

## PROPOSED AMENDMENT TO INCLUDE KEEPING DUCKS

### AN ORDINANCE TO AMEND SECTIONS 9:38 AND 9:42 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 or ducks in compliance with all requirements of section 9:42. The term "poultry" as used in this Chapter means chickens only, ducks only, or a combination of chickens and ducks.
- (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 of Chapter 107 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:42. - Keeping of chickens and ducks.

(1) Any person who keeps chickens or ducks in the City of Ann Arbor shall, depending on the number of chickens or ducks the person will keep, obtain ~~a~~ either a basic permit or an enhanced permit from the city prior to acquiring the chickens or ducks. An enhanced permit is required for the keeping of more than two (2) poultry. No enhanced permit shall be issued to a person, by the city, and no ~~chickens-poultry~~ 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 enhanced permit and this consent is presented along with an application for ~~a~~ the enhanced permit. A basic permit is required for the keeping of one (1) or two (2) poultry and does not require the consent of owners of adjacent properties. To qualify for a basic permit an individual must have no violations of this Chapter for the previous five (5) years. Written statements waiving the distance requirement in subsection (3) below are required for both basic and enhanced permits and 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-Enhanced permits expire and become invalid five (5) years after the date of issuance. Basic permits expire and become invalid one (1) year after the date of issuance. A person who wishes to continue keeping ~~chickens-poultry~~ 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~~ poultry 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~~ poultry 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 ~~4 chickens~~ six (6) poultry if the person has been issued an enhanced permit and keep no more than two (2) poultry if the person has been issued a basic permit.

c. The principal use of the person's property is for a single-family dwelling or 2-family dwelling.

d. No person shall keep any rooster (male chicken). Both drakes (male ducks) and hen ducks (female ducks) may be kept.

e. No person shall slaughter any ~~chickens~~ poultry.

f. The ~~chickens~~ poultry 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~~ poultry 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 2-family structure and extending to the side lot lines.

h. No covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an adjacent property;

i. All enclosures for the keeping of ~~chickens~~ poultry 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 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 2-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 1 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~~ poultry 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~~ poultry 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.

(5) Permits that were issued under this section for the keeping of up to four (4) chickens before the effective date of the amendment to this section that increased the maximum number of poultry allowed to six (6) under an enhanced permit shall continue to allow a maximum number of only 4 (four) poultry until the permit expires. A person may keep more than four (4) poultry and up to a maximum of six (6) poultry only by obtaining a new enhanced permit on or after the effective date of the amendment to this section that increased the maximum number of poultry allowed to six (6).

Section 3: That this Ordinance shall take effect sixty (60) days following legal publication.