

Introduced: May 14, 2012
Adopted: May 29, 2012
Effective: June 18, 2012

CITY OF CHARLOTTE

ORDINANCE NO. 2012-02

AN ORDINANCE TO AMEND SECTION 10-4 OF CHAPTER
10 - ANIMALS - OF THE CODE OF THE CITY OF
CHARLOTTE TO REGULATE THE KEEPING OF CHICKENS
WITHIN THE CITY OF CHARLOTTE.

Councilmember Kruger moved the following:

THE CITY OF CHARLOTTE ORDAINS:

Section 10-4 of Chapter 10 - Animals - of the Code of the City of Charlotte is hereby amended to read as follows:

§10-4 - DOMESTIC ANIMALS AND FOWL.

- (A) Except as provided in this section, no person shall keep or house any animals or fowl within the city.
- (B) Dogs, cats, birds and animals commonly classified as household pets may be kept within the city.
- (C) Ponies, cattle and horses may be kept on premises constituting a farm as defined in the zoning chapter of this Code (1993 Code, § 10-4).
- (D) Persons may keep chickens if done so in conformity with all of the following:
 - (1) Any person who keeps chickens in the City shall obtain a permit from the City prior to acquiring the chickens. Application shall be made to the City Clerk with a fee as determined by Council resolution.
 - (2) The Applicant must obtain approval of abutting landowners on a form provided by the City Clerk. The form must be submitted with the application and fee.

- (3) No more than ten (10) permits may be outstanding at any time.
- (4) Permits may be revoked at any time if the applicant fails to comply with all applicable ordinances, rules and regulations.
- (5) Permits expire and become invalid one (1) year after the date of issuance. A person who wishes to continue keeping chickens shall obtain 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.
- (6) 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.
- (7) A person who keeps or houses chickens on his or her 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 4 chickens.
 - (c) The principal use of the person's property is for a single-family dwelling.
 - (d) No person shall keep any rooster.
 - (e) No person shall slaughter any chickens outdoors.
 - (f) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times.
 - (g) A person shall not keep chickens in any location on the property other than in the backyard as defined by the zoning code.
 - (h) All enclosures for the keeping of chickens 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.
 - (i) All feed and other items associated with the keeping of chickens 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.

- (j) The coop and fenced enclosure may not be located nearer than twenty five (25) feet to any dwelling unit or property line.
 - (k) The coop and enclosures must comply with all zoning ordinance requirements for accessory structures and use, including lot coverage requirements.
- (8) The City may initiate prosecution for a civil infraction violation for any violation of this ordinance. Each day a violation exists shall constitute a separate offense.
- (9) A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.
- (10) This section shall not regulate the keeping of chickens on a farm, as defined at § 82.4 of the City Code, which is located outside the boundaries of either a proprietary or supervisor's plat and having an area of not less than five (5) acres, and where the raising of poultry is a permitted principal use when conducted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices promulgated thereunder.
- (11) Council may adopt additional rules and regulations as necessary to implement the ordinance.
- (12) This ordinance will sunset after four (4) years.

This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Second by Dyer. Carried. 4 Yeas. 3 Nays. (Smith, Baker, Sanders)

Dated: May 29, 2012

Dee Smith, Mayor

Michelle King, Clerk