

VILLAGE COUNCIL  
VILLAGE OF SPARTA  
KENT COUNTY, MICHIGAN

Council member Robinson, seconded by council member Carlstrom, moved the adoption of the following ordinance:

ORDINANCE NO. 20-01

AN ORDINANCE TO AMEND CHAPTER 10 "ANIMALS" AND  
CHAPTER 82 "ZONING" OF THE SPARTA VILLAGE CODE  
OF ORDINANCES TO ALLOW FOR THE KEEPING OF  
CHICKENS IN THE VILLAGE

THE VILLAGE OF SPARTA (the "Village") ORDAINS:

**Section 1. Addition.** That Chapter 10, Article III, entitled "Animals; Chickens" is hereby added to the Sparta Village Code to read as follows:

**Article III – CHICKENS**

**Sec. 10-50. – Restrictions on Keeping**

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

- (1) Chickens may only be kept on a lot on which is located a single-family or two-family dwelling. Chickens may not be kept on a lot containing a multi-family dwelling.
- (2) Chickens may only be kept on a lot which is at least 5,500 square feet in area.
- (3) Chickens may only be kept by an occupant of a dwelling unit located on the real property on which the chickens are kept.
- (4) No person shall keep or allow to be kept more than four (4) chickens on a lot which is less than 6,000 square feet in area.
- (5) No person shall keep or allow to be kept more than six (6) chickens on a lot which is 6,000 square feet or greater in area.
- (6) Chicken feed must be kept in rodent resistant and weather proof containers.
- (7) The person keeping the chickens shall abide by all health and safety standards of the Village's International Property Maintenance Code (IMPC).
- (8) Chickens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding; or fertilizer production for commercial purposes.
- (9) Odors from chickens, and chicken manure shall not be perceptible at the property boundaries, in conformance with the Village's nuisance ordinance. Perceptible odor shall be abated within 48 hours of notification of the violation by the Village.
- (10) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb neighboring property owners in conformance with the Village's nuisance ordinance. Perceptible noise shall be abated within 48 hours of notification of the violation by the Village.

- (11) Roosters are expressly prohibited, regardless of the age or maturity of the bird.
- (12) Chickens may be slaughtered on site if it is done in an enclosed building and out of public view. Chickens may also be taken off site to be slaughtered. No slaughtering of chickens shall be permitted for commercial purposes.

### **Sec. 10-51. – Enclosures**

Enclosures shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents and the neighborhood.

- (1) Chickens must be kept in an enclosed henhouse or fenced in chicken pen at all times. Chickens must be secured within the henhouse during non-daylight hours.
- (2) Henhouses must be clean, dry and odor free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impacts. No exterior lighting shall spill onto adjacent properties.
- (3) The henhouse and chicken pen must provide adequate ventilation and adequate sun and shade and must be impenetrable to rodents, wild birds, and predators, including dogs and cats.
- (4) The henhouse structure shall be enclosed and secured on all sides and shall have a roof, floor and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one inch openings.
- (5) The materials used in making the structure shall be uniform for each element of the structure such that the walls are made of the same materials, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse shall be well maintained and kept in a clean and sanitary manner at all times.
- (6) The structure shall be painted; the color shall be uniform around the structure and shall be in harmony with the surrounding area.
- (7) The maximum size of the henhouse may not exceed twenty-five (25) square feet or five (5) feet in height.
- (8) The henhouse shall only be located in the rear yards. In no case, may a henhouse be placed in the side or front yards.
- (9) The henhouse must be located no less than twenty (20) feet from the owner's dwelling and no less than thirty-five (35) feet from any neighbors dwelling and ten (10) feet from any property line. Henhouses may be moveable, only if the dimensional restrictions contained in this ordinance are held in compliance.

(10) An enclosed chicken pen must be provided attached to the henhouse consisting of sturdy wire and fencing, or may include a floor made of the same material as the pen secured on all sides. The chicken pen must be covered with wire, aviary netting, or solid roofing. The use of chicken wire is not permitted. The chicken pen must also include a self-latching door. The first eighteen (18) inches of the chicken pen must be made of sight obscuring material or screening with sight obscuring landscaping around all sides. The chicken pen must meet the same setback requirements as the henhouse.

(11) The chicken pen is limited to no more than forty (40) square feet in area.

