I, Katharine D Vogel, hereby submit this original work as part of the requirements for the degree of Master of Community Planning in Community Planning.

It is entitled:
A Content Analysis of Hamilton County Chicken Policy

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A Content Analysis of Hamilton County Chicken Policy

A thesis submitted to the Graduate School of the University of Cincinnati in partial fulfillment of the requirements for the degree of

Master of Community Planning

in the School of Planning
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by

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I. Abstract

This research project asks: what are the themes of Hamilton County’s local government ordinances regarding keeping poultry on private property? In order to do so, the project utilized a content analysis for its methodology. The analysis explores the themes and trends of Hamilton County poultry policies and finds that these policies fit into several common classes, or typologies. While heavily impacted by citizen involvement in some cases, such as Montgomery, these classes maintain distinct identities that reflect the historical and political nature of a given municipality. Understanding themes of poultry ordinances is therefore important in order to create thoughtful and well tailored zoning regulations and guidelines for municipalities.
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II. Biographical Information

As a youngster, I was most familiar with the rural aspects of life. Chickens, kept by my friends for 4-H projects, produced delicious, buttery eggs that were always a feature of breakfast after a sleep-over. My mother, a product of city life, balked at the idea of keeping chickens, so I instead participated by helping classmates raise their own flocks. From delicate eggs to proud maternal hens to putting roosters into stewpots, I became familiar with the cyclical nature of chickens.

Distant childhood memories aside, I became interested in food policy as a graduate student focusing on issues of sustainability and ecology in urban areas. As I began to understand issues of food access, I began to consider the ramifications of zoning ordinances on how food is produced and processed. Backyard poultry raising policy is a far cry from the issues raised by factory farming, but is nonetheless still an important facet of how Americans interact with their food supply. This research project grew out of the intersection of these experiences and interests.

Sincere thanks are due to Professors Frank Russell and Charles Ellison. They have been exceedingly patient and helpful in the production of this document. Their feedback and direction resulted in careful, thoughtful inquiry, rather than intellectual flailing. Without their guidance and support this project would not at all have been possible.

III. Introduction

Poultry, domesticated birds kept for their eggs, feathers, or meat, can be loud, smelly nuisances. Describing them as such makes them generally incompatible—in
Euclidean zoning—with residential development. In the twentieth century, poultry were largely relegated to factory farms. Banished from backyards by prohibitive zoning, lack of knowledge on the part of everyday Americans, and fears about health hazards, poultry have become pariah (Sheaseley 2008). Late 20th and 21st century public concerns over the environmental impact of the collective American diet have led many to question the need to exile poultry from backyards. The local food movement of the early 21st century has provided encouragement and knowledge for Americans interested in creating a more locally oriented diet and has resulted in an explosion of backyard poultry operations.1

Between 2008 and 2009, subscriptions to Backyard Poultry increased 42 percent, from 62,000 to 88,000.2

Land use is an inextricable component of backyard poultry farming. While some zoning ordinances and regulations have been developed that ban chickens from suburban and urban backyards, others have been developed in order to safely and humanely regulate what constitutes a small-scale poultry operation. From classifying poultry as pets to labeling them pests, zoning ordinances vary dramatically from township to township in Ohio. As sales of poultry and feed for backyard farming purposes explode, the legal ramifications of poultry ownership should be thoroughly understood by those interested in starting in backyard farming (Severson 2009). For planners, it should be understood how the language of zoning ordinances affects backyard farming. Although land use planning has impacted the trajectory of backyard poultry operations, the influence of public health and the sustainability movement at large also need to be examined.

1 Taylor, 2009.
2 MacDonald, Jeffrey, 2009.
This research project seeks to understand the themes of Hamilton County’s local government ordinances that deal with poultry keeping on private property. Therefore, research project will be a content analysis of poultry ordinances in Hamilton County. The analysis will result in a better understanding of the themes of Hamilton County’s independent municipal jurisdictions’ ordinances regarding keeping poultry on private property. A local focus has been selected due to the availability of ordinances from local municipalities, as well as the community resources available in the greater Cincinnati area, such as online list servers and extensive social and traditional media coverage of the topic. In order to accomplish this, a thorough literature review covering the Progressive Movement and public health, zoning, and sustainability will be conducted. Food policy will be examined separately in order to better frame local poultry ordinances. With the project placed in the content of a literature review, a content analysis will be applied to the collected data. The findings of the project will illustrate the themes and varieties of Hamilton County poultry ordinances, and will inform suggestions for the creation and implementation of more effective zoning policies.

Food production and consumption, like any other system, involves a variety of processes which are intricately connected to and dependent on one another. The ways in which the American food system has been industrialized to create larger and larger outputs in the 20th and 21st centuries has resulted in dramatic impacts on the global environment. Just behind automobiles in fossil fuel consumption, “the food system uses more fossil fuel than any other sector of the economy—19 percent,” which in turn “contributes more greenhouse gases to the atmosphere than anything else we do.” ³ In the United States, there are approximately 280 million laying hens, each laying

³ Pollan, 2008.
approximately 200 eggs per year. The poultry industry wields a significant amount of influence due to its size. Recently, manure runoff has been identified as a significant contributor to the demise of the Chesapeake Bay. As Maryland’s largest employer and “most lucrative form of agriculture,” the economic clout of the industry largely keeps state regulators at bay. The chicken industry contributes nearly a billion dollars to the Maryland economy every year, but the state is known best for its “blue crabs, oysters and watermen, so it has a lot to lose from polluting these waters.”

The American people may not yet be calling for urgent change, but the future of the American and global environment is depending on the decisions that will be made in the next five to ten years by policy makers and consumers. Small-scale chicken operations are not an overarching solution to the issues raised by the current food policy of the United States: Michael Pollan states that “the very length and complexity of the modern food chain breeds a culture of ignorance and indifference among eaters.” Creating a sustainable food agenda for the United States in the 21st century will help “to move into the post-oil era, to improve the health of the American people and to mitigate climate change.” The time, energy and effort required in order to create national food systems rooted in sustainability is daunting, but with public demand and policy creativity, American agriculture could move from factory farming and Confined Animal Feeding Operations (CAFOs) to Community Supported Agriculture (CSA) and urban gardens. Encouraging the development of food security in communities small and large should be a priority of governments. The creation of sensible legal structures governing food

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5 Urbina, 2008.
6 Urbina, 2008.
7 Pollan, 2008.
8 Pollan, 2008.
production, such as poultry ordinances, is a part of creating a food system that is stable and resilient.

IV. Literature Review

The Progressive Movement and Public Health

The progressive movement began in the mid-nineteenth century with sanitary reforms and accelerated and peaked between 1870 and 1920. Also commonly referred to as the reform movement, the progressive movement’s foci were wide ranging and broad; women’s suffrage, worker’s rights, and business reform were all components of the movement’s push for greater social change.\(^9\) One of the progressive movement’s most lasting effects has been sanitary reform and its impact on land use and agriculture. Sanitary reforms of the nineteenth century were brought on by “the relationship between the increasingly scientific understanding of infectious disease…and the experience of urbanization, especially the felt sense that rampant city growth had produced socially intolerable conditions.”\(^10\) Simon Patten, a leader in the reform movement, wrote that “unwholesome food, bad air, debilitating climate and other preventable conditions that rob men of vigor and forethought” were the causes of the “character flaws of the urban poor.”\(^11\) Through their responses to squalor, poverty and injustice, the Progressives had a direct impact on the use of livestock in urban areas and the development of a philosophy of separate land uses that would eventually be codified in *Euclid v. Ambler Realty*.

Preventative sanitation began in the 1840s during the industrial revolution. Public health had been recognized as a major issue since ancient times, but the industrial

\(^10\) Peterson, 1983.
revolution and resulting crowding of urban areas catapulted public health concerns to the
front of the public consciousness.\textsuperscript{12} Cities had become intolerable for the impoverished
working classes, and sewage oftentimes ran into the streets.\textsuperscript{13} Filth was defined by
reformers “meaning putrefactive odors arising from decomposing organic wastes” which
were held to be causes of yellow fever, cholera, typhoid, typhus, scarlet fever and
diphtheria.\textsuperscript{14} Germ theory had not yet been adopted by scientists in the United States,
and so unsanitary conditions were viewed as the primary factors in the spread of
disease.\textsuperscript{15} As city planning did not exist as the varied and expansive profession it does in
the twenty first century, and reformers had no where to turn for wide-ranging change
except for themselves.\textsuperscript{16} Sanitary reformers “functioned as city planners in that they
‘advocated systematic, large-scale reshaping of cities.’”\textsuperscript{17}

Sanitary survey planning was an “elaborate procedure that best exemplifies the
potential of sanitary reform as a stimulus to city planning.”\textsuperscript{18} These surveys were
hundreds of pages long and compiled demographic information, data about diseases,
existing conditions of buildings, streets and infrastructure, and information about
nuisances. Surveys then went on to examine possible solutions to improve the lives of
those documented in sanitary surveys. Oftentimes, these solutions were suggestions to
improve existing conditions of buildings and infrastructure and remove nuisances from

\begin{footnotesize}
\begin{enumerate}
\item Rosen, 1958.
\item Peterson, 1983.
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\item Peterson, 1983.
\item Peterson, 1983.
\end{enumerate}
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the public sphere. These suggestions were no less than a demand by reformers for a “fundamental restructuring of the physical basis of urban life.”  

