

**Ann Arbor City Council Regular Session: January 20, 2015
Email Redactions List Pursuant to Council Resolution R-09-386**

	A	B	C	D	E	F	G
1	<u>Received</u>						
	<u>Sent Time</u>	<u>Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2	7:36 PM		City Council	Jacqueline Beaudry	Anissa Bowden, Steve Powers, Stephen Postema		
3	7:45 PM		City Council	Stephen Kunselman	Jacqueline Beaudry		
4	7:52 PM		Stephen Kunselman	Sabra Briere	City Council, Jacqueline Beaudry, Steve Powers		
5	7:55 PM		Sabra Briere, Stephen Kunselman	Jacqueline Beaudry	City Council, Steve Powers		
6	8:03 PM		Sabra Briere	Jacqueline Beaudry			
7	8:13 PM		Jacqueline Beaudry	Sabra Briere			
8	8:20 PM		Stephen Kunselman	Jessamyn Ressler-Maerlender	Christopher Taylor	Email, phone and address	Privacy
9	8:50 PM		City Council	Jacqueline Beaudry	Steve Powers, Stephen Postema		
10	9:03 PM		City Council	Jacqueline Beaudry	Steve Powers, Stephen Postema		
11	9:21 PM		City Council, Jacqueline Beaudry, Stephen Postema, Steve Powers	Chuck Warpehoski			

Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Tuesday, January 20, 2015 7:36 PM
To: *City Council Members (All)
Cc: Bowden (King), Anissa; Powers, Steve; Postema, Stephen
Subject: Mayor Confirmations
Attachments: MC-1.pdf

Attached is MC-1, which was left out of your printed materials. I'm also printing a copy which I can pass out at break.

Jacqueline Beaudry, City Clerk

Ann Arbor City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104
734.794.6140 (O) · 734.994.8296 (F) |
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City of Ann Arbor

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

Text File

File Number: 15-0013

Agenda # MC-1

Introduced: 1/5/2015

Version: 2

Current Status: Mayor Communication

Matter Type: Appointment

Appointments - Confirmations

I would like to request confirmation of the following nominations that were presented to you for consideration at the January 5, 2015 meeting:

City Planning Commission

Alex Milshteyn-filling Vacancy left by Kirk Westphal
315 Second St. #516
Ann Arbor, MI 48103
Term: August 1, 2012 - July 31, 2015

Energy Commission

Kim Wolske-filling vacancy left by Elizabeth Gibbons
1424 Morton Ave.
Ann Arbor, MI 48104
Term: June 1, 2014 - May 31, 2017

Local Officers Compensation Commission

Robert D. Picken
1729 Dexter Ave.
Ann Arbor, MI 48103
Term: October 1, 2014 - September 30, 2021

Alexa, Jennifer

From: Kunselman, Stephen
Sent: Tuesday, January 20, 2015 7:45 PM
To: *City Council Members (All)
Cc: Beaudry, Jacqueline
Subject: Amendment to best practices

...except when temperatures are forecast to be below freezing and the danger of hypothermia is imminent.

Alexa, Jennifer

From: Briere, Sabra
Sent: Tuesday, January 20, 2015 7:52 PM
To: Kunselman, Stephen
Cc: *City Council Members (All); Beaudry, Jacqueline; Powers, Steve
Subject: Re: Amendment to best practices

Resolved that human services organizations will continue to seek out those who are homeless when the temperatures are forecast to be below freezing and the danger of hypothermia is imminent.

Sabra Briere
First Ward City Council
Ann Arbor
734-995-3518
734-277-6578 (cell)

Sent from my iPad

On Jan 20, 2015, at 7:44 PM, Kunselman, Stephen <SKunselman@a2gov.org> wrote:

...except when temperatures are forecast to be below freezing and the danger of hypothermia is imminent.

Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Tuesday, January 20, 2015 7:55 PM
To: Briere, Sabra; Kunselman, Stephen
Cc: *City Council Members (All); Powers, Steve
Subject: RE: Amendment to best practices
Attachments: DC-1 substitute.pdf

The file is now on the website. Attached is the file as presented.

Jacqueline Beaudry, City Clerk

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From: Briere, Sabra
Sent: Tuesday, January 20, 2015 7:52 PM
To: Kunselman, Stephen
Cc: *City Council Members (All); Beaudry, Jacqueline; Powers, Steve
Subject: Re: Amendment to best practices

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City of Ann Arbor

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<http://a2gov.legistar.com/Calendar.aspx>

Text File

File Number: 15-0088

Agenda # DC-1

Introduced: 1/20/2015

Version: 1

Current Status: Introduced from Council

Matter Type: Resolution

Resolution to Support Best Practices in Response to Homeless Camps in the City of Ann Arbor

Whereas, A significant percentage of Washtenaw County's homeless population remains unsheltered;

Whereas, Ultimately, the most effective means of addressing homelessness for most persons is to provide affordable housing;

Whereas, Wait lists for affordable housing are extensive and often closed;

Whereas, Local shelters cannot provide year-round shelter for all unhoused persons in Washtenaw County;

