

An Ordinance to Amend Section 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 9:42 of the Code of the City of Ann Arbor be amended to read as follows:

9:42. Keeping of ~~e~~C~~h~~ickens.

(1) Any ~~p~~P~~e~~rson who keeps chickens in the City ~~of Ann Arbor~~ shall, depending on the number of chickens the ~~p~~P~~e~~rson will keep, obtain either a 2-bird permit or a 6-bird permit from the ~~e~~C~~i~~ty prior to acquiring the chickens. A 6-bird permit is required for the keeping of more than 2 chickens. No 6-bird permit shall be issued to a ~~p~~P~~e~~rson by the ~~e~~C~~i~~ty, and no chickens shall be allowed to be kept if one or more of the ~~p~~P~~e~~rsons to whom notice is sent as provided in subsection (2) objects to the issuance of the 6-bird permit. A 2-bird permit is required for the keeping of 1 or 2 chickens and may be issued despite the objection(s) by any ~~p~~P~~e~~rson(s). To qualify for a 2-bird permit an individual must have no violations of this chapter for the previous 5 years. Written statements waiving the distance requirement in subsection (3) below are required for both 2-bird and 6-bird permits and shall 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.

Six-bird permits expire and become invalid 5 years after the date of issuance. 2-bird permits expire and become invalid 1 year after the date of issuance. A ~~p~~P~~e~~rson 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 ~~p~~P~~e~~rson applies for a new permit.

(2) Once a completed application form for a 6-bird permit and application fee have been submitted to the City Clerk, the City Clerk shall, within 10 business days, send written notice of the application for a 6-bird permit to ~~the~~all owners of ~~all~~ ~~a~~Adjacent ~~p~~P~~e~~rsonies as shown in the City Assessor's records.

(a) For purposes of this section, "~~a~~Adjacent ~~p~~P~~e~~rsonty" 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~~Street or private street.

(b) The written notice described in this subsection shall be sent to the address(es) of ~~the~~all owner(s) of ~~the~~ ~~a~~Adjacent ~~p~~P~~e~~rsonty ~~or properties~~, and also to the physical property address of an ~~a~~Adjacent ~~p~~P~~e~~rsonty, if the

address of the owner of an **aA**djacent **pP**roperty is different from the physical property address.

(c) If the applicant for the 6-bird permit is not the owner of the property on which the applicant wants to keep chickens, the applicant must also provide the written consent of the owner of the property. Without such written consent, the application for the 6-bird permit may not be granted.

(d) The application for the 6-bird permit may not be granted if, within 21 days from the mailing of the written notice of the application, the City Clerk receives any objection to the issuance of a 6-bird permit from any owner or tenant of any **aA**djacent **pP**roperty.

(e) A 6-bird permit shall be issued to the applicant if the City Clerk receives no objections to the issuance of a 6-bird permit from any owner or tenant of any **aA**djacent **pP**roperty within 21 days from the mailing of the written notice of the application and all other requirements are met.

(3) Notwithstanding the issuance of a permit by the **eC**ity, 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 **pP**erson 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.

(4) A **pP**erson who keeps or houses chickens on ~~ahis 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 6 chickens if the **pP**erson has been issued a 6-bird permit and keep no more than 2 chickens if the **pP**erson has been issued a 2-bird permit.

(c) The principal use of the **pP**erson's property is for a single-family dwelling, ~~or~~ 2-family dwelling, or a primary or secondary school.

(d) No **pP**erson shall keep any rooster.

(e) No **pP**erson 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 ~~p~~P~~erson~~ shall not keep chickens in any location on the property other than in the Backyard. For purposes of this section, "~~b~~B~~ackyard~~" 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. For properties where the principal use is a primary or secondary school, a Person shall not keep chickens in that property's front setback as defined under Chapter 55 of this Code.
- (h) No covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an ~~a~~A~~d~~ja~~c~~e~~n~~t ~~p~~P~~roperty~~.
- (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 40 feet to any residential structure on an ~~a~~A~~d~~ja~~c~~e~~n~~t ~~p~~P~~roperty~~ provided, however, this requirement can be waived as follows:
- (i) If the principal use of applicant's property is for a single-family dwelling, or a primary or secondary school, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all owners of a ~~a~~A~~d~~ja~~c~~e~~n~~t ~~p~~P~~roperty~~ ~~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 a ~~a~~A~~d~~ja~~c~~e~~n~~t ~~p~~P~~roperty~~ ~~landowners~~ and of the occupants of the other dwelling stating that there is no objection to the issuance of the permit.
- (j) 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.
- (k) 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.

(l) If the above requirements are not complied with, the eCity may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.

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

(6) Permits that were issued under this section when the maximum number of chickens allowed was 4 chickens and before the effective date of the amendment to this section that increased the maximum number of chickens allowed to 6 under a 6-bird permit shall continue to allow a maximum number of only 4 chickens until the permit expires. A pPerson may keep more than 4 chickens and up to a maximum of 6 chickens only by obtaining a new 6-bird permit on or after the effective date of the amendment to this section that increased the maximum number of chickens allowed to 6.

Section 2. Severability. In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 3: Effective Date. This Ordinance shall take effect on the tenth day following legal publication.