

**AN ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF THE CITY OF  
CHEBOYGAN, SECTION 90.01, ANIMALS PROHIBITED, AND ADD A NEW  
SECTION 90.09, CHICKENS**

**CITY OF CHEBOYGAN, MICHIGAN**

**Effective: May 29, 2017**

This Ordinance is effective as of 20 days after the date of adoption by the City Council.

**§ 90.01 ANIMALS PROHIBITED.**

It shall be unlawful for any person to keep any animal or fowl within 500 feet of any dwelling, street, alley or public place; permit any animal or any fowl owned by him or in his possession or control to run at large in any street, alley or public place, or upon the premises of another without express permission of the owner or occupant thereof, except such animals as are commonly kept or housed as domesticated household pets and chickens.

**§ 90.09 CHICKENS**

Chickens are allowed to be raised by private citizens in an R1 Zoning District within the municipal limits subject to the following conditions and subject to permitting and unannounced inspection to confirm compliance with conditions of the permit.

PURPOSE: To allow noncommercial production of eggs for private consumption.

- (A) The permit applicant must be the owner of the premises, or have signed authorization from all owners of the premises consenting to the applicant seeking a permit.
- (1) The permit must be renewed annually and accompanied by an annual fee of \$25.00, the permit being valid from January 1<sup>st</sup> – December 31<sup>st</sup> of the year of application and nontransferable.
- (2) In case of a multiple dwelling unit of two or more families, all the owners of the multi-unit dwelling, and all tenants, must provide written consent to the applicant to seek a permit. If the premises is a rental, landlord's permission must be obtained and it is permissible for landlords to prohibit tenants from keeping chickens.
- (3) No permit may be issued for a rooster, nor for more than 6 hens per premises, irregardless of whether the premises houses a single family, or is a multi-family dwelling unit. Premises is defined as a parcel of contiguous land occupied primarily for residential purposes and is identified by a property tax code number as a single unit of ownership.
- (B) The permit application shall include diagrams depicting the applicant's property with the location of the main dwelling, all structures, the proposed location of the coop, the

proposed construction of the coop and the enclosed run attached to the coop, the type of fencing, and the type of materials proposed to be used to construct the coop.

(1) The coop must be positioned in the rear yard of the dwelling in a location which is no greater than half the distance between the dwelling and the rear lot line with a minimum setback of 10 feet from all property lines and 25 feet from any dwelling on neighboring parcels. The definition of dwelling includes the main building, attached garage, patio or deck.

(C) The chicken coop must provide a minimum of a 1 square foot per bird with an outside covered and fence-enclosed run attached to the coop. The coop must be built to prevent access by rodents, vermin and predators.

(1) The chicken feed must be stored in a sealed container and dispensed in such a manner as to minimize access to the stored or broadcast feed from wild animals, rodents or vermin.

(2) The coop, enclosed run, and immediate surrounding area must be cleaned weekly during the months of April through November, and monthly December through March. All guano and other debris and bedding materials removed from the coop must be placed in a waterproof container and disposed of off premises i.e. it may not be worked into the soil or spread on the yard and must be removed to an appropriate rubbish disposal facility.

(3) The slaughtering of chickens outdoors on the premises is prohibited.

(4) Eggs produced by the chickens cannot be sold or bartered to the general public and may not be allowed to hatch.

(D) Unsanitary conditions are prohibited. Unsanitary conditions include excessive odor; failure to clean the coop; failure to properly dispose of guano and bedding; failure to maintain the coop in a manner which prevents access by rodents, vermin and predators; and failure to properly store feed and maintain the coop to prevent access by rodents, vermin or wild animals as provided in Section (C).

(E) REFUSAL TO ISSUE PERMIT; REVOCATION OF PERMIT

(1) Permits requested under this chapter which do not meet its requirements may be denied by the City Manager. Issued permits may be revoked by the City Manager for any one or more of the following causes:

(A) Fraud, misrepresentation or false statement contained in the application for the permit;

(B) Any violation of or noncompliance with this code;

(C) The failure or inability of an applicant to meet and satisfy the requirements and provisions of this code.

(2) Written notice of denial or revocation stating the causes therefore shall be delivered to the permit holder personally or by mail to a nonresident permit holder's address as stated in the application for the permit.

(3) Any person or entity whose permit is revoked or any person or entity whose request for a permit is denied shall have the right to a hearing before the City Manager provided a written request therefore is filed with the City Clerk within ten days following the personal delivery or written 14 days of the mailing of the notice of denial or revocation.

(F) APPEAL. The City Council may reverse or uphold any denial of a permit or any revocation of an issued permit by a majority vote of Council members constituting a quorum at a regularly scheduled or special session of City Council upon a showing of hardship unique to the applicant/permit holder.

(G) Any chicken coop kept contrary to the provisions of this ordinance and/or kept without the appropriate permit must be removed upon direction of the Director of Public Safety made to the premises owner or occupant.

(H) Penalty: Violations are civil infractions of this code, together with required removal of kept chickens and the coop upon denial or revocation of a permit.

#### **CLERK'S CERTIFICATE**

Kenneth Kwiatkowski, City Clerk for the City of Cheboygan, does hereby certify that the foregoing amendment to Ordinance was adopted at a regular meeting of the City Council of the City of Cheboygan on the 9 day of May, 2017, and notice thereof was caused to be published in the Cheboygan Daily Tribune on the 12 day of May, 2017; and, also, the fact that complete copies of the Code as hereby amended are available at the Office of the City Clerk for inspection by and distribution to the public from 8:00 AM to 4:00 PM, Mondays through Fridays.

/s/ \_\_\_\_\_

Kenneth J. Kwiatkowski, City Clerk