

VILLAGE OF CUSTER

MASON COUNTY

ORDINANCE NO. 123

AN ORDINANCE TO SECURE THE HEALTH AND WELFARE OF THE RESIDENTS OF THE VILLAGE OF CUSTER BY AUTHORIZING AND REGULATING THE KEEPING OF CHICKENS WITHIN THE VILLAGE OF CUSTER UNDER CERTAIN CONDITIONS, TO PROVIDE RULES AND REGULATIONS PERTAINING TO THE KEEPING OF CHICKENS, TO PROVIDE DEFINITIONS FOR CERTAIN TERMS AND PHRASES, TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF, TO REPEAL OTHER ORDINANCES WHICH MAY BE IN CONFLICT HERewith, AND FOR OTHER RELATED PURPOSES.

THE VILLAGE OF CUSTER ORDAINS:

Section 1. Findings & Purpose.

The Village Council of the Village of Custer hereby finds and determines that there is a desire amongst residents of the Village to keep and raise chickens, that to do so requires adopting reasonable limits and regulations governing chickens within the Village, and that implementing such regulations for a trial period of two (2) years to allow Village residents and staff to observe and analyze the implementation of a such a program is necessary in order to serve the interests of the Village, the Village's residents and business owners, and the community as a whole. This Ordinance is enacted to control nuisances within the Village and to promote public safety and the health of Village residents within the meaning of MCL 67.1(1)(c) and (z).

Section 2. Definitions.

1. "Adjacent" means, for purposes of this ordinance, a parcel of real property that shares a property line boundary with the parcel on which an applicant for a Chicken Permit intends to keep their chicken(s).
2. "Chicken run" means an area outside of but attached to a coop that is itself also enclosed by fencing and/or chicken wire to allow additional enclosed and protected space for chickens.
3. "Containment fence" means a structure of definite height and location serving as a barrier preventing chickens and small animals from moving through said barrier. For purposes of this ordinance, a split-rail fence does not qualify as a containment fence.
4. "Coop" means an enclosed structure for housing chickens made of wood or similar materials that provides shelter from the elements.

Section 3. Conditions and Regulations.

1. Chickens may be kept in the Village with a valid Chicken Permit subject to the following conditions:

(a) Chickens may only be kept on a lot containing a single-family dwelling. No person shall allow chickens to be kept on a lot containing a multi-family dwelling (such as a duplex or apartment complex).

(b) Chickens may only be kept on a lot which is at least 14,400 square feet in size.

(c) Chickens may only be kept by an occupant of a dwelling unit located on the real property on which the chickens are kept.

(d) All properties on which chickens are kept must have a properly designed and constructed coop, which may be located only in the “rear yard” of the property. For the purposes of this ordinance, “rear yard” is defined as the portion of the property behind the dwelling when facing the property from the street address assigned to the property.

(EXAMPLE: if a property is located on the corner of Main Street and First Street with an assigned address on First Street, then the “rear yard” would be the portion of the property behind the dwelling when facing the property from First Street.) The Village Council or Village Grounds and Equipment Trustee may permit an alternate placement where a rear yard does not exist due to existing building placement or for properties that do not have a rear yard, providing that there are no detrimental effects on adjacent properties.

(e) All coops shall be designed with adequate yard space for each chicken, and the square footage of the coop and any optional chicken run(s) combined shall not cover more than 25% of the rear yard area. Coops and chicken runs must be clean and resistant to predators and rodents.

(f) All coops and chicken runs must have a setback no less than 10 feet from the property line.


(g) No person shall keep or allow to be kept more than six (6) chickens at any given time.

(h) Chicken feed must be in rodent resistant and weather proof containers, and must be kept within the coop or chicken run.

(i) Chickens may not be butchered, slaughtered, or otherwise killed, for any reason or any purpose, outside of the principal structure or an accessory building on the property on which chickens are kept pursuant to this ordinance.

(j) The person keeping the chickens shall abide by all health and safety standards set forth in Village of Custer Ordinance 107 – Unwholesome Substance.

(k) Roosters are expressly prohibited within the Village, regardless of the age or maturity of the bird.

