

**ORDINANCE REVIEW COMMITTEE  
MEETING MINUTES  
Mayfield Village  
Aug 11, 2015**

The Ordinance Review Committee met in regular session on Tues, Aug 11, 2015 at 5:00 p.m. at the Mayfield Village Civic Center Conference Room. Chairman Bill Marquardt presided.

**ROLL CALL**

**Present:** Mr. Bill Marquardt Chairman  
Mr. Jerry Catalano  
Mr. Jim Farmer (5:10 pm)  
Mr. John Marrelli

**Absent:** Mrs. Mary Ann Wervey  
Mr. Tom Cappello Village Engineer  
Dr. Stephan Parker Council Alternate

**Also Present:** Mr. Mark Guidetti Law Department  
Ms. Deborah Garbo Secretary  
Steve Jerome, Councilman

**CONSIDERATION OF MEETING MINUTES:** **July 14, 2015**

Mr. Marrelli, seconded by Mr. Catalano made a motion to approve the minutes of July 14, 2015.

**ROLL CALL**

Ayes: All **Motion Carried**  
Nays: None **Minutes Approved As Written**

**PROPOSALS**

1. **Building Code;** Chapter 1305 Architectural Review Board  
**Charter;** Article V; Section 2. Architectural Review Board  
Authority for Building Commissioner to Vote  
(Follow-up 7/14 Mtg)
2. Chapter 505; Animals and Fowl  
Section 505.15; Keeping Animals near Dwellings  
(Follow-up 7/14 Mtg)

**OPEN PORTION**

Building Code; Chapter 1305 Architectural Review Board  
Charter; Article V; Section 2. Architectural Review Board  
Authority for Building Commissioner to Vote

Chairman Marquardt called the meeting to order beginning with proposal #1. Everyone should have received the proposed language.

Mr. Guidetti explained proposed draft. The first two revisions 1305.01 & 1305.05 are really just to reflect the primary change to 1305.08. This is drafted in a manner to make clear that the building Commissioner is not a full member of the Board. Proposed language;

1305.08 AUTHORITY

**(e) The Building Commissioner shall attend all meetings of the Board and shall be counted towards a quorum when less than a quorum is present at any meeting, and shall be allowed to vote at any such meeting except that the Building Commissioner's vote cannot break a tie vote.**

Mr. Marrelli said if there are 2 members, I'll create the quorum and the meeting can proceed.

Chairman Marquardt states, if 2 of the regular members vote opposite of one another, you cannot vote.

Mr. Marrelli said that's correct. I cannot break a tie. This is basically being able to conduct a meeting.

Chairman Marquardt said, I think this reflects what we discussed at the last meeting. The wording looks adequate.

Councilman Jerome asked, what is the term of a member of the ARB?

Mr. Guidetti replied, 3 year terms.

**Mr. Farmer arrives @ 5:10 p.m.**

Chairman Marquardt explained to Jim what was discussed before his arrival.

Mr. Marrelli asked, when I'm part of the quorum, am I supposed to vote or not vote?

Chairman Marquardt replied, you're only part of the quorum if there are only 2 members present.

Mr. Guidetti added, you'd be the last vote. If it's a tie vote, you can't vote. If they agreed, you'd be the third vote.

**DECISION**

Mr. Catalano, seconded by Mr. Farmer made a motion to accept proposed amendments to Chapter 1305 as discussed.

Chairman Marquardt asked if any other discussion. There was none.

**ROLL CALL**

Ayes: Mr. Marquardt, Mr. Catalano, Mr. Farmer, Mr. Marrelli

Nays: None

**Motion Carried**

**Recommendation to Council.**

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Chapter 505; Animals and Fowl  
Section 505.15; Keeping Animals near Dwellings

Mr. Guidetti states, this is a minor amendment to exclude chickens from the definition of domestic animals. Proposed language;

505.15 KEEPING ANIMALS NEW DWELLINGS

(b) No person shall keep, harbor or maintain any horses, mules, cattle or any animal other than a domestic animal, **except for chickens**, on his property if such property is less than two acres. If the property is two acres or larger then, in order to maintain such animals, the owner shall construct on the premises, a corral or enclosure for such animals which shall be at least ten feet from any property line and at least 200 feet from the dwelling, other main building on the premises or any dwelling on any adjacent property.

The owner shall furthermore construct a barn or shed to house such animals which barn or shed shall be totally within the corral or enclosure referred to herein above. The floor of such barn or shed shall include channeling to dispose of animal urine by underground piping to an approved sanitary sewer or other approved sanitary disposal facility approved by the Board of Health of Cuyahoga County. The owner shall furthermore be responsible for bagging and disposing of all manure on a daily basis.

Mr. Guidetti continued, the same thing can be accomplished I think by a revision to 505.01 which defines “domestic animal”. But I think 505.15 will read a little more clearly for someone going to the code to try and understand it, because it says “except for chickens” right there.

505.01 DEFINITIONS

(d) “Domestic animal” means a dog, cat, caged bird, hamster, gerbil, fish or other animal commonly considered domestic but excluding lions, tigers, panthers or other animals considered exotic.

