



TO: Mayor and Council

FROM: Sumedh Bahl, Community Services Area Administrator
Jackie Beaudry, City Clerk
Craig Hupy, Public Services Area Administrator
John Seto, Safety Services Area Administrator

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 1/5/15

CA-1 – Resolution to Approve Construction Contract with Doetsch Environmental Services, Inc. to Repair Sanitary Sewer Manholes on Zina Pitcher and Huron Street (\$85,000.00)

Question: How was the poor condition of these two sanitary sewer manholes discovered (does the City conduct periodic inspections of manholes and if so, how frequently)? Also, I understand the City tried to get multiple bids, but received only one response -- presumably the quote (\$85K) was reviewed for reasonableness by engineering staff -- correct? (Councilmember Lumm)

Response: The sanitary sewer system inspection cycle goal is 7 years. Engineering staff reviewed the one bid that was received, and it was found to be reasonable considering the specialized and difficult nature of the work involved.

B-3 – An Ordinance to Amend Section 9:42 of Chapter 107 (Animals- Keeping Chickens) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-14-28)

Question: Are there active complaint and enforcement mechanisms for noise and odor in residential areas? If so, who is called, and how is this record kept? Does the mechanism differ depending on the source of the nuisance (animal vs. non)? What

criteria are used to establish a violation? Is the perception that there is general satisfaction with this mechanism (for example, for resolving frequent barking dog complaints)? Have there been any complaints about chicken noise or odor with the city? Who would people call if there were? How would either of these complaints be addressed—who would investigate, what criteria would be used, when would enforcement be applied? Have any permits been revoked due to complaints? Can this happen, and, if so, how? Are there any unresolved complaints? (Councilmember Westphal)

Response:

The Police Department responds to noise complaints, per the ordinance section of noise nuisance. There is no specific ordinance for odor, but the cause of the odor may be determined to be a sanitation nuisance. The Police Department would respond to odor complaints. If a police report was generated, it would be kept within the police department record management system. If a police officer responded, but no report was generated, a record of the dispatch information is kept.

Noise criteria are established under city ordinance. Under Chapter 107 – Animals, a noise nuisance is defined as: *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.*

A sanitation nuisance is defined as: *Unsanitary conditions resulting from animal droppings, food waste, debris, or any other thing to cause vermin infestation, odors, or disease hazards.*

Requests for enforcement can be made through 9-1-1, the non-emergency police department number, or by email. A police officer would first attempt voluntary compliance through awareness that an ordinance was being violated. Enforcement through issuing a ticket would depend on the circumstances of the incident or incidents.

A search of dispatch narratives show the police were dispatched to two complaints involving chickens in 2014. On 8/13/14, a complaint of a resident having a rooster in violation of the chicken ordinance. The officer was unable to make contact and no follow-up complaints were received. An 8/18/14 complaint of non compliance of the chicken ordinance was resolved by the responding officer contacting the chicken owner and determining compliance existed with all aspects of the ordinance.

No permit has ever been revoked by the City. Revocation and/or prosecution as a civil infraction, may be initiated under Chapter 107, 9:42(3)(m).

Question: On neighbor consent: How many permits for chickens have been issued? How many complaints about chickens have been filed? Have any permits been pulled because of neighbor complaints? Are there any records of permits that were applied

for, but were not able to garner the support of neighbors? If so, how many and where? (Councilmember Briere)

Response: Since the chicken ordinance was first approved in June 2008 (effective August 2008), the City Clerk's Office has issued 110 permits (5-year licenses). 24 of the original permits have since expired. Permits issued in 2010 will be expiring this year.

Only one application was submitted that could not be processed due to the lack of support (neighbor waiver) of adjacent neighbors. This application was by Michelle Lovasz at 1788 Miller Avenue. She submitted the application with all but one adjoining property owner in support. The form was submitted on May 6, 2014. Staff is unaware and has no way of tracking residents unable to obtain the required neighbor signatures and not submitting their application.

