

Chapter 30

CHICKENS

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§ 30-1. Definitions. As used in this Chapter,

“Dwelling” means a single unit building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for living, sleeping, heating, cooking, and sanitation.

“Family” means an individual, or two (2) or more persons related by blood, marriage, or adoption, together with not more than three (3) persons not so related, occupying a dwelling and living as a single nonprofit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use.

“Owner” means a person holding any legal, equitable, option or contract interest in land.

“Parcel” means an area of land, two or more contiguous areas of land, or two or more contiguous platted lots that are under single ownership and used or designated by the owner for treatment as one development site.

“Principal residence” means the main or primary dwelling in which the owner habitually sleeps, keeps his or her personal effects, and has a regular place of lodging.

"Totally enclosed structure" means a building with a roof, floor, and walls, or a building with closable doors around its perimeter, or a building otherwise capable of being sealed on all sides.

§ 30-2. License Required.

No person shall keep or confine chickens within the Village without first obtaining a license from the Village pursuant to the requirements of this Chapter.

§ 30-3. Application and Fee Requirements.

A person seeking a license under this Chapter shall submit a complete application to the village clerk, or other official designated by the village council, and pay the required fee, which shall be determined from time to time by resolution of the village council. The application shall include proof of ownership of the property on which the chickens will be kept or confined and all information reasonably necessary for the village clerk, or other official designated by the village council, to determine whether the standards for approval provided in Section 30-5 of this Chapter have been met.

§ 30-4. Issuance of License; Conditions; Annual Renewal.

- A. After receiving the information required in Section 30-3 of this Chapter, the village clerk, or other official designated by the village council, shall within ten (10) days decide whether to issue the license for the chickens. If the applicant fails to provide all the information required by Section 30-3, then the application shall be deemed incomplete and may be denied on that basis. The decision of the village clerk, or other official designated by the village council, to issue the license shall be made pursuant to the standards contained in Section 30-5 of this Chapter. The decision of the village clerk, or other official designated by the village council, concerning whether to issue the license shall be in writing and shall include findings of fact, based on information presented by the applicant, on each standard for approval.
- B. The village clerk, or other official designated by the village council, may impose reasonable conditions on a license issued under this Chapter which are reasonably necessary to ensure continuing compliance with the standards for approval provided in Section 30-5 of this Chapter.
- C. Any license issued pursuant to this Chapter shall be valid for a period of one (1) year and shall be renewable annually upon inspection of the property by the village clerk, or other official designated by the village council, to assure continued compliance with this the standards of approval in Section 30-5 of this Chapter and the payment of the licence renewal fee, which shall be determined from time to time by resolution of the village council.

§ 30-5. Standards for Approval.

The village clerk, or other official designated by the village council, shall approve, or approve with conditions, an application for a chicken license only upon a finding that the application complies with all of the following standards:

- A. No more than four (4) hens will be kept or confined per parcel. There shall be no roosters kept or confined within the Village.

- B. The parcel on which the hens will be kept or confined is the principal residence of the owner of that parcel.
- C. The parcel on which the hens will be kept or confined has no more than one (1) dwelling located on that parcel. Hens shall not be kept or confined on a parcel on which two-family or multi-family dwellings are located.
- D. The hens will be kept or confined in a totally enclosed structure located in the rear yard of the parcel, with an optional covered fenced enclosure. In addition, the structure will be constructed and maintained to prevent the structure becoming a breeding ground, food source or habitation place for rats, mice, or other rodents.
- E. The feed and other items associated with the hens will be kept in a totally enclosed structure which shall be constructed and maintained to prevent the structure becoming a breeding ground, food source or habitation place for rats, mice, or other rodents.
- F. The structure in which the hens will be kept or confined, any optional covered fence enclosure, and any structure in which the feed and other items associated with the hens will be kept are located on the parcel no less than twenty-five (25) feet from any dwelling on an adjacent parcel.
- G. No hen will be slaughtered on the parcel outdoors.

§ 30-6. Nuisance.

A violation of this Chapter is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

§ 30-7. Violations.

Any person who violates any provision of this Chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of Five Hundred and 00/100 (\$500.00) Dollars. Each day this Chapter is violated shall be considered a separate violation.

§ 30-8. Enforcement Officials.

The village clerk and police officers of the Village of Bellaire are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

§ 30-9. Civil Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.