



Legislation Details (With Text)

File #: 08-0263 **Version:** 2 **Name:** 3/17/08 Ordinance to Add New Section 9:42, Amend Section 9:38, 9:45 and 9:52 of Chapter 107 (Animals)

Type: Ordinance **Status:** Passed

File created: 4/21/2008 **In control:** City Council

On agenda: 4/21/2008 **Final action:** 6/2/2008

Enactment date: 6/2/2008 **Enactment #:** ORD-08-19

Title: An Ordinance to Add a New Section 9:42 to and Amend Sections 9:38, 9:45, and 9:52 of Chapter 107 (Animals) of Title IX of the Code of the City of Ann Arbor - Backyard Chickens (Ordinance No. ORD-08-19)

Sponsors: Mike Anglin, Stephen Kunselman, Margie Teall

Indexes:

Code sections:

Attachments: 1. 08-19 Chicken Ordinance Briefed and Approved, 2. Chicken Ordinance Briefed, 3. Chicken Ordinance as Amended on 4/21/08, 4. Chicken Ordinance.pdf

Date	Ver.	Action By	Action	Result
6/2/2008	2	City Council	Held and Closed	
6/2/2008	2	City Council		
6/2/2008	2	City Council	Amended	Fail
6/2/2008	2	City Council	Amended	Pass
6/2/2008	2	City Council	Amended	Pass
6/2/2008	2	City Council	Amended	Pass
6/2/2008	2	City Council	Amended	Pass
6/2/2008	2	City Council	Approved as Amended	Pass
5/5/2008	2	City Council	Approved on First Reading	Pass
4/21/2008	1	City Council		
4/21/2008	2	City Council	Amended	Pass
4/21/2008	2	City Council	Approved as Amended	Fail
3/17/2008	1	City Council	Postponed	Pass
3/17/2008	1	City Council		

An Ordinance to Add a New Section 9:42 to and Amend Sections 9:38, 9:45, and 9:52 of Chapter 107 (Animals) of Title IX of the Code of the City of Ann Arbor - Backyard Chickens (Ordinance No. ORD-08-19)

Prepared by: Kristen D. Larcom, Senior Assistant City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Roger Fraser, City Administrator

ORDINANCE NO. ORD-08-19

First Reading : March 17, 2008 & May 5, 2008

Approved: June 2, 2008
Public Hearing : June 2, 2008
Published: June 8, 2008
Effective: August 7, 2008

ANIMALS
(REGARDING CHICKENS)

AN ORDINANCE TO ADD A NEW SECTION 9:42 TO AND AMEND SECTIONS 9:38, 9:45, AND 9:52 OF CHAPTER 107 (ANIMALS) OF TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Section 9:38 of Chapter 107 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:38. Domestic animals and fowl.

- (1) No person shall keep or house any animals or domestic fowl within the city except dogs, cats, rabbits, canaries or small animals commonly classified as pets which are customarily kept or housed inside dwellings as household pets.
- (2) Subsection (1) shall not apply to animals or fowl that are kept or housed at city park facilities for exhibition.
- (3) [Subsection \(1\) shall not apply to the keeping of chickens in compliance with all requirements of Section 9:42.](#)
- (4) [Nothing in this Chapter shall prohibit the City or a third party from bringing a nuisance action based on the keeping of animals.](#)

Section 2. That Section 9:42 be added to Chapter 107 of Title IX of the Code of the City of Ann Arbor to read as follows:

[9:42. Keeping of Chickens.](#)

- (1) [Any person who keeps chickens in the City of Ann Arbor shall obtain a permit from the City prior to acquiring the chickens. No permit shall be issued to a person , by the City, and no chickens shall be allowed to be kept unless the owners of all residentially zoned adjacent properties \(as defined below in subsection 3 \(j\)\) consent in writing to the permit and this consent is presented along with an application for a permit. Written statements waiving the distance requirement in subsection \(3\) below shall also be submitted at the time of application and become a part of the permit if issued. Application shall be made to the City Clerk and the fee for the permit shall be as determined by Council resolution.](#)

[Permits expire and become invalid five \(5\) years after the date of issuance. A person who wishes to continue keeping chickens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new](#)

permit.

