



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1100**

An ordinance to allow for the keeping of a limited number of female chickens within the City of Ypsilanti.

1. THE CITY OF YPSILANTI ORDAINS That Section 14-13 of the Ypsilanti City Code be added with the following language:

Sec. 14-13. Keeping of Female Chickens (Hens)

- (1) Any person who keeps hens in the City of Ypsilanti shall obtain a permit from the City prior to acquiring the hens and pay a permit fee set by City Council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained prior to June 1, 2010 by any property owner of a property whose principle use is as a single-family or two-family zoned property within the City of Ypsilanti. Permits issued prior to June 1, 2010 will expire on July 1, 2011 and be renewable for two-year periods. Permits shall provide a limited license for the activity, and no vested zoning rights shall arise from said permit issuance.
- (2) 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 hens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- (3) A person who keeps or houses hens on his or her property shall comply with the following requirements:
 - a. Must obtain a permit pursuant to subsection (1) of this section.
 - b. Keep no more than 4 hens.
 - c. The principal use of the person's property must be for a single-family dwelling or two-family dwelling.
 - d. No person shall keep a male chicken (rooster).
 - e. No person shall slaughter any hens.
 - f. Any person keeping hens shall remain subject to public nuisance animal controls codified in Section 14-11 of the Ypsilanti Code of Ordinances.
 - g. The hens 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 the provisions of Section 122-714 of the Code of Ordinances.

- h. A person shall keep hens in the backyard only. For this subsection, “backyard” means the 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.
 - i. All enclosures for the keeping of hens shall be constructed, repaired and maintained in a manner to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
 - j. All feed and other items associated with the keeping of hens that are likely to attract or to become infested shall be so protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
 - k. Chicken coops and enclosures shall be at least 20 feet from any residential structure not owned by the permittee unless written permission is granted from the owner of the affected residential structure.
- (4) If the requirements of subsection (3) are not fully complied with, the City may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30

days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 21st DAY OF July, 2009.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1100 was published in the Ypsilanti Courier on the 30th day of July, 2009.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 21st day of July, 2009.

Frances McMullan, City Clerk

Notice Published: June 14, 2009

First Reading: July 7, 2009

Second Reading: July 21, 2009

Published: July 30, 2009

Effective Date: August 30, 2009



BUILDING & ORDINANCE DEPARTMENT

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Chicken Permit Application

Fee: \$25.00

Please print or type

Applicant Information:

Name:		Driver's License #:	
Address of location that chickens will be housed:		Apt. # (if applicable)	Phone #:
Number of chickens to be kept (Maximum 4 hens – Roosters are not permitted):			

Property Owner Information: (if property is not owner occupied)

Name:		Phone #:	
Address:	City:	State:	Zip:

Permits may be obtained prior to June 1, 2010. Permits obtained prior to June 1, 2010 will expire on July 1, 2011 and will be renewable for two-year periods.

Permits are non-transferable and may not be sold or assigned.

If the requirements of Chapter 14 of the Ypsilanti Code of Ordinances are not complied with, the City may revoke any permit granted and/or initiate prosecution for a civil infraction violation. A person who has been issued a permit shall submit it for examination upon demand by any city official or police officer. Fenced enclosures are subject to Section 122-714 of the Ypsilanti Code of Ordinances. 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.

I understand the above restrictions on the permit and am submitting this application in compliance with Chapter 14 (Animals) of the Code of the City of Ypsilanti.

Applicant Signature

Date

For Office Use Only

Issue date: _____

Expiration date: _____

Approved by: _____

Comments: _____
