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# CHARTER TOWNSHIP OF BEDFORD

115 S. Uldriks Drive, Battle Creek, MI 49037

www.BedfordCharterTwp.com

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## ORDINANCE NO. \_\_\_\_\_ OF 2018

### AN ORDINANCE TO AMEND THE BEDFORD CHARTER TOWNSHIP ZONING ORDINANCE WITH RESPECT TO THE KEEPING OF URBAN LIVESTOCK AND TO OTHERWISE PROTECT THE PUBLIC, HEALTH, SAFETY, AND GENERAL WELFARE.

The Charter Township of Bedford, Calhoun County, Michigan, ordains:

**SECTION 1.** Section 4.02.A of the Charter Township of Bedford Zoning Ordinance is hereby created to read as follows:

#### *Section 4.02.A.*

##### *(a) Permitted Uses-Urban Livestock.*

*In addition to livestock otherwise allowed in the AA-Agricultural District under Section 4.02.B of this ordinance, urban livestock for noncommercial purposes is permitted on single and two-family residential parcels when accessory to a permitted residential use provided that the livestock is housed at the premises that are residentially occupied by the owner of the livestock. The noncommercial care and keeping of urban livestock is subject to the restrictions outlined herein. Nothing stated in this section is intended to create an exception to the accessory buildings, fencing, or nuisance provisions of this ordinance.*

##### *(b) Animal Units/Property Size.*

*The number of urban livestock housed at each property will be determined by calculating the allowable animal units (au) based on parcel size. For purposes of this ordinance, the following permitted livestock equate to the animal units listed:*

<i>Rabbit</i>	<i>.5 au</i>
<i>Hen</i>	<i>1 au</i>
<i>Miniature/Dwarf Goat</i>	<i>5 au</i>
<i>Honey Bee Hive/Box</i>	<i>8 au</i>

*The number of urban livestock permitted shall be limited to the total square footage (sf) of a parcel outlined herein:*

<i>5,000 – 9,999 sf</i>	<i>2 au</i>
<i>10,000 – 14,999 sf</i>	<i>4 au</i>
<i>15,000 – 29,999 sf</i>	<i>6 au</i>
<i>30,000 – 43,559 sf</i>	<i>8 au</i>
<i>43,560 sf (one (1) acre)</i>	<i>10 au</i>

(c) **Regulations.**

*The following regulations apply based upon the type of urban livestock being housed on a property. In no instance shall urban livestock be kept within one hundred (100) feet of any well, spring, or stream:*

(1) *Rabbits, when kept outdoors, are subject to the following requirements:*

- a. *Rabbits must be kept in the rear yard and at least ten (10) feet from all adjacent property lines and twenty-five (25) feet from any residential structure.*
- b. *There must be a covered, predator proof hutch that provides a minimum of six (6) square feet per rabbit and two (2) feet high living area. The bottom floor of the hutch shall be elevated above grade level. Part of the hutch shall have a wire floor and a portion shall have solid surfacing. The hutch shall be well ventilated and contain windows for natural light. A hutch shall not exceed eight (8) feet in height.*

(2) *Hens, but not roosters, may be kept, subject to the following requirements:*

- a. *Hens must be kept in an enclosure, including a fence or corral, in the rear yard that provides at least ten (10) square feet of space for each hen. The enclosure must be of sufficient type, height, and strength to secure and reasonably assure that the hens will not escape. The enclosure must be at least ten (10) feet from all adjacent property lines and forty (40) feet from any residential structure. The area within the enclosure must be well drained and free from standing water.*
- b. *There shall be a covered, well ventilated, predator proof coop within the enclosure that provides at least two (2) square feet per hen, nesting boxes for each three (3) hens, twelve (12) inches of roost per hen, and access to the outdoor portion of the enclosure. A coop shall not exceed eight (8) feet in height.*
- c. *Hens may be allowed to roam outside of the coop or fenced enclosure if within the fully fenced rear yard of the premises housing the hens, and under direct supervision by an adult in the immediate vicinity of the hens.*
- d. *Roosters are expressly prohibited, regardless of the age or maturity of the bird.*

(3) *Dwarf/miniature goats ("goats) may be kept, subject to the following requirements:*

- a. *A minimum of two (2) dwarf/miniature goats will be required on properties wanting goats in order to provide the optimum social and living environment. Acceptable breeds include, but are not limited to Nigerian Dwarfs, African Pygmy Goats, The Kinder, Mini Dairy Goats, and Swiss Alpine Goats.*

