

AN ORDINANCE OF THE CITY OF VILLA HILLS, IN KENTON COUNTY, KENTUCKY AMENDING CHAPTER 90 OF THE VILLA HILLS CODE OF ORDINANCES TO PROHIBIT THE STORAGE, KEEPING, RAISING, OR HARBORING OF FOWL WITHIN THE CITY UNLESS THE PROPERTY'S ZONING DESIGNATION EXPRESSLY PERMITS AGRICULTURAL ACTIVITY, PROVIDING AN EXEMPTION FOR FOWL PRESENT IN THE CITY ON OR BEFORE DECEMBER 31, 2021 AND AMENDING THE CITY OF VILLA HILLS NUISANCE CODE.

BE IT ORDAINED BY THE CITY OF VILLA HILLS, KENTUCKY:

SECTION I

That Section 90.01 of the Villa Hills Code or Ordinances is amended to add the following definition. All other portions of Section 90.01 shall remain unchanged:

FOWL. Any hen, rooster, chicken, duck, turkey, pheasant or any of several other, usually gallinaceous, birds.

LIVESTOCK. [~~Cattle, sheep, swine, goats, horses or any other animals of the bovine, ovine, porcine, caprine, or equine species~~]. **Animals of the bovine, ovine, porcine, caprine, equine, camelid, ratite and cervid species, including, without limitation, horses, cattle, sheep, swine and goats.**

SECTION II

That section 90.14(p) is amended as follows:

It shall be unlawful to **have custody, control or possession of more than a total of five (5) domestic [(cats and/or dogs)] or exotic animals or a combination thereof in the yard of any lot or parcel of real estate or** in one's residential dwelling [~~if that said dwelling is within 100 feet of a neighbor~~].

SECTION III

That a new section of the Villa Hills Code of Ordinances is hereby added to Chapter 90 as Section 90.19:

§ 90.19 FOWL

(A)

(1) No property owner, harborer, landlord, or tenant or person having custody, control or possession of any fowl shall permit the storage,

keeping, raising, or harboring of any such animal within the City unless the property's zoning designation expressly permits agricultural activity.

(2) Subsection (A)(1) shall not apply to any fowl present in the City on or before December 31, 2021. Exempt fowl may be replaced.

(B) No property owner, harborer, landlord, or tenant or person having custody, control or possession of any fowl shall permit the fowl to cause discomfort or injury to the health and welfare of neighboring properties through excessive noise, stench, or animals escaping their enclosures and running at large.

(C) In no event shall roosters be kept within city limits.

SECTION IV

Section 90.99(A) of the Villa Hills Code of Ordinances is amended as follows:

(A) Any person failing to comply with the following sections is guilty of a violation of this ordinance and, in addition to proof of compliance where applicable, on a first offense shall be fined not less than twenty five dollars (\$25) nor more than one hundred dollars (\$100); on a second or subsequent offense shall be fined not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250). Each day constitutes a new and separate violation.

(1) 90.02 Failing to comply with the removal of animal excrement.

(2) 90.10 (M) Tampering with Animal Services traps.

(3) 90.11 Failing to comply with mandatory spay/neuter requirements.

(4) 90.12 Failing to license or renew a license for a dog or cat.

(5) 90.13 Failing to vaccinate against the rabies virus.

(6) 90.15 (A) Animal running at large.

(7) 90.15 (A) Livestock running at large. Owner must reimburse county for all reasonable fees incurred in capturing, impounding, boarding, and necessary medical services.

(8) 90.15 (C) Owning an animal which is a public nuisance.

(9) 90.15 (D) Failing to confine a female dog in heat.

(10) 90.16 Failing to have permits for wild or exotic animals.

(11) 90.17 [Reserved].

(12) 90.18 Humane society failing to obtain license, meet standards, or keep records.

~~(13)~~ 90.19.

~~(13)~~ (14) 90.31 Commercial animal establishment failing to obtain license.

~~(14)~~ (15) 90.32 Commercial animal establishment failing to meet standards.

~~(15)~~ (16) 90.46 Carriage horse business failing to obtain license.

~~(16)~~ (17) 90.47 Carriage horse business failing to meet standards.

SECTION V

That section 92.04(N) of the Villa Hills Code of Ordinances is amended as follows:

(N) [~~The keeping of cattle or fowl within one hundred (100) feet of a dwelling, excluding the owner's dwelling thereof, or failure to keep the animal's pen, yard, lot or other enclosure in a sanitary condition and free from preventable offensive odors. Except that on parcels of real estate containing two (2) acres or greater, it shall not be a nuisance to keep up to eight (8) hens in a fenced area no greater than two hundred forty (240) square feet containing a coop no larger than eighty (80) square feet and being a four (4) sided building. In no event shall roosters be kept within city limits.~~] **No residential property owner, harborer, landlord, or tenant or person having custody, control or possession of any fowl, ratite or livestock, shall permit the storage, keeping, raising, or harboring of any such animal within the City unless the property's zoning designation expressly permits agricultural activity or such animals are exempt fowl pursuant to Section 90.19 of this code. The keeping, harboring, or storage of such animals on residential property generally (and outside of express permitted uses in the applicable zone) shall be considered a *de facto* nuisance. The keeping, harboring, or storage of such animals on property where agricultural uses are permitted and/or exempt fowl, may be a nuisance if it causes annoyance, or discomfort or injury to the health and welfare of neighboring properties through excessive noise, stench, or animals escaping their enclosures and running at large.**

SECTION VI

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION VII

The provisions of this ordinance are severable and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION VIII

This Ordinance shall take effect and be in full force from and after its passage, and may be published in summary form, and recording, according to law.

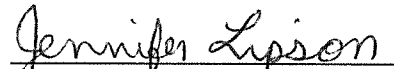
Passed by the City Council this 15th day of December, 2021.

City of Villa Hills, Kentucky
A Municipal Corporation of the Home Rule Class

Did Not Sign

Heather H. Jansen, Mayor

ATTEST:



Jennifer Lipson, City Clerk

Sponsor: Stover

First Reading: 12/8/2021

Second Reading: 12/15/2021

Ayes: Cahill, Ringo, Stover, Thompson, Wadsworth

Nays: Baehner

Abstentions: 0

Absent: 0

Published: 01-03-2022