No other nuisance received as much attention by “public officials, newspapers, and citizens as that of…enormous manure piles, slaughterhouses, dairies, stables, etc.” One of the most common nuisances listed in sanitary surveys were livestock. Before the late nineteenth century, most cities lacked formal garbage removal services and instead relied upon hogs, goats, cows, and other domestic animals such as chickens. Garbage was “part of the offenses to the sight and smell of city inhabitants of America” and animal waste was an enormous part of this issue. Although they were relied upon to remove organic and sometimes inorganic waste, livestock produced a great deal of their own waste for city dwellers to contend with: “dairies and stables had their own manure piles; and horses, hogs and other animals roaming the streets contributed an added share to the omnipresent manure.”

The outright removal of animals was not always possible due to the reliance of the poor on home-kept livestock for sustenance, but livestock were officially limited in their capacity to roam as early as 1839 in New York City: “no swine or cattle could go abroad in the area south of Fourteenth Street. The law did not apply above Fourteenth and in any event it does not appear to have been enforced.” In the early nineteenth century, there were as many as ten thousand hogs roaming the streets of New York every day. This quantity was responded to after an 1849 cholera epidemic pigs were banned from the

19 Peterson, 1983.
20 Duffy, 1990.
21 Peterson, 1983.
city, but due to a lack of enforcement, hogs continued to be kept in the city up until the turn of the century.\textsuperscript{25} The 1880 Sanitary Survey of Memphis Tennessee resulted in the suggestion that all nuisances, including chickens, be eliminated from the tenements of Memphis.\textsuperscript{26} An 1879 sanitary survey of Havana, Cuba suggested that horses and chickens be removed from the city and that the city instead require that livestock be raised outside of the city limits.\textsuperscript{27}

Enforcing livestock bans was difficult when tenement dwellers were willing to keep pigs and chickens in basements, on fire escapes and in kitchens.\textsuperscript{28} New York settled on a compromise ordinance that made it legal to keep up to three hogs in a pig sty. As hogs were the main source of protein for many of the urban poor, it was particularly difficult to completely eliminate their presence in the nineteenth century.\textsuperscript{29} This ordinance was overturned in 1901 and it then became illegal to keep hogs within the city limits.\textsuperscript{30} Land use focused ordinances eventually were utilized in order to eliminate livestock from most major cities by the late nineteenth century.\textsuperscript{31}

Regulation, redevelopment and relocation were major components of reform land use starting in the early nineteenth century.\textsuperscript{32} Regulation most closely deals with agriculture and public health: “perception of squalor, overcrowding and…lack of basic sanitation yielded a series of public police power measures intended to gain some degree of control over the building of cities.”\textsuperscript{33} These measures laid “a constitutional foundation

\textsuperscript{25} Duffy, 1990.
\textsuperscript{26} Peterson, 1983.
\textsuperscript{27} Peterson, 1983.
\textsuperscript{28} Duffy, 1990.
\textsuperscript{29} Duffy, 1990.
\textsuperscript{30} Duffy, 1990.
\textsuperscript{31} Platt, 2001.
\textsuperscript{32} Platt, 2001.
\textsuperscript{33} Platt, 1991.
for the proliferation of land-use and environmental regulations to appear in the twentieth century."  

The squalor of the nineteenth century city needed to be addressed, but supposedly model reforms such as those in the town of Pullman, did not justly address the issue of squalor and food access. Separating agricultural uses in Pullman resulted in a near total lack of access to individually grown food; it was illegal to keep livestock in town and the company supplied all vegetables and livestock from the company farm a few miles away. 

During the 1894 Pullman Strike, food very much so became an issue for striker’s families as they were dependent on the company store for food stuffs. The separation of agricultural and residential uses made Pullman an incredibly clean kept town, but the hunger of strikers foreshadowed some of the serious issues that would be brought on by complete separation of uses in the twentieth and twenty-first centuries.

The progressive and sanitary reform movements are widely regarded as having played significant roles in the development of city planning. Although livestock are regarded in “Impact of Sanitary Reform Upon American Urban Planning, 1840-1890” and *The Sanitarians* as playing major roles in the movement’s sanitation campaigns, most attention paid by authors examining the period glosses over the issues raised by livestock kept in close urban quarters. Urban filth is almost always mentioned in literature dealing with the progressive movement, but this description is not necessarily expanded upon to include the impact of livestock. A major obstacle in incorporating the progressive movement’s impact on city planning into this thesis has been the lack of detailed secondary sources dealing with the topic.

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Summaries of Sources

Jon Peterson’s “Impact of Sanitary Reform Upon American Urban Planning” makes a condensed and detailed examination of the causal relationship between regulation of livestock and sanitary reform. Hogs and cows are paid more attention than poultry, but the article does clearly illustrate the impact of livestock in urban environments. John Duffy’s The Sanitarians examines the history of the sanitary reform movement within the greater context of the progressive movement. Its focus is not specifically on the impact of livestock on sanitary reform, but it does spend a great deal of time examining the issue of livestock through garbage collection, sewage, water, and land use reforms.

Michael McGerr’s A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920 does not examine livestock or land use at all, instead focusing on general trends in the progressive movement. It is a particularly useful and broad examination of progressivism’s impacts on America’s collective memory, but did not add specific understanding of livestock in urban America to this literature review.

Rutherford Platt’s Land Use Control: Geography, Law and Public Policy also presented a broad contextualization of the progressive movement and its influence on city planning as a profession. Platt examined the importance of separate uses specifically in the context of the Pullman Strike of 1894 and the resulting food shortages in Pullman, Illinois. George Rosen’s A History of Public Health narrowly focused on the public policy ramifications of public health movements throughout history and was an excellent source for further contextualizing public health, city planning, separate land uses, and agriculture.
Key words: sanitation, separate land use, progressive, sanitary reform, urban history, planning history, reform, land use, urban reform.

Zoning and Land Use Controls

Zoning was upheld as a legal use of police power in 1926 when the United States Supreme Court ruled in *Euclid v. Ambler Realty* that the delineation of separate land uses was a reasonable activity. *Euclid v. Ambler Realty* came at the end of the progressive movement, and followed decades of efforts by reformers to separate land uses and eliminate or control nuisances. Land use controls are usually understood as the “legal perspective on the intersection between geography, law and public policy.” Euclidean zoning typically strictly separates commercial, residential, industrial and agricultural uses. Agriculture and cropland are typically viewed by proponents of Euclidean zoning as belonging in the hinterlands of a city, not in a city’s interior.

Before *Euclid v. Ambler Realty* members of the City Beautiful and progressive movements advocated for separation of factories and residential uses. This was a response to rampant industrial pollution and helped to alter the heavy industrial nature of cities such as New York and Chicago, making them habitable and enjoyable places to live. Originally used to separate incompatible uses, modern zoning eventually developed to separate a multitude of uses that were clearly compatible with one another. This is particularly notable in the separation between food production and the tables of Americans that began during the post World War I period.

Land use regulations expanded in the late nineteenth century to incorporate park space in urban environments. Often referred to as the park movement, green space was developed in cities as a way to create veritable front lawns for urban dwellers. The park movement partially grew out of a desire to protect “both residential and industrial areas from incompatible activities” and aided in drawing clear lines around accepted boundaries for specific uses. This desire made the acceptance of clearly delineated land uses far more acceptable to the public and public officials alike. While town squares had been used during the colonial period partly as common space to graze animals, the parks of the nineteenth century were set aside solely for recreation. Through a gradual increase in land use controls, “city planning...became a matter of altering spatial relationships to achieve the practical ends of efficiency and convenience.”

It is often forgotten that *Euclid v. Ambler Realty* put zoning into a suburban framework, not an urban one. Euclidean zoning was then applied to urban and rural places as well as its intended suburban target. Clearly separated commercial and residential uses have resulted in suburban areas that practically require automobiles for access to society. Diversity in land use and development has been recognized in the late twentieth and early twenty first centuries as being particularly important: separate uses tend to result in significant disengagement and promote the use of automobiles.

Zoning does “have a role to play in the future of our cities” but it is one that must be carefully examined and measured. One planner interviewed for *City Zoning: The
Once and Future Frontier stated that if zoning “makes people think about whether a change is good or bad, or if it imposes some kind of order on the question of how land gets used and reused” then it has some level of importance for the planning profession.48 A significant change in the mindset of the planning profession is underway, and urban areas are increasingly being viewed as possible areas for food production. Re-imagining urban areas in the United States as productive places for non-nuisance agricultural uses has resulted in a push for greater sustainability and diversity in urban land use in the twenty-first century. Including agriculture into the urban environment is no longer anathema to planners and understanding how livestock policies fit into this is of particular importance should planners continue to work on issues of food sustainability and access.

