

**35.300**

**KEEPING OF CHICKENS and DUCKS  
VILLAGE OF MANCELONA, MICHIGAN  
Ordinance No. 103 of 2015 eff. September 28, 2015**

An Ordinance to amend the Village Code by adding a new chapter regarding chickens and ducks, which new chapter shall be designated as chapter 35.300 and to provide penalties for violations.

THE VILLAGE OF MANCELONA ORDAINS:

**35.301 Section 1. DEFINITIONS.**

- A. DWELLING. 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.
- B. FAMILY. 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.
- C. OWNER. A person holding any legal, equitable, option or contract interest in land.
- D. PARCEL. 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.
- E. PRINCIPAL RESIDENCE. The main or primary dwelling in which the owner habitually sleeps, keeps his or her personal effects, and has a regular place of lodging.
- F. TOTALLY ENCLOSED STRUCTURE. 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.

**32.302 Section 2. PERMIT REQUIRED.**

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

**35.303 Section 3. APPLICATION AND FEE.**

A person seeking a permit under this Chapter shall submit a completed application to the village clerk, or other official designated by the village council, and pay the fee, which

shall be twenty five dollars (\$25.00). The application shall include proof of ownership of the property on which the chickens and/or ducks 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 35.305 of this Chapter have been met.

**35.304 Section 4. ISSUANCE OF PERMIT; CONDITIONS; ANNUAL RENEWAL.**

- A. After receiving the information required in Section 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 and/or ducks. If the applicant fails to provide all the information required by Section 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 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 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 5 of this Chapter and the payment of the license renewal fee, which shall be ten dollars (\$10.00).

**35.305 Section 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 and/or duck license only upon a filing that the application complies with all of the following standards:

- A. No more than six (6) hens total 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 or neighboring parcel and ten (10) feet from the rear and side property lines.
- G. Chickens and/or ducks 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 related to Laying Chicken, as amended, except as otherwise provided in this Chapter.
- H. No hen will be slaughtered on the parcel outdoors.

**35.306 Section 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.

**35.307 Section 7. VIOLATIONS.**

Any person who shall violate any provision of this Ordinance 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 One Hundred and 00/100 (\$100.00) Dollars. Civil infraction tickets may be written by a village police officer or by the animal control officer. Each day this Ordinance is violated shall be considered a separate violation. Any action taken under this Ordinance shall not prevent civil proceedings for abatement or termination of the activity prohibited by this Ordinance.

**35.308 Section 8. ENFORCEMENT.**

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

**35.309 Section 9. SEVERABILITY.**

If any provision or section of this Ordinance should be held invalid for any reason, such holdings will not affect the validity of the remaining provisions of this Ordinance. It is the legislative intent that this Ordinance shall remain valid despite the invalidity of any such provision or section.

**35.310. Section 10. EFFECTIVE DATE.**

This Ordinance shall become effective twenty (20) days after its enactment.