

ORDINANCE NUMBER 2016/10/402
CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF BUCHANAN, MICHIGAN CODE OF ORDINANCES; TO AMEND CHAPTER 12, "ANIMALS AND FOWL", SECTION 12-1 Definitions; TO CREATE SECTION 12-5 "KEEPING OF DOMESTIC CHICKENS; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE CITY OF BUCHANAN ORDAINS: Chapter 12, "ANIMALS AND FOWL" is now created and shall be included in the Buchanan Code of Ordinances as follows:

Sec. 12-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates different meaning:

Animal means any vertebrate animal other than human beings, including but not limited to, cats and dogs.

Animal Run means an area designated or used for the exercising or possessing of animals.

At Large means off the premises of the owners, harborer, keeper, possessor, or person in charge of the dog, cat, or animal, and not under the restraint by leash, controlled by a person of suitable age and size.

Cat means an animal of the species *Felix Catus*.

Dog means an animal of the species *Canis Familiaris*.

DOMESTIC CHICKEN means female chickens (hens) that may, where permitted, be kept and maintained for the non-commercial production of eggs, education, companionship or recreation. No other types of fowl or poultry shall be considered domesticated chickens.

Owner means a person having a property interest in an animal or, who keeps or harbors the animal in his or her care or custody, or who permits the animal to remain on or about any premises occupied by the person.

Sec. 12-2. Animals running at large.

It shall be unlawful for the owner of any animal, licensed or unlicensed, wearing a collar or not wearing a collar, to allow such animal to run at large or go beyond the premises of its owner unless properly restrained on a leash not exceeding twelve (12) feet in length. This section does not apply to working dogs such as service dogs and guard dogs, and such other working dogs which are actively engaged in activities for which such dogs are trained and are under the reasonable control of its owner. A person who violates this section shall be punished as provided in section 1-15, General Penalty, of this Code.

Sec. 12-3. Control and Removal of Animal Excrement.

An owner, harborer, keeper, possessor or person in charge of any animal which discharges its excrement upon any parking lot, public thoroughfare, sidewalk, street, highway, road, boulevard, school property, cemetery, passageway, bypass, play area, park, or an place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of such property, shall be in violation of this section unless such person has in his immediate possession an appropriate device and uses such device for the transmission of such excrement immediately by a person to a suitable receptacle or location. A person who violates this section shall be punished as provided in section 1-15, General Penalty, of this Code.

Sec. 12-4. Cleanliness of Yards and Runs.

Yards and animal runs shall be kept free of animal excrement and maintained in a sanitary manner so as not to be a nuisance because of odor or attraction for insects and vermin. A person who violates this section shall be punished as provided in section 1-15, General Penalty, of this Code.

Section 12-5. Keeping of Domestic Chickens

Domestic Chickens, may be kept in Single Family Residential Districts within the City of Buchanan in compliance with the provisions below.

1. *A maximum of six (6) domestic chickens may be kept: roosters are prohibited.*
2. *All domestic chickens shall be kept as follows:*
 - a. *All domesticated chickens shall be kept outside of a habitable structure in a predator-proof enclosure, a portion of which must be a covered predator resistant henhouse with a minimum of two (2) square feet per bird, and a portion of which must be a completely fenced in area, a minimum of 6 (6) square feet per bird and constructed of material such as wire and/or mesh material.*
 - b. *Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird resistant wire of less than one (1) inch openings.*
 - c. *All henhouses and fenced enclosures must be properly ventilated, clean, dry and odor free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.*
 - d. *A henhouse and fenced enclosure must provide adequate ventilation, adequate sun and shade and must be constructed in a manner to prohibit access by rodents, wild birds and predators, including dogs and cats.*
 - e. *All henhouses and fenced enclosures shall be located not less than twenty-five (25) feet away from any residential structure (other than the permit holder's residence) and not less than twenty (20) feet from any property line.*
 - f. *All domestic chickens shall be kept in a required rear yard. No domestic chickens shall be kept in a required front yard.*
 - g. *All food for domestic chickens must be kept either indoors or in a weather resistant container designed to prevent access by animals. Uneaten food shall be removed daily.*

3. Sanitation, nuisance, and humane treatment:

a. The henhouse and fenced in area must be kept free from trash and accumulated domestic chicken manure.

b. Provision must be made for the sanitary storage and removal of domestic chicken manure. All manure for composting or fertilizing shall be contained in a well aerated garden compost pile located at least twenty (20) feet from any property line. All other manure not used for composting or fertilizing shall be removed.

c. No person shall keep chickens within the City of Buchanan in such a manner that a nuisance is created.

d. No perceptible odor from the domestic chickens or their enclosure shall be present at any property line.

e. Slaughtering of domestic chickens is prohibited.

f. Breeding of domestic chickens is prohibited.

d. No domestic chickens shall be used or trained for fighting for amusement, sport or financial gain.

4. Permit Required:

a. An annual no fee permit issued by the City of Buchanan shall be required for the keeping of domesticated chickens. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

b. The permit authorized the keeping of domesticated chickens only upon the property identified in the permit. An applicant for a permit must be the property owner or have written permission from the property owner to be eligible to obtain a permit. The permittee must occupy the residence on the property where the domestic chickens are kept as his or her personal primary residence.

c. Only one (1) permit shall be issued for any eligible property of record in the City of Buchanan. In the event that the permittee is absent from the property for longer than sixty (60) days the permit shall automatically terminate and become null and void.

d. The first permit year shall extend from the date of issuance through December 31st of that year. Thereafter the permit year shall be January 1 through December 31.

5. The sale of domestic chickens and/or their eggs is prohibited on the property.

MADE, PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN, ON THE 10 DAY OF OCTOBER, 2016, AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON SEPTEMBER 29, 2016 AND AGAIN ON SEPTEMBER 13, 2016.




CARLA M. COLE, Mayor



GLADYS M. BYBEE, Clerk

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At a regular meeting of the City of Buchanan, County of Berrien, State of Michigan (the "City"), held in said City on Monday, October 10, 2016, the Ordinance was offered by Commissioner Moore and supported by Commissioner Toerne.

YEAS: Carla Cole, Brenda Hess, Patricia Moore, Dale Toerne, Dan Vigansky

NAYS: none

ABSTAIN: none

ABSENT: none

CERTIFICATION

I hereby certify that the above is a true and complete copy of a resolution adopted by the City Commission of the City of Buchanan, County of Berrien, State of Michigan, at a regular meeting held on the 10th day of October, 2016, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 as required by said act.

GLADYS M. BYBEE, City Clerk