Summary of Sources

Rutherford Platt’s Land Use Control: Geography, Law and Public Policy delves into the ramifications of Euclidean zoning. Agriculture is paid particular attention to in terms of loss of arable land to suburban developments in the twentieth century. It provides a thorough background of the development of zoning, focusing on the Euclid case and progressive movement. Suburban Nation: the Rise of Sprawl and the Decline of the American Dream is comprised of a harsh and overarching critique of Euclidean zoning. Loss of farmland to suburban development, reliance on automobiles, and strict adherence to zoning policies are examined in this examination of zoning’s long-range implications. Although its primary focus is an extensive study of the physical design of suburbs, Suburban Nation is a useful source for understanding the role zoning has played since Euclid. Unfortunately, Suburban Nation is damning of the entire planning tradition

48 Weaver and Babcock, 1979.
and places the onus for a solution to the policy and practical problems of suburban developments solely on the design community. In *The Omnivore’s Dilemma*, nutritionist and food advocate Michael Pollan examines America’s relationship to food, automobiles, and suburbs. This book was utilized in depth as a resource for the food policy section of this literature review, but it also provides insights into the relationship of food and zoning regulations. This aided in further contextualization of the topic of urban poultry policy being examined.

Mel Scott’s *American City Planning Since 1890* was relied upon for its examination of the historical development of land use regulations and zoning. It is a thorough history of the American planning tradition, but it pays a great deal of attention to zoning issues. In *City Zoning: The Once and Future Frontier*, Clifford Weaver and Richard Babcock dissect the tradition of Euclidean zoning without the pontification of *Suburban Nation*. This text promotes land use diversity and a profession-wide critique of zoning. At the same time, *City Zoning* encourages the preservation of zoning’s “good” aspects, such as separation of incompatible land uses.

**Key words: zoning, history of zoning, *Euclid v. Ambler Realty*, land use controls, nuisance ordinances, separate uses, incompatible uses.**

**Sustainability and Food**

A universal definition of sustainability is difficult to arrive at due to its wide variety of meanings. The United Nations Brundtland Commission defined sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”49 Sustainability can be used to describe efforts to reduce dependence on foreign oil, policies aimed at improving

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environmental quality, progressive guidelines for buildings, and a myriad of other practices and policies. For this literature review, sustainability in food production, distribution and consumption was specifically examined. The Brundtland Commission’s definition has been used for this purpose.

Although the focus of this thesis is on how zoning and ordinances regulate the keeping of poultry in Hamilton County, it is important to place the keeping of livestock in the context of the greater urban farming movement. Urban farming “for feeding cities was the norm before bulk long distance food transport was an option.”50 Cities relying on food trucked in from thousands of miles away are not sustainable or healthy. Historic and current examples abound illustrating how the incorporation of agriculture into urban environments is feasible and necessary.

Incorporating urban agriculture initiatives into urban planning can contribute greatly to the sustainability of a given place. For example, “London has a surface area of 160,000 hectares, but it currently requires over fifty times its own area…to feed it.”51 Most of that land is located “in continental Europe and the United States, Brazil, Thailand and Kenya.”52 Urban agriculture was widely incorporated in European cities up until the dominance of the automobile made it difficult to obtain horse manure for compost: vegetable growers in Paris up “until 1918 grew an abundance of crops within the city…[by] heaping up to 30 centimeters of horse manure on top of their vegetable beds every year.”53 More than 100,000 tons of valuable crops were produced in this fashion,

50 Giradet, 1999.
51 Giradet, 1999.
52 Giradet, 1999.
requiring only the one-sixth of Paris’ area.\textsuperscript{54} Poultry was also included in these efforts, and fresh eggs were easily obtained in Parisian markets.\textsuperscript{55}

The importance of local agriculture has not entirely been lost in urban areas in the twenty first century. China’s major cities offer interesting options for peri-urban and urban agriculture. In Shanghai, almost 80 percent of the land is used for agriculture and the city is “self-sufficient in vegetables and produces much of the rice, pork, chicken, duck and carp” necessary for the survival of its citizens.\textsuperscript{56} China’s urban leaders are working to “upgrade policies to enhance urban fringe farming for local consumption.”\textsuperscript{57} The incorporation of animal husbandry into urban farming, as exemplified by Shanghai’s initiatives, can provide much needed protein at a low environmental impact, as well as provide important components of compost. Necessary for healthy agricultural soil, the richest composts include manure.\textsuperscript{58}

The creation of a closed system that utilizes waste in order to create a given product is a hallmark of permaculture. Permaculture has been defined as being a “system of applied ecology that draws upon observation of natural systems, the wisdom contained in traditional farming systems and modern scientific and technological knowledge to achieve a design system for creating sustainable human environments.”\textsuperscript{59} Adherents of permaculture theory recognize that the “backyard production of vegetables, fruit, nuts, eggs and honey” and urban agriculture both have a “long tradition in many of the world’s cities” and towns.\textsuperscript{60} Acknowledging that small scale backyard animal husbandry is

\textsuperscript{54} Giradet, 1999.  
\textsuperscript{55} Giradet, 1999.  
\textsuperscript{56} Giradet, 1999.  
\textsuperscript{57} Giradet, 1999.  
\textsuperscript{58} Giradet, 1999.  
\textsuperscript{59} Copeman, 2007.  
\textsuperscript{60} Copeman, 2007.
common practice in much of the world and can be done safely, sustainably and humanely is important in understanding and examining animal husbandry policies, such as those adhered to in Hamilton County, Ohio.

Permaculture can be used to effectively combat hunger. In 1989, the fall of the Soviet Union combined with the trade embargo enforced by the United States left Cuba with almost no outside aid. Food shortages were especially apparent in Havana. City officials decided to handle the situation by working with Australian permaculture consultants and “rapidly developed the capacity to produce much of its food within the city.”  

In a major reversal of colonial policy, in 1990 Havana threw out its urban livestock policy formed by nineteenth century sanitary surveys and chickens became welcome residents of the city once more.  

Addressing food in urban areas is important in order to understand the complex issues of sustainability: “one conservative estimate indicates that from 400 to 500 million of the world’s 2.2 billion urban population are dependent on the food surpluses of four or five grain exporting countries.”  

Encouraging “gardening and food production within urban areas” is necessary to the creation of food secure urban settlements. White and Whitney suggest that food security translates into regional and national security, and that sensible urban agriculture policies must be adapted in order for cities to become sustainable entities. Moving beyond White and Whitney’s general call for more gardening and food production, Timothy Beatley examines the impact of so-called City Farms in the United Kingdom. Initially formed to educate urban citizens about farming,

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City Farms have developed into a significant source of food for British citizens, and receive most of their funding from local governments. As functioning farms, City Farms provide “eggs, honey, and other products to local residents. Farmyard manure is also sold for yard use to local residents.” City Farms provide opportunities for city dwellers to better understand where their food comes from and in the Netherlands have even been incorporated into new developments, “sited at the core of green areas around which housing is clustered.” These developments could possibly foreshadow a future where food production is at once personal and sustainable.

One of the themes of urban sustainability, particularly in terms of food production, is education. Incorporating educational efforts into daily occurrences, such as the consumption of food, is an important aspect of sustainability. Science literacy is a significant issue in the American educational system, and “an overwhelming majority of the children and adults” that noted sustainability and ecology educator Karen Hollweg works with firmly believe that “nothing lives” in urban environments. City Farms provide these opportunities in conjunction with the development of sustainable food systems, as do small backyard projects such as raising a small flock of hens or growing a garden.

Urban agriculture “can take the form of community gardens, locally-supported farms on the fringe of cities, or backyard plots, greenhouse, and balconies full of beans and herbs.” Livestock has not been widely included in American authors’ discussions.

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71 Roseland, 2005.
of urban agriculture, but is a common theme in more globally minded examinations of the issues surrounding sustainability and food policy.\textsuperscript{72}

Continuous Productive Urban Landscapes (CPULs) are a facet of permaculture that specifically deals with food sustainability in urban areas. Incorporating urban agriculture into comprehensive plans can be a method for improving food safety, decreasing the environmental impact of factory farms, and decreasing land-fill through composting initiatives.\textsuperscript{73} Food policy is of the utmost importance in creating sustainable environments: “Food is being transported further than ever before, often by air between countries on opposite sides of the world, whilst local crop varieties are replaced by a few commercial types popular with supermarkets.”\textsuperscript{74} The issues of food security and supply are global in magnitude, but must be addressed locally in order to be effectively managed. Unfortunately, the “environmental, social, economic and health…effects are ones which very few municipal or national authorities have addressed.”\textsuperscript{75}

By incorporating sensible elements of policy into urban planning, it is possible to utilize abandoned land in economically depressed cities, alleviate the issue of food deserts, and improve the safety and quality of food provided to urban dwellers.\textsuperscript{76} Locally sourcing food can eliminate air pollutants caused by food transportation, improve biodiversity, and eliminate many of the concerns facing public health practitioners now, such as diabetes and obesity.\textsuperscript{77} Cheap, accessible calories are often those with the least nutrition and most fat, sugar and preservatives; these calories are also those most

\textsuperscript{72} Mougeot, 2005.
\textsuperscript{73} Viljoen, Bohn, and Howe, 2008.
\textsuperscript{74} Viljoen, Bohn, and Howe, 2008.
\textsuperscript{75} Viljoen, Bohn, and Howe, 2008.
\textsuperscript{76} Giradet, 2008.
\textsuperscript{77} Giradet, 2008.
commonly found in inner cities lacking grocery stores.\textsuperscript{78} Addressing these issues needs to be done through sensible urban agriculture policy that can empower people to feed themselves.

