

## **ORDINANCE NO. 1090**

### **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, to allow for the keeping of up to three (3) 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 effective January 1, 2013, Chapter 5, Article I, Section 5-4 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.**

(1) No person, shall keep or house any animals within the city except dogs, domesticated cats, house birds, tank fish, domesticated rodents, domesticated rabbits, domesticated hens, ferrets, small tank reptiles or other animals commonly classified as domesticated or pets. It shall be unlawful for a person to possess, breed, exchange, buy, sell, feed or harbor any of the following animals:

- (a) Primates including lemurs, lorisids, galagos, tarsiers, monkeys, or apes;
- (b) Any poisonous reptiles, spiders, insects or animals;
- (c) Constrictor snakes four feet or more in length; snakes kept under four feet must be kept in cages and not permitted to roam freely;
- (d) Feral cats and cats from the wild family, including bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas or tigers;
- (e) Non-domesticated carnivorous animals including hybrid crosses of non-domesticated carnivorous animals, including, raccoons, skunks, wolfs, wolf hi-breeds or foxes;

- (f) Crocodilians including alligators, crocodiles, gharials or caiman families;
- (g) Waterfowl including, ducks, geese, swans or seabirds;
- (h) Carnivorous marsupials including opossums, quolls, dunnarts, the numbats or Tasmanian devils;
- (i) Swine including pigs, hogs, boars or pot bellied pigs;
- (j) Pigeons or doves;
- (k) Squirrels, ground squirrels, chipmunks, prairie dogs or woodchucks;
- (l) Baby chicks, chickens, rabbits, ducklings, hens, roosters or other fowl;

(2) Exception; Domesticated Hens. A single-family residence shall be allowed to keep up to three (3) 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 three (3) 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.

(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 January 1, 2013.

**Section 6.**

A copy of this Ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m. on regular business days.

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Edward C. Swanson  
Mayor

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Marilyn J. Haley  
City Clerk

**CERTIFICATION:**

I, Marilyn J. Haley, the duly appointed Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Madison Heights City Council at their Regular Meeting held on November 26, 2012.

ADOPTED: November 26, 2012  
PUBLISHED: December 6, 2012  
EFFECTIVE: January 1, 2013

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Marilyn J. Haley  
City Clerk