Whereas, Some homeless persons are not suited or eligible for the temporary shelter options provided in Washtenaw County;

Whereas, There are multiple strategies for responding to homeless camps, including humane displacement, short term accommodation, and long term arrangement;

Whereas, Humane displacement tools include formal and advance notification of the closure of an encampment, engagement by agencies that will help those at risk of displacement find temporary shelter, and commitment to find permanent supportive housing solutions;

Whereas, The City of Ann Arbor continues to use humane displacement and short term accommodation as tools to work with those who are unsheltered; and

Whereas, The Continuum of Care Board, which includes stakeholders, mental health professionals, law enforcement leadership and elected officials, including the Mayor of Ann Arbor, the Chief of Ann Arbor Police and the Director of the Office of Community and Economic Development, provides an structure to address these concerns.

RESOLVED, That humane displacement of homeless camps on private property is an appropriate response to complaints from private property owners;

RESOLVED, That humane displacement of homeless camps on public land is an appropriate response to citizen complaints;

RESOLVED, It is not the practice of the City of Ann Arbor to proactively seek out homeless camps for removal, nor to broadly deploy strategies to render areas used as campsites unusable; and

RESOLVED, The Ann Arbor City Council requests a recommendation from the Continuum of Care Board regarding policies related to humane displacement and how to better meet the needs of individuals not currently served by the formal shelter system. This request assumes the participation of key stakeholders in this discussion, including current and recently unhoused individuals.

Sponsored by: Council Members Grand, Kunselman, Warpehoski and Briere

Resolution to Support Best Practices in Response to Homeless Camps in the City of Ann Arbor

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File Number: 15-0088

Continuum of Care Board regarding policies related to humane displacement and how to better meet the needs of individuals not currently served by the formal shelter system. This request assumes the participation of key stakeholders in this discussion, including current and recently unhoused individuals.

Sponsored by: Council Members Grand, Kunselman, Warpehoski and Briere


Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Tuesday, January 20, 2015 8:03 PM
To: Briere, Sabra
Subject: RE: Amendment to best practices

Sabra:
Does this replace another clause or add to the resolution?
Thanks,
Jackie

Jacqueline Beaudry, City Clerk

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From: Briere, Sabra
Sent: Tuesday, January 20, 2015 7:52 PM
To: Kunselman, Stephen
Cc: *City Council Members (All); Beaudry, Jacqueline; Powers, Steve
Subject: Re: Amendment to best practices

Resolved that human services organizations will continue to seek out those who are homeless when the temperatures are forecast to be below freezing and the danger of hypothermia is imminent.

Sabra Briere
First Ward City Council
Ann Arbor
734-995-3518
734-277-6578 (cell)

Sent from my iPad

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...except when temperatures are forecast to be below freezing and the danger of hypothermia is imminent.

Alexa, Jennifer

From: Briere, Sabra
Sent: Tuesday, January 20, 2015 8:13 PM
To: Beaudry, Jacqueline
Subject: Re: Amendment to best practices

It is additional. Make it the third resolved, please.

Sabra Briere
First Ward City Council
Ann Arbor
734-995-3518
734-277-6578 (cell)

Sent from my iPad

On Jan 20, 2015, at 8:03 PM, Beaudry, Jacqueline <JBeaudry@a2gov.org> wrote:

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Jackie

Jacqueline Beaudry, City Clerk

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Cc: *City Council Members (All); Beaudry, Jacqueline; Powers, Steve
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Sent from my iPad

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Alexa, Jennifer

From: Jessamyn Ressler-Maerlender [REDACTED]
Sent: Tuesday, January 20, 2015 8:20 PM
To: Kunselman, Stephen
Cc: Taylor, Christopher (Mayor)
Subject: Council meeting 1/20

Dear Council Member Kunselman,

I was at the meeting tonight and very much appreciate your withdrawal of the resolution regarding homeless camps in Ann Arbor.

I'm not clear about which "best practices" were implicit in Council Member Grand's revised DC-1 motion, but I look forward to the Council working toward a sustainable solution that values the safety of all citizens, including those who are homeless.

Thank you for helping foster healthy discussion and meaningful progress with your action tonight.

Sincerely,

Jessamyn Ressler-Maerlender
[REDACTED]

Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Tuesday, January 20, 2015 8:50 PM
To: *City Council Members (All)
Cc: Powers, Steve; Postema, Stephen
Subject: FW: ducks
Attachments: 00041482.docx

Amendment to include ducks.

Jacqueline Beaudry, City Clerk

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jbeaudry@a2gov.org | www.a2gov.org



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From: Warpehoski, Chuck
Sent: Tuesday, January 20, 2015 6:57 PM
To: Beaudry, Jacqueline
Subject: ducks

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

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.

Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Tuesday, January 20, 2015 9:03 PM
To: *City Council Members (All)
Cc: Powers, Steve; Postema, Stephen
Subject: FW: Ordinance amendment with Grand Rapids-style notice
Attachments: 00041515.docx

Jacqueline Beaudry, City Clerk

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From: Warpehoski, Chuck
Sent: Tuesday, January 20, 2015 6:58 PM
To: Beaudry, Jacqueline
Subject: FW: Ordinance amendment with Grand Rapids-style notice

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 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.

