



Legislation Details (With Text)

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Title: An Ordinance to Amend Section 9:38 and 9:42 of Chapter 107 (Animals) of the Code of the City of Ann Arbor Regarding the Addition of Ducks to the Referenced Sections (Ordinance No. ORD-18-31)

Sponsors: Chuck Warpehoski

Indexes:

Code sections:

Attachments: 1. ORD-18-31 Animals Ordinance Briefed.pdf, 2. ORD-18-31 Animals Ordinance Briefed and Approved.pdf, 3. ORD-18-31 Animals Ordinance Briefed.pdf, 4. Amendment adding ducks to chicken ordinance.pdf, 5. Amendment adding ducks to chicken ordinance.pdf, 6. ORD-18-31 Animals Ordinance Approval Notice.pdf

Date	Ver.	Action By	Action	Result
11/8/2018	1	City Council	Held and Closed	
11/8/2018	1	City Council	Adopted on Second Reading	Pass
10/15/2018	1	City Council	Approved on First Reading	Pass

An Ordinance to Amend Section 9:38 and 9:42 of Chapter 107 (Animals) of the Code of the City of Ann Arbor Regarding the Addition of Ducks to the Referenced Sections (Ordinance No. ORD-18-31) Approval of this ordinance amendment will add ducks to the type of domestic fowl that can be kept on property located within the City per Section 9.38, Subsection 3. It also amends Section 9:42 to include ducks and amends the section to accommodate the number and type of chickens and ducks allowed under the basic and enhanced permits.

Prepared by: Kristen D. Larcom, Senior City Attorney
Reviewed by: Derek Delacourt, Community Services Area Administrator
Approved by: Howard S. Lazarus, City Administrator

ORDINANCE NO. ORD-18-31

First Reading: October 15, 2018 Approved: November 8, 2018
Public Hearing: November 8, 2018 Published: November 15, 2018
Effective: November 25, 2018

ANIMALS
(ADDITION OF DUCKS TO
THE REFERENCED SECTIONS)

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.

(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 or Ducks.

- (1) Any Person who keeps chickens or ducks in the City shall, depending on the number of birds the Person will keep, obtain either a 2-bird permit or a 6-bird permit from the City prior to acquiring the chickens or ducks. A 6-bird permit is required for the keeping of more than 2 birds. No 6-bird permit shall be issued to a Person by the City, and no birds shall be allowed to be kept if 1 or more of the Persons 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 birds 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 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 Person who wishes to continue keeping birds 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.

Only as used in this section, the term "bird" means only chickens or ducks or a combination of both.

- (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 all owners of Adjacent Property 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 Street or private street.
 - (b) The written notice described in this subsection shall be sent to the address(es) of all owner(s) of Adjacent Property, 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 birds, 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 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 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 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 birds is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- (4) A Person who keeps or houses birds on a 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 birds if the Person has been issued a 6-bird permit and keep no more than 2 birds 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, 2-family dwelling, or a primary or secondary school.
 - (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 or ducks.
 - (f) The birds 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 birds 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. For properties where the principal use is a primary or secondary school, a Person shall not keep birds 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 Adjacent Property.
 - (i) All enclosures for the keeping of birds 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, 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 Adjacent Property 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 Property 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 birds 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 birds 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 City may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.
- (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 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 Person 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.

- (7) Permits that were issued under this section when only chickens were allowed and before the effective date of the amendment adding ducks to this section shall continue to allow only chickens until the permit expires. A Person may keep ducks only by obtaining a new 6-bird permit on or after the effective date of the amendment to this section that added ducks to this section.

Section 3. This Ordinance shall take effect ten days after passage and publication.

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 November 8, 2018.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication On the City Clerk's Webpage on November 15, 2018.

Jacqueline Beaudry, Ann Arbor City Clerk