

jurisdiction, such finding shall not affect the validity or enforceability on other properties unless expressly stated by the court.

ARTICLE VIII: REPEALER

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed on the effective date of this Ordinance. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

ARTICLE IX: NONEXCLUSIVITY

The prohibitions provided for in this Ordinance shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by other law, ordinance, rule, or regulation.

ARTICLE X: ADOPTION

Provision of this Ordinance shall take effect thirty (30) days from the date of publication in accordance with the statues of the State of Michigan.

Motion by **NAME**, supported by **NAME**. Motion carried **X-X**.

This Ordinance was adopted by the Township Board at a duly-called meeting on **DATE**, as verified by Tammy L. Beal, MMC, Marion Township Clerk.

Date Adopted by Township Board:	DATE
Date Published in Newspaper:	DATE
Name of Newspaper Published in:	NEWSPAPER
Effective Date:	DATE
Date Filed with County Clerk:	DATE
Date Recorded in Township Ordinance Book:	DATE

- 6.4 Scope of Remedies:** The Township may pursue all remedies available. Enforcement by one remedy does not preclude or waive enforcement by another remedy. The imposition of any fine, penalty, or combination of those shall not exempt a violator from compliance with the terms and provisions of this Ordinance. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.
- 6.5 Cease and Desist Order:** If a violation of the terms or provisions of this Ordinance is found to exist after an inspection, a cease and desist letter shall be issued in the form of a written notice ordering an immediate cessation of the violation. A cease and desist order may be issued to any person that is subject to the terms or provisions of this Ordinance.
1. **Effective:** A cease and desist order shall be effective once it has been posted on the property where the violation exists and a copy has been sent to the last known address of the property owner. Additional copies of the cease and desist order may be sent to other responsible parties to the violation, if different and known.
 2. **Effect:** Once a cease and desist order has been issued, the violation of this Ordinance shall stop immediately. The Zoning Administrator may allow a reasonable time for corrections to be made.
 3. **Violation:** Any violation of a cease and desist order shall be a violation of this Ordinance.
 4. **Other Remedies:** A cease and desist order shall be in addition to other penalties and remedies provided by this Ordinance and state and federal law
- 6.6 Municipal Civil Infraction:** The violation of any term or provision of this Ordinance or permit issued under this Ordinance or of any condition placed on approval of a permit under this Ordinance shall be a municipal civil infraction. Payment of a fine shall not allow the violation to continue. Each day a violation continues shall be considered a separate offence. If found responsible for a violation, the responsible party shall pay all costs and expenses, direct and indirect, including, but not limited to staff time, contractor time, and attorney costs, that the Township has incurred and shall be subject to the civil fines outlined below.
1. **First Violation:** The fine for a first violation within a three (3) year period, determined by the date of violation is \$125.00.
 2. **Second Violation:** The fine for a second violation within a three (3) year period, determined by the date of violation is \$250.00;
 3. **Third Violation:** The fine for a third violation within a three (3) year period, determined by the date of violation is \$500.00;
 4. **Fourth and Subsequent Violation:** The fine for a fourth and subsequent violation(s) within a three (3) year period, determined by the date of the violation is \$1,000.00.

ARTICLE VII: SEVERABILITY

If any one (1) or more sections, provisions, phrases, or words of this Ordinance is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or words of this ordinance unless expressly stated by the court. If the application of this Ordinance on a specific property is found to be invalid by a court of competent

