

ORDINANCE NO. 2024 - 12

AN ORDINANCE AMENDING SECTION 618.27 ENTITLED "HARBORING OF PIGEONS" OF THE PARMA HEIGHTS CODIFIED ORDINANCES

WHEREAS, the Director of Public Service and Chief Building Official are recommending that Section 618.27 of the Parma Heights Codified Ordinances be amended; and

WHEREAS, this Council desires to adopt the recommendation of the Administration.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Section 618.27 of the Codified Ordinances is hereby amended and shall henceforth read as shown by edits set forth in Exhibit "A", which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3: That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: March 25, 2024 Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara O'Neil March 25, 2024
CLERK OF COUNCIL APPROVED

FILED WITH THE MAYOR: March 25, 2024 Marie Gallo
MAYOR MARIE GALLO

EXHIBIT A

618.27 HARBORING OF PIGEONS.

(a) Declaration of Nuisance. The common pigeon is hereby declared to be a menace to the public health and welfare and a source of damage to persons and property, and shall, therefore, be considered a public nuisance to be disposed of at the discretion of the Director of Public Safety, or their designee ~~Department of Public Service~~.

(b) Compliance Required. No person shall harbor or keep any live pigeon within the City. Notwithstanding this prohibition, any person harboring or keeping fancy, utility, high-flying and/or racing domestic breeds of pigeons on the effective date of this section (Ordinance 1987-10, passed February 23, 1987) shall be permitted to harbor or keep such pigeons, but only if such person complies with this section.

(c) License Required. No person shall harbor or keep any live domestic breed of pigeon within the City without first obtaining a license therefor from the Director of Public Safety, or their designee ~~Director of Public Service~~. Such license, when issued in the manner hereinafter provided, shall entitle the holder thereof to keep not more than one pair of domestic pigeons per 2.25 square feet of loft space under the terms and conditions set forth in this section.

(d) License Application. The Director shall prescribe the form of application, which shall include the name of the applicant, the name of the person to be custodian of the pigeons, the location and type of structure wherein the pigeons are to be kept and any other pertinent information which may be necessary for the enforcement of this section.

(e) License Renewals. The Director shall issue a pigeon license for a period of one year. Such license may be renewed annually upon payment of the fee set forth in division (f) of this section. However, a new license shall not be issued as a matter of right to a person whose license has been revoked until he or she has complied with this section and has given the Director satisfactory assurance of future compliance.

(f) License Fee. The fee for a domestic pigeon license shall be ~~\$20.00~~ \$5.00 per year, per loft of pigeons. The number of pigeons shall not exceed one pair per 2.25 square feet of loft space.

(g) Care of Pigeons. No breeder shall permit lofts to become dirty and/or smelly or allow birds to wander uncontrolled about the neighborhood.

(h) Revocation of License.

(1) If any licensee, personally, or any agent or custodian of his or her pigeons, violates any provision of this section, the Director may revoke the license in addition to any fines and forfeitures that may be imposed by any court upon such person for a violation of this section.

(2) The Director may also revoke any license for any period less than the full one-year period. However, no such license shall be revoked unless the licensee first has a hearing before the Director, at which time any complaint respecting the alleged violation shall be presented. The licensee shall be given at least ten days' notice, in writing, of the time and place of such hearing.

(i) Appeals. Any person aggrieved by any order of revocation by the Director may, within 20 days from the issuance of the order of revocation, appeal to the Board of Zoning Appeals. All interested parties shall be notified of the time and place of the hearing at least 48 hours before the time set therefor.

(j) Maintenance of Homing Pigeons. No person shall harbor or maintain any homing pigeon except under the following conditions:

(1) No loft, coop or other place for keeping or confining homing pigeons shall be maintained, operated or permitted to exist within a distance of 25 feet from any building used as a residence, garage, playhouse, permanent swimming pool or patio.

(2) No loft, coop or other place for keeping or confining homing pigeons shall be more than 15 feet above the established grade of the premises upon which it is located.

(3) No loft, coop or other place for keeping or confining homing pigeons shall be located in any structure not constructed in accordance with the Zoning and Building Codes of the City.

(4) All runways in which such pigeons are kept and maintained shall, at all times, be kept clean and free from filth, garbage or any substance which emits a noxious odor or which can attract rats.

(5) All pigeons shall be fed within the confines of the loft or coop, and all unused food shall be collected promptly and disposed of in a manner as required in division (j)(6) of this section.

(6) All grain and food stored for the use of such pigeons shall be kept in rat- proof metal containers with tight covers.

(7) All runways shall be completely enclosed with chicken wire, netting or other equivalent material that will prevent pigeons from escaping the confines of the loft or coop.

(8) No person shall fly domestic pigeons unless he or she complies with the following rules:

A. 1. Such person must be a member in good standing of an organized racing homer club, which club has a body of rules that will preserve the peace and tranquility of the neighborhood, such as a local club in the Cleveland center, under American Union (A.U.) or a comparable organization.

2. Birds will not be released or exercised which have been fed that day and not more than 20 birds in one day shall be flown. Young birds in numbers greater than 20 may be flown, provided they do not fly outside the boundaries of the owner's yard.

B. 1. Such person must be a member in good standing of an organized highflying club, which club has a body of rules that will preserve the peace and tranquility of the neighborhood, such as a club organized under the National Pigeon Association (N.P.A.) or a comparable organization.

2. Birds will not be released or exercised which have been fed that day, and not more than 20 birds in one day shall be flown. Young birds in numbers greater than 20 may be flown, provided they do not fly outside the boundaries of the owner's yard.

C. The owner or agent will not permit his or her birds to land, set, light or gather on the property of another, be it public or private property.

D. The owner or agent will band all his or her flying birds with a brightly colored plastic or metal band. All birds flown together will have the same color band.

E. The owner or agent will maintain a log book on the birds, which log book shall contain the following information:

1. Pigeon band number;
2. Pigeon plastic band color;
3. Time out or released;
4. Time bird returned; and
5. Type of domestic pigeon.

F. Utility and fancy pigeons shall not be released for exercise outside the loft unless they also comply with the rules for racing and/or high-flying domestic pigeons set forth in this division.

(9) While a pigeon is flying at large, the owner/guardian must be outdoors to observe the flight of such bird to correct nuisances that may occur or be caused by such pigeon.

(k) Shooting and Trapping Homing Pigeons. No person, not being the owner thereof, shall shoot, kill, maim or entrap a domestic pigeon if it has the name of the owner stamped upon its wing or tail, or has a band with the owner's name or initials or a number on its leg.

(l) Definitions. As used in this section:

(1) "Fancy pigeons" means pigeons that are raised primarily to be shown in competition during pigeon shows and fairs.

(2) "High-flying pigeons" means pigeons that are raised primarily to be flown in highflying competition.

(3) "Racing pigeons" means pigeons that are raised primarily to be flown in long distance flying competition (in organized club competition).

(4) "Utility pigeons" means pigeons that are raised primarily for food.

(m) Penalty. Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.

(Ord. 2019-3. Passed 2-11-19.)