

City of Crystal Falls

Ordinance 2.25

Keeping of Chickens within the City of Crystal Falls

SECTION 1. Definitions -- For purposes of this section, the following definitions apply:

*Adjacent property* means all parcels of property that the applicant's property comes into contact with at one or more points, but does not include parcels that are legally adjacent to but are, in fact, separated from the applicant's property by a public or private street.

*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 two-family structure and extending to the side lot lines.

*Hen* means a female chicken and does not include roosters.

*Private restrictions* include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds.

*Resident* means any person living in the City of Crystal Falls.

SECTION 2. Keeping of Chickens within the City limits

In the R-1, R-2, R-3, and R-4 districts, residents may keep hens per the following conditions:

1. The maximum of six (6) hens may be kept per lot.
2. Roosters are strictly prohibited.
3. Chickens may not be slaughtered/ butchered on the premises.
4. Chickens shall be provided a covered enclosure and must be kept in a covered enclosure or a fenced area at all times.
5. Enclosures/ fences shall only be located in the backyard and shall be treated as an accessory structure to the property. For the purposes of this section, "backyard" shall mean 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 two-family structure and extending to the side lot lines.
6. Enclosures and fences shall be located at least twenty (20) feet from the side and rear lot lines, ten (ten) feet from any existing structures on the property, and twenty-five (25) feet from any neighboring dwelling.
7. Enclosures shall be constructed and maintained in such a manner as to prevent vermin from being harbored within the walls or underneath the enclosure. Enclosures must be kept in a state of good repair at all times.
8. Feed and other items associated with the keeping of chickens that may become infested by vermin shall be stored in such a manner as to prevent any and all access by vermin. All feed shall be kept in an approved, sealed, and covered container at all times.

9. Chickens shall only be kept on lots where a single-family home exists and whose principle use is single-family residential.
10. Chicken waste shall be cleaned regularly to control for odor created by the accumulation of waste. Collected waste shall be contained and placed in sealed waste bins to control for odor. Chicken waste shall be removed regularly and in an approved manner.
11. Chickens may only be kept on properties that currently have a principal structure located on the property. Fences and enclosures shall be treated as an accessory structure and shall follow all of the rules and regulations as they pertain to an accessory structure per the City of Crystal Falls Zoning Ordinance.
12. A permit shall be required for the keeping of any and all chickens.

### SECTION 3. Permit

1. Any resident who keeps chickens within the limits of the City of Crystal Falls must obtain a permit from the City prior to the acquisition of chickens.
2. All permits applications shall also be accompanied by a sketch of the property, showing the dimensions of all buildings – both existing and proposed – as well as the dimensions of the property, showing all property lines, and the setbacks. This sketch must also show, with all applicable dimensions, the proposed site upon the property to house chicken enclosures and fencing.
3. Prior to receiving a permit, the applicant will contact all adjacent property owners, notifying them of the permit application. All adjacent landowners must verify in writing that there is no objection to the issuance of the permit. Proof of due diligence and that a reasonable attempt has been made to contact adjacent landowners must be demonstrated and submitted along with the completed application.
4. Any person issued a permit shall submit it for examination upon request by the Zoning Administrator, Code Enforcement Officer, a City of Crystal Falls Police Officer, or a designee of the city.
5. Private restrictions on the use of property remain enforceable and take precedence over a permit to keep chickens. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. Interpretation and enforcement of private restrictions is the sole responsibility of the private parties involved.
6. Individuals renting the property applying for a permit must provide written approval from the owner of the property allowing chickens to be kept on the premises. Approval must include the name of the property owner, current mailing address, and current telephone number. Permit applications lacking this approval letter and information will not be considered.
7. Failure to comply with any of the provisions listed herein shall be grounds to deny a permit and/or immediately revoke any permit previously issued.
8. The permit fee is \$25.00 and may be revised by the City Council as necessary.

### SECTION 4. Enforcement.

1. Before commencing prosecution under this ordinance, the City's Code Enforcement Officer shall give notice to the person charged with violating this ordinance. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy

the violation within ten (10) days of the date of personal service or twelve (12) days from the date of mailing shall result in the issuance of a municipal civil infraction citation.

2. Prosecution may be commenced against a violator(s), without prior notice, in any instance where a violation notice had previously been sent, with the previous 12 months, relating to the same address.
3. Each day that a violation under this ordinance continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.
4. A second, repeated violation of this ordinance shall result in the immediate revocation of the permit.

#### SECTION 5. Violations and Penalty

1. Failure to comply with the requirements of this ordinance shall constitute a Municipal Civil Infraction which shall be processed in accordance with MCLA 600.8701. The assessment and collection of fines and costs shall be in accordance with MCLA 600.8701 et seq.
2. Any person violating this ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50.00 plus costs, for the first violation.
3. Any repeat offense shall be subject to increased fines as follows:
  - A. First repeated offense shall be no less than \$150.00 plus costs.
  - B. A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$250.00 plus costs.
4. In addition to ordering that the person found in violation of this Ordinance must pay civil fines and costs the District Court Judge or District Court Magistrate may issue any writ or order necessary to enforce the Ordinance including but not limited to the authority to order the person found in violation of this Ordinance to correct condition giving rise to the civil infraction within 30 days or be subject to the contempt powers of the District Court as authorized and provided for by applicable Michigan Statutes

#### SECTION 6. Expiration of Permit

1. Permits shall expire and become invalid five (5) years after the date of issuance.
2. Previously permitted persons who wish to continue keeping chickens must obtain a new permit from the City of Crystal Falls prior to the expiration date of the previous permit.
3. Application for a new permit shall be pursuant to the procedures and requirements that are in effect at the time the person applies for a new permit.
4. Applicants that have had a permit revoked within the prior year (365 days) shall be disqualified from receiving a permit.

#### Section 7. Severability

The sections and provisions of this ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

*Adopted by City Council: September 11, 2017*

*Effective: October 11, 2017*