



Legislation Text

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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)

The attached ordinance amendment to Code Section 9:42 is sponsored by Council Member Warpehoski.

The amendment removes the requirement to obtain the written consent of the owners of all residentially zoned adjacent properties in order to get a permit. The amendment also increases the allowable number of chickens from four to six.

Prepared by: Kristen Larcom, Senior Assistant City Attorney

Sponsored by: Council member Warpehoski

ORDINANCE NO. ORD-14-28

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January 5, 2015
January 20, 2015

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January 20, 2015

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Effective: April 6, 2015

ANIMALS
(KEEPING OF CHICKENS)

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 2-bird permit or a 6-bird permit from the city prior to acquiring the chickens. A 6-bird permit is required for the keeping of more than two (2) chickens. No 6-bird 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 if one or more of the persons to whom notice is sent as provided in subsection (2) objects to the issuance of the 6-bird permit and this consent is presented along with an application for a permit. A 2-bird 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 2-bird 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 2-bird and 6-bird 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 6-bird permits expire and become invalid five (5) years after the date of issuance. 2-bird 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 a 6-bird 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 a 6-bird 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 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 twenty-one (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 adjacent property.
- (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 adjacent property within twenty-one (21) days from the mailing of the written notice of the application and all other requirements are met.

(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 a 6-bird permit and keep no more than two (2) chickens if the person has been issued a 2-bird 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 a enhanced 6-bird 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

6-bird 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.

As Amended by Ann Arbor City Council on January 20, 2015

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of February 2, 2014.

Jacqueline Beaudry, City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on February 5, 2015.

Jacqueline Beaudry, City Clerk