- 5.9 Suspension or Revocation:** A permit issued under this ordinance may be suspended temporarily and immediately or revoked permanently, as outlined below.
1. **Notice:** The applicant shall receive written notice of the possible suspension or revocation, including the time and place the suspension or revocation will be considered, the reason for the suspension or revocation, and the actions necessary to prevent the suspension or revocation. The notice shall be sent at least ten (10) business days before the suspension or revocation will be considered.
 2. **Decision Criteria:** In order to suspend or revoke an approval, at least one (1) of the following shall be found to be true:
 - a. **Threat:** A severe and imminent threat exists to the health, safety, or welfare of residents on adjacent properties or the community in general;
 - b. **Ordinance Terms and Provisions:** The approval or execution of an approved permit is not consistent with the terms or provisions of this Ordinance;
 - c. **Approval and Conditions:** The approval or execution of an approved permit is not consistent with the approval, any condition of approval, or any written commitment;
 - d. **Fraud:** The approval was the result of fraud or misrepresentation of facts.
 3. **Effect:** Upon temporary suspension, the property owner must make all necessary corrections in a timely manner. Upon permanent revocation, the property owner must remove the chickens and coop from the property in a timely manner.
- 5.10 Appeals:** Appeals from decisions made in the administration of this Ordinance shall be heard and decided by the Township Board. The original decision shall be upheld unless a written finding is made that the decision was arbitrary or capricious; based on an inaccurate application of this Ordinance; or was based on erroneous facts.
- 5.11 Vested Rights:** Issuance of a permit does not vest any rights beyond the term of that permit, subject to the terms and provisions of this Ordinance.

ARTICLE VI: ENFORCEMENT AND PENALTIES

This Ordinance and approvals granted under it shall be enforced as and subject to penalties outlined below.

- 6.1 Nuisance Per Se:** A violation of any term or provision of this Ordinance or any permit issued under this Ordinance, including conditions, shall be a nuisance per se and may be abated by a court of competent jurisdiction.
- 6.2 Presumption/Party to Violation:** The owner of record, resident, applicant, or any agent who commits, participates in, assists, aids, or maintains a violation may each be found responsible for each separate offence and be subject to the fines and penalties provided for in this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record, as noted in the Township's current assessment roll, has authorized all structures and uses.
- 6.3 Inspection of Violation:** Each alleged violation of this Ordinance shall be inspected, and a record shall be kept of the findings. Records shall be made available for public inspection.

-
- 4.13 Slaughter:** The slaughter of chickens is prohibited. This does not apply to the culling of chickens that may be necessary due to disease or poor health.
- 4.14 Sales:** The eggs produced by chickens shall not be made available for sale on the property.

ARTICLE V: ADMINISTRATION

This Ordinance shall be administered as outlined below.

- 5.1 Authority:** The Zoning Administrator shall have authority to administer this Ordinance, except as otherwise specified.
- 5.2 Application:** An application shall include the following:
1. Form: A signed and completed application form;
 2. Plans: Plans showing the location of the enclosure area and coop and details related to the enclosure fence and coop structure;
 3. Waste Management: A description of how waste, including feed, manure, and deceased chickens will be managed and disposed;
 4. Fee: A fee as adopted by Township Board resolution; and
 5. Additional Materials: Any additional information necessary to determine compliance with this Ordinance and other applicable laws.
- 5.3 Complete and Accurate:** Submission of an application constitutes a representation that all of the information is complete and accurate.
- 5.4 Right-to-enter:** Submission of an application constitutes permission for the Township and its agents to enter the property for the purposes of administering this Ordinance.
- 5.5 Issuance:** Permits shall be issued by the Zoning Administrator after adequate review upon determination that the proposed keeping of chickens is consistent with this Ordinance. A permit may be denied to an applicant who has a documented history of violating this Ordinance.
- 5.6 Withholding Permit:** Issuance of any permit may be withheld pending verification, including field investigation, that the proposed keeping of chickens is consistent with this Ordinance.
- 5.7 Conditions:** Reasonable conditions may be placed on approvals, as outlined below.
1. Health, Safety, and Welfare: Conditions shall be designed to protect the public health, safety, and welfare of the property residents, adjacent properties and residents, and the community in general.
 2. Police Power: Conditions shall be related to the valid exercise of the police power and purposes of this Ordinance that are impacted by the keeping of chickens.
 3. Compliance: Conditions shall be necessary to ensure compliance with the terms and provisions of this Ordinance.
- 5.8 Period:** Keeping of chicken permits shall be valid for the calendar year in which they are issued. If the calendar year ends on a day when Marion Township offices are not open to the public, they shall remain valid through the end of the first day that the offices are open to the public.

