



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1384**

An ordinance to allow Ducks and Drakes in the City.

- 1. THE CITY OF YPSILANTI HEREBY ORDAINS** that Section 14-5 of the Ypsilanti City Code be amended to allow the keeping of ducks and drakes in the City of Ypsilanti and to read as follows:

Sec. 14-5. Keeping of female chickens (hens) and ducks (male/drake and female/duck).

- (a) Any person who keeps hens, ducks, or drakes 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, ducks, and drakes 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 a total of four fowl, in any combination of hens, ducks, or drakes.
 - (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, ducks, or drakes on the property described in Sec. 14-5 (c)(3) above.~~
- (6) Any person keeping hens, ducks, or drakes shall remain subject to public nuisance animal controls codified in section 14-11 of the Ypsilanti Code of Ordinances.
- (7) The hens, ducks, or drakes shall be provided with a covered enclosure and must be kept in the covered enclosure (flighted species) or a fenced enclosure at all times (flightless species). Fenced enclosures are subject to the provisions of section 122-635, fences and walls, of this Code.
- (8) A person shall keep hens, ducks, or drakes 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, ducks, or drakes 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, ducks, or drakes 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, duck houses, 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.

2. 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.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. 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.

5. 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.

6. 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 25th DAY OF January, 2022.

Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1384 was published according to Section 11.13 of the City Charter on the 3rd day of February, 2022.

Andrew Hellenga, 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 25th day of January, 2022.

Andrew Hellenga, City Clerk

Notice Published: December 20, 2021

First Reading: January 11, 2022

Second Reading: January 25, 2022

Published: February 3, 2022

Effective Date: February 24, 2022