Mr. Guidetti said the question is if we want to have additional regulations beyond 505.15. I followed up with our Animal Warden Steve. He has a lot of familiarity with chickens. It sounds

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like he raised them for a good part of his life. He had some recommendations on some requirements we may want to consider; No roosters, hens only, 10 hens max, 2 sq. ft. per bird, no free range, has to be in enclosed coop or pen, heated water, heated pen, food availability for the chickens and must have cages cleaned once a week. From reviewing other municipality's ordinances, there're a variety of additional regulations we could include. We just want to make sure they're not discretionary requirements.

Chairman Marquardt said, we're excluding chickens. Are there any other undesirable animals that are considered domesticated? How come chickens aren't referenced in the definitions section?

Mr. Marrelli said by definition if you google chickens, it says it's a domesticated animal.

Chairman Marquardt asked, doesn't our definition override that definition?

Mr. Guidetti replied, our definition says "caged bird".

Mr. Marrelli said, we had gone down that road a couple years ago to find out that chickens are domesticated. They stay close together, they stay in the yard. They're considered domestic because they don't wonder off or go after prey.

Chairman Marquardt asked, are we going to find any other undesirable domestic animals?

Mr. Guidetti replied, it's possible. If they're not specifically referenced, it would be a case by case determination.

Councilman Jerome asked, can we list the specific domesticated animals? Mr. Guidetti replied, to a certain extent, it does.

Mr. Guidetti said, if we make the proposed revision, that would prevent chickens from being placed on a property less than two acres. If the property is over two acres, then they could have chickens but they have to follow the requirements of the 200 foot setback from any building and ten foot setback from any property lines, etc. It wouldn't be as specific as our Animal Warden suggested, but we can see how that plays out. I should note that the thing that promulgated this complaint from the Doctor is primarily a health concern for salmonella. I contacted The Ohio Department of Agriculture. I tried to get a hold of somebody at Lakewood. I talked to The Cleveland Department of Public Health. Everybody I spoke with, it was apparent that the majority of diseases are only communicated to humans through actual physical contact or if you come in contact with their feces. It doesn't seem like there's a whole lot of airborne type situations where it's going to travel to the next neighboring property and get someone sick.

Councilman Jerome asked, has there been any other complaints of this nature?

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Mr. Marrelli replied, there's a couple other properties that have chickens and we haven't had any complaints.

Councilman Jerome asked, from what you found with the Health Boards is it necessary?

Mr. Guidetti replied, it seems like a lot of communities are regulating it out of that concern. I have information from The Illinois Department of Public Health. It basically lists each concern for live poultry in a residential area. It talks about bacterial diseases. There's one disease that says it could be spread other than direct contact. But it says most of the diseases aren't significant public health hazards, for example, it can cause mouth & eye infections, things like that.

Councilman Jerome asked, do other communities have the two acre limit?

Mr. Guidetti said it's all over the map. Some say 1 chicken per 800 sq. ft. of total lot area.

Mr. Catalano asked about turkeys. My Dad raised turkeys.

Mr. Marrelli asked, are they considered domestic animals or farm animals? Our ordinance seems to relate to farm animals; horses, mules & cattle. I think the important part and whole idea is keeping it in the owner's property and away from other people. I don't know about having a chicken coop 10 feet off the property line if I have a 2 acre parcel. It should be put somewhere in the center of the lot in the green space.

Chairman Marquardt said this chicken thing seems to be a growing trend. The 2 acre limit will cut out most of the properties. The distance from neighboring properties might be reasonable. I hesitate to get into over regulating.

Mr. Guidetti said this is always something we can revisit with a simple revision. If there's an issue down the road, we can revisit the ordinance.

Chairman Marquardt states, the more you put in, the more it's going to cost to enforce.

Mr. Marrelli said they'll need a permit to build a coop, it's an accessory building. We can get that located and hopefully that's where the chickens will hang out. I think that's a trigger. If we get that right, then everything else will be away from other people.

Chairman Marquardt said it's a balancing thing as to how much of a problem this going to be and how much do we write into the ordinance.

Mr. Marrelli replied, I don't know that it's a problem yet. I know that when the Animal Warden has to go out and check on this stuff, we'll get charged for it.

Mr. Guidetti said that's another thing. We'll have to amend the contract with the Animal Warden. Right now the chickens that exist in the Village would be grandfathered.

**NEXT STEP**

Mr. Guidetti to draft language for next meeting date of **Tues, Sept 8<sup>th</sup> @ 5:00 p.m.**

- Exception for chickens from domestic animal.
- Include a setback requirement.
- Coop to be centrally located in the green space in the rear yard.

**ADJOURNMENT**

Mr. Marrelli, seconded by Mr. Farmer made a motion for adjournment.

**ROLL CALL**

Ayes: All

Nays: None

**Motion Carried.**

**Meeting adjourned at 5:30 p.m.**

*Respectfully Submitted,*

*Deborah Garbo*

*Executive Assistant*

*Building Department*