

**CITY COUNCIL
CITY OF PORTLAND
Ionia County, Michigan**

Council Member Baldyga, supported by Council Member Duff, made a motion to adopt the following ordinance:

ORDINANCE NO. 8 A

**AN ORDINANCE TO AMEND SECTION 6-1 AND CREATE 6-3 OF THE CITY
CODE OF ORDINANCES**

THE CITY OF PORTLAND ORDAINS:

SECTION 1. Section 6-1 of the Code of Ordinances, City of Portland, Michigan, is amended to read as follows:

Sec. 6-1. Prohibited animals; exceptions.

(a) No person may keep or house any cow, horse, pig, or similar farm animal or domestic fowl within the city.

(b) This section does not apply to animals or fowl kept or housed on premises used and occupied as one parcel of land regularly devoted to, and zoned for, agricultural purposes, now or in the future.

(c) This section does not apply to animals or fowl that are kept or housed at city park facilities for exhibition.

(d) This section does not apply to any person who keeps female chickens (hens) in compliance with Section 6-3 of this Chapter.

(e) Nothing in this Chapter prohibits the City or a third party from bringing a nuisance action based on the keeping of animals.

SECTION 2. Section 6-3 of the Code of Ordinances, City of Portland, Michigan, is created to read as follows:

Sec. 6-3 Keeping of Female Chickens (Hens)

(a) For purposes of this section, the following definitions apply:

1. "Adjacent property" means all parcels of property that the applicant's property comes into contact with at one or more points, but does not include parcels that are legally adjacent to but are, in fact, separated from the applicant's property by a public or private street.

2. "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.

3. "Hen" means a female chicken and does not include roosters.
4. "Resident" means any person living in the City of Portland.
5. "Private restrictions" include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds.

(b) Residents may keep hens in the City of Portland, subject to all of the following requirements:

1. A permit must be obtained under subsection (c) of this section before acquiring the hens.
2. The principal use of the resident's property must be for a single-family dwelling or two-family dwelling.
3. No more than four hens may be kept on a single parcel.
4. No person may slaughter any hens.
5. Hens may only be kept in the backyard.
6. Hens must be provided with a covered enclosure and must be kept in the covered enclosure or in a fenced enclosure at all times. Fenced enclosures are subject to all City fence regulations.
7. A covered or fenced enclosure must be at least 10 feet from any property line of an adjacent property.
8. A covered or fenced enclosure must be at least 40 feet from any residential structure on an adjacent property; however, this requirement may be waived as follows:
 - (i) If the principal use of resident's property is for a single-family dwelling, all adjacent landowners must verify in writing that there is no objection to the issuance of the permit.
 - (ii) If the principal use of the resident's property is for a two-family dwelling, all adjacent landowners and the occupants of the other dwelling must verify in writing that there is no objection to the issuance of the permit.
9. All enclosures for the keeping of hens must be constructed or repaired so as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
10. All feed and other items associated with the keeping of hens that are likely to attract rats, mice, or other rodents must be protected so as to prevent rats, mice, or other rodents from coming into contact with them.
11. A person who has been issued a permit must submit it for examination on demand by any Police Officer or Code Enforcement Officer.

(c) To obtain a permit to keep hens, a resident must submit an application to the City Clerk. The application must be accompanied by the following:

1. Written consent waiving the distance requirement in subsection (c)9 above, if applicable
2. A filing fee, if any, as determined by Council resolution.

(d) The City Clerk must grant a permit to keep hens if the applicant meets the conditions under subsection (c). Permits expire three years after the date of issuance. A resident who wishes to continue keeping hens must obtain a new permit on or before the expiration date of the previous permit. Application for a new permit will be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

(e) If a resident granted a permit under this section fails to comply with the requirements listed under subsection (b), the City may revoke the permit and may initiate prosecution for a civil infraction violation.

(f) Private restrictions on the use of property remain enforceable and take precedence over a permit to keep hens. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of hens is void. Interpretation and enforcement of private restrictions is the sole responsibility of the private parties involved.

(g) The City Clerk will mail a copy of a permit issued under this section to the owners of adjacent property.

SECTION 3. PUBLICATION AND EFFECTIVE DATE. This Ordinance must be published and recorded as provided in the City Charter and takes effect on the date of publication, but not less than ten (10) days after its adoption by the City Council.

Ayes: Baldyga, Duff, Clement, VanSlambrouck, Barnes

Nays: None

Absent: None

Abstain: None

ORDINANCE DECLARED ADOPTED.

Dated: September 8, 2009

James E. Barnes, Mayor

Monique I. Miller, City Clerk

Introduced: August 17, 2009

Adopted: September 8, 2009

Published: September 13, 2009

Effective: September 18, 2009