



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1297**

An ordinance to amend Chapters 14 "Animals," 22 "Businesses," and 102 "Traffic and Vehicles" of the Ypsilanti City Code relating to internal references to Chapter 122 "Zoning."

1. THE CITY OF YPSILANTI HEREBY ORDAINS that Chapter 14, Article I, Sections 14-4 through 14-30 of its Code of Ordinances be amended to read as follows:

Sec. 14-94. - Removal of animal waste.

(a) Responsibility. The owner of every animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, or private property.

(b) Municipal civil infraction. A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38.

Sec. 14-45. - Keeping of female chickens (hens).

(a) Any person who keeps hens in the City of Ypsilanti shall obtain a permit from the city prior to acquiring the hens and pay a permit fee set by city council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained by any property owner of a property whose principle use is as a single-family or two-family zoned property within the City of Ypsilanti. Permits issued prior to June 1, 2010 will expire on July 1, 2011 and be renewable for two-year periods. Permits shall provide a limited license for the activity, and no vested zoning rights shall arise from said permit issuance.

(b) 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 restrictions, condominium master deed restrictions, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit keeping of hens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(c) A person who keeps or houses hens on his or her property shall comply with the following requirements:

- (1) Must obtain a permit pursuant to subsection (a) of this section.
- (2) Keep no more than four hens.
- (3) The principal use of the person's property must be for a single-family dwelling or two-family dwelling.
- (4) No person shall keep a male chicken (rooster).
- (5) No person shall slaughter any hens.
- (6) Any person keeping hens shall remain subject to public nuisance animal controls codified in section 14-11 of the Ypsilanti Code of Ordinances.
- (7) The hens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Fenced enclosures are subject to the provisions of ~~section 122-714~~ Section 122-635, Fences and Walls, of the Code of Ordinances.
- (8) A person shall keep hens in the backyard only. For this subsection, "backyard" means the 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.
- (9) All enclosures for the keeping of hens shall be constructed, repaired and maintained in a manner 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 or to become infested shall be so protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- (11) Chicken coops and enclosures shall be at least 20 feet from any residential structure not owned by the permittee unless written permission is granted from the owner of the affected residential structure.

(d) If the requirements of subsection (c) are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.

Secs. 14-56—14-30. - Reserved.

2. THE CITY OF YPSILANTI FURTHER ORDAINS that Chapter 22, Division 2, Sections 22-76 and 22-77 of its Code of Ordinances be amended to read as follows:

Sec. 22-76. - Required.

(a) Generally. No person shall be operate a bed and breakfast lodging or inn, as defined in ~~section 122-2~~ Section 122-203, without first having obtained a license from the city clerk in compliance with the provisions of this article.

Sec. 22-77. - Building requirement.

No premises shall be utilized for a bed and breakfast lodging or an inn unless there are at least two exits to the outdoors from such premises and the rooms utilized for sleeping have a minimum size as provided in subsection ~~122-778(2)~~ 122-520(c).

3. THE CITY OF YPSILANTI FURTHER ORDAINS that Chapter 102, Article III, Division 1, Section 102-62(c) of its Code of Ordinances be amended to read as follows:

Sec. 102-62. - Vehicle trespass.

(c) No person shall park any truck or bus, except those actively providing a service, on any residential street for more than three hours between the hours of 8:00 p.m. and 8:00 a.m. For purposes of this subsection, "residential street" shall mean the portion of any street which is adjacent to land zoned "~~residential~~" ~~as defined in Code section 122-231~~ Core Neighborhood, Core Neighborhood-Mid, Core Neighborhood Single-Family, or Single-Family Residential as described in Chapter 122. For the purposes of this subsection, "truck or bus" shall mean any vehicle which is licensed for any empty weight of more than 10,000 pounds or which exceeds 22 feet in length.

4. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

5. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance

are, to the extent of such inconsistencies, hereby repealed.

6. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

7. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

8. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 28th DAY OF November, 2017.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1297 was published according to Section 11.13 of the City Charter on the 7th day of November, 2017.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 28th day of November, 2017.

Frances McMullan, City Clerk

Notice Published: November 7, 2017

First Reading: November 14, 2017

Second Reading: November 28, 2017

Published: December 4, 2017

Effective Date: December 28, 2017