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Recommended sample ordinance language and instructions for permit of chickens in the city of Battle Creek

Chicken Permit Process in Battle Creek

Some of these steps only apply to first time applicants. A star (*) indicates steps for both first-time permits and renewals.

1. **Learn.** Read all the information in this packet, especially the ordinance from the Battle Creek City Code on chickens. Take a class on keeping chickens. Read recommended books. Utilize individualized bird caretaking techniques here: www.allspecieskinship.org, a local resource on bird care including medical concerns.
2. **Plan.** Choose a location for your coop and run that meets the requirements of Section XX. Plan how you will build your coop and run (pen). Draw your plan on a site map of your property. Site plans do not have to be professionally drawn but they need to give all the information needed to show your chicken housing will meet legal requirements. Include dimensions. Include description of how waste will be managed.
3. **Gender.** How will you guarantee only female birds when third party vendors such as local farm stores cannot tell you, and birds that are over 1 day of age cannot be sexed (unless they have sex-linked traits) until around 6 months of age? If you discover a rooster(s) in your flock, describe your course of action. Will you apply for a house rooster permit?
4. **Communicate.** Battle Creek requires approval of neighbors to keep chickens, but people adjust to changes more easily when they are not taken by surprise. Think about letting your neighbors know before you apply for a permit so that concerns and/or conflicts can be addressed.
5. ***Apply for your permit.** To keep chickens, you must live in an *owned* single family home or duplex in the X zones.
6. **Zoning Approval.** After you submit your application with fee, staff will review your plan to make sure it conforms to the requirements of Section XX and the zoning code. Allow 2 to 5 business days. City staff will let you know if your plan is approved.
7. **Build** your coop and chicken run/pen after you receive zoning approval of your plan.
8. *** Schedule your coop inspection** within 90 days of your plan approval date (new permits) or within 2 weeks of submitting your renewal application. Call XXXX during City Hall business hours to schedule your inspection. If you are a first time applicant, your coop will be inspected to make sure it meets code requirements before we issue your permit. If you are renewing, you are due for an inspection of your coop and chickens to ensure cleanliness and welfare standards are being met.
9. *** Inspection.** Staff will make sure your coop follows the plan you submitted and that it is ready for chickens. If you are renewing, we will check to make sure your coop and run are clean and in good repair, that your chickens are healthy and that you are still meeting all of the ordinance requirements. Bring your chickens home! If your coop/run passes inspection, your permit will be issued.

10. * **Renew your permit.** Your permit is valid for one year after issue. An inspection is required for permit renewal. Call to make an appointment up to 60 days before your permit expires.

Battle Creek Chicken Ordinance

Sec. XX Reserved.

ARTICLE IV. CHICKENS

Sec. 10-1 Keeping of chickens.

Sec. 10-2. [Permit regulations.]

Sec. 10-3. Keeping of chickens.

Any person who keeps chickens in the city must obtain a permit prior to acquiring the chickens. Chickens may only be kept in zoning districts where chickens are an allowed accessory use. The initial permit is valid for up to one year beginning on the date the chickens arrive on the site and ending on December 31 of the following year. Subsequent permits are valid from January 1 of one year to December 31 of the second year. Applications for permits must be made to the zoning and planning director. Yearly welfare checks conducted by Animal Control (with assistance from a representative of All Species Kinship) and site inspections by any other department upon application of renewals.

- (1) Fees charged for the issuance of a permit to keep chickens will be set by the city council. *Numbers of animals; species.* The permit shall state the maximum number and species of animals which may be maintained on the premises. The permittee shall not exceed the maximum number of animals allowed on the permit or substitute the animals with different species. A permittee that wishes to increase the number of animals allowed or to substitute or add a different species to those listed on the permit, shall be required to apply for a new permit and pay the appropriate fee.

(Sample fee schedule below)

Keeping of Animal (includes more than three (3) chickens)	74.00	
198.04(c)	Keeping of Animal—Renewal	28.00
198.04(c)	Keeping of Chickens —Three (3) or fewer	26.00
198.04(c)	Keeping of Chickens —Three (3) or fewer-renewal	15.00

- (2) You must be the owner of the premises, and live on-site where the chickens will be kept.
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Consent. The applicant for any permit required under the provisions of [section XXX](#) shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of privately or publicly owned real estate within one hundred fifty (150) feet of the outer boundaries of the premises for which the permit is being requested or, in the alternative, proof that applicant's property lines are one hundred fifty (150) feet or more from any structure UNLESS applying for house roosters only. However, where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within one hundred fifty (150) feet consists of a multiple dwelling, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building. For purposes of this section, "adjacent property" means all parcels of property that the applicant's property comes into contact with at 1 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.

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.