\textit{Summary of Sources}

Herbert Giradet’\textquotesingle s \textit{Creating Sustainable Cities} is a design and policy handbook meant to offer concise guidance to planning and design practitioners as well as citizens. Its urban farming section provides current and historic examples of working urban and peri-urban farming around the world. The importance of protein is emphasized in this text, and animal husbandry in China’s cities is given particular attention. Although this thesis does not suggest that intense permaculture be undertaken by every citizen in Hamilton County, Copeman’s text shows that small efforts can be compounded in a greater community aiming to adopt permaculture principles. The example of Havana, Cuba adopting intensive agricultural practices within city limits to manage food shortage illustrates the potential of sensible livestock policy to alleviate hunger.

Mark Roseland’s \textit{Toward Sustainable Communities} is an American-focused text aiming to develop more sustainable practices for planners, policy makers, and citizens to engage in. Its primary focus is on land use and the development of comprehensive plans that are centered on holistic issues of sustainability. With a significant focus on New Urbanism, \textit{Toward Sustainable Communities} emphasized design over policy, but had enough policy-based content to provide more grounding in the topic of sustainability.

A review of urban agriculture, \textit{Agropolis: The Social, Political and Environmental Dimensions of Urban Agriculture}, illustrated the possibilities for urban agriculture to alleviate hunger, create significant land use change, and develop

\textsuperscript{78} Giradet, 2008.
sustainable and food secure communities. Topics ranging from gender and urban agriculture to the realities of planned and actual food production were covered in Mougeot’s text. While not a significantly relied upon source, this book did illustrate the global nature of sustainability, and the impact that engaged citizenry can have on food security. It contextualized the topic in a fashion that other sources were unable to, if only for its global outlook and emphasis on community-based change and planning.

Another text that illustrated the importance of citizen buy-in to sustainability was *The Ecological City*. Karen S. Hollweg’s contribution to this book, “Ecology Education for City Children” gave a tightly written description of the possibilities for involving the youngest members of communities in the greater task of creating sustainable cities. Encouraging gardening and the production of food was a significant component of Hollweg’s discussion. At large, the book was concerned with the creation of greenways and the preservation of urban natural resources, but this provided an excellent contextualization of Hollweg’s specific recommendations as well as this section of the literature review.

Dick Copeman’s article “Permaculture: Design for Urban Sustainability” appears in *Steering Sustainability in an Urbanizing World: Policy, Practice and Performance*. Copeman places Giradet’s proposals within the context of permaculture theory. A pointed look at the ins and outs of permaculture, Copeman delves into how permaculture can work as urban policy. Although Copeman focuses on Australian cities, his statements and findings translate into American issues of water use, food systems, energy use and transportation.\(^9\) Permaculture is put forth as a solution to all of these issues in a

\(^9\) Copeman, 2007.
slightly editorialized fashion, but Copeman’s argument, however opinionated it may be, provides a solid framework for planners to work with the theory of permaculture.

Moving from general and global issues of sustainability to the specifics of urban agriculture, *Continuous Productive Urban Landscapes: Designing Urban Agriculture for Sustainable Cities* has several chapters focusing specifically on permaculture and food policy in the urban environment. “More food with less space” moves quickly past being an introductory text and develops into a complex analysis of the feasibility, practicality and necessity of developing urban agriculture. Public health, climate change, land use, and environmental and social justice are all examined as being components of the sustainability “puzzle.”

Giradet’s “Urban agriculture and sustainable urban development” expands on his earlier topical writings in order to thoroughly examine modern urban and peri-urban agriculture. The United Kingdom, Russia, China and the United States are studied in order to understand the development and maintenance of intense urban agriculture. These two chapters do not deal directly with livestock, but they instead delve into the larger policy issues surrounding urban agriculture.

*Continuous Productive Urban Landscapes: Designing Urban Agriculture for Sustainable Cities* provides the greater framework to guide the policy analysis of this thesis.

**Key words:** sustainability, food policy, permaculture, land use, urban farming, urban agriculture, history of urban farming and food.

## V. Methodology

The research question examines the themes of Hamilton County’s local government ordinances regarding keeping poultry private property. In order to do so, the

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80 Viljoen, Bohn, and Howe, 2008.
poultry policies of Hamilton County’s 49 political jurisdictions were researched and sorted according to the language used in any given policy. After this language was classified into themes, it was visually represented in order to better understand poultry policy in Hamilton County.

The methodology utilized for this project is content analysis. Although policy analysis could have been chosen as the methodology, content analysis lends itself more to creating typologies, referred to occasionally in this project as classes. Due to the clear delineation of classes required by content analysis, it seems to be a more effective method of understanding the variety of ordinances that regulate poultry in Hamilton County. This analysis was chosen in order to specifically understand the differences between ordinance classes of data being utilized.

The data were extracted from ordinances regarding poultry in Hamilton County for Hamilton County’s 49 municipal jurisdictions. These ordinances were obtained by sorting through online databases of municipal ordinances published and maintained by American Legal and Conway Greene. Any ordinance that was not included by American Legal or Conway Greene was obtained through the public records of individual local governments. Ordinances were further contextualized using the database and publications of Cincinnati Backyard Chickens, a Yahoo! based, public list server. Emails to the group were not utilized in order to protect the privacy of list users, some of whom may be engaged in illegal chicken keeping. While emails were excluded, the group’s incomplete database of ordinances and analysis of ordinances were utilized.
Ian Berg’s Stage Model of Qualitative Content Analysis was implemented in order to have a proven content analysis model as the center of the methodology.\textsuperscript{81} It requires that first the research question must be identified, followed by the determination of analytic categories, establishment of open and axial categories, determination of systematic criteria of selection for sorting data, sorting of data into categories, and the contextualization of data in light of the available literature. Open coding is generally referred to as a broad inquiry into the themes and content of the data. Axial coding “occurs after open coding is completed and consists of intensive coding around one category.”\textsuperscript{82} In a content analysis, words, themes, characters, paragraphs, items, and semantics can all be counted and analyzed in order to understand the greater research question. For this thesis, words and themes were utilized in order to analyze the data.

This model provides a clear framework for executing a content analysis that researchers and citizen activists alike can use in order to better understand a given set of circumstances. Viewing ordinances as “methods of social communication” allows for approaching them as a way to engage citizens in promoting and developing sustainable and safe food production and consumption. Berg’s model is applied in the following breakdown of the methodology.

**Research Question**

What are the themes of Hamilton County's local government ordinances regarding keeping poultry on private property?

**Analytic Categories**

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\textsuperscript{81} Berg, 2009.
\textsuperscript{82} Berg 2009.
Words and themes included in ordinances are the analytic categories. These were determined by identifying each ordinance through a careful search of municipal codes for each identified government in Hamilton County (Appendix A).

**Read Through Data and Establish Grounded Categories (open and axial coding)**

Public health, land use, public health and land use, prohibited and not specifically stated or implied are the five primary categories for coding.

**Determine Systematic Criteria of Selection for Sorting Data into Typologies**

**Table 1: Typologies by Thematic Language**

<table>
<thead>
<tr>
<th>Typology</th>
<th>Thematic Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Health</td>
<td>Nuisances, health, sanitary, odors, filth, menace</td>
</tr>
<tr>
<td>Land Use</td>
<td>Contained, confined, feet, parcel, property line, dwellings, acres, lot size, run at large, owner, set backs</td>
</tr>
<tr>
<td>Public Health and Land Use</td>
<td>One of the following: nuisances, health, sanitary, odors, filth, menace</td>
</tr>
<tr>
<td></td>
<td>In addition to one of the following: contained, confined, feet, parcel, property line, dwellings, acres, lot size, run at large, owner, set backs</td>
</tr>
<tr>
<td>Prohibited</td>
<td>Prohibits, banned, livestock</td>
</tr>
<tr>
<td>No Typology/Not Stated or Implied</td>
<td>Language is not present, due to lack of ordinance</td>
</tr>
</tbody>
</table>
Sort Data into Categories

Typologies emerged in the data just as they were initially described for sorting purposes.