2. Chicken Permits. Any person wanting to keep chickens within the Village shall first apply for and obtain a permit from the Village Grounds and Equipment Trustee before that person may legally keep chickens within the Village. Regulations pertaining to permits shall be as follows:
- (a) Any person applying for a permit to keep chickens within the Village shall submit a permit application on a form promulgated by the Village Council and shall pay an application fee established by resolution of the Village Council.
-  (b) An applicant seeking a permit to keep chickens must include with his or her permit application a written statement(s) from each adjacent property owner that said adjacent property owner has no objections to the applicant's proposal to keep chickens.
- (c) If the applicant is not the owner of the real property on which he or she wants to keep chickens, the applicant must provide the written consent of the owner of the real property to the Village. Without such written consent, the permit application shall not be granted.
- (d) The Village Grounds and Equipment Trustee shall review the permit application to determine whether it conforms with this ordinance in respect to all the following factors:
- i. The number of chickens the applicant desires to keep;
 - ii. The size of the lot on which chickens are proposed to be kept;
 - iii. The adequacy of the applicant's plans for housing and confining the chickens; and
 - iv. Other factors the Grounds and Equipment Trustee determines to be relevant in the applicant's particular circumstances.
- (e) If the Village Grounds and Equipment Trustee grants the request for the permit, he or she shall do so in writing, which writing shall state the property address at which chickens may be kept, as well as the number of chickens allowed to be kept, and any other conditions of the permit to keep chickens.
- (f) If the Village Grounds and Equipment Trustee denies the request for the permit, he or she shall do so in writing, which writing shall state the reasons for such denial.
- (g) If the Village Grounds and Equipment Trustee denies the request for the permit, the applicant may appeal the denial by filing with the Grounds and Equipment Trustee a written notice of appeal within seven (7) business days after notification of the denial. The Village Grounds and Equipment Trustee shall refer a copy of this notice to the Village President and remaining members of the Custer Village Council, who shall conduct a hearing on said appeal either at a special meeting or at the next regularly scheduled meeting of said Council. The issue to be determined at the hearing is whether

the denial of the chicken permit was proper. At the hearing, the applicant may be represented by counsel, may submit evidence, may cross examine testifying witnesses, and may make arguments concerning the factual and legal issues. The Village Council may consider any evidence of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Council may take notice of facts that are within the general knowledge of the community. Following the hearing, the Village Council shall render a written decision upholding, reversing, or modifying the Grounds and Equipment Trustee's initial permit denial, and the Council shall state its reasons for doing so in writing. The decision of the Custer Village Council shall be final.

(h) An initial permit shall be valid for a period of one (1) year. If, in the judgment of the Village Grounds and Equipment Trustee the permittee has abided by all ordinance provisions and permit conditions, and has not created a nuisance to the owners or occupants of adjacent properties or the neighborhood, the permit may be renewed on an annual basis for one (1) additional year, provided that such term may be limited by the sunset of this ordinance two (2) years following its adoption.

(i) Any permit may be suspended or revoked by the Village Council by written notice to the permit holder, upon a finding that the permittee has violated applicable Village ordinance provisions or permit conditions. The Village Council may receive complaints and/or allegations of a permittee's potential violation(s) of this or any other Village ordinance, and may pursue and address such violation(s) as it determines to be necessary.

(j) The Village Council shall not suspend or revoke a permit until the permit holder has had an opportunity to appear before the Custer Village Council, either in his or her own proper person or by counsel, and introduce arguments and/or evidence concerning why he or she does not believe the permit should be suspended.

(k) A permit as described above is personal to the applicant. Such a permit may not be transferred to another individual. If ownership of the underlying real property on which the chickens are kept is transferred, the permit does not run with the land, and a person desiring to keep chickens on the property must apply for a new permit.

Section 4. Sunset Provision.

This Ordinance is hereby adopted and implemented for a trial period of two (2) years in order to allow the Custer Village Council to assess its effectiveness, and it shall sunset and automatically cease to have the force of law as of _____, 2026, unless this sunset date is removed or extended pursuant to Section 5(d) below.

Section 5. Violation to be a Municipal Civil Infraction.

(a) No person shall keep a chicken or allow a chicken to be kept on real property under his or her control, unless a permit to keep chickens is first obtained from the Village in the manner provided for herein.

(b) A violation of this Article shall be a municipal civil infraction punishable as follows:

First Offense – Written Warning of Violation With Required Corrective Date;
Second Offense – Suspension of Permit, Removal of Coop and Chickens at owner's expense, and \$100 civil fine.

(c) Applicability of the Property Maintenance Code. A violation of this Ordinance shall be subject to all of the enforcement mechanisms and provisions set forth Ordinance 107. However, so long as this Ordinance shall remain in effect, its provisions regarding the keeping of chickens shall supersede any conflicting provisions regarding the keeping of chickens that may be set forth in local amendments to the Property Maintenance Code.

(d) Sunset provision. If this Ordinance has not been amended on or before SEPTEMBER 1st, 2026, to extend or eliminate the two-year sunset provision referred to above, then the provisions of this Ordinance shall expire and be considered null, void, and of no force and effect after OCTOBER 15th, 2026.

