a public hearing on the manner and extent of keeping or maintaining such hoofed animals and, following such public hearing, may impose such limitations, restrictions, conditions, or prohibitions on the keeping or maintaining of any such hoofed animals on the premises as, in its sound judgment, are reasonably necessary to protect any person or any neighboring use from unsanitary conditions, unreasonable noise or odors, or other annoyance, or to protect the public health or safety.

E. Pigeons.

1. No person shall keep or harbor the common Asiatic pigeon. Racing and banded pigeons, banded with a seamless, numbered leg band, issued by an active pigeon club, raised solely for the purpose of showing and/or racing may be raised in lofts constructed and maintained in strict compliance to existing zoning and building regulations for secondary buildings. Lofts should be constructed to allow freedom of movement for the birds, usually five square feet of open bottom wire floor space per pair with rodent- and vermin-proof walls and closures.
2. The keeper of racing and/or banded pigeons is required to comply with all standards and requirements of the American Pigeon Fancier's Council (APFC).
3. ~~The Director of Health~~ **Director of Neighborhood Assistance** shall investigate or cause to be investigated any complaints related to the raising of racing or banded pigeons. If unsanitary conditions, unreasonable noise or odors are not corrected in a reasonable period of time, the Director shall order the loft disbanded until such time as the required corrections are made to the satisfaction of the Director. Penalty, see § 92.99.

92.24 - Keeping dangerous animals—Permit—Fees.

- C. ~~The Director of Health~~ **Director of Neighborhood Assistance** shall issue a special permit for the keeping or maintenance of a dangerous animal if he finds that:

1. The animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or the property of others.
2. Adequate safeguards are made to prevent unauthorized access to such animal by members of the public.
3. The health or well-being of this animal is not in any way endangered by the manner of keeping or confinement.
4. The keeping of such animal does not constitute a nuisance and will not disturb the tranquility of the surrounding neighborhood.

5. The keeping of such animal will not create or cause offensive odors or constitute a danger to public health.
 6. The quarters in which such animal is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.
 7. The applicant for such special permit proves his ability to respond in damages in a single limit amount of five hundred thousand dollars for bodily injury to or death of any person or for damage to property owned by any other person which may result from the ownership, keeping, or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the ~~Director of Health~~ **Director of Neighborhood Assistance** a certificate of insurance from an insurance company authorized to do business in the state stating that the applicant is, at the time of his application, and will be during the period of such special permit, insured against liability to respond in such damages, or by posting with the ~~Director of Health~~ **Director of Neighborhood Assistance** a surety bond conditioned on the payment of such damages during the period of such special permit. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days written notice is first given to the Director of Neighborhood Assistance.
- D. The ~~Director of Health~~ **Director of Neighborhood Assistance**, in investigating any applicant for a permit under this section or in the enforcement of this section, is authorized to consult with and seek the advice of the Society for Prevention of Cruelty to Animals, the Animal Protective League, the Humane Society, or any other individual, agency, organization, or society which may be able to provide information and advice concerning the keeping of dangerous animals.
- E. The ~~Director of Health~~ **Director of Neighborhood Assistance** shall renew such special permit only on an inspection of the subject premises and a finding that all criteria listed in subsections (C)(1) through (7) of this section are met. Should the ~~Director of Health~~ **Director of Neighborhood Assistance** determine during any such inspection that any of the conditions therein specified are being violated, he shall refuse to renew any such special permit, or he shall revoke such special permit in the event that such violation is not corrected within such period of time as he directs.
- F. A separate permit is required for the keeping of each dangerous animal.
- G. The provisions of this section shall not apply to the keeping of dangerous animals in the following cases:
1. The keeping of such animals in zoos, bona fide education or medical institutions, museums, or any other place where they are kept as live specimens for the public view, or for the purpose of instruction or study.
 2. The keeping of such animals for exhibition to the public of such animals by circus, carnival, or other exhibit or show.

3. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.
 4. The keeping and offering for sale of such animals by a bona fide commercial pet shop establishment.
- H. No permit or renewal of a permit shall be issued for the keeping of dangerous animals unless all provisions of this section are complied with and a fee of fifty dollars is paid to the Director of Neighborhood Assistance. Permit fees shall be paid annually on or before the start of the permit year. Penalty, see § 92.99.