- b. *All goats must be disbudded to prevent harm to each other, themselves, people, and property.*
  - c. *Goats must be kept in an enclosure in the rear yard that provides at least one hundred (100) square feet of space for each goat. The enclosure must be sufficient type, heights, and strength to secure and reasonably assure that the goats will not escape. The enclosure must be at least fifty (50) feet from all adjacent property lines and one hundred (100) feet from any residential structure. The area within the enclosure must be well drained and free from standing water.*
  - d. *There must be a covered, well ventilated, predator proof shed within the enclosure that provides at least fifteen (15) square feet per goat and access to the outdoor portion of the enclosure.*
  - e. *Goats may be allowed to roam outside of the shed or fenced enclosure, if within the fully fenced rear yard of the premises housing the goats and under the direct supervision by an adult in the immediate vicinity of the goats.*
- (4) *Honey bees may be kept, subject to the following requirements:*
- a. *Hives must be kept in the rear yard and fifty (50) feet from any adjacent property lines.*
  - b. *Each hive shall not exceed a maximum size of twenty (20) cubic feet.*
  - c. *A constant supply of water shall be provided for all hives.*
  - d. *When hives are within two hundred (200) feet of any adjacent property line, the hive entrances must open toward the property keeping the bees, so that the bees fly across the property where the hive is located. If this is not possible, a solid fence or dense vegetative barrier at least six (6) feet in height shall be required to redirect the bees flight pattern and prevent a direct line of flight from the hives onto a neighboring property.*

**(d) Maintenance and Care.**

- (1) *Waste shall either be composted with carbonaceous material such as hay, bedding, or leaves and located twenty (20) feet from all adjoining property lines, or stored in a sealed container until it is removed from the property.*
- (2) *Any premises on which urban livestock is housed shall be kept clean from filth, garbage, and any substance that attracts rodents. The enclosures and structures shall be kept clean and sanitary, and odors from animals, manure, or other animal related items shall not be perceptible at the property boundaries.*
- (3) *Adequate fresh feed, water, and bedding must be provided sufficient for the number and type of urban livestock on a parcel.*

- (4) *Feed must be stored in a rodent-proof and weather resistant container located off the ground and in a cool, dry place not accessible to animal.*
- (5) *Urban livestock is not allowed to run loose beyond the confines of the rear yard of the premises housing the animals.*
- (6) *On-site slaughtering of any urban livestock is prohibited.*

**(e) Permit Required.**

*The keeping of urban livestock is subject to zoning permits and inspections for the construction and placement of the enclosures and any structures as provided in Section 22.04. Permits may be denied or revoked for failure to comply with the provisions of this ordinance if the facilities for the keeping of animals are or become inadequate for their purpose, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by granting or maintaining such permit. The Township may refuse to grant or may revoke a permit if the urban livestock become a nuisance, as evidenced by the third substantiated violation.*

**(f) Violations.**

*Any person who violates or fails to comply with any of the provisions of this ordinance will be subject to the penalties established by Section 22.06 of this ordinance.*

**SECTION 2.** Section 6.02.A of the Charter Township of Bedford Zoning Ordinance is hereby created to read as follows:

**Section 6.02.A.**

**(a) Permitted Uses-Urban Livestock.**

*Notwithstanding the prohibitions in Section 6.02.B of this ordinance, urban livestock for noncommercial purposes is permitted on single and two-family residential parcels in the RA-Low Density Residential District when accessory to a permitted residential use provided that the livestock is housed at the premises that are residentially occupied by the owner of the livestock. The noncommercial care and keeping of urban livestock is subject to the restrictions outlined herein. Nothing stated in this section is intended to create an exception to the accessory buildings, fencing, or nuisance provisions of this ordinance.*

**(b) Animal Units/Property Size.**

*The number of urban livestock housed at each property will be determined by calculating the allowable animal units (au) based on parcel size. For purposes of this ordinance, the following permitted livestock equate to the animal units listed:*

<i>Rabbit</i>	<i>.5 au</i>
<i>Hen</i>	<i>1 au</i>
<i>Miniature/Dwarf Goat</i>	<i>5 au</i>
<i>Honey Bee Hive/Box</i>	<i>8 au</i>

*The number of urban livestock permitted shall be limited to the total square footage (sf) of a parcel outlined herein:*

<i>5,000 – 9,999 sf</i>	<i>2 au</i>
<i>10,000 – 14,999 sf</i>	<i>4 au</i>
<i>15,000 – 29,999 sf</i>	<i>6 au</i>
<i>30,000 – 43,559 sf</i>	<i>8 au</i>
<i>43,560 sf (one (1) acre)</i>	<i>10 au</i>

