

**CHARTER TOWNSHIP OF NILES
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 74

ADOPTED: DECEMBER 21, 2015

**EFFECTIVE: IMMEDIATELY UPON
PUBLICATION AFTER ADOPTION**

An Ordinance to provide for the keeping of chickens in the Charter Township of Niles; and to provide for civil sanctions and civil remedies for violation of this Ordinance.

**THE CHARTER TOWNSHIP OF NILES
BERRIEN COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
KEEPING OF CHICKENS**

Chapter 5 of the Code of Ordinances of the Charter Township of Niles, Berrien County, Michigan is hereby created to read as follows:

Article I: Keeping of Chickens

The current Niles Charter Township Zoning Ordinance, dated _____, allows for the Keeping of Chickens in Section 3.27B, if kept in accordance with that section and the following:

1. An annual license is required. The Zoning Administrator shall maintain a list of all licensees.
2. Fee for the annual license is \$20.00.
3. Chickens are not allowed in a residence, porch or attached garage.
4. Chickens shall be confined (including area of free range) to the coop and the fully enclosed, fenced outdoor area.
5. The coop shall be designed to discourage rodents and wild birds from entering. The coop shall be built to keep dogs, cats and wildlife from gaining entry. A coop is defined as an enclosure with an open framework for keeping chickens, including indoor usable floor space and outdoor usable space as noted in the chart below in item #7.
6. Coops shall be located 25 feet from rear and side property lines if adjoining properties are residential in use.

7. Minimum space and indoor housing (exclusively for the animal and not located within setbacks; front yard; waterfront yard; dwelling; sand dune with slopes greater than 18 percent; beach contiguous to a lake or stream; wetland; and slopes over 25 percent) is as follows:

	Indoor usable floor space per animal	Outdoor usable space (fenced) per animal	Nesting boxes
Hen (eggs)	4 square feet (sf) per chicken; not to exceed 24 sf; Does not include nesting boxes	10 square feet (sf) per chicken; not to exceed 60 sf	3 maximum; mounted minimum 6 inches off ground
Broiler (meat)	4 sf per chicken; not to exceed 24 sf	10 square feet (sf) per chicken; not to exceed 60 sf	

8. All coops/outdoor usable space shall be fenced; fencing must be minimum 6-foot high.
9. The chicken coop and surrounding usable area must be cleaned of hen droppings, uneaten feed, feathers and other waste, and must be kept in a neat and sanitary condition at all times to preclude odors and aesthetic nuisances.
10. Waste materials (manure and compost using chicken manure) are not permitted to be sold or otherwise distributed.
11. Chicken manure must be cleaned out of coop and outdoor usable space at least once a week. Manure must be bagged and disposed of in an environmentally responsible manner. Any materials for compost shall be composted using a fully enclosed bin or three sided structure with the opening facing toward the center of the parcel, or bagged and disposed of in the trash. Piling waste materials on the property is not allowed. All stored manure must be completely contained in a waterproof container.
12. Sale of poultry products shall not be allowed in residential zoning districts.
13. Residential keeping of chickens shall not be located within four miles of an existing agricultural commercial poultry operation.
14. The Township has discretion to revoke the permit for non-compliance with this Section and/or the section of the Township Ordinance that regulates keeping of chickens, including revocation of the permit where a complaint is made to the Township regarding noise or odor due to chickens and the owner of the property at issue fails to mitigate such noise or odor to the Township's satisfaction.
15. Chickens that are no longer desired or in excess of the allowed number shall be properly slaughtered and disposed of or removed from the property. It shall be strictly prohibited for unwanted animals to be abandoned at any off premises location within the Township.
16. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum	Maximum
1 st Offense within 3-year period*	\$ 75.00	\$500.00
2 nd Offense within 3-year period*	\$150.00	\$500.00
3 rd Offense within 3-year period*	\$325.00	\$500.00
4 th or More Offense Within a 3-year period*	\$500.00	\$500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Charter Township of Niles has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Charter Township of Niles shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

SECTION II

EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication following adoption.

NILES CHARTER TOWNSHIP
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