CITY OF ALBION
ORDINANCE #2015-02

AN ORDINANCE TO AMEND SECTION 14-1

Purpose and Finding:

Chapter 14 regulates Animals. 14-1 regulates non-domestic female chickens in non-agricultural areas. There is a growing public interest in wanting female chickens in residential areas on a limited basis. Gaining public interest warrants review of the ordinance.

THE CITY OF ALBION ORDAINS:

Sec 14-1. Location Restrictions.

(a) Keeping of animals. No livestock, animals or fowl, other than customary household pets, may be housed in any residential district within 100 feet of any residential property except as provided in Section 14-1(a)(1-4).

(b) Keeping of Female Chickens.

(1) Any person who keeps female chickens in the City of Albion shall obtain a permit from the City prior to acquiring the female chickens. Application must be made by the property owner and shall be made to the City Clerk and the fee from the permit shall be as determined by Council resolution.

Permits expire and become invalid two (2) years after the date of issuance. Person who wishes to continue keeping female chickens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

(2) Notwithstanding the issuance of a permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restriction, condominium master deed restrictions, neighborhood association by-laws and covenant deeds. A permit issued to a person whose property is subject to interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(3) A person who keeps or houses female chickens on his or her property shall comply with all the following requirements:

a. Have been issued the permit required under subsection (1) of this section.

b. If the lot is less than one acre, keep no more than five (5) female chickens. If the lot is larger than one acre, keep no more than seven (7) female chickens.

c. The principal use of the person's property is for a single-family dwelling or two-family dwelling.

d. No person shall keep any rooster.

e. No person shall slaughter any female chickens.

f. The female chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. The fenced enclosure shall be no larger than eleven (11) square feet per female chicken in area. The coop and enclosure shall be constructed in such a manner as to prevent access by dogs, cats and wildlife. Fenced enclosures are subject to all provisions of Article VII, Sections 18-296, et seq., of the Albion Code of Ordinances.

g. A person shall not keep female chickens in any location of the property other than in the backyard. For purposes of this section, "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.

h. No covered enclosure or fenced enclosure shall be located closer than ten (10) feet to any property line of an adjacent property.

i. All enclosures for the keeping of female chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 20 feet to any residential structure on an adjacent property provided, however, this requirement can be waived as follows:

    (i) If the principal use of applicant's property is for a single-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners that there is no objection to the issuance of the permit.

j. All feed and other items associated with the keeping of female chickens that are likely to attract or to become infested shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

k. If the above requirements are not complied with, the City may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.

l. Female chickens shall be kept humanely.

m. Female chickens waste shall be removed in an environmentally responsible manner. Waste can be composted or bagged and removed. Dead female chickens shall be immediately removed and disposed of properly. Piling waste on the property is not allowed.

(4) A person who has been issued a permit shall submit it for examination upon demand by any Public Safety Officer or Code Enforcement Officer.

This Ordinance shall take effect after publication in a newspaper of general circulation in the City of Albion and on July 1, 2015.

First Reading: May 18, 2015

Ayes: 6

Nays: 0

Absent: 0

Second Reading & Adoption: June 1, 2015

Ayes: 6

Nays: 0

Absent: 1 (Krause)

Jill Domingo

Jill Domingo, City Clerk

Joseph V. Domingo

Joseph V. Domingo, Mayor