

CITY OF CLARE PERMIT TO KEEP BACKYARD CHICKENS
TWO BUSINESS DAYS NOTIFICATION REQUIRED

Please return Permit Application to:

City of Clare, Code Enforcement Division
202 W. Fifth St.
Clare MI 48617

Applicant Name: _____ **Phone Number:** _____
(Please Print or Type)

Permit Address (where backyard chickens will be housed):

_____ **Single-Family Dwelling** **Two-Family Dwelling**

Number of backyard chickens to be kept at the permit address (2 maximum): _____

No permit shall be issued to a person, by the City, and no chickens shall be allowed to be kept unless the owners of all residentially zoned adjacent properties (52-324(1)) consent in writing to the permit. **Please attach the Adjacent Neighbor Consent Form to this application and check the box that you understand and have complied with the terms of this ordinance requirement.**

Animals to be used for 4-H or similar activities shall be limited to not more than one year by the Planning Commission. **Are the animals being used for 4-H or similar activities?** **Yes** **No**

If the requirements of Chapter 52, Article V Section 324 are not complied with, the City may revoke any permit granted and/or initiate prosecution for a civil infraction violation. A person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer. Fenced enclosures are subject to all provisions of the City Code. 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, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

I understand the above restrictions on the permit and am submitting this application in compliance with Chapter 52-324 of the Code of the City of Clare.

Applicant Signature

Date

For Office Use Only
Approved by: _____
Title: _____ Date: _____
Comments: _____
Expiration Date of Permit: _____
(Maximum 5 years from date of approval)
Permits are non-transferable and may not be sold or assigned.
Copy to: Code Enforcement/Planning Commission/City Clerk Office (retains original)

Fee \$15.00 Date Paid: _____ Check#: _____ By: _____

**CITY OF CLARE PERMIT TO KEEP BACKYARD CHICKENS
ADJACENT NEIGHBOR CONSENT FORM**

Applicant Name: _____ **Phone Number:** _____
(Please Print or Type)

Permit Address (where backyard chickens will be housed): _____

No permit shall be issued to a person, by the City, and no chickens shall be allowed to be kept unless the owners of all residentially zoned adjacent properties (consent in writing to the permit. For purposes of this permit, adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points, except for parcels that are legally adjacent to but in fact are separated from the applicant's property by a public or private street.

A covered enclosure or fenced enclosure shall not be located closer than ten (10) feet from a property line of an adjacent property nor shall it be located closer than forty (40) feet to any residential structure on an adjacent property. The forty (40) foot requirement, only, can be waived with written statements of all occupants of the building (two-family dwelling) and all adjacent landowners. **Please attach a drawing of the property, including the distances to neighboring structures and the proposed location(s) of all enclosures that will be used to keep backyard chickens.**

Are you requesting a waiver of the 40 feet requirement? **YES** **NO**

If Yes: Distance to residential structure on adjacent property: _____ **feet.**

Instruct Property Owners and Occupants (if applicable) to initial their consent to this waiver as well.

Please list all adjacent properties and obtain consent signatures.

Instructions to Adjacent Property Owners and to Occupants of Two-Family Dwellings:

(1) Your neighbor is applying for a permit to keep backyard chickens. A maximum of two chickens may be kept under this permit. If you are an adjacent property owner, your consent to this permit is required for issuance. If your neighbor occupies a two-family dwelling and you occupy one of the units in that dwelling, your consent to this permit is also required for issuance. Do not sign the form if you are NOT giving consent to the issuance of a permit. For Two-Family Dwellings (all occupants must sign).

(2) If your neighbor has checked the box above, your permission is also required to allow enclosures for housing chickens to be kept closer than 40 feet to a residential structure. Do not write your initials below if you are NOT giving your consent to waive this distance requirement. (If you are an occupant of a two-family dwelling and have given your written consent to issuance of the permit you have automatically waived the 40 foot requirement). For Two-Family Dwellings (all occupants must sign).

By signing this form, you are providing written consent for the issuance of the permit. By initialing this form, you are additionally providing your written consent to waive the 40 foot distance requirement.

Street Address	Owner Name	Signature (consent to issue permit)
_____	_____	_____
_____	_____	_____
_____	_____	_____

You may use the back of this form to add affected property owners to your list and obtain their signatures.

Sec. 52-324. Raising chickens within the city.

Chickens or ducks may be raised within the city by permit, as provided:

- (1) Any person who keeps chickens or ducks in the City of Clare shall obtain a permit from the city manager prior to acquiring any chickens or ducks. No chickens or ducks shall be kept unless the owners of all residentially zoned adjacent properties (as defined below in subsection (5)j. consent in writing to the permit and this consent is presented along with an application for a permit. The permit fee shall be as determined from time to time by the city commission by resolution. Permits expire and become invalid five years after the date of issuance. A person who wishes to continue keeping chickens or ducks 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 restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens or ducks is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- (3) A person who keeps or houses chickens or ducks on his or her property shall comply with all of the following requirements:
 - a. Have been issued the permit required under subsection (2) above.
 - b. Keep no more than two chickens or ducks in total, i.e. two chickens or one chicken and one duck or two ducks.
 - 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. The chickens or ducks 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 all provisions of the City Code.
 - f. A person shall not keep chickens or ducks in any location on 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.
 - g. No covered enclosure or fenced enclosure shall be located closer than ten feet to any property line of an adjacent property.
 - h. All enclosures for the keeping of chickens or ducks 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 40 feet to any residential structure on an adjacent property provided, however, this requirement can be waived as follows:
 1. 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.

2. If the principal use of the applicant's property is for a two-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 and of the occupants of the other dwelling stating that there is no objection to the issuance of the permit.
 - i. For purposes of this section, adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a public or private street.
 - j. All enclosures for the keeping of chickens or ducks 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.
 - k. All feed and other items associated with the keeping of chickens or ducks that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
 - l. 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.
- (4) A person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer.
- (5) The area to be used as pasture shall be adequately fenced to prevent animals from leaving the property.
- (6) The applicant shall provide the City of Clare City Manager with a site plan indicating: a) all existing buildings located on the property; b) the location of all proposed structures, either existing or to be constructed to be used in connection with the animals; and c) the location of all waste storage areas and a disposal plan for removal of all waste from the property.
- (7) The applicant shall provide any additional information deemed necessary for the city manager to approve or deny the request.
- (8) Animals to be used for 4-H or similar activities shall be governed by this use permit. Permits for such activities shall be limited to not more than one year by the city manager.