

Sec. 14-2.1. Keeping chickens.

The keeping of chickens shall be permitted within the R-1A thru R-4, one-family residential district in the city provided:

- (1) An annual permit from the city is obtained (June 1 to May 31 period). The permit shall be non-transferable and site specific. Written authorization and consent to the permit is required from the property owner, if different from the applicant.
- (2) The residence where the chickens will be kept is a single-family detached structure.
- (3) No more than six hen chickens may be kept at any time.
- (4) Roosters shall be prohibited.
- (5) Slaughtering of chickens at the property shall be prohibited.
- (6) Chickens shall be provided and kept within an enclosure that includes both a coop and connected fenced run at all times. The total size of the enclosure shall not exceed 36 square feet in size. The coop shall be elevated a minimum of 18 inches off the ground. The enclosure shall not exceed five feet in height.
- (7) Chickens shall be kept in the rear yard and setback a minimum of ten feet from any side or rear lot line and 40 feet from any residential structure on adjacent property. The enclosure is encouraged to be rotated so the ground does not become sparse or bare.
- (8) The enclosure shall be constructed and maintained so as to prevent rats, mice, or other rodents or vermin from being harbored.
- (9) Appropriate feeder containers shall be used for all feeding and water and all unused or unconsumed food shall be adequately secured and stored after every feeding as to prevent access by rats, mice or other rodents or vermin. All feed and other items associated with the keeping of chickens shall be secured and protected in sealed containers.
- (10) Sanitary conditions shall be maintained. Any person keeping hens shall keep or cause to be kept all manure, or offal therefrom, deposited or accumulated from such animal securely and closely confined to or buried upon their premises and in such a manner as will prevent it from being scattered from such place or deposited into or upon any street, sidewalk, alley, gutter, storm drain, ditch, lake, wetland, or waterway, and such person, shall so cover and care for it as to prevent any malodorous or offensive condition to exist and prevent any nuisance to arise there from, except that persons shall be permitted to use chicken manure as compost on their property provided that such composting is done in a manner that does not create an offensive or malodorous condition.
- (11) Any person keeping hens shall remain subject to public nuisance and other associated codes and ordinances, including, but not limited to, noise, odor, and blight.
- (12) Chickens shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as it relates to laying chickens, as amended, except as otherwise provided in this chapter.

(Ord. No. 12-842, § 2, 8-20-12)

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GENERAL REGULATIONS

- 90.10.10 **Definitions.** The following terms when used in this Chapter shall have the meanings set forth in this Section:
- 90.10.11 “Animal” - Any living creature, except humans and plants. “Animal” includes any mammal, bird, reptile, snake, turtle, crustacean or any other vertebrate or invertebrate.
- 90.10.25 “Dangerous Animal” - A wild or feral animal, other than a dog or cat, which because of its size, aggressive nature or other characteristics constitutes a danger to persons or property.
- 90.10.30 “Domestic Animal” - An animal, other than a dog, that is not feral in nature, including, but not limited to horses, cows, chickens, geese, pigeons, ducks, steers, ponies, mules, donkeys, sheep, swine, pigs and goats.
- 90.10.35 “House Pet” - A non-domestic and non-dangerous small animal normally kept confined as a pet, including but not limited to hamsters, fish and parakeets.
- 90.10.60 “Owner” - A person or a group of persons who owns, controls, harbors, keeps, or has a property interest in any animal.
- 90.10.65 “Person” - An individual, employee, corporation, partnership or association.
- 90.10.90 “Wild Animal” – An animal that is not defined in this Chapter as a dangerous animal, domestic animal or house pet.

DUTIES OF ANIMAL OWNERS

- 90.30.50 Possession of Excrement Removal Device. No person, who is accompanying an animal, shall allow that animal to be on property owned by another unless the person has in his or her immediate possession, an appropriate device for the scooping and temporary storage of excrement. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.55 Removal of Animal Excrement. No person, who owns or controls an animal that deposits excrement on property owned by another, shall fail to immediately remove such excrement and immediately dispose of it in a receptacle located on the property of the person who owns or controls the animal and if the person is not aware that the animal deposited excrement on another property, shall upon being made aware of such fact, immediately dispose of it in a receptacle located on the property of the

person who owns or controls the animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

PERMITS

90.70.10 Permit Required for Domestic, Dangerous and Wild Animals. No person shall own or control a domestic animal or a dangerous animal or a wild animal, other than a dog, cat or house pet, within the City of Troy, without having obtained an animal permit from the Clerk for the City of Troy. A person who violates this section is responsible for a Municipal Civil Infraction subject to the provision of Chapter 100 of the Code of the City of Troy. Each day that the violation continues is a separate Municipal Civil Infraction. Sanctions for each violation shall include a fine of not more than \$500, costs, damages, and injunctive orders as authorized by Chapter 100.