Table 2: Typology by Government Type

<table>
<thead>
<tr>
<th>Typology</th>
<th>Local Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Health</td>
<td>Cincinnati, Forest Park, Sharonville</td>
</tr>
<tr>
<td></td>
<td>Villages</td>
</tr>
<tr>
<td></td>
<td>Indian Hill, Evendale, Glendale, Lockland</td>
</tr>
<tr>
<td></td>
<td>Township</td>
</tr>
<tr>
<td></td>
<td>Symmes</td>
</tr>
<tr>
<td>Land Use</td>
<td>Cities</td>
</tr>
<tr>
<td></td>
<td>Blue Ash, Harrison, Reading</td>
</tr>
<tr>
<td></td>
<td>Villages</td>
</tr>
<tr>
<td></td>
<td>Newton</td>
</tr>
<tr>
<td></td>
<td>Township</td>
</tr>
<tr>
<td></td>
<td>Harrison, Miami, Sycamore</td>
</tr>
<tr>
<td>Public Health and Land Use</td>
<td>Cities</td>
</tr>
<tr>
<td></td>
<td>Montgomery, Madeira, Milford, North College Hill</td>
</tr>
<tr>
<td></td>
<td>Villages</td>
</tr>
<tr>
<td></td>
<td>Lincoln Heights, Terrace Park</td>
</tr>
<tr>
<td>Prohibited</td>
<td>City</td>
</tr>
<tr>
<td></td>
<td>Norwood</td>
</tr>
<tr>
<td></td>
<td>Village</td>
</tr>
<tr>
<td></td>
<td>Fairfax</td>
</tr>
<tr>
<td>No Typology/Not Stated or Implied</td>
<td>Cities</td>
</tr>
<tr>
<td></td>
<td>Deer Park, Fairfield, Loveland, Mount Health, North College Hill, Silverton, Springdale, Wyoming</td>
</tr>
<tr>
<td></td>
<td>Villages</td>
</tr>
<tr>
<td></td>
<td>Addyston, Amberly Village, Arlington</td>
</tr>
<tr>
<td></td>
<td>Heights, Cleves, Elmwood Place</td>
</tr>
<tr>
<td></td>
<td>Townships</td>
</tr>
<tr>
<td></td>
<td>Anderson, Colerain, Columbia, Crosby, Delhi, Green</td>
</tr>
</tbody>
</table>

Ordinances fit into the typologies of land use, public health, public health and land use, prohibited, and not explicitly stated or implied (Table 2).
Special ordinance typologies were borrowed from chicken activists’ own documentation, and fell into permit, generally permit, restricted, essentially prohibit, case-by-case and prohibit (Table 3). These data only represents suburban communities of Hamilton County. These special typologies are based on the ease of compliance with ordinances. Permit means that it is almost always possible for a prospective poultry-keeper to comply with an ordinance. Generally permit is taken to mean that “chicken-keeping is allowed under minor restrictions intended to prevent chickens from becoming a nuisance.” Restricted is described as: “chicken-keeping is nominally allowed, but ordinances will prevent a significant number of residents from keeping chickens.” Essentially prohibit is explained as an indicator that “chicken-keeping is nominally allowed, but under such profound restrictions as to prevent most residents from keeping chickens.” Prohibit means that under no circumstances is it possible to keep chickens. Case-by-case describes situations where ordinances require that a zoning variance be acquired before poultry is kept on a property.

Table 3: Special Ordinance Typologies

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83 Taylor, 2009.  
84 Taylor, 2009.  
86 Taylor, 2009.  
87 Taylor, 2009.
<table>
<thead>
<tr>
<th>Suburb</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian Hill</td>
<td>Permit</td>
</tr>
<tr>
<td>Terrace Park</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Symmes Township</td>
<td>Permit</td>
</tr>
<tr>
<td>Montgomery</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Evendale</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Glendale</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Mariemont</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Mason</td>
<td>Essentially Prohibit</td>
</tr>
<tr>
<td>Madeira</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Blue Ash</td>
<td>Case by Case</td>
</tr>
<tr>
<td>Loveland</td>
<td>Generally permit</td>
</tr>
<tr>
<td>Fairfield</td>
<td>Essentially Prohibit</td>
</tr>
<tr>
<td>Sycamore Township</td>
<td>Essentially Prohibit</td>
</tr>
<tr>
<td>Sharonville</td>
<td>Restricted</td>
</tr>
<tr>
<td>Milford</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Springdale</td>
<td>Essentially Prohibit</td>
</tr>
<tr>
<td>Reading</td>
<td>Restricted</td>
</tr>
<tr>
<td>Deer Park</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Silverton</td>
<td>Essentially Prohibit</td>
</tr>
</tbody>
</table>
These typologies are more complex than the general classes described strictly by the data and illustrate an emic perspective for the greater contextualization and understanding of the data.

**Contextualize data in light of the available literature**

The emphasis placed by a content analysis on its related literature is particularly appropriate for this thesis in that the influence of the progressive movement, the development of zoning, and the move towards sustainability have informed not only the direction of the thesis, but the actual manifestation and classification of the data. This section will clarify how the emic perspective’s literature has informed the direction and shape of the content analysis. Ordinances dealing with poultry were divided into the common classes of land use, public health, land use and public health, prohibited, and not explicitly stated or implied ordinances (Figure 1). These are referred to as Ordinance Typologies, rather than common classes, as it was determined to be a more readily understood descriptive term.

Special classes of ordinances seen in the discourse of backyard chicken activists were those that permit, generally permit, essentially prohibit, case by case, restrict, and prohibit poultry keeping.\(^{88}\) Generally permit’s special typology is similar to the public health typology as both emphasize avoidance of nuisance behavior. Essentially prohibit

\(^{88}\) Taylor, 2009.
is similar to the land use common class, but has a specific overtone that recognizes spatial inequities in urban and suburban settlements. The subtle differences between restricted and essentially prohibit arose out of Taylor’s close involvement in the Chickens for Montgomery campaign of summer 2009 during which chicken activists carefully examined poultry ordinances in order to understand how they could best be utilized to benefit citizens. These special classes were not applied to all of the local governments of Hamilton County, but Figure 2 does represent 23 of the fifty municipal jurisdictions. Although Figure 2 does not represent the majority of Cincinnati’s municipal jurisdictions, it does offer an interesting examination of how chicken activists view ordinances that regulate how they care for and keep chickens.

Table 4: Ordinance Typology by Political Entity

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89 Ibid.
<table>
<thead>
<tr>
<th>Local Government</th>
<th>Ordinance Typology</th>
<th>Special Ordinance Typology</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cities</td>
<td>-----------------------------</td>
<td></td>
</tr>
<tr>
<td>Blue Ash</td>
<td>Land Use and Public Health</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Cheviot</td>
<td>Public Health</td>
<td></td>
</tr>
<tr>
<td>Cincinnati</td>
<td>Public Health</td>
<td></td>
</tr>
<tr>
<td>Deer Park</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Fairfield</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Forest Park</td>
<td>Public Health</td>
<td></td>
</tr>
<tr>
<td>Harrison</td>
<td>Land Use</td>
<td></td>
</tr>
<tr>
<td>Loveland</td>
<td>Public Health</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Madeira</td>
<td>Public Health and Land Use</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Milford</td>
<td>Public Health and Land Use</td>
<td></td>
</tr>
<tr>
<td>Montgomery</td>
<td>Public Health and Land Use</td>
<td></td>
</tr>
<tr>
<td>Mount Healthy</td>
<td>Not Specified</td>
<td>Essentially Prohibit</td>
</tr>
<tr>
<td>North College Hill</td>
<td>Land Use</td>
<td></td>
</tr>
<tr>
<td>Norwood</td>
<td>Prohibited</td>
<td>Prohibit</td>
</tr>
<tr>
<td>Reading</td>
<td>Land Use</td>
<td>Restricted</td>
</tr>
<tr>
<td>Sharonville</td>
<td>Public Health</td>
<td>Restricted</td>
</tr>
<tr>
<td>Location</td>
<td>Planning Authority</td>
<td>Policy</td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Silverton</td>
<td>Not Specified</td>
<td>Essentially Prohibit</td>
</tr>
<tr>
<td>Springdale</td>
<td>Not Specified</td>
<td>Essentially Prohibit</td>
</tr>
<tr>
<td>St. Bernard</td>
<td>Public Health</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Village of Indian Hill</td>
<td>Public Health</td>
<td>Permit</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Not Specified</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Villages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Addyston</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Amberly Village</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Arlington Heights</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Cleves</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Elmwood Place</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Evendale</td>
<td>Public Health</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Fairfax</td>
<td>Prohibited</td>
<td></td>
</tr>
<tr>
<td>Glendale</td>
<td>Public Health</td>
<td></td>
</tr>
<tr>
<td>Golf Manor</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Greenhills</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Lincoln Heights</td>
<td>Public Health and Land Use</td>
<td></td>
</tr>
<tr>
<td>Lockland</td>
<td>Public Health</td>
<td></td>
</tr>
<tr>
<td>Mariemont</td>
<td>Not Specified</td>
<td>Permit</td>
</tr>
<tr>
<td>Newton</td>
<td>Land Use</td>
<td></td>
</tr>
<tr>
<td>Townships</td>
<td>Land Use</td>
<td>Public Health</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>North Bend</td>
<td>Not specified</td>
<td></td>
</tr>
<tr>
<td>Terrace Park</td>
<td>Public Health and Land Use</td>
<td>Generally Permit</td>
</tr>
<tr>
<td>Woodlawn</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Anderson</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Colerain</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Columbia</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Crosby</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Delhi</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Green</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Harrison</td>
<td>Land Use</td>
<td></td>
</tr>
<tr>
<td>Miami</td>
<td>Land Use</td>
<td></td>
</tr>
<tr>
<td>Springfield</td>
<td>Not Specified</td>
<td></td>
</tr>
<tr>
<td>Sycamore</td>
<td>Land Use</td>
<td>Essentially Prohibit</td>
</tr>
<tr>
<td>Symmes</td>
<td>Public Health</td>
<td>Permit</td>
</tr>
<tr>
<td>Whitewater</td>
<td>Not Specified</td>
<td></td>
</tr>
</tbody>
</table>

**Grounded Theory**
Words and themes were the units of analysis that were counted and examined in order to understand classification and the discourse surrounding backyard chickens. Grounded theory, the idea that “an initial, systematic discovery of the theory from the data of social research [which] one can be relatively sure will fit the work,” was developed in order to have an applicable theoretical framework.\textsuperscript{90} The act of coding and incorporating ordinances into a theoretical framework allows for a holistic approach to the data. Instead of trying to fit a square peg into a round hole, grounded theory allows for the creation and understanding of theory that relates specifically to the research question at hand. In the case of Hamilton County poultry ordinances, grounded theory has been built in an attempt to understand the themes and content of poultry ordinances.

