

CITY OF PARCHMENT
KALAMAZOO COUNTY, MICHIGAN
ORDINANCE 199

AN ORDINANCE TO AMEND CHAPTER 10 OF THE PARCHMENT CITY CODE OF ORDINANCES TO ADD A NEW ARTICLE 4 REGULATING ANIMALS; TO AMEND THE PARCHMENT CITY ZONING ORDINANCE, APPENDIX A TO PERMIT AND REGULATE CHICKENS IN THE R-A ONE FAMILY RESIDENTIAL DISTRICT; TO REPEAL ALL OTHER ORDINANCES OR PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE CITY OF PARCHMENT ORDAINS:

ARTICLE I

Chapter 10, Article III, Sections 10-38 to 10-40, are hereby reserved.

ARTICLE II

Chapter 10, Article IV, Animals Permitted and Prohibited, is hereby added and shall now read:

Sec. 10-41. Definitions.

Domestic Animal shall include all dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds or animals raised and/or maintained in confinement.

Exotic/Wild Animal shall include any undomesticated animal or any dangerous animal normally classified as wild. In addition, this specifically includes, but is not limited to, the following animals: non-domestically bred parrots, parakeets or other exotic birds, Canadian geese, alligators, bears, birds of prey, monkeys, panthers, cougars, lions, wolves, coyotes, chimpanzees, venomous or constrictor reptiles and wild felines. In addition, it shall include any hybrid between a wild animal and a domesticated animal, such as a hybrid between a dog and a wolf, a dog and a coyote, a cat and a bobcat or other wild feline.

Owner shall include any person having temporary or permanent custody of, sheltering or having charge and control of any animal covered by this chapter.

Vicious and Dangerous Animal shall include any animal that attacks, bites or physically injures a human being or other animal without provocation.

Sec. 10-42. Exotic/Wild Animals Prohibited.

The keeping of any exotic or wild animal is prohibited.

Sec. 10-43. Certain Domestic Animals Prohibited.

Domesticated sheep, horses, asses, donkeys, cattle, goats, swine, potbellied pigs, rabbits, ducks, geese, guinea fowl, pheasants and other birds or animals raised or maintained in confinement are prohibited. Chickens (hens only) are permitted subject to Article 5, Section 5.6 of the Parchment Zoning Ordinance (Parchment Code of Ordinances – Appendix A).

Sec. 10-44. Certain Domestic Animals Permitted.

Dogs and cats are permitted without regulation except that it shall be unlawful for any person to own, possess, harbor, shelter or keep no more than four cats or a greater number than can be cared for in sanitary and proper manner or in a manner that such cats create unsanitary conditions within a residence or cause foul or offensive odors to emanate therefrom, except the owner of a female cat which has given birth to kittens may keep the cat and kittens for a period not to exceed three months from the date of the birth of the oldest kitten. For the purposes of this section, an adult cat shall be any cat over six months of age. This limitation shall not apply to a veterinarian or a licensed commercial pet shop. It shall also be unlawful to own, possess, harbor, shelter, keep or permit to remain on or in a dwelling unit or on any residential premise more than three adult dogs at any one time, unless the owner obtains a kennel license pursuant to state law or except the owner of a female dog which has given birth to puppies may keep the dog and puppies for a period not to exceed three months from the date of the birth of the oldest puppy. This limitation shall not apply to a veterinarian or a licensed commercial pet shop.

Sec. 10-45. Vicious or Dangerous Animals Prohibited.

No person shall own, possess, harbor, shelter, keep or permit to remain on the premises a vicious and dangerous animal as defined herein.

Sec. 10-46. Keeping of Bees Prohibited.

No person shall keep or possess any apiary containing any stands or hives of bees.

ARTICLE III

Appendix A – Zoning Ordinance, Article 5, R-A One-Family Residential District, Section 5.2(7), Principal Uses Permitted, is hereby amended and shall now read:

7. Accessory buildings and uses, customarily incident to any of the above permitted uses, including those subject to Section 5.6 hereinafter.

ARTICLE IV

Appendix A – Zoning Ordinance, Article 5, R-A One-Family Residential District, is hereby amended to add a new Section 5.6, which shall hereafter read:

Sec. 5.6. Keeping of Chickens (Hens).

The purpose of this section is to provide standards and requirements for the keeping of chickens. Roosters are not permitted. It is intended to enable residents to keep up to

three chickens on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood. The keeping of up to three chickens that are utilized exclusively by the person(s) occupying a one-family dwelling as a locally grown food source for the consumption of eggs or meat, is permitted as accessory to the residential use only if all of the following are satisfied:

- a. Chickens shall be kept only in the rear yard secured within a coop and attached pen during non-daylight hours. During daylight hours, chickens may be allowed to roam outside of the coop and pen, if supervised, and only within an area completely enclosed by a fence with a minimum height of four feet.
- b. The coop and pen shall be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following requirements:
 1. The coop and pen shall be set back a minimum of 10 feet from all property lines of adjacent property and be located a minimum of 30 feet from the nearest wall of any dwelling on an adjacent property. For the purposes of this section, a dwelling includes an attached garage but does not include an unattached garage. Public streets and public easements shall not be considered adjacent property lines for purposes of this section.

The coop and pen shall be a maximum of six feet in height and shall not exceed a total of 80 square feet.
 3. The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials is prohibited. The coop and pen must be completely enclosed with a top and/or cover.
 4. The coop and pen may be movable only if the dimensional/setback restrictions contained in this section are satisfied.
- c. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.
- d. The outdoor slaughter of chickens is prohibited.
- e. The accessory use shall comply with all provisions of the Parchment City Code of Ordinances pertaining to noise, odors,

dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.

- f. No person shall keep chickens without first securing a permit from the City on a form provided and paying a permit fee as prescribed by the Parchment City Commission by Resolution. The permit shall be issued by the City Manager or his/her designee. Such permit may be revoked by the City Manager or his/her designee if it is determined that any provision of this section has been violated.
- g. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.
- h. All licenses required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be maintained at all times while there are chickens on the premises.
- i. No permit shall be issued by the City Manager or his/her designee without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained, it shall continue for as long as the applicant is in possession of the property.

ARTICLE V

Any violation of this Ordinance shall constitute a municipal civil infraction. Each day a violation of this Ordinance occurs shall constitute a separate offense.

ARTICLE VI

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE VII

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE VIII

This Ordinance shall take force and effect on February 4, 2014.

CERTIFICATE

I, Dennis Durham, City of Parchment Clerk, do hereby certify that the foregoing City of Parchment Ordinance Number 199 was adopted by the City Commission at a regular meeting held on January 20, 2014, and that the following is a record of the vote of the members of said City Commission on said Ordinance:

AYES: Justice, Hageman, Balmer, Mayor Heasley

NAYS: Sell, J. Heasley, Britigan

ABSENT: None

ABSTAIN: None

Dennis Durham
Clerk

1st Reading December 2, 2013
2nd Reading January 20, 2014
Adoption January 20, 2014
Publication January 26, 2014
Effective January 26, 2014