Exception:

- a) a permit is not required for a dog, house pet or domestic cat.
- b) permits are not required for wild animals if the Housing and Zoning Inspector determines that the wild animal, because of its size, the number of animals, temperament or other characteristics does not create a hazard or nuisance.

90.70.20 Permit Application Process. An applicant for a domestic, dangerous or wild animal permit shall:

- a) furnish the Housing and Zoning Inspector a list of the species of animals to be kept and the maximum number of each species to be kept at any one time, and
- b) demonstrate that the animals will be treated humanely and will not be neglected or treated with cruelty, and
- c) demonstrate that the animals will be maintained in quarters constructed to prevent their escape, and
- d) demonstrate that reasonable precautions shall be taken to protect the public from the animals and the animals from the public, and
- e) demonstrate that he or she can comply with the ordinance and any regulations promulgated by the Animal Control Appeal Board, and
- f) in the case of domestic animals, demonstrate to the Housing and Zoning Inspector that the lot or parcel that animals will be kept on is

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three-quarters ($\frac{3}{4}$) of one (1) acre or larger. This requirement may be waived by the Animal Control Appeal Board if the applicant can demonstrate circumstances that allow for waiver pursuant to regulations promulgated by the Animal Control Appeal Board. Waivers will not be granted for animals that are loud or likely to be detrimental to the neighborhood.

90.70.30 Issuance of Permit for Domestic, Dangerous or Wild Animal. The Housing and Zoning Inspector shall issue a domestic, dangerous or wild animal permit upon showing by the applicant that he or she has obtained the approval of the Housing and Zoning Inspector and has paid the applicable fee. The permit shall list with specificity the animals subject to the permit, the location of the animals in the City of Troy and may contain limitations and conditions required by the Housing and Zoning Inspector or the Animal Control Appeal Board.

90.70.40 Duties of Permit Holder. The holder of a domestic, dangerous or wild animal permit shall:

- (a) comply with all present and future ordinances in this Chapter and comply with the regulations promulgated by the Animal Control Appeal Board, and
- (b) apply for a new permit prior to changing their address or changing the location of the animals, and
- (c) indemnify and hold the City of Troy harmless from any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.
- (d) consent to inspection of the applicant's facilities by a Housing and Zoning Inspector before and after the granting of the permit.

90.70.50 Expiration of Permit. A permit shall expire:

- a) 5 years from the date of issuance, or
- b) when ownership or control of the animal or animals is transferred to another person, or
- c) when the animal or animals are moved to another location, or
- d) upon death of the animal for which the permit is issued, unless the permit specifically provides for replacement of the animal, or

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e) when the terms of the permit require that the permit expires.

90.70.60 Revocation of Permit. A Housing and Zoning Inspector may revoke a permit:

a) if the permit holder fails to comply with the requirements of this Chapter, or

b) if the permit holder fails to comply with regulations promulgated by the Animal Control Appeal Board, or,

c) if a permit holder fails to comply with federal, state or local laws governing cruelty to animals or the keeping of animals, or

d) if a species of animal not listed in the permit application is acquired, or

e) the maximum number of animals allowed pursuant to the permit is exceeded.

90.70.70 Removal of Animals. A person whose permit is revoked or has expired, shall immediately remove all animals subject to the permit, from the City of Troy, unless the permit holder has filed a timely appeal with the Animal Control Appeal Board in which case the revocation shall be postponed pending the outcome of the appeal.

ANIMAL CONTROL APPEAL BOARD

90.80.10 Animal Control Appeal Board. There is hereby created an Animal Control Appeal Board.

90.80.20 This Board shall:

a) consist of five (5) members appointed by the City Council for three (3) year overlapping terms, and

b) annually elect from among its members a Chair, a Vice Chair and a Secretary.

90.80.30 All Board Members, including the Chair, Vice Chair and Secretary shall have voting privileges.

90.80.40 The Chair shall preside over meetings of the Board.

90.80.50 The Vice Chair shall preside over meetings of the Board in the absence of the Chair.

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90.80.60 The Secretary shall record and file with the City Clerk accurate and complete resolutions, rules and interpretations rendered by the Board.

90.80.70 Duties Of Animal Control Appeal Board. The Animal Control Appeal Board shall:

- a) promulgate regulations regarding dangerous animal permits and domestic animal permits, and
- b) interpret and determine the application of provisions contained in this Chapter as they relate to specific fact situations presented to the Animal Control Appeal Board, and
- c) adjudicate appeals from a Housing and Zoning Inspector's decision regarding the issuance or denial of a permit for dangerous animals, domestic animals and wild animals, and
- d) adjudicate appeals from a Housing and Zoning Inspector's decision regarding the revocation of a permit for dangerous animals, domestic animals or wild animals.