**(c) Regulations.**

*The following regulations apply based upon the type of urban livestock being housed on a property. In no instance shall urban livestock be kept within one hundred (100) feet of any well, spring, or stream:*

**(1) Rabbits, when kept outdoors, are subject to the following requirements:**

- a. Rabbits must be kept in the rear yard and at least ten (10) feet from all adjacent property lines and twenty-five (25) feet from any residential structure.*
- b. There must be a covered, predator proof hutch that provides a minimum of six (6) square feet per rabbit and two (2) feet high living area. The bottom floor of the hutch shall be elevated above grade level. Part of the hutch shall have a wire floor and a portion shall have solid surfacing. The hutch shall be well ventilated and contain windows for natural light. A hutch shall not exceed eight (8) feet in height.*

**(2) Hens, but not roosters, may be kept, subject to the following requirements:**

- a. Hens must be kept in an enclosure, including a fence or corral, in the rear yard that provides at least ten (10) square feet of space for each hen. The enclosure must be of sufficient type, height, and strength to secure and reasonably assure that the hens will not escape. The enclosure must be at least ten (10) feet from all adjacent property lines and forty (40) feet from any residential structure. The area within the enclosure must be well drained and free from standing water.*
- b. There shall be a covered, well ventilated, predator proof coop within the enclosure that provides at least two (2) square feet per hen, nesting boxes for each three (3) hens, twelve (12) inches of roost per hen, and access to the outdoor portion of the enclosure. A coop shall not exceed eight (8) feet in height.*
- c. Hens may be allowed to roam outside of the coop or fenced enclosure if within the fully fenced rear yard of the premises housing the hens, and under direct supervision by an adult in the immediate vicinity of the hens.*
- d. Roosters are expressly prohibited, regardless of the age or maturity of the bird.*

(3) *Dwarf/miniature goats (“goats) may be kept, subject to the following requirements:*

- a. *A minimum of two (2) dwarf/miniature goats will be required on properties wanting goats in order to provide the optimum social and living environment. Acceptable breeds include, but are not limited to Nigerian Dwarfs, African Pygmy Goats, The Kinder, Mini Dairy Goats, and Swiss Alpine Goats.*
- b. *All goats must be disbudded to prevent harm to each other, themselves, people, and property.*
- c. *Goats must be kept in an enclosure in the rear yard that provides at least one hundred (100) square feet of space for each goat. The enclosure must be sufficient type, heights, and strength to secure and reasonably assure that the goats will not escape. The enclosure must be at least fifty (50) feet from all adjacent property lines and one hundred (100) feet from any residential structure. The area within the enclosure must be well drained and free from standing water.*
- d. *There must be a covered, well ventilated, predator proof shed within the enclosure that provides at least fifteen (15) square feet per goat and access to the outdoor portion of the enclosure.*
- e. *Goats may be allowed to roam outside of the shed or fenced enclosure, if within the fully fenced rear yard of the premises housing the goats and under the direct supervision by an adult in the immediate vicinity of the goats.*

(4) *Honey bees may be kept, subject to the following requirements:*

- a. *Hives must be kept in the rear yard and fifty (50) feet from any adjacent property lines.*
- b. *Each hive shall not exceed a maximum size of twenty (20) cubic feet.*
- c. *A constant supply of water shall be provided for all hives.*
- d. *When hives are within two hundred (200) feet of any adjacent property line, the hive entrances must open toward the property keeping the bees, so that the bees fly across the property where the hive is located. If this is not possible, a solid fence or dense vegetative barrier at least six (6) feet in height shall be required to redirect the bees flight pattern and prevent a direct line of flight from the hives onto a neighboring property.*

**(d) Maintenance and Care.**

- (1) *Waste shall either be composted with carbonaceous material, such as hay, bedding, or leaves and located twenty (20) feet from all adjoining property lines, or stored in a sealed container until it is removed from the property.*

- (2) *Any premises on which urban livestock is housed shall be kept clean from filth, garbage, and any substance that attracts rodents. The enclosures and structures shall be kept clean and sanitary, and odors from animals, manure, or other animal related items shall not be perceptible at the property boundaries.*
- (3) *Adequate fresh feed, water, and bedding must be provided sufficient for the number and type of urban livestock on a parcel.*
- (4) *Feed must be stored in a rodent-proof and weather resistant container located off the ground and in a cool, dry place not accessible to animal.*
- (5) *Urban livestock is not allowed to run loose beyond the confines of the rear yard of the premises housing the animals.*
- (6) *On-site slaughtering of any urban livestock is prohibited.*