Open and axial coding are significant components of grounded theory, and as such, grounded theory is particularly applicable to a content analysis. Open coding, briefly illustrated in previous sections of the methodology chapter, is comprised of categorizing themes from the text.\textsuperscript{91} This manifests visually itself in the form of Figures 1 and 2. Axial coding is the act of “relating codes, including categories and properties” that have been derived from the data.\textsuperscript{92} Axial coding is seen in the relation of ordinances to one another from their sources and their application. The coding of the data is subjective, and must be acknowledged as such. Strauss and Corbin state that “selective coding is about moving the story forward” in order to create a streamlined narrative that illustrates the data’s relevance to a chosen topic.\textsuperscript{93}

\textsuperscript{90} Berg, 2009.
\textsuperscript{91} Strauss and Corbin, 1998.
\textsuperscript{92} Strauss and Corbin, 1998.
\textsuperscript{93} Strauss and Corbin 1998.
In order to better understand the data, a visual representation was constructed using Table 2. This figure pulls the data from its governmental classes and illustrates the typologies—public health, public health and land use, prohibited, land use, and not explicitly stated or implied—resulting in Figure 1. The four typologies denoting an existing ordinance—public health, public health and land use, prohibited, land use—are organized in a quadrant. The final typology—not explicitly stated or implied—does not intersect with any of the other ordinances so was placed in a circular pattern around the quadrant.

**Figure 1: Ordinance Typologies**
In order to provide a visual representation of the special ordinance typologies utilized in the manifesto “Chickens for Montgomery,” the data from Table 3 were organized into a chart illustrating their numerical breakdown. Although less detailed in its organization than Table 3, Figure 2 shows the generally permissive nature of ordinances in Hamilton County.

**Figure 2: Special Ordinance Typologies**

<table>
<thead>
<tr>
<th>Category</th>
<th>Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit</td>
<td>● ●</td>
</tr>
<tr>
<td>Generally Permit</td>
<td>● ● ● ● ● ● ● ● ● ● ● ● ● ●</td>
</tr>
<tr>
<td>Restricted</td>
<td>● ●</td>
</tr>
<tr>
<td>Essentially Prohibit</td>
<td>● ● ● ● ●</td>
</tr>
<tr>
<td>Case by Case</td>
<td>●</td>
</tr>
<tr>
<td>Prohibit</td>
<td>●</td>
</tr>
</tbody>
</table>

**VII. Findings**

**Introduction**

The aim of this section is to summarize and explain understandings of the themes of Hamilton County poultry ordinances. Five example municipalities have been chosen to represent the five common classes of poultry ordinances. These five classes are: public health, public health and land use, prohibited, land use, and not explicitly stated or
implied. In order to examine the manifestation of common classes of poultry ordinances, it is most direct to select an example from each class and detail its ordinance and supporting data. Common class examples were chosen according to their documentation. While many municipal jurisdictions have similar, if not identical, ordinances pertaining to poultry, specific political and social circumstances have resulted in disproportionate media coverage. This does skew in favor of municipalities with involved citizenry, but, it also illustrates the controversies and difficulties of poultry ordinances—or lack thereof—in Hamilton County. Montgomery has been selected for the land use and public health class, largely due to the City’s Chickens for Montgomery (CFM) movement and multiple ordinances developed within one year’s time. Before dealing with the five common classes, it is important to note the issue of political Home Rule, which affects a significant number of Hamilton County poultry ordinances and as such, should be understood in terms of its influences on themes and content, or lack thereof, of ordinances. Cincinnati was selected because of its size and the online presence of Cincinnati Backyard Chickens.

**Home Rule and Zoning**

One finding of note is the difference between Home Rule and non-Home Rule municipal jurisdictions. Home rule issues apply only to the “passage of police, sanitary, and other similar regulations and does not apply to the powers of local self-government.” All regulations outside of those issues must be in accordance with the Ohio Revised Code. As such, issues like poultry are left by the wayside and not dealt with in the form of ordinances. Currently, this allows residents of home rule townships, such as Delhi, to keep poultry with no interference. Home Rule townships and villages

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constitute thirteen of the fifty municipal jurisdictions of Hamilton County, or 26 percent of the study area. Home Rule status accounts for the lack of zoning ordinances and thus lack of language pertaining to poultry for these townships and villages.

Limitations of Data

Ordinances, regulations, media coverage, and blogs have certainly been informative and important to this project, but the data do not necessarily fully contextualize the issues surrounding backyard poultry operations. This lack of contextualization has necessitated the background research contained in the literature review section of the thesis. Municipalities, such as Montgomery, with controversy related to backyard chicken or poultry operations have a disproportionate amount of documentation. As such, it was determined to be most effective to focus on examples of each of the five common classes for the findings section.

1. Montgomery: Land Use and Public Health

Abbreviated Ordinance No. 13 2009: Chickens shall be limited to six or fewer…all shall be contained at all times in a sturdy, sanitary and well maintained coop or hutch…shall be permitted in the side or rear yard no less than fifteen feet from the lot line…no field dressing of poultry…no noisome or offensive odors.\(^95\)

In the summer of 2009, Montgomery City Council, at the urging of its planning commission, took up the issue of livestock in the mainly residential community.\(^96\) After an inquiry was made to the zoning office about the legalities of keeping chickens by an interested party, Montgomery’s City Council proposed to prohibit the “sheltering

\(^{95}\) City of Montgomery 2009a.
\(^{96}\) Keefe, 2009.
maintenance or keeping of any livestock (horses, mules, pigs, sheep, cattle, geese, ducks, turkeys, chickens, goats or other farm-type animals) within the City of Montgomery, with limited exceptions. “97 Until the Council proposed this ordinance, Montgomery had did not have any zoning specifically relating to poultry. The only ordinances in Montgomery were those that required “animals to be confined…forbid offensive animal odors…that property be maintained…[and limited]noise between the hours of 10 pm and 7 am.”98 Provided that basic tenants of responsible chicken keeping were followed, specifically not keeping roosters, properly confining chickens in coops and handling waste properly, keeping poultry was legal and accepted in residential neighborhoods of Montgomery.99 Zoning administrators “were unaware there were chickens being kept in Montgomery” due to responsible chicken keeping practices.

Chickens for Montgomery (CFM) was formed as a citizen group concerned with the opposition of the Farm Animals Ordinance (FAO) initially proposed by the Montgomery City Council in May 2009. Instead of opposing all zoning relating to poultry, CFM proposed the following:

“1. Single family homes within the City of Montgomery shall be permitted to keep laying hens for household egg gathering.
2. Roosters are prohibited.
3. Chickens and their enclosures must be at least 15 feet from property lines and not visible from the street.
4. Enclosures must be attractive and well-maintained.
5. Chickens and their enclosures must be kept in a neat, clean and sanitary condition free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.”100

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97 Keefe, 2009.
100 Taylor, 2009.
In spite of requests and concerns raised by CFM and individual citizens, the City Council of Montgomery unanimously voted 7-0 to place Ordinance No. 4, also known as the FAO, into immediate effect on July 1, 2009.

Although Ordinance No. 4 immediately declared that keeping all poultry was illegal in Montgomery, its final section was aimed at developing further study into the issues of urban and suburban poultry keeping.\textsuperscript{101} The theme of Ordinance No. 4 was predominantly that of land use. The only mention of nuisances or public health occurred when discussing additional study, the Council recommended that “if appropriate, the Land Usage Code shall…be amended to provide suitable restrictions for the keeping of such animals on property within the community within such larger tracts of land…issues of setbacks from other residential structures, maintenance and accumulation of waste, stormwater [sic] quality and noise.”\textsuperscript{102} Reasoning for the ordinance by the Council included that:

\begin{quote}
With more than two-thirds of the City zoned and developed as single-family residential property, the Community Development Department and Council do not believe there is adequate open space in most developed neighborhoods within the City to permit farm animals of any size or type without causing an annoyance or interfering with the quiet enjoyment of neighborhood properties because of noise, waste management, and the need for accessory structures to maintain such farm animals to control and prevent attacks from predatory animals.\textsuperscript{103}
\end{quote}

While the majority of the ordinance is concerned with issues of land use, the majority of the actual reasoning deals specifically with public health issues. The concern about land use and public health expressed by the City Council in Ordinance No. 4 set the

\begin{footnotes}
\item[101] City of Montgomery, 2009b.
\item[102] City of Montgomery, 2009b.
\item[103] City of Montgomery, 2009b.
\end{footnotes}
community up to develop a poultry ordinance that holistically approached common poultry issues.