- (2) Notwithstanding the issuance of a permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- (3) A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:
- a. Have been issued the permit required under subsection (1) of this section.
 - b. Keep no more than four (4) chickens.
 - c. The principal use of the person's property is for a single-family dwelling or two-family dwelling.
 - d. No person shall keep any rooster.
 - e. No person shall slaughter any chickens.
 - f. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Fenced enclosures are subject to all provisions of Chapter 104 (Fences).
 - g. A person shall not keep chickens in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two family structure and extending to the side lot lines.
 - h. No covered enclosure or fenced enclosure shall be located closer than ten (10) feet to any property line of an adjacent property;
 - i. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than forty (40) feet to any residential structure on an adjacent property provided, however, this requirement can be waived as follows:
 - (i) If the principal use of applicant's property is for a single-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners that there is no objection to the issuance of the permit.
 - (ii) If the principal use of the applicant's property is for a two-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners and of the occupants of the other dwelling stating that there is no objection to the issuance of the permit.
 - j. For purposes of this section, adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a public or private street.
 - k. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.

- l. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- m. If the above requirements are not complied with, the City may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.

- (4) A person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer.

Section 3. That Section 9:45 of Chapter 107 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:45. Definitions.

For the purpose of this chapter, the following terms shall have the following meanings respectively designated for each:

- (1) *Animal control officer.* Any city police officer or such other persons as the administrator may designate provided that such persons meet the qualifications specified by Act 339, Public Acts of 1919, as amended.
- (2) *Dangerous animal.* An animal which has bitten a person so as to draw blood or caused a person broken bones or which has repeatedly attacked, chased or menaced any person or damaged the property (including animals) of persons other than the owner. An animal shall not be considered dangerous solely because it has bitten or attacked a person or any animal attacking its owner or its owner's family nor shall an animal be considered dangerous if it bites or injures a person who has, without justification, provoked it by attacking it or its young.
- (3) *Dog play area regulation.* A regulation that provides rules and requirements for the use of designated dog play areas by dogs and dog owners. The Community Services Administrator or designee may make and issue dog play area regulations, which shall be effective upon approval by City Council and filing with the City Clerk.
- (4) *Noise nuisance.* Barking, howling, meowing, squawking or making other sounds, frequently or for a continued duration, which annoys, endangers, injures or disturbs a person of normal sensitivities on premises other than that occupied by the owner of the animal. After 10:00 p.m. and before 7:00 a.m., animal noises audible beyond the property line of the property where the animal is located are presumed to be an annoyance and disturbance and are presumed to constitute a noise nuisance.
- (5) *Sanitation nuisance.* Unsanitary conditions resulting from animal droppings, food waste, debris, or any other thing to cause vermin infestation, odors, or disease hazards.
- (6) *Own.* To have possession or a right of property in an animal or to permit a dog or cat to remain on or about one's premises 5 days or more.
- (7) *Under reasonable control.* A dog which is:
 - (a) Secured by a leash held by the owner or the owner's agent;

- (b) Secured by a leash which is attached to a stationary object and attended by the owner or the owner's agent; or
 - (c) On the premises of the owner or confined in a vehicle.
 - (d) On the premises of a dog play area as designated by the Community Services Area Administrator or designee and upon approval by City Council.
- (8) *Vicious animal.* An animal which:
- (a) Has killed a person or caused a person serious bodily injury, including, but not limited to, injuries resulting in hospital confinement or reconstructive surgery.
 - (b) Is owned, possessed, harbored or trained for the purpose of animal fighting.
 - (c) Repeatedly bites or in any way injures people.

Section 4. That Section 9:52 of Chapter 107 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:52. Penalty.

Violation of this chapter shall be punished by a fine of not less than \$25.00 nor more than \$500.00. For the second and subsequent violations of this chapter within a 2-year period, the fine shall not be less than \$50.00 nor more than \$500.00. In addition, violation of section 9:35 and subsection 9:47(6)(7)) may be punished by imprisonment for up to 90 days. However, violation of 9:47(1), (2), (3), (4) and (5) shall be punishable by only a civil fine of not less than \$25.00 nor more than \$500.00 for a first offense and for a second offense not less than \$50.00 nor more than \$500.00.

[Section 5. The City Council shall review this chapter and recommend changes as deemed appropriate, if any, before August 2009.](#)

[Section 6. That this Ordinance shall take effect sixty \(60\) days following legal publication.](#)

As amended by Ann Arbor City Council on June 2, 2008