

**VILLAGE OF BOYNE FALLS**

**Ordinance No. 60**

AN ORDINANCE PURSUANT TO ACT 3 OF THE PUBLIC ACTS OF 1895 TO REGULATE THE KEEPING OF DOMESTIC POULTRY WITHIN THE VILLAGE OF BOYNE FALLS TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE VILLAGE OF BOYNE FALLS ORDAINS:

**Section 1. Title.**

This Ordinance shall be known and cited as the Village of Boyne Falls Domestic Poultry Ordinance.

**Section 2. Definitions.** As used in this Ordinance,

“Domestic poultry” means domesticated chicken hens, ducks, geese, and turkey hens. Domestic poultry, however, shall not include chicken roosters or turkey cocks (a male turkey).

“Dwelling” means a single unit building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including permanent provisions for living, sleeping, heating, cooking, and sanitation.

“Family” means an individual, or two (2) or more persons related by blood, marriage, or adoption, together with not more than three (3) persons not so related, occupying a dwelling and living as a single nonprofit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use.

“Owner” means a person holding any legal, equitable, option, or contract interest in land.

“Parcel” means an area of land, two or more contiguous areas of land, or two or more contiguous platted lots that are under single ownership and used or designated by the owner for treatment as one development site.

“Principal residence” means the main or primary dwelling in which the owner habitually sleeps, keeps his or her personal effects, and has a regular place of lodging.

“Totally enclosed structure” means a building with a roof, floor, and walls, or a building with closable doors around its perimeter, or a building otherwise capable of being sealed on all sides.

**Section 3. License Required.**

The Village Clerk, or other official designated by the Village Council, shall approve, or approve with conditions, an application for a domestic poultry license only upon a finding that the application complies with all of the following standards:

- A. No more than a total of four (4) domestic poultry will be kept or confined per parcel.
- B. The parcel on which the domestic poultry will be kept or confined is the principal residence of the owner of that parcel.
- C. The parcel on which the domestic poultry will be kept or confined has no more than one (1) dwelling located on that parcel. Domestic poultry shall not be kept or confined on a parcel on which two-family or multi-family dwellings are located.
- D. The domestic poultry will be kept or confined in a totally enclosed structure located in the rear yard of the parcel, with an optional covered fenced enclosure. In addition, the structure will be constructed and maintained to prevent the structure becoming a breeding ground, food source or habitation place for rats, mice, or other rodents.
- E. The feed and other items associated with the domestic poultry will be kept in a totally enclosed structure which shall be constructed and maintained to prevent the structure becoming a breeding ground, food source or habitation place for rats, mice, or other rodents.
- F. The structure in which the domestic poultry will be kept or confined, any optional covered fence enclosure, and any structure in which the feed and other items associated with the domestic poultry will be kept are located on the parcel no less than twenty-five (25) feet from any dwelling on an adjacent parcel.
- G. No domestic poultry will be slaughtered on the parcel outdoors.

**Section 7. Nuisance.**

A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

**Section 8. Violations.**

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate violation.

**Section 9. Enforcement Officials.**

### VILLAGE OF BOYNE FALLS ORDINANCE CERTIFICATION

At the regular meeting of the Village Council of the Village of Boyne Falls, Charlevoix County, held in the Village Hall, located at 2290 Railroad Street, Boyne Falls, Michigan, on April 12, 2022 at 7:00 PM

Present: Gladys Bell, Gabe Blackledge, Mike Kondrat Jr.  
Mike Kondrat Sr., William Carson, Brandy Mavin.

Absent \_\_\_\_\_

A motion was made by Mike Kondrat Jr. and seconded by Mike Kondrat Sr. that the following Ordinance Amendment be adopted Ordinance 38.

(See attached amendment)

Yes 7

No 0

Ordinance declared adopted:  
Village of Boyne Falls

By: Marilyn Cousineau  
Marilyn Cousineau, Village President

I, the undersigned, the Clerk of the Village of Boyne Falls, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Village of Boyne Falls Council of said County at its regular meeting held on April 12 2022, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public said meeting as given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the Charlevoix County News on April 20, 2022, 2022 and was filed with the County Clerk on 4-20, 2022.

Dated: April 12<sup>th</sup> 2022

Heidi Riggs  
Heidi Riggs, Clerk