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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Brinkman

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CORRECTED VERSION*

SUMMARY

- Allows a property owner to keep, harbor, breed, or maintain goats, chickens and similar fowl, and rabbits and similar small animals (“small livestock”) unless one of the following applies:
 - The small livestock create a nuisance;
 - The small livestock are kept in a manner so as to cause noxious odors or unsanitary conditions that result in a public health concern;
 - The structure used to house the small livestock is not solidly constructed, not of an adequate size necessary to house the small livestock in a comfortable and sanitary manner, or not kept more than ten feet from neighboring property lines; and
 - The number of small livestock kept on the property exceeds the amount allowed under the bill, as determined by the acreage of the property and the type of small livestock kept.
- Prohibits county and township zoning authorities from regulating certain agricultural activities conducted on residential property for noncommercial purposes.

DETAILED ANALYSIS

Small livestock kept on residential property

The bill generally authorizes a person who owns a parcel of residential property not generally used for agricultural purposes to keep, harbor, breed, or maintain (“keep”) goats, chickens and similar fowl, and rabbits and similar small animals (“small livestock”) on the

* The corrected version of the analysis fixes inadvertent typographical and grammatical errors.

residential property. Roosters are not considered small livestock for purposes of the bill.¹ A residential property owner may keep small livestock on the property unless one of the following applies:²

1. The small livestock create a nuisance (which means the loud and frequent or habitual sounds from small livestock that cause serious annoyance or disturbance to other persons);³
2. The small livestock cause noxious odors or unsanitary conditions that result in a public health concern;
3. The structure used to house the small livestock is not solidly constructed, not of an adequate size necessary to house the small livestock in a comfortable and sanitary manner, or not kept more than ten feet from neighboring property lines; or
4. The number of units of small livestock kept on the residential property divided by the acreage of the residential property exceeds a ratio of one small livestock unit per one acre of residential property, in accordance with the small livestock unit chart as follows:

Small livestock unit chart

<u>Type of animal:</u>	<u>Unit measurement:</u>
Goat	1 goat = 0.3 unit
Chicken or similar fowl	1 fowl = 0.05 unit
Rabbit or similar small animal	1 animal = 0.05 unit

As used in the bill, “acreage of the residential property” is the precise acreage of a parcel of residential property as listed by the county auditor.⁴

Ratio formula examples

Below are some examples of how the small livestock ratio formula is intended to operate using the small livestock unit chart.

Example #1:

A person has 0.5 acres of land. The person also has 2 chickens and 2 rabbits. Does this violate the bill?

¹ R.C. 901.60(A)(3).

² R.C. 901.60(B).

³ R.C. 901.60(A)(2).

⁴ R.C. 901.60(A)(1).

The bill states that the number of units of small livestock kept on the residential property [in this case, 2 chickens (0.05 units x 2 = 0.1 units) + 2 rabbits (0.05 units x 2 = 0.1 units) = 0.2 units in total], divided by the acreage of the residential property [in this case, 0.5 acres] cannot exceed a ratio of one small livestock unit per one acre of residential property. Thus:

$$\frac{0.2 \text{ units}}{0.5 \text{ acres}} \text{ cannot exceed the ratio of } \frac{1 \text{ unit}}{1 \text{ acre}}$$

$$0.2 \text{ units} \div 0.5 \text{ acres} = 0.4 \text{ units/acre}$$

Since 0.4 units/acre does not exceed 1 unit/acre, the person who is keeping the small livestock in this example does not violate the bill.

Example #2:

A person has 0.7 acres of land. The person also has 2 chickens, 2 rabbits, and 2 goats. Does this violate the bill?

The number of units of small livestock kept on the residential property [in this case, 2 chickens (0.05 units x 2 = 0.1 units) + 2 rabbits (0.05 units x 2 = 0.1 units) + 2 goats (0.3 units x 2 = 0.6 units) = 0.8 units in total], divided by the acreage of the residential property [in this case, 0.7 acres] cannot exceed a ratio of one small livestock unit per one acre of residential property. Thus:

$$\frac{0.8 \text{ units}}{0.7 \text{ acres}} \text{ cannot exceed the ratio of } \frac{1 \text{ unit}}{1 \text{ acre}}$$

$$0.8 \text{ units} \div 0.7 \text{ acres} = 1.14 \text{ units/acre}$$

Since 1.14 units/acre exceeds 1 unit/acre, the person who is keeping the small livestock in this example is in violation.

Applicability of local regulations

The small livestock unit chart does not apply to a person if a local government, by law, allows the number of units of small livestock kept on a parcel of residential property to exceed a ratio of one small livestock unit per one acre of residential property, and the person is in

compliance with that law.⁵ This provision effectively allows a person to keep more small livestock on their property than the person would otherwise be allowed under the bill if authorized by a local authority. For example, if a municipal corporation allows a person to keep chickens and does not restrict the number of chickens that the person may keep, the restrictions established in the small unit livestock chart would not apply. However, that person still must comply with the bill's other requirements related to nuisances, noxious odors and unsanitary conditions, and condition and location of the structure used to house the chickens (see above).

Local zoning regulations

The bill prohibits a county zoning resolution or township zoning resolution from regulating agricultural activities conducted on residential property for noncommercial purposes for an individual's personal use and enjoyment.⁶ Under current law such zoning resolutions may regulate any of the following:⁷

1. Any agricultural activities on lots of one acre or less;
2. Buildings or structures incident to the use of land for agricultural purposes on lot sizes between one acre and five acres by: set back building lines, height, and size; and
3. Dairying and animal and poultry husbandry on lot sizes between one acre and five acres when at least 35% of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the manufactured and mobile homes tax.⁸ After 35% of the lots are so developed, dairying and animal and poultry husbandry is considered nonconforming use of land and buildings or structures⁹ and such dairying and animal and poultry husbandry use may be continued.

HISTORY

Action	Date
Introduced	03-07-19

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⁵ R.C. 901.60(C).

⁶ R.C. 303.21(E) and 519.21(E).

⁷ R.C. 303.21(B) and 519.21(B).

⁸ See R.C. 4503.06, not in the bill.

⁹ See R.C. 519.19, not in the bill.