**(e) Permit Required.**

*The keeping of urban livestock is subject to zoning permits and inspections for the construction and placement of the enclosures and any structures as provided in Section 22.04. Permits may be denied or revoked for failure to comply with the provisions of this ordinance if the facilities for the keeping of animals are or become inadequate for their purpose, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by granting or maintaining such permit. The Township may refuse to grant or may revoke a permit if the urban livestock become a nuisance, as evidenced by the third substantiated violation.*

**(f) Violations.**

*Any person who violates or fails to comply with any of the provisions of this ordinance will be subject to the penalties established by Section 22.06 of this ordinance.*

**SECTION 3.** Section 7.02.A of the Charter Township of Bedford Zoning Ordinance is hereby created to read as follows:

**Section 7.02.A.**

**(a) Permitted Uses-Urban Livestock.**

*In addition to the uses described above, urban livestock for noncommercial purposes is permitted in the RB-Medium Density Residential District on single and two-family residential parcels when accessory to a permitted residential use provided that the livestock is housed at the premises that are residentially occupied by the owner of the livestock. The noncommercial care and keeping of urban livestock is subject to the restrictions outlined herein. Nothing stated in this section is intended to create an exception to the accessory buildings, fencing, or nuisance provisions of this ordinance.*

**(b) Animal Units/Property Size.**

*The number of urban livestock housed at each property will be determined by calculating the allowable animal units (au) based on parcel size. For purposes of this ordinance, the following permitted livestock equate to the animal units listed:*

<i>Rabbit</i>	<i>.5 au</i>
<i>Hen</i>	<i>1 au</i>
<i>Miniature/Dwarf Goat</i>	<i>5 au</i>
<i>Honey Bee Hive/Box</i>	<i>8 au</i>

*The number of urban livestock permitted shall be limited to the total square footage (sf) of a parcel outlined herein:*

<i>5,000 – 9,999 sf</i>	<i>2 au</i>
<i>10,000 – 14,999 sf</i>	<i>4 au</i>
<i>15,000 – 29,999 sf</i>	<i>6 au</i>
<i>30,000 – 43,559 sf</i>	<i>8 au</i>
<i>43,560 sf (one (1) acre)</i>	<i>10 au</i>

**(c) Regulations.**

*The following regulations apply based upon the type of urban livestock being housed on a property. In no instance shall urban livestock be kept within one hundred (100) feet of any well, spring, or stream:*

*(1) Rabbits, when kept outdoors, are subject to the following requirements:*

- a. Rabbits must be kept in the rear yard and at least ten (10) feet from all adjacent property lines and twenty-five (25) feet from any residential structure.*
- b. There must be a covered, predator proof hutch that provides a minimum of six (6) square feet per rabbit and two (2) feet high living area. The bottom floor of the hutch shall be elevated above grade level. Part of the hutch shall have a wire floor and a portion shall have solid surfacing. The hutch shall be well ventilated and contain windows for natural light. A hutch shall not exceed eight (8) feet in height.*

*(2) Hens, but not roosters, may be kept, subject to the following requirements:*

- a. Hens must be kept in an enclosure, including a fence or corral, in the rear yard that provides at least ten (10) square feet of space for each hen. The enclosure must be of sufficient type, height, and strength to secure and reasonably assure that the hens will not escape. The enclosure must be at least ten (10) feet from all adjacent property lines and forty (40) feet from any residential structure. The area within the enclosure must be well drained and free from standing water.*



- b. *There shall be a covered, well ventilated, predator proof coop within the enclosure that provides at least two (2) square feet per hen, nesting boxes for each three (3) hens, twelve (12) inches of roost per hen, and access to the outdoor portion of the enclosure. A coop shall not exceed eight (8) feet in height.*
  - c. *Hens may be allowed to roam outside of the coop or fenced enclosure if within the fully fenced rear yard of the premises housing the hens, and under direct supervision by an adult in the immediate vicinity of the hens.*
  - d. *Roosters are expressly prohibited, regardless of the age or maturity of the bird.*
- (3) *Dwarf/miniature goats ("goats) may be kept, subject to the following requirements:*
- a. *A minimum of two (2) dwarf/miniature goats will be required on properties wanting goats in order to provide the optimum social and living environment. Acceptable breeds include, but are not limited to Nigerian Dwarfs, African Pygmy Goats, The Kinder, Mini Dairy Goats, and Swiss Alpine Goats.*
  - b. *All goats must be disbudded to prevent harm to each other, themselves, people, and property.*
  - c. *Goats must be kept in an enclosure in the rear yard that provides at least one hundred (100) square feet of space for each goat. The enclosure must be sufficient type, heights, and strength to secure and reasonably assure that the goats will not escape. The enclosure must be at least fifty (50) feet from all adjacent property lines and one hundred (100) feet from any residential structure. The area within the enclosure must be well drained and free from standing water.*
  - d. *There must be a covered, well ventilated, predator proof shed within the enclosure that provides at least fifteen (15) square feet per goat and access to the outdoor portion of the enclosure.*
  - e. *Goats may be allowed to roam outside of the shed or fenced enclosure, if within the fully fenced rear yard of the premises housing the goats and under the direct supervision by an adult in the immediate vicinity of the goats.*
- (4) *Honey bees may be kept, subject to the following requirements:*
- a. *Hives must be kept in the rear yard and fifty (50) feet from any adjacent property lines.*
  - b. *Each hive shall not exceed a maximum size of twenty (20) cubic feet.*
  - c. *A constant supply of water shall be provided for all hives.*