In the “March City Council Message,” a regular bulletin posted by a City Council member, the 7-0 vote passing Ordinance No. 4 was justified by Councilmember Barry Joffe. Joffe state that Council’s “prime driver for…decision making comes from its five-year strategic plan, a document built on consensus that is developed through council, staff and resident input.”\(^{104}\) Joffe uses the existence of a plan to broadly justify Council’s actions in regards to chickens, stating that “Council makes its decisions that align with its vision and mission as expressed in the strategic plan.”\(^{105}\) These statements from Joffe illustrate the use of a strategic plan to justify the banning of chickens, and add another dimension to the discussion and understanding of themes of poultry ordinances.

Montgomery’s assistant city manager, Wayne Davis stated that “we’re trying to make sure it doesn’t happen here,” in May 2009, explaining only that “it’s [poultry keeping] is a concern in suburban areas.”\(^{106}\)

During the eight months following the Council’s initial efforts to ban livestock, residents were invited to four public meetings and had numerous opportunities for media exposure.\(^{107}\) Residents of Montgomery who were stakeholders collaborated with poultry enthusiasts in nearby cities and suburbs, making CFM a broad based coalition for sensible zoning pertaining to poultry.\(^{108}\) Although CFM was initially introduced on the Yahoo! user group Cincinnati Backyard Chickens, it quickly established a Facebook

\(^{104}\) Joffe, 2009.
\(^{105}\) Joffe, 2009.
\(^{106}\) Truong, 2009b.
\(^{107}\) Hursh, 2009.
presence which garnered a following of almost two hundred Facebook users (including the author of this thesis).

Ordinance No. 4 required that the Planning Commission study whether or not “under certain conditions, keeping a limited number of smaller animals as livestock could be accommodated in residential areas without creating threats to the health, safety, and general welfare of neighbors or the community at large”\textsuperscript{109} In December 2009, Montgomery’s City Council unanimously decided that poultry could be kept within the city limits, provided that certain public health and land use standards were met.\textsuperscript{110} This has resulted in an ordinance that is remarkably similar to the one suggested by CFM in June 2009 and illustrates the potential for positive outcomes when stakeholders are engaged in the suggestion and formation of public policy.

The themes of CFM’s language were broadly related to handling the negative connotations that chickens have in terms of nuisances related to public health and land use. These themes are incorporated into news articles, conversations at public meetings, and CFM’s manifesto. No matter the actual classification of an ordinance, poultry seems to be continually discussed in terms of public health and land use. In doing so, these themes relate back to the majority of the literature review in terms of public health and zoning. This finding greatly assisted in the formation of the theory that notions about public health and land use are inextricably tied to the zoning ordinances relating to poultry in Hamilton County.

\textsuperscript{109} City of Montgomery 2009c.
\textsuperscript{110} City of Montgomery, 2009a.
2. Cincinnati: Public Health

§ 00053-11. Fowl, animals and vermin.
A. No live geese, hens, chickens, pigeons, ducks, hogs, goats, cows, mules, horses or other fowl or animals shall be kept in the city as to create foul odors or be a menace to the health of neighboring individuals.
B. Portions of the floor, ground or roosts where manure or urine regularly fall, in any structure, enclosure, pen or run in which fowl or animals are kept, shall be clean and free from odors. All possible means shall be employed to prevent the breeding of flies.
C. Manure shall be removed at least once each day and placed in flytight, leakproof, covered containers. Such containers shall be kept clean and shall be disinfected after each emptying. Manure shall be disposed of according to the regulations of the health commissioner.
D. It shall be unlawful for an owner, to permit any premises, building or part thereof to harbor an infestation of rodents, fleas, lice, roaches, weevils or other vermin.\textsuperscript{111}

Cincinnati has a thriving culture of backyard poultry raising. On a walk through communities such as Northside and Price Hill, the cooing of chickens can be heard while meandering along alleys and streets. Cincinnati Back Yard Chickens is a Yahoo! group with more than one hundred members and is dedicated to discussing issues regarding poultry keeping in Cincinnati and other Hamilton County communities. The city’s ordinance regarding poultry falls under the themes of public health described in the methodology section.

Controversy over chickens in Cincinnati has stayed away from the main pages of newspaper articles, unlike in Montgomery and Sycamore Township. The city’s clear-cut and long standing poultry ordinance deals exclusively with public health issues, and provides a framework for interested residents to work within. Concerns about land use are apparent in these articles, however, which could suggest a need for an ordinance.

\textsuperscript{111} City of Cincinnati, 2009.
combining public health and land use language.\textsuperscript{112} Cincinnati has seen increased interest in backyard poultry keeping, as seen by sold out seminars at Park + Vine, Cincinnati’s green general store, on keeping poultry in urban and suburban environments.\textsuperscript{113} A Northside resident, Robby Cloud, stated that “there’s a cool factor to it [chicken raising], like riding your bike to work.”\textsuperscript{114} An article published in 2008 titled “Bawk in Your Backyard” had listings for six different Cincinnati organizations offering classes on chicken raising.\textsuperscript{115}

The theme of public health is raised repeatedly in interviews of Cincinnati residents in articles published by the \textit{Cincinnati Enquirer}. The historic density of Cincinnati’s urban core led to significant use of public health language in the Cincinnati Municipal Code. On a more individual note, keeping backyard poultry is justified by residents in terms of having access to eggs that are free from antibiotics, hormones, and that are humanely produced.\textsuperscript{116} This language is used in every justification of backyard poultry raising covered by media outlets that was used as source material, but it is particularly present in coverage of Cincinnati.

3. Sycamore Township: Land Use

\textit{3-8 DAIRYING, AND ANIMAL AND POULTRY HUSBANDRY REGULATIONS}. Except as hereinafter provided, nothing contained in this Resolution shall prohibit the use of any land for dairying, and animal and poultry husbandry or the construction or use of buildings or structures incident to the use for such agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building, or structure, except on lots that are five (5) acres or less in any platted subdivision, or any unplatted subdivisions resulting in fifteen (15) or more lots, each smaller than five acres and contiguous or separated only by right-of-

\textsuperscript{112} Downs, 2003.
\textsuperscript{113} Downs, 2003.
\textsuperscript{114} Truong, 2009b.
\textsuperscript{115} Campbell, 2008.
\textsuperscript{116} Brunsman, 2009.
way, and where, if the lot is greater than one (1) acre, at least 35% of the lots are developed.\textsuperscript{117}

Sycamore Township’s zoning regulations pertain specifically to issues of land use. This has made it particularly straightforward in regulating the keeping of poultry. Unlike ordinances dealing with themes of public health, land use language does not afford very much room for flexibility or interpretation. Residents of Sycamore Township without enough acreage to be in compliance with section 3-8 of Sycamore’s zoning code have applied for variances.\textsuperscript{118} All requests have been denied.\textsuperscript{119} A variance application is $400, with additional fees applied for hearings and other hearings.\textsuperscript{120} The language used by zoning administrators has not been thematically related to land use as much as it has been to issues of public health:

The biggest complaint from residents and chicken owners is ‘the mess, smell and the noise,’ said Greg Bickford, zoning administrator. ‘If you live on a lot and your neighbor’s got chickens that are up all night and making a mess of the yard, would you want to live next to that?’\textsuperscript{121}

Despite the language of Sycamore’s zoning regulations only encompassing issues of land use, its administrators and planners primarily rely on public health based arguments in order to maintain the current zoning code. Land use is only discussed in terms of preserving the residential nature of the community. Preservation of suburban values of quiet, privacy and cleanliness is a common theme in the discourse surrounding Sycamore’s poultry ordinance.\textsuperscript{122} Due to Sycamore’s difficult to navigate appeals process that can become prohibitively expensive, Sycamore zoning is classified by the

\textsuperscript{117} Sycamore Township, 2007.
\textsuperscript{118} Truong, 2009a.
\textsuperscript{119} Truong, 2009a.
\textsuperscript{120} Truong, 2009b.
\textsuperscript{121} Truong, 2009a.
\textsuperscript{122} Truong, 2009b.
“Chickens for Montgomery” document as “essentially prohibitive due to the difficulty in navigating red tape and the cost of fees related to variances.”