(1) Any person who keeps chickens in the City of Ann Arbor shall, depending on the number of chickens the person will keep, obtain ~~a~~ either a basic permit or an enhanced permit from the city prior to acquiring the chickens. An enhanced permit is required for the keeping of more than two (2) chickens. No enhanced 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)) consent in writing~~ if one or more of the persons to whom notice is sent as provided in subsection (2) objects to the issuance of the enhanced permit and this consent is presented along with an application for a permit. A basic permit is required for the keeping of one (1) or two (2) chickens and may be issued despite the objection(s) by any person(s). 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 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) Once a completed application form for an enhanced permit and application fee have been submitted to the City Clerk, the City Clerk shall, within ten (10) business days, send written notice of the application for an enhanced permit to the owners of all adjacent properties as shown in the City Assessor's records.

- (a) 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.
- (b) The written notice described in this subsection shall be sent to the address(es) of the owner(s) of the adjacent property or properties, and also to the physical property address of an adjacent property, if the address of the owner of an adjacent property is different from the physical property address.
- (c) If the applicant for the enhanced 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 enhanced permit may not be granted.
- (d) The application for the enhanced permit may not be granted if, within twenty-one (21) days from the mailing of the written notice of the application, the City Clerk receives any

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Alignment: Left + Aligned at: 0.5" + Indent at:
0.75"

objection to the issuance of an enhanced permit from any owner or tenant of any adjacent property.

(e) An enhanced permit shall be issued to the applicant if the City Clerk receives no objections to the issuance of an enhanced permit from any owner or tenant of any adjacent property within twenty-one (21) days from the mailing of the written notice of the application and all other requirements are met.

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~~(2)~~(3) 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)~~(4) 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 ~~4~~ six (6) chickens if the person has been issued an enhanced permit and keep no more than two (2) chickens 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.
- 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 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 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. 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.

~~l. 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.

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)(5)~~ A person 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 four (4) chickens and before the effective date of the amendment to this section that increased the maximum number of chickens allowed to six (6) under an enhanced permit shall continue to allow a maximum number of only 4 (four) chickens until the permit expires. A person may keep more than four (4) chickens and up to a maximum of six (6) chickens 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 chickens allowed to six (6).~~

Section 2: That this Ordinance shall take effect sixty (60) days following legal publication.

Alexa, Jennifer

From: Warpehoski, Chuck
Sent: Tuesday, January 20, 2015 9:21 PM
To: *City Council Members (All); Beaudry, Jacqueline; Postema, Stephen; Powers, Steve
Attachments: amended.docx

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

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 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.

(1) Any person who keeps chickens in the City of Ann Arbor shall, ~~depending on the number of chickens the person will keep,~~ obtain ~~a either a basic permit or an enhanced~~ a permit from the city prior to acquiring the chickens. ~~An enhanced permit is required for the keeping of more than two (2) chickens.~~ No ~~enhanced~~ 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)) consent in writing if one or more of the persons to whom notice is sent as provided in subsection (2) objects to the issuance of the enhanced permit and this consent is presented along with an application for a permit. A basic permit is required for the keeping of one (1) or two (2) chickens and may be issued despite the objection(s) by any person(s). 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 p~~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 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) ~~Once a completed application form for an enhanced permit and application fee have been submitted to the City Clerk, the City Clerk shall, within ten (10) business days, send written notice of the application for an enhanced permit to the owners of all adjacent properties as shown in the City Assessor's records.~~

- (a) ~~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.~~
- (b) ~~The written notice described in this subsection shall be sent to the address(es) of the owner(s) of the adjacent property or properties, and also to the physical property address of an adjacent property, if the address of the owner of an adjacent property is different from the physical property address.~~
- (c) ~~If the applicant for the enhanced 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 enhanced permit may not be granted.~~
- (d) ~~The application for the enhanced permit may not be granted if, within twenty-one (21) days from the mailing of the written notice of the application, the City Clerk receives any~~

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objection to the issuance of an enhanced permit from any owner or tenant of any adjacent property.

(e) An enhanced permit shall be issued to the applicant if the City Clerk receives no objections to the issuance of an enhanced permit from any owner or tenant of any adjacent property within twenty-one (21) days from the mailing of the written notice of the application and all other requirements are met.

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~~(2)~~(3) 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)~~(4) 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 ~~4~~ six (6) chickens if the person has been issued an enhanced permit and keep no more than two (2) chickens 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.
- 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 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 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-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.

~~l-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.

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)(5)~~ A person 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 four (4) chickens and before the effective date of the amendment to this section that increased the maximum number of chickens allowed to six (6) under an enhanced permit shall continue to allow a maximum number of only 4 (four) chickens until the permit expires. A person may keep more than four (4) chickens and up to a maximum of six (6) chickens 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 chickens allowed to six (6).~~

Section 2: That this Ordinance shall take effect sixty (60) days following legal publication.