

**CITY OF CLAWSON
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 729**

**AN ORDINANCE TO AMEND THE CLAWSON CODE OF
ORDINANCES CHAPTER 14 ANIMALS ARTICLE I IN GENERAL
SECTION 14-3 TO REGULATE THE CONTROL OF CHICKENS
DEFINED HEREIN; PROVIDING FOR LICENSING, HOUSING
REQUIREMENTS; AND PROVIDING SANCTIONS,
INFRACTIONS FOR VIOLATIONS HEREIN**

NOW THEREFORE BE IT ORDAINED:

Article I, Section 14-3 of the existing Code of Ordinances is hereby repealed and replaced by the following language under the heading Domestic Chickens Ordinance:

(a). Definitions.

1. "Owner" - A person or a group of persons who owns, controls, harbors, keeps, or has a property interest in any animal.
2. "Person" - An individual, employee, corporation, partnership or association.
3. "Chickens" - Common domestic fowl (*Gallus gallus*) including all hens /egg-laying hens.
4. "Rooster" - An adult male domestic chicken.
5. "Fowl" – A bird of any kind.
6. "Backyard" means that 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.

(b). Any person residing in a residential zoned district property, in a single-family detached structure, obtaining a permit from the city, may keep, per household, not more than four hen chickens in the city for personal use only and not for any business or commercial use. Completed applications shall be submitted to the Clawson Building Department along with the fee which shall be determined by City Council. Application shall include any drawings or other information required by the department. The Department shall issue a permit where the application is in compliance with all requirements, regulations and ordinances of the city. Approved permit holders shall schedule an inspection within thirty (30) days of permit issuance. Failure to schedule an inspection shall result in an automatic revocation of the permit. If an inspection identifies noncompliance with any of the requirements set forth in subsection (d) of this section, the permit holder shall have thirty (30) days to achieve compliance with the requirements or the department may revoke the permit or seek prosecution of the violation under the Clawson Code of Ordinances. Permits shall be valid for up to three (3) years, shall be non-transferable, site-specific and shall expire on December 31st of each respective year. A person who wishes to continue keeping chickens shall obtain a new permit prior to expiration of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements applicable at the time a person applies for a new permit.

(c). Notwithstanding this section, private restrictions on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, neighborhood association by-laws, and covenant deeds.

(d). A person residing in a residential zoned district property, in a single-family detached structure who keeps hen chickens shall comply with all of the following requirements:

1. Keep no more than four hen chickens at any time.
2. Roosters or male chickens and any other type of fowl or poultry are prohibited.
3. Slaughtering of any chickens at the property is prohibited.
4. Chickens shall be maintained in a fully enclosed structure or a fenced enclosure and shall be kept in the enclosed structure or fenced enclosure at all times. Fenced enclosures are subject to all fence provisions and restrictions in the

Clawson Code Ordinances. Enclosed structure shall be constructed of permanent materials and shall be properly maintained in accordance with the property maintenance code adopted by the city.

5. Chickens shall not be kept in any location on the property other than in the backyard.
6. No enclosed structure shall be located within any side or rear yard setback area. An enclosed structure or fenced enclosure shall not be located closer than ten feet to any residential structure on adjacent property. If an existing housing is located less than the specified distance and/or location a waiver may be sought from the Building Director of the City of Clawson.
7. All structures and enclosures for the keeping of chickens shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the structure or enclosure.
8. All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
9. Chickens 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 relates to egg laying chickens, as amended, except as otherwise provided in this section.
10. Any violation of any of these provisions may be prosecuted as provided in Section 14.9 of the Clawson Code of Ordinances.

(e). Persons whom at the time of the enactment of this ordinance were already in possession of any number of chickens shall be granted a waiver by the Building Director as to the number of chickens for a period of ten (10) years from the date of effect. Notwithstanding the above, the number of chickens grandfathered in shall at no time exceed six (6) chickens.


DATE OF EFFECT.

The Clawson City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect ten (10) days after the date of publication.

This Ordinance was adopted by the City Council of the City of Clawson at a meeting duly called and held on the 6th day of November 2019 and ordered to be published as presented by the law.


STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and active City Clerk of the City of Clawson, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Council of said City at a regular meeting held in the Council Chambers, 425 N. Main Street, Michigan, on Tuesday, the 6th day of November, 2019 at 7:30 p.m., further this Ordinance was duly published in the Wednesday, November 13, 2019 edition of the Daily Tribune, a newspaper of general circulation in the City of Clawson.



Deborah Wooley, Mayor

November 6, 2019
Dated



G. Machele Kukuk, City Clerk

November 6, 2019
Dated