

CHAPTER 1240

Aviaries

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CROSS REFERENCES

- Primary drinking water - see OAC 3745-81-01 through 3745-81-89
- Semipublic sewage disposal system fees - see EHC 220.09
- General provisions - see EHC 210
- Sale of artificially colored fowl - see EHC 1220.06

EHC Environmental Health Code **ORC** Ohio Revised Code **OAC** Ohio Administrative Code

1240. 01 DEFINITIONS.

As used in this chapter:

- (a) "Commercial aviary" means any place where cage birds are kept for sale to the public.
- (b) "Cage bird" means a type of bird that is ordinarily sold as or for a pet or companion and that is usually kept in a cage or other restricted quarters.
- (c) "Dangerous to public health" means capable of transmission or causing disease in man.
- (d) "Display" means to exhibit or otherwise make available for viewing by the public, regardless of whether or not a monetary consideration is involved.
- (e) "Sell" and "sale" mean to barter, exchange, offer or expose for sale, sell, deliver or have in one's possession with intent to sell or deliver.
- (f) "Cage" means any cage, box, rook, perch or other place to which the activity of a bird is restricted.
- (g) "Sanitize" means the routine application, after thorough cleaning, of physical or chemical agents that reduce the number of microorganisms for the purpose of minimizing the chance of spreading disease.
- (h) "Disinfection" means the destruction of microorganisms by application of physical or chemical agents.

1240.02 PERMIT REQUIRED; FEE; SUSPENSION AND REVOCATION.

- (a) No person shall operate a commercial aviary in the Health District who does not possess an unrevoked permit from the Board of Health. The fee for such permit shall be as provided in Section 220.05 of the Administration Code. All such permits shall expire at midnight on December 31 of each year.

(b) The Health Commissioner shall prescribe a permit form which he shall issue to owners or operators of commercial aviaries who have applied in writing for a permit, after he has satisfied himself that the commercial aviary complies with this chapter.

(c) All permits shall be suspended or revoked within thirty days following noncompliance with specific orders and may be reinstated after inspection for compliance with this chapter.

(d) A permit may be suspended or revoked for serious or repeated violations, provided the permit holder has been notified in writing by the Health Commissioner calling attention to specific violations and affording a reasonable time and opportunity to comply. When a permit is suspended or revoked, the owner or operator of the commercial aviary shall be notified of the conditions for reinstatement.

1240.03 CONSTRUCTION AND FACILITIES.

Every commercial aviary shall be of such construction and materials as to be readily and thoroughly cleaned and shall provide the following facilities:

(a) Ventilation sufficient to minimize noxious odors and airborne substances at all times;

(b) A display or housing area so located and arranged that the birds are not closer than twenty feet to any area where the public might regularly pass or congregate or any area where food is prepared or served, unless such areas are effectively separated by a wall or partition;

(c) Isolation facilities separate from the display or housing area where new arrivals and birds that show evidence of disease or that are suspected of being diseased can be kept without hazard to the birds that are on display or offered for sale to the public;

(d) Cages, including feeding and watering utensils, sufficient in number and size to house all the birds without crowding and that are of such construction and materials as to be readily and thoroughly cleaned; and

(e) A cleaning area to which the public does not have access, conveniently located to the housing area and to the isolation facilities, and equipped with:

- (1) Hot and cold running water for cleaning;
- (2) Facilities for sanitizing and disinfecting cages and utensils;
- (3) A lighting system that will provide not less than twenty foot-candles of light on working surfaces when such surfaces are in use; and
- (4) Covered utensils for the handling and storage of waste until it is disposed of or other waste disposal facilities approved by the Health Commissioner.

1240.04 SANITATION.

(a) Floors and walls shall be cleaned frequently enough to prevent the accumulation of waste that may result in an unsanitary condition.

(b) Bird waste shall be removed from cages daily, wrapped in paper and kept in covered containers until disposed of, or may be handled by other methods approved by the Health Commissioner.

(c) Feed and water utensils shall be cleaned and sanitized daily after disposal of the unconsumed feed and water to prevent their reuse.

(d) Cages shall be thoroughly cleaned and sanitized after use before another lot of birds is placed therein. Continuously used cages shall be cleaned daily and sanitized at least once each month.

(e) Any cage, utensil, feed, water or other item used by a diseased bird or a bird suspected of being diseased, and the waste of such birds, shall be disinfected before reuse or disposal.

(f) A sanitizing compound, approved by the Health Department, shall be used to sanitize cages and equipment coming into contact with birds.

1240.05 PREVENTION OF DISEASE.

(a) All new shipments of birds received at a commercial aviary shall be isolated for a period of not less than seven days, during which time all dead birds and birds which show evidence of illness shall be separated from the remainder of the shipment or lot.

(b) A bird that is infected with or suspected of being infected with a disease dangerous to the public health shall not be displayed or sold to the public, but may be isolated until it is disposed of in a manner approved by the Health Commissioner which will effectively protect the public health.

(c) A bird shall be suspected of being infected with a disease dangerous to the public health:

- (1) When it shows evidence of illness;
- (2) When it is part of a flock, lot or shipment in which a disease dangerous to the public has been diagnosed; or
- (3) When it is from a source where there is reasonable cause to believe infection with a disease dangerous to the public health exists, unless the Health Commissioner is satisfied that proper sanitary and veterinary measures have been taken to minimize the probability that birds from that source will be so infected.

(d) In each commercial aviary all practical measures shall be taken to minimize the hazard to employees from disease or conditions which may be peculiar to or may result from the conditions under which they work.

1240.06 RECORDS AND REPORTS.

(a) The owner or operator of a commercial aviary shall keep a record of all transactions involving birds. This record shall include:

- (1) The number, kind and other identification of the birds;
- (2) The date of the transaction; and
- (3) The name and address of the person from whom the bird is purchased and to whom it is sold.

(b) The owner or operator of each commercial aviary shall furnish, in writing, at the request of the Health Commissioner, a monthly report of the aviary's activities on a form provided for that purpose by the Health Commissioner.

1240.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this Environmental Health Code shall be in violation of ORC 3707.48, 3709.20, 3709.21 or 3709.22, and subject to penalties provided in ORC 3707.99 and 3709.99.

(Resolution adopted 9/21/54)