90.80.80 Procedure for Appeals.

Appeals from the decisions of the Housing and Zoning Inspector to the Animal Control Appeal Board must be:

- a) filed at the office of the Troy Housing and Zoning Inspector on forms provided, and
- b) filed within seven (7) days of the date of the Housing and Zoning Inspector's decision regarding the issuance or denial of a permit for dangerous animals or domestic animals, and
- c) filed within seven (7) days of the date of the Housing and Zoning Inspector's decision regarding the revocation of a permit for dangerous animals or domestic animals.
- d) upon acceptance of an appeal, the City Clerk shall provide notice of the time, date and place of the appeal to all property owners within 300 feet of the appellant's property.

90.8.90 Rulings and interpretations of the Animal Control Appeal Board shall be final.

(Amended: 03/28/2011)

ORDINANCE NO. 2152

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-4(2) to allow for the keeping of up to six (6) domesticated hens at a single-family residence; to provide that a license be obtained from the City to keep domesticated hens; to provide that the keeping of domesticated hens be done in a manner that is consistent with the keeping of other domesticated animals in the city to provide for the adequate care, shelter, sanitation, health, control and to prevent neglect, noise, and offensive odors to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Chapter 5, Article I, Section 5-4(2) of the Code of Ordinances of the City of Madison Heights is hereby amended in its entirety to read as follows:

Sec. 5-4. Restrictions on keeping certain animals.

(2) Domesticated Hens. A single-family residence shall be allowed to keep up to six (6) domesticated hens. A domesticated hen shall mean a female chicken kept as a pet with the added benefit of the possibility of an egg for consumption but not for sale by the resident/owner. Roosters or male chickens are prohibited. A domesticated hen does not include any other type of fowl.

(a) License required. A resident wishing to keep up to six (6) domesticated hens shall obtain an annual license from the city and pay the required license fee established by city council. The license shall be valid from January 1, to December 31, of each calendar year. Only one license and fee per single-family residence shall be required for all domesticated hens allowed under this Section. Each domestic hen licensed under this Section, shall at all times have attached to the leg of the domestic hen, a leg band, that shall be supplied by the City, that shall have a number that corresponds to the license.

(b) Adequate shelter, care and control required. Any person licensed to keep hens under this section shall comply with all of the provisions and definitions of the Code of Ordinances regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to the adequate care and control of domestic animals in the city. In addition, it shall be unlawful to slaughter a domestic hen for human consumption or other food source.

First Reading – 04-13-20

Second Reading – 04-27-20

Effective – 05-07-20

(c) No ground feeding. Ground feeding shall be prohibited. A feeding container shall be used for feeding and all unused or unconsumed food shall be adequately secured and stored after every feeding as to prevent access by other animals or rodents. All feeding shall be conducted in a manner as to prevent unconsumed food to be left open or accessible by other animals or rodents.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

Section 5.

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6.

A copy of this ordinance may be inspected or purchased at the City Clerk's office at 300 West Thirteen Mile Road, Madison Heights, Michigan, between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.

Sec. 5-12. Keeping of animals as accessory use.

Any animal, other than a household pet, that is permitted to be kept as accessory to a principal use of a property shall be housed in accessory buildings meeting the requirements of the zoning ordinance. Notwithstanding any other provision of this Code, including the zoning ordinance, such accessory structure shall be permitted, provided that it shall not be located in the front yard of any lot, nor nearer than one hundred (100) feet to any adjoining dwelling, nor nearer than twenty-five (25) feet to the dwelling of the owner thereof. Such accessory structure shall be a covered enclosure, and the animal shall be kept within the covered enclosure or within a fenced area complying with the setback requirements below at all times, and shall not be permitted to run at large in any street, alley, or public place, or upon the premises of another.

All enclosures for the keeping of such animal shall be constructed of material that can be easily cleaned and shall be kept in a clean and sanitary condition. The enclosure shall be properly ventilated to prevent drafts and remove odors, shall be of sufficient size to accommodate the animal, and shall be designed so as to prevent rats, mice, or other rodents from being harbored underneath, inside, or inside the walls of the enclosure. The required fenced area shall be a minimum of fifteen (15) feet from the property line (a fence located on a property line shall not satisfy the requirement for a fenced area). The required fenced area must be kept free from trash and accumulated droppings.

Removal or appropriate disposal of droppings is required. Droppings not used for composting or fertilizer shall be removed. All provisions of this Code relating to noise, odor, and sanitation, including the provisions of this article, shall apply to the keeping of animals under this section.

All animals, except livestock and household pets, shall be female. No roosters are permitted on any property. No slaughtering of animals may occur except within the fenced area and in an enclosed building.

(Ord. No. 11-108.05, Pt. I, 3-7-11)