ARTICLE III: DEFINITIONS

For construction and application of this Ordinance, the definitions below shall apply

- 3.1 **Chicken:** Common domesticated fowl (*Gallus gallus*) including all hens and egg-laying hens.
- 3.2 **Chicken Coop:** A small structure designed for the protection and occupation of chickens.
- 3.3 **Commercial Agriculture:** The use of land or structures for the growing or production of farm products for sale or offer of sale.
- 3.4 **Hen:** An adult female chicken.
- 3.5 **Rooster:** An adult male chicken.
- 3.6 **Township Board:** The Marion Township Board.
- 3.7 **Zoning Administrator:** The Marion Township Zoning Administrator

ARTICLE IV: STANDARDS

Keeping of chickens shall be subject to the standards outlined below.

- 4.1 **Permit:** A keeping of chicken permit, in good standing, is required for the keeping of animals.
- 4.2 **Principal Use:** The principal use of the property must be a single-family dwelling, as defined in the Marion Township Zoning Ordinance.
- 4.3 **Zoning Districts:** Keeping of chickens is allowed in the XXX zoning districts.
- 4.4 **Lot Area:** The minimum lot area is one quarter (1/4) acre
- 4.5 **Number:** There is a maximum of six (6) hens per property.
- 4.6 **Roosters:** Roosters older than three (3) months are prohibited.
- 4.7 **Location:** Chickens shall be kept in the backyard, as defined in the Marion Township Zoning Ordinance.
- 4.8 **Fenced Enclosure:** Chickens must be kept within a fenced enclosure at all times. Fenced enclosures must be at least forty (40) feet from dwellings on adjacent properties and are subject other fence standards of the Marion Township Zoning Ordinance.
- 4.9 **Chicken Coop:** Chickens must be provided with a secure, well-ventilated, roofed, and lockable coop, located within the fenced enclosure. Chicken coops shall be at least ten (10) feet from adjacent property lines and are subject to other accessory buildings of the Marion Township Zoning Ordinance.
- 4.10 **Sanitary:** Fenced enclosures and coops shall be maintained in a clean and sanitary condition at all times. Waste materials shall be disposed of in a sanitary manner, which may include bagging or composting, and not piled or otherwise stored on the property.
- 4.11 **Rodents:** All coops shall be constructed and maintained to prevent rats, mice, or other rodents from being harbored below, within, or within the walls of the coop.
- 4.12 **Feed:** Chicken feed must be stored within a tightly-lidded container in a shed, garage, or similar storage area

Keeping of Chickens

Please find below a draft for keeping of chickens, based on ordinance language from Howell and Pinckney. This would be a new police power ordinance, with some amendments noted in other ordinances. This draft is intended to facilitate discussion and get guidance for future revisions.

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
TOWNSHIP OF MARION
KEEPING OF CHICKENS
GENERAL ORDINANCE NO. 26-XX

An ordinance regulating the keeping of chickens not associated with a commercial agriculture operation.

ARTICLE I: INTENT, PURPOSE, AND SHORT TITLE

1.1 Intent and Purpose

The intent and purpose of this ordinance is to:

1. Health, Safety, and Welfare: Protect and preserve the public health, safety, and welfare;
2. Nuisance: Mitigate potential nuisances that may arise from the keeping of chickens;
3. Character: Protect and preserve the existing and desired character of Marion's residential areas;
4. Standards: Establish standards for the keeping of chickens in residential areas;
5. Processes: Establish the processes for administration of this Ordinance; and
6. Enforcement: Establish authority for enforcement and penalties for violation of this Ordinance.

1.2 Short Title

This Ordinance shall be known as and may be cited and referred to as the "Marion Township Keeping of Chickens" General Ordinance No. 26-XX and shall hereinafter be referred to as Keeping of Chickens Ordinance.

ARTICLE II: SCOPE

The terms and provisions of this Ordinance shall apply to the keeping of chickens that are not associated with commercial agriculture operations.