92.29 - Beekeeping.

- A. No person shall place or keep a beehive in the City of Akron without first obtaining a permit therefor from the Director of Neighborhood Assistance.
1. Permit applications shall be accompanied by a nonrefundable annual fee of five dollars for each apiary to help defray the costs of processing the application.
- B. ~~The Director of Health~~ **Director of Neighborhood Assistance** shall issue a permit for an apiary if he finds that:
1. The apiary does not constitute a nuisance; and
 2. The apiary does not disturb the tranquility of the surrounding neighborhood; and
 3. The apiary does not endanger the public health; and
 4. The apiary is placed and maintained in a manner approved by the ~~Director of Health~~ **Director of Neighborhood Assistance** and the following restrictions may be required:
 - a. The back of the beehive may be no less than six feet from any adjoining residential property or to any public road or public right-of-way.
 - b. The side of the beehive may be no less than fifteen feet from any adjoining residential property or to any public road or public right-of-way.
 - c. The front of the beehive may be no less than twenty-five feet from any residential property or to any public road or public right-of-way.
 - d. The front or entrance of a beehive shall not directly face residences of adjoining property owners.
 - e. No person shall place or keep an apiary, or cause or allow an apiary to remain on land not owned or possessed by such person, without first obtaining the written permission to do so of the owner or person lawfully in possession of such land.

- f. Every person owning, possessing, or controlling an apiary shall maintain within ten feet of each apiary a supply of water with a backflow prevention device which shall be equipped with a float valve or similar device which assures an adequate accessible and usable supply of water for the bees.

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that the proposed amendments will vest the Director of Neighborhood Assistance with authority to enforce the animal provisions of the Codified Ordinances, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed June 6, 2022

Dana R. Buriano
Clerk of Council

Ray Amul
President of Council

Approved 6/7, 2022

T. M. H.
MAYOR

Akron City Council - Uniform Council Report (UCR)

PART I – General Information

Subject of Requested Legislation:
Revision to the Code of Ordinances Chapter 92

Department/Division: Neighborhood Assistance / Nuisance Division

Requestor: Greg Kalail Phone/Ext: 6282

If applicable, previous legislation on this subject (reference by ordinance/resolution number):

Purpose/Objective of Legislation:
Change "Director of Health" to "Director of Neighborhood Assistance"

PART II – Financial Information

Does this Legislation directly involve the expenditure of funds?
Was this expenditure budgeted for in the current operating budget?

☐ YES ☒ NO
☐ YES ☐ NO

If "YES," describe how the budgeted amount for the project compares to the actual or estimated costs:

City Expenditures

| Budgeted Costs | |
|----------------|--|
| Amount: | |
| Fund: | |
| Org: | |
| Acct: | |

| Estimate of Costs | |
|-------------------|--|
| Amount: | |
| Fund: | |
| Org: | |
| Acct: | |

| | |
|---------|--|
| Amount: | |
| Fund: | |
| Org: | |
| Acct: | |

| | |
|---------|--|
| Amount: | |
| Fund: | |
| Org: | |
| Acct: | |

City Receipts

| City Receipt of Funds | |
|-----------------------|--|
| Amount: | |
| Fund: | |
| Org: | |
| Acct: | |

| Other Consideration | |
|---------------------|--|
| | |

Total expenditure (if applicable): \$_____

Total receipts (if applicable): \$_____

PART III – DETAILED INFORMATION:

Attach detailed information/documentation, as described in UCR Instruction Sheet.

Summary Ordinance No. 133-2022 passed by Akron City Council June 6, 2022 amending and/or supplementing Title 9, Chapter 92 “Animals,” Section 92.18 “Restricting certain animals,” Section 92.24 “Keeping dangerous animals-Permit-Fees,” and Section 92.29 “Beekeeping” of the Akron Codified Ordinances in order to replace “Director of Public Health” with “Director of Neighborhood Assistance”; and declaring an emergency.

By: Sara Biviano, Clerk of Council

This summary is being published pursuant to Section 38 of the City Charter. The complete text of this legislation is available in the office of the Clerk of Council.

**posted on Akron City Council website 6/7/22 through 6/23/22*