Refusal to grant or renew a permit. The environmental health officer/zoning may refuse a permit to keep or maintain animals hereunder for failure to comply with the provisions of this chapter, if the facilities for the keeping of the animals are or become inadequate for their purpose, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting of such permit. The city may refuse to grant or may revoke a permit if the chickens become a nuisance, as evidenced by a second substantiated violation (within 12 months of a first substantiated violation) of this section of the City Code). (St Paul, MN)

- (4) The city will refuse to grant a permit to, or revoke a permit from, a person convicted of cruelty to animals.
- (5) Permits are non-transferable and do not run with the land.
- (6) A permit is a license granted to the chicken keeper by the city and does not create a vested zoning right.
- (7) Prior to issuance of a permit, the prospective permit holder must acknowledge they have read the All Species Kinship caretaking material provided by the city. (see attachment)

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(8) Prior to issuance of a permit, the prospective permit holder must provide a detailed sketch plan of the premises on which chickens are sought to be kept, including the location, the dimensions and design of the coop and run, establishing compliance with the chicken coop and run specifications provided in this article.

(9) Prior to issuance of a permit, the prospective permit holder must provide a plan for maintaining an adequate temperature in the coop for the safety of the birds. The plan must address both extreme winter and summer temperature conditions.

(10) The permit application will be processed administratively. It will not be referred to the city council for consideration.

(11) The requirements of this section shall not prohibit the adoption of fowl to the public by any releasing agency, private shelter, rescue group, or public sheltering agency provided the adoption contract specifies that the animal cannot be sold, transferred, or otherwise slaughtered, unless for euthanization by a licensed veterinarian to prevent pain and suffering or disease transmission.

(12) No person having the care, custody, and control of any fowl shall abandon said fowl or allow any fowl to run at large off the property of its owner or custodian.

(13) Any coop found to be a public nuisance provided notice to abate the issues has failed to correct the issue within 48hrs-72hrs, or a "reasonable time" is prohibited and all permits associated with the coop may be revoked or denied. The coop and all fowl shall be removed by the property owner within forty-eight (48) hours of notice of the revoked or denied permit at the expense of the permit holder or applicant.

(14) No person, business, or entity shall maintain or cause to be maintained any commercial business related to the keeping of fowl on residential property in the city of Battle Creek.

Sec. 10-35. [Permit regulations.]

Each person holding a permit to keep chickens within the city must comply with the following:

(1) The principal use of the specific property must be either single-family residential or two-family residential. Persons who are renting are not permitted to keep farmed animals. A permit will not be issued for any property which is used principally for something other than single-family or two-family.

(2) No person may keep more than five chickens.

OR: No person shall keep or allow to be kept more than four (4) **chickens** on a lot which is less than 5,000 square feet in size. No person shall keep or allow to be kept more than six (6) **chickens** on a lot which is 5,000 square feet or greater in size. (Grand Rapids, MI)

(3) No person may keep a rooster unless they acquire a rooster specific permit, and the animal is kept inside the home, with outside supervision only. Two bird limit. "House roosters" are companion animals to be considered as pets kept similar to dogs or cats, subject to anti-cruelty and welfare ordinances. House roosters MUST be banded with owner name and phone number. House roosters adapt comfortably to inside life. [for urban farmers who are hesitant to send what they may consider a family pet to slaughter, the intent here is to give them an alternative to slaughter, illegal abandonment in the wild, or calling our agency to take them. Because non-sex-linked birds cannot be sexed prior to 6 months of age or more, many people end up with roosters unexpectedly as a result of buying birds from local third party stores (vs farms themselves)].

(4) No person may allow chickens to range freely without fencing or without a mobile pen. Mobile pens must not be used as the primary "coop."

(5) No person may slaughter any chickens within the city.

(6) Chickens must be provided a secure and well ventilated roofed structure ("chicken coop"). Chicken "tractors" or other mobile A-frames are prohibited as the primary coop.

(7) The roofed structure for the chickens may only be located in a rear yard and must meet setback and building separations as established in city zoning and building codes, except that the roofed structure and fencing must maintain a 20-foot separation from dwellings on adjacent properties.

(9) The roofed structure shall be fully enclosed, windproof, and have sufficient windows for natural light.

(10) All premises on which hens are kept or maintained shall be kept clean from filth, garbage, and any substance which attracts rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors to be detected on another property. Failure to comply with these conditions may result in removal of chickens from the premises or revocation of a chicken permit.

(The floors and walls of the roofed structure shall be kept in a clean, sanitary and healthy condition with all droppings collected on a daily basis and placed in a fireproof covered container until applied as fertilizer, composted or transported off the premises; Stillwater, MN)

(11) Chickens must be kept in the roofed structure, an attached pen, or a detached mobile pen whenever they are unattended by the keeper; but when attended by the keeper, the chickens are allowed in a completely fenced exercise yard.

(12) The coop's attached pen must be securely constructed with at least a mesh-type material and shall have protective overhead netting to keep the chickens separated from other animals.

(13) The coop's attached pen must be well drained so there is no accumulation of moisture.

(14) The floor area of the roofed structure or a combination of the floor area and attached pen area must equal at least ten square feet of area per chicken.

(15) All grain and food stored for the use of the hens on a premises with a chicken permit shall be kept in a rodent-proof container.

(16) Leg bandings are required on all chickens. The bands must identify the owner and the owner's address and telephone number.

(17) No farm animal shall be kept or allowed to be kept within one hundred (100) feet of any well, spring or stream.

(18) No farm animal shall be kept or allowed to be kept within fifty (50) feet of any stormwater catch basin which is located on private property. For purposes of this Section, stormwater catch basins located within a public or private street shall not be counted.