#### **Sec. 10-52. – Chicken Permits**

Any person wanting to keep chickens within the Village shall first apply for and obtain a permit from the Village Manager or his/her designee, before that person may legally keep chickens within the Village. Regulations pertaining to permits shall be as follows:

- (1) Any person applying for a permit to keep chickens within the Village shall submit a permit application on a form promulgated by the Village Manager or his/her designee, and shall pay an application fee established by resolution of the Village Commission.
- (2) 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. Without such written consent, the permit application may not be granted.
- (3) If the Village Manager or his/her designee grants the request for the permit, he/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.
- (4) If the Village Manager or his/her designee denies the request for the permit, he/she shall do so in writing, which writing shall state the reasons for such denial.
- (5) If the Village Manager or his/her designee denies the request for the permit, the applicant has the ability to file an appeal to the Village Council subject to the following conditions:
  - a. The applicant must file a written appeal stating why the applicant feels that the permit should be approved with the Village Clerk within 10 days of the permit denial.
  - b. The Village Council will review the appeal at the next regularly scheduled Village Council meeting.
- (6) An initial permit shall be valid for a period of one (1) year. If, in the judgment of the Village Manager or his/her designee, 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 for an additional one (1) year period. However, no permit issued pursuant to this ordinance shall remain valid past the date on which this ordinance either expires or is repealed, whichever is earlier.

- (7) Any permit may be suspended or revoked by the Village Manager or his/her designee, by written notice to the permit holder, upon a finding that the permittee has violated applicable Village ordinance provisions or permit conditions.
- (8) If the Village Manager or his/her designee suspends or revokes a permit, the provisions of Village Code Section 22-45 regarding suspension and revocation of permits and licenses shall apply.
- (9) 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.
- (10) Permit Fee for the keeping of chickens will be established by Village Council through resolution.

#### **Sec. 10-53. - Violation**

- (1) 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.
- (2) Violation of this ordinance will result in the revocation of the permit allowing the keeping of chickens. All henhouses and chicken coops shall be removed within thirty (30) days following the revocation of a permit hereunder.
- (3) A violation of this Article shall be a municipal civil infraction, punishable by a fine as established in Chapter 1-7 of this Code.

**Section 2. Amendment.** That Chapter 82, Article III, Section 82-106 entitled "Zoning; District Regulations; Keeping of Animals" of the Sparta Village Code is amended to read as follows:

#### **Sec 82-106. Keeping of Animals.**

The keeping, housing, raising, use or care of animals is permitted subject to the following limitations and conditions:

- (1) Customary household pets may be kept on a noncommercial basis provided that the number of these animals does not exceed four. Customary household pets include such animals as dogs, rabbits, birds, and similar animals; but do not include horses, pigeons, chickens, ducks, geese, goats, sheep, pigs and other farm livestock.
- (2) Animals other than household pets not specified elsewhere in the Code of Ordinances may be kept subject to the following requirements:
  - a. Minimum lot size of three acres for the first two animals.
  - b. An additional one-half acre for each additional animal, provided that no more than a total of 20 acres shall be counted toward the allowance to accommodate animals under this limitation.

- c. When animals are kept or permitted to roam outdoors, an adequate fence shall be provided and maintained to confine the animals from adjoining properties and roads.

**Section 3. Severability.**

Should any section, portion or part of this Ordinance be declared to be invalid by a court of competent jurisdiction, that shall not affect the balance of this Ordinance which shall remain in full force and effect.

**Section 4. Effective Date.**

This Ordinance/ordinance addition/amendment shall be effective upon the expiration of 20 days after this Ordinance (or a summary thereof) appears in the local newspaper as provided by law.

The vote in favor to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Dougan, Braybrook, Carlstrom, Robinson, Whalen  
NAYS: Cumings  
ABSENT: VanPatten  
ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I, Toni Potes, the Clerk of the Village of Sparta, attests that the foregoing is a true and accurate copy of an ordinance adopted by the Village Council of the Village of Sparta at a regularly scheduled meeting held on August 10 2020, which meeting was held in accordance with state law.

Toni Potes  
Toni Potes, Village Clerk

Introduced: June 1, 2020  
Public Hearing: August 3, 2020  
Adopted: September 14, 2020  
Published: October 4, 2020  
Effective: October 23, 2020