

**VILLAGE OF VERMONTVILLE
COUNTY OF EATON, MICHIGAN**

Minutes of a regular meeting of the Village Council of the Village of Vermontville, County of Eaton, Michigan, held in the Village Hall, 194 S. Main via conference call, Vermontville, Michigan, on the 10 day of September, 2020, at 7:00 p.m., Local Time

PRESENT: Ira Flowers, Gary Goris, Sandy Hosey, Sue Villanueva and Jason Sheridan

ABSENT: Kimberlee Kenyon

The following ordinance was offered by Ira Flowers and supported by Sue Villanueva.

ORDINANCE NO. 20-02

**AN ORDINANCE TO AMEND ARTICLE FOUR, CHAPTER 42 OF THE
VILLAGE OF VERMONTVILLE CODE OF ORDINANCES WITH REGARD TO
BACKYARD FARM ANIMALS**

THE VILLAGE OF VERMONTVILLE ORDAINS:

Section 1. Amendment to Article Four, Chapter 42. Chapter 42 of Article Four of the Code of Ordinances (the “Code”) of the Village of Vermontville (the “Village”) is hereby amended in its entirety to read as follows:

42.1 BACKYARD FARM ANIMALS.

- A. This Chapter shall apply to the keeping, raising, housing or use of Backyard Farm Animals on any residentially zoned property in the Village. For purposes of this Chapter, “*Backyard Farm Animals*” shall mean sheep, goats, chicken, and cattle.
- B. Backyard Farm Animals are allowed in the residential districts in the Village with a valid Backyard Farm Animal Permit subject to the following conditions:
 - 1) No Backyard Farm Animals shall be kept or allowed to be kept within any dwelling or dwelling unit.
 - 2) No horses, swine, roosters or fowl shall be allowed.
 - 3) Backyard Farm Animals shall not be kept in any location on the property other than in the backyard. The term “backyard” is defined by the Village Zoning Ordinance.

4) All Backyard Farm Animals shall be provided with a covered enclosure and fenced enclosures constructed and maintained so as to keep the farm animals confined on the owner's property, and to prevent rats, mice, or other rodents from being harbored underneath, or within the walls of the enclosure. Backyard Farm Animals must be kept in the covered enclosure or adjoining fenced enclosure at all times. Fenced and covered enclosures are subject to all provisions of the Village Zoning Ordinance.

5) A covered enclosure or fenced enclosure shall not be located closer than 25 feet from the property line of any adjacent property, nor closer than 40 feet from any residential structure on an adjacent property.

6) All feed and other items associated with the keeping of Backyard Farm Animals shall be protected so as to prevent access to or contact with rats, mice, or other pests.

7) All excrement shall be removed and properly disposed of and the covered enclosures and property shall be maintained so as to prevent excessive or offensive odor.

8) No person shall slaughter any Backyard Farm Animal in public view, even on their own premises.

9) The minimum lot area required, and maximum number of Backyard Farm Animals kept on any property shall not exceed the following:

Animal Type	Minimum Lot Area Required per Animal	Maximum Number of Animals Permitted
Cattle	2.0 Acres / 1	5
Goats/Sheep	1.0 Acres / 1	5
Chickens	.25 Acres / 10	20 hens per residence

42.2 BACKYARD FARM ANIMAL PERMITS.

A. Any person wanting to keep Backyard Farm Animals shall first apply for and obtain a permit from the Village Council, before that person may legally keep Backyard Farm Animals within the Village. Regulations pertaining to permits shall be as follows:

- 1) Applications shall be made on a form provided by the Village and submitted to the Village clerk along with a fee as determined by Village Council resolution.
- 2) Upon receipt of a complete application, the Village Council shall review the application, and issue a determination granting, denying, or granting with conditions, the Backyard Animal Permit.

- 3) The Village Council shall not grant any Backyard Farm Animal Permit unless it is satisfied that the application is in compliance with the standards of this Chapter and that the requested permit will not constitute a detriment to the health, safety or welfare of the surrounding property owners or any other Village residents.
 - 4) Permits expire and become invalid one year after the date of issuance. A person who wishes to continue keeping Backyard Farm Animals shall apply for and obtain 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 an applicant applies for a new permit.
 - 5) The number of permits that may be outstanding at any time will be determined by resolution of the Village Council.
 - 6) Permits may be revoked at any time if an applicant fails to comply with all applicable Village ordinances, rules and regulations.
 - 7) Notwithstanding the issuance of a permit by the Village pursuant to this Section 42.2, private restrictions on the use of property shall remain enforceable and take precedence over any such permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. If the Village issues a permit to a person whose property is subject to private restrictions that prohibits the keeping of Backyard Farm Animals, the permit will be void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- B. If the above requirements are not complied with, or any permit holder is in violation of any other provision of the Village Code or Zoning Ordinance, the Village may revoke any permit granted under this Chapter and/or initiate prosecution for a civil infraction violation in accordance with Section 42.3 and Chapter 58 of the Village Code.
- C. A person who has been issued a permit shall submit it for examination upon request by any police officer or code enforcement officer.

42.3 ENFORCEMENT. A violation of any provision of this Chapter shall be a municipal civil infraction for which a penalty in the amount of \$100 shall be assessed in accordance with Chapter 58 of this Code. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The imposition or payment of any municipal civil infraction penalty shall not prevent the Village from seeking injunctive relief or other available relief against a violator as may be permitted by law, nor shall it prevent the Village from taking action against a violator for any subsequent offense.

Section 2. Severability. In the event that any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other

articles, sections or provisions of this Ordinance, except so far as the article, section or portion so declared invalid shall be inseparable from the remainder of any portion thereof.

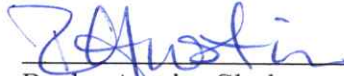
Section 3. Repeal. All resolutions or ordinances, and parts thereof, which are in conflict, in whole or in part, with any of the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation in the Village.

Passed and adopted by the Village of Vermontville on September 10th, 2020.



Jason Sheridan, President
Village of Vermontville



Becky Austin, Clerk
Village of Vermontville

CERTIFICATION OF VILLAGE CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Vermontville, County of Eaton, State of Michigan, at a regular meeting held on September 10, 2020, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan of 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and such recording has been authenticated by the signatures of the President and Village Clerk.



Becky Austin, Clerk

CERTIFICATE OF PUBLICATION

I hereby certify that a summary of Ordinance No. 20-02 , adopted by the Village Council of the Village of Vermontville, was published in the *Maple Valley News* on September 26 2020.



Becky Austin, Clerk