Question: On the ordinance itself: This ordinance - similar to the one on bee keeping - regulates land use. Why is this not part of the zoning ordinances? Breeding dogs for commercial purposes using kennels and providing kennel space for dogs while owners are away are regulated in the zoning code. (Councilmember Briere)

Response: The ordinance that regulates chickens is included in the City's Animals Ordinance, along with the ordinance regarding bee keeping. An ordinance that regulates chickens could be incorporated into the City's Zoning Ordinance, but was drafted as an amendment to the City's Animals Ordinance using the City's general police power. The decision of whether or not the ordinance should be incorporated into the City's Zoning Ordinance is discretionary. The City's chicken ordinance uses a permit process that more closely relates to how dogs are regulated by license under the ordinance. The number of chickens were limited in the original ordinance so that the ordinance would prevent commercial uses, such as with dog kennels that are incorporated into the zoning ordinance. The neighbor consent provisions were also added to protect existing residential uses from unwanted chickens which may be viewed by some as inconsistent with residential use. It may be appropriate to amend the zoning regarding the keeping of chickens if the number of chickens is increased substantially which may infer more of a commercial use.

C-1 – An Ordinance to Amend Section 10:148 of Chapter 126, Traffic (Pedestrian Crosswalks), Title X, of the Code of the City of Ann Arbor

Question: When this ordinance amendment first came forward in October, there was mention that the state legislature may act on new pedestrian crosswalk language. Can you please provide an update on the status at the State level -- was any related legislation acted on in the lame duck session or is any pending/planned for the upcoming session? (Councilmember Lumm)

Response: We have received communication from Rep. Zemke's office that there was not legislative action on pedestrian crosswalks at the state level during the 'lame duck' session. It is unclear at this time what and when the next action maybe at the state

legislative level. Representative Zemke has indicated he intends to pursue legislation in the upcoming session.

DS – 1 – Resolution No. 1 to Approve a Special Assessment Project for the Clague Safe Routes to School Sidewalk

Question: The staff memo for this project includes a note that the budget covers an RRFB to be installed west of Kilburn Park on Nixon. Kilburn Park is quite a bit up Green Road, and not adjacent to Nixon at all. Could this memo be fixed? (Councilmember Briere)

Response: The typographical error has been corrected. The location is Green Road, west of Kilburn Park.

DS-2 – Resolution to Approve the Purchase of Four Police Motorcycles from BMW Motorcycles of Southeast Michigan (ITB #4354 - \$105,624.80)

Question: Are there State co-operative buying arrangements for motorcycles like there are for vehicles and if so, was that option considered for these purchases? (Councilmember Lumm)

Response: Current vehicle purchasing programs used by the city; State of Michigan and the two County Cooperative purchasing programs do not include motorcycles.



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Text File

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One Year Review of Chapter 107 (Animals) Regarding Backyard Chickens

An amendment to Chapter 107 (Animals) was approved by City Council on June 2, 2008 and became effective 60 days following that approval date. As part of the original ordinance approval, a one-year review provision was included in the ordinance.

In the one year since the backyard chicken ordinance effective date, the City Clerk's Office has issued 19 permits for backyard chickens. In that same time period, one complaint letter was received by the City Clerk's Office regarding a possible illegal restaurant operation on Soule Street. Part of that complaint included information regarding the housing of chickens without a permit. The complaint regarding the zoning/restaurant issues was forwarded to Planning and Development Services. A permit for the chickens was later obtained by the occupants at that address.

The Ann Arbor Police Department also responded to an unfortunate situation on Spring Street involving a dog attack on backyard chickens. The victim had a permit for the chickens and filed a complaint regarding the incident. No other complaints were received by AAPD or the Community Standards Unit regarding chickens.

Staff does not have any recommendations for changes regarding the permit program or the ordinance at this time.

Prepared by: Jacqueline Beaudry, City Clerk

Reviewed and Approved by: Roger W. Fraser, City Administrator

One Year Review of Chapter 107 (Animals) Regarding Backyard Chickens