Section 6. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such declaration shall not affect the remainder of the Ordinance. The Village Council hereby declares that it would have adopted this Ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses is declared invalid.

Section 7. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.


Section 8. Effective Date.

This Ordinance shall become effective twenty (20) days following its publication as required by law, MCL 66.1.

At a regular meeting of the Village Council of the Village of Custer, Mason County, Michigan, held on the 5 th day of August, 2023, at 6:00 p.m., the votes on this proposed Ordinance were:

AYES: 7

NAYES: 0

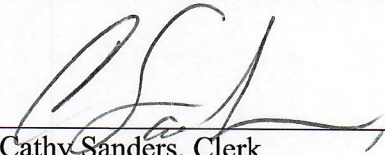
ABSTAINED: 

THE ORDINANCE IS DECLARED ADOPTED / REJECTED.

STATE OF MICHIGAN)
COUNTY OF MASON) ss.

I, Cathy Sanders, the duly qualified and acting Clerk of the Village of Custer, County of Mason, State of Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the Custer Village Council at a regular meeting held on the 5th day of August, 2024, the original version of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 3 day of September, 2024.



Cathy Sanders, Clerk
Village of Custer

BACKYARD CHICKEN PERMIT APPLICATION

Village of Custer

Address:

Phone: Website: villageofcuster.org

1. Project Information

Address of Property: _____

Parcel Number: _____

2. Applicant

Name: _____

Address: _____

Phone#: _____

Email: _____

3. Property Owner

Name: _____

Address: _____

Phone#: _____

Email: _____

4. Required Details On Scaled Drawing

- Locations of all structures on property
- Location of chicken enclosure
- Size and Height of enclosure

- Enclosure building materials
- Setbacks from property line to enclosure
- Predator barrier details

5. Proposed number of Chickens: (Not more than 6) _____

6. Authorization from Property Owner (If applicant is not the property owner; see page 2 of application)

7. Required Fee: \$ 25

By signing below, the applicant agrees to perform the described work in accordance with all applicable sections of the Village of Custer Code of Ordinances. Signer will insure all inspection requests are made a minimum of 72 hours prior to the requested time.

Signature of Applicant: _____ Date: _____

Print Name: _____

This permit has been reviewed and the following determination has been made:

(Initial) Approved _____ Denied _____ G&E Trustee Signature: _____ Date _____

Comments: _____

CONSENT OF PROPERTY OWNER
(REQUIRED IF THE APPLICANT IS NOT THE PROPERTY OWNER)

Backyard Chicken Permit Application

I, _____ OF THE STATE OF _____ AND COUNTY
OF _____ STATE THE FOLLOWING:

1. That I am the owner of real estate located at _____
2. That I have read and examined the Backyard Chicken Permit Application made to the Village of Custer by _____.
3. That I have no objections to, and consent to the request(s) described in the Application made to the Village of Custer.

Signature of Property Owner _____

Print Name _____

Date _____

No person shall keep chickens unless they obtain a backyard chicken permit and comply with the following:

1. The keeping of chickens is permitted only on lots where the principal use is a single family dwelling.
2. The maximum number of chickens permitted per property shall be six (6). Roosters are prohibited.
3. Chickens must be maintained in a fully enclosed, roofed structure at all times.
4. The enclosure must be constructed of permanent residential building materials suited for the purpose intended, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
5. All areas accessible to the chickens, including the coop and run, shall be contained in a single structure not to exceed sixty (60) square feet in footprint and eight (8) feet in height measured from the grade. The minimum run size per chicken shall be eight (8) square feet.
6. The enclosure must have chicken wire or similar material embedded twelve (12) inches into the ground around the enclosure to deter predators from digging under the enclosure wall.
7. The enclosure shall be located in the rear yard and at least fifteen (15) feet from side and rear property lines, and where public sidewalk is present at least ten (10) feet distant.
8. The enclosure must be maintained in a clean and orderly fashion.
9. Chicken feed must be kept in a vermin-proof sealed container.
10. Slaughter of chickens is not permitted.
11. The applicant shall pay the fee required by the fee resolution periodically adopted by the Village Council.
12. Applications for backyard chicken permits shall be submitted to and permits shall be issued by the Village of Custer.
13. Application fee is required for initial application and for any substantive change to the coop size/location.
14. Upon sale or transfer of the property, the chickens and enclosure must be removed from the premises within sixty (60) days unless the new owner submits a new initial application.
15. Permit is not transferable.
16. Failure to maintain coop, run, or quantity of chickens will result in fines as outlined in XXX. Failure to immediately correct infractions will result in removal of the coop/chickens by the Village at the Property Owner's expense.