- d. *When hives are within two hundred (200) feet of any adjacent property line, the hive entrances must open toward the property keeping the bees, so that the bees fly across the property where the hive is located. If this is not possible, a solid fence or dense vegetative barrier at least six (6) feet in height shall be required to redirect the bees flight pattern and prevent a direct line of flight from the hives onto a neighboring property.*

**(d) Maintenance and Care.**

- (1) *Waste shall either be composted with carbonaceous material, such as hay, bedding, or leaves and located twenty (20) feet from all adjoining property lines, or stored in a sealed container until it is removed from the property.*
- (2) *Any premises on which urban livestock is housed shall be kept clean from filth, garbage, and any substance that attracts rodents. The enclosures and structures shall be kept clean and sanitary, and odors from animals, manure, or other animal related items shall not be perceptible at the property boundaries.*
- (3) *Adequate fresh feed, water, and bedding must be provided sufficient for the number and type of urban livestock on a parcel.*
- (4) *Feed must be stored in a rodent-proof and weather resistant container located off the ground and in a cool, dry place not accessible to animal.*
- (5) *Urban livestock is not allowed to run loose beyond the confines of the rear yard of the premises housing the animals.*
- (6) *On-site slaughtering of any urban livestock is prohibited.*

**(e) Permit Required.**

*The keeping of urban livestock is subject to zoning permits and inspections for the construction and placement of the enclosures and any structures as provided in Section 22.04. Permits may be denied or revoked for failure to comply with the provisions of this ordinance if the facilities for the keeping of animals are or become inadequate for their purpose, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by granting or maintaining such permit. The Township may refuse to grant or may revoke a permit if the urban livestock become a nuisance, as evidenced by the third substantiated violation.*

**(f) Violations.**

*Any person who violates or fails to comply with any of the provisions of this ordinance will be subject to the penalties established by Section 22.06 of this ordinance.*

**SECTION 4.** Section 2.02.1 of the Charter Township of Bedford Zoning Ordinance is containing the definition of “accessory building” is hereby amended to read as follows:

**Accessory Building** – *A subordinate building on the same premises with a principal building, the use*

*of which is clearly incidental to that of the principal building or to the use of the land and which is attached securely to a permanent masonry foundation or similar permanent footings. No accessory building shall be allowed except on a parcel with a principal building. See Section 22.04 regarding the requirements of permits for these structures and regarding portable accessory buildings.*

**SECTION 5.** Section 2.02.97.A of the Charter Township of Bedford Zoning Ordinance is hereby created to read as follows:

***Principal Building*** – *For purposes of this ordinance, principal building shall be a habitable dwelling or a commercial or industrial building whose commercial or industrial use is a lawful conforming use.*

**SECTION 6. SEVERABILITY.** If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid section, paragraph, clause, or provision, and for this purpose, the sections, paragraphs, clauses, and provisions of this Ordinance are hereby declared to be severable.

**SECTION 7. REPEAL.** All other ordinances, resolutions, orders, or parts of ordinances herewith in effect that are in conflict with this ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**SECTION 8. SAVINGS.** A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

**SECTION 9. EFFECTIVE DATE.** Pursuant to Section 401 of the Michigan Zoning Enabling Act (MCL 125.3401), this Ordinance shall take effect seven (7) days after publication of this Ordinance or a summary of the regulatory effect thereof which publication shall occur in a newspaper of general circulation in the Township within fifteen (15) days after adoption.

This Ordinance is hereby declared to have been passed and adopted by the Charter Township of Bedford, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Adam Heikkila, Supervisor

ATTEST:

\_\_\_\_\_  
Joyce Feraco, Clerk

Prepared by:  
John H. Macfarlane (P29075)  
Mumford, Schubel, Macfarlane  
& Barnett, PLLC

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