4. Norwood: Prohibited

505.15 Prohibited Animals

(a) Keeping or Harbor of Animals Prohibited. No person shall keep or harbor within the corporate boundaries of the City:
(1) Any animal categorized as ferae naturae or wild animals, including, but not limited to, exotic foul or birds, reptiles and prehensile or carnivorous mammals normally found in a circus or zoological garden; or
(2) Those domesticated animals commonly found on a farm including, but not limited to, sheep, goats, swine, horses, ponies, donkeys, mules, cattle, rabbits, ducks, geese, turkeys and chickens.

Founded in 1888, Norwood is an independent city surrounded by Cincinnati. A historically working class community, Norwood has recently developed office parks and shopping centers in an effort to reinvent its image. Farming is viewed as an incompatible use by the City of Norwood Municipal Code, and as such, poultry have no place in this community. The emphasis placed by the city on its image as a mid to upper scale shopping destination as well as on the city as an office center serve to create an aura of suburban values, similar to those projected by the City of Montgomery. There has been no press coverage of Norwood’s ban on keeping poultry, perhaps because it is attracting a different population than Montgomery or Cincinnati.

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124 City of Norwood, 2009a
125 City of Norwood, 2009b.
5. Silverton: Not Specified

The City of Silverton, Ohio, does not specifically prohibit raising poultry, but does however, limit the raising of farm animals to areas of “20 acres or more.”

This, as stated in Table 4, essentially prohibits the raising and keeping of backyard poultry. As a primarily suburban city with a central business district, lots of 20 acres or more are not common. This acreage requirement sends a clear message that poultry is for less developed areas of the county.

VIII. Conclusions, Suggestions for Further Study and Policy Recommendations

Space and health are the overarching themes apparent in the study of Hamilton County poultry ordinances. When these ordinances come to the forefront of the public sphere, they have the potential to develop and change, as in the case of Montgomery, or, in the case of Sycamore Township, remain static. Creating typologies for the ordinances resulted in an understanding of the language utilized in municipal codes. Although these were the thematic breakdowns of ordinances, it is interesting to note that another issue is how the ordinance was written.

Ten of the fifty municipal jurisdictions examined had identical ordinances from the American Legal Society: Silverton, Springdale, Evendale, Glendale, Lincoln Heights, Lockland, Newton, Reading and Forest Park. These entities were classified as cities and


villages. The American Legal Society is one of the largest producers and publishers of municipal ordinances in the country, so it is not surprising that their model ordinances have been adopted by exactly ten percent of the study area. The ten ordinances from the American Legal Society deal exclusively with issues of public health, and as such, do not delve into issues of land use.

Considering the prevalence of eggs in the American diet, and the significant gaps that have arisen in food access in recent years, it is necessary to examine the issue of food policy in a critical and creative fashion. While the language of ordinances pertaining to keeping chickens in Hamilton County is not going to immediately solve the problem of food access, creating poultry ordinances in conjunction with stakeholders can result in a successful understanding of acceptable animal husbandry practices by policy makers and citizens alike. Best practices for poultry ordinances are not yet clearly defined by the American Planning Association, despite the organization’s stated commitment to improving foodsheds and sustainability.

Zoning ordinances define and delineate construction and use of space in certain political jurisdictions. As such, they are the brick and mortar rules by which communities are often constructed. Developing ordinances that are in line with the desires of a community is particularly important when dealing with poultry raising in suburban and urban areas. One-size-fits-all zoning ordinances certainly can be helpful, particularly when cash-strapped local governments cannot afford to invest resources into their planning departments. Updating ordinances, however, is a reasonable approach to improving the applicability of poultry ordinances. Montgomery and Blue Ash are two examples of local political jurisdictions that have replaced “cut and paste” ordinances

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128 Figure 2 represents this graphically
with ones that are tailored to the needs and purposes of their residents. Both of these political jurisdictions have created ordinances that fall under the typology of public health and land use.

For further study, it would be of particular interest to examine the median housing values and incomes for individual political jurisdictions in comparison with the language of poultry ordinances. It was observed that suburbs thought to be generally wealthier than the core neighborhoods of Cincinnati, such as Montgomery and Blue Ash, were the suburbs having the assets to reexamine and rewrite existing poultry ordinances. For example, in Montgomery, the primary citizen activist was a mother who wanted her children to be able to raise chickens for a 4-H project. In Blue Ash, another effort to change existing zoning regulations came when a grandmother wanted her grandchildren to be able to keep chickens “strictly as pets, and not as suburban farm animals.”

In no ordinances were chickens implied as or described as pets, but in news articles and statements at public meetings, chickens were repeatedly identified as pets by their owners. Studying this aspect of the language used to describe the policy issues raised by poultry ordinances could provide insight into the issue of urban and suburban poultry husbandry.

The language of poultry ordinances in Hamilton County seems to be determined by a variety of factors. Ordinances classified in this study as land use and public health seem to have come out of citizen involvement in the planning process. Ordinances dealing primarily with issues of public health, such as Cincinnati, seem to come from a nineteenth century sanitation tradition of planning. Those ordinances dealing specifically

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130 Peck, 2010.
with land use seem to be in effect in political jurisdictions with a more recent suburban tradition of planning and land use, such as Sycamore Township. The only political entities where poultry keeping is outright prohibited are Norwood and Fairfax. Norwood is a community where industry and light commercial uses dominate the landscape. As discussed in the findings section, the issue of home rule raises the question of how to control animal husbandry with regards to the concerns of community members, while adhering to the Ohio Revised Code. This would be particularly interesting for further study.

Considering the trajectory of Montgomery’s chicken ordinance, and that of Blue Ash’s, it is possible to make policy recommendations for communities considering revising or creating poultry ordinances. Analyzing the content of a current ordinance, or one borrowed from another community should be the first step in creating a holistic poultry policy. This can be accomplished simply by looking for the overarching theme or themes of an ordinance. Is it aimed at concerns of public health, land use, both, or something entirely different? The second step in developing a poultry ordinance is examining who is looking to keep poultry. Is it a CAFO or individual residents? Many of the more restrictive ordinances, such as Sycamore’s, dealing with land use seemed to be aimed at restricting factory farming, rather than encouraging household egg production. Still, Sycamore’s ordinance results in clearly stated restrictions on household production of eggs.

As the stakeholder groups are the people most likely to be affected by a decision to modify or create poultry ordinances, they should be closely consulted and engaged in the zoning process. Montgomery and Blue Ash were reacting to the demands of
backyard poultry raisers, rather than being proactive. Therefore, considering the press received by both of these citizen-led efforts to overturn and modify poultry ordinances, it would be in the best interest of political jurisdictions to handle poultry issues before they become a public relations issue.

The governmental act of creating an ordinance should take into consideration the importance of language. While previous ordinances will hopefully have been examined by this point, creating an ordinance that is tailored to a community rather than cut and paste from model zoning codes could prove to be beneficial. A carefully thought out ordinance that includes land use and public health language seems to be more likely to create cleanly delineated rules and regulations for poultry keeping. Additionally, as was the case in Montgomery, a land use and public health ordinance seems to mitigate the concerns of neighbors and business owners who might be concerned about poultry becoming nuisances and therefore lowering property values.

Backyard poultry raising will only become more popular as everyday Americans take a closer interest in where their food is from and how it is manufactured. Responsible local political jurisdictions should examine the trend of local food and consider ways in which they can assist their constituencies in gaining access to healthier and more environmentally friendly food options. Creating poultry ordinances that provide clear parameters for poultry raising provides an opportunity for local political jurisdictions to prove that they are committed to creating local food access.

IX. Post Script

During the process of writing this thesis, Cincinnati’s public policy approach to sustainability and food security has begun to change. Most pertinently, Cincinnati
adopted a policy of setting aside appropriate city owned land for urban farming endeavors. The Urban Gardening Pilot Program does not specifically include poultry or other livestock, but it does provide for an interesting opportunity to holistically incorporate Cincinnati’s relatively permissive poultry ordinance with gardening. The Urban Gardening Pilot Program identified 82 properties that had appropriate slopes and lack of tree cover, which were handed over to citizen farmers for a flexible lease.

An additional step towards sustainable land use practices was taken by Cincinnati City Council in June, 2011. This ordinance allows for Cincinnati residents to maintain a yard that is not strictly comprised of grass and instead is landscaped around native species. Previously, municipal code defined weeds as “any and all grass, weeds and wild plants over 10 inches tall.” Although this development does not necessarily directly relate to poultry, it does stand as additional support for citizens attempting to incorporate sustainable practices into their everyday lives. Should Cincinnati continue to promote these practices, it is only a matter of time before practices like keeping urban poultry become more normative.

In conjunction with changing the definition of weeds, City Council also aimed to refine the status of community gardens in June, 2011. Unfortunately, livestock were left out of the community garden ordinance. Eventually this issue will most likely be taken to City Council for further revision and debate. As with all of the municipalities examined in this thesis, City Council has reacted to the changing nature of urban farming and gardening, rather than worked preemptively to provide a framework for these initiatives.

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131 LeMaster, Kevin. 2009.
132 LeMaster, Kevin. 2009.
133 Jordan, Deborah. 2011.
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to develop within. When the issues of public health and land use are looked at holistically, thereby encompassing farming practices from livestock to vegetables, then these policy issues will be dealt with in a truly sustainable and meaningful fashion.
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