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Michigan Small Farm Council

Newsletter

January 2014



If MDARD has its way, these chickens will not be protected by Right to Farm on nearly 60 acres in Lake Township, Michigan. Changes to the proposed 2014 Site Selection GAAMPs will give local governments the right to prohibit farming on property zoned residential, even when the farmer meets all the requirements of the Right to Farm Act.

Many thanks to everyone who responded to our **Action Alert**, and sent comments or attended the Public Comment Period for the 2014 GAAMPs. The proposed changes to the GAAMPs will be formally presented to the Michigan Commission of Agriculture on February 12th, with a vote scheduled for March 20th. This means that there is still time to act; see sidebar for details.

The proposed changes will mean that anyone living on land that is zoned residential may require city or township approval to keep as few as one farm animal on their property. This is already happening to Deanna Gualtieri, who owns nearly 60 acres in Lake Township. When she was told that she could not keep 25 chickens on 60 acres, she contacted a state senator for help.

Senator Booher convened a meeting between his office, her township, and MDARD.

MDARD told Lake Township that they do have the right to prohibit poultry on her 60 acres, since her property is zoned residential.

It isn't clear how MDARD justifies this position, given that MDARD told Forsyth Township the same thing in 2012, but Judge Solka ruled that **Randy Buchler** is protected by Right to Farm even though he, too, is zoned residential. Like Randy, Deanna is fighting for her RTF rights, despite the actions of a state agency which both asserts that she is not currently protected, and simultaneously works to change the GAAMPs to weaken her protection.

We can't explain it. But we can give Deanna a

Still Time to be Heard!

Contact the Michigan Commission of Agriculture directly. Contact info **here**.

Attend the February 12th Meeting of the Agriculture Commission. Details **here**.

Contact your legislators
Ask them to intervene with the Ag Commission on your behalf. Find your state senator and representative **here**.

Contact Governor Snyder
Ask him to protect small farm rights in Michigan! Contact info **here**.

Start a Conversation
with other MSFC members on the Michigan Small Farm Forum **here**.

chance to tell her story:

Deanna's Story

My husband and I purchased our dream property of 59 wooded, secluded acres with the hope of "getting back to basics" so to speak. We wanted to get out of our subdivision, and back to nature; leaving behind public schools and cable TV.

In our subdivision we are allowed to have 4 chickens. We didn't think this would be an issue up north with 59 acres, but we called the township just to be sure. Unfortunately we were told that "No farm animals or fowl are permitted in residential property," but I was told by the zoning administrator that we could apply for a variance.

After purchasing the property in May, I visited the township to see what I needed to do to keep my chickens up there. The zoning administrator was not in, so the township supervisor took me aside and said (off the record) to get a permit for a "shed" instead of a coop, and bring the chickens up anyway. He said that "ordinances are not enforced unless there is a complaint, and with that much property, nobody would ever know they are there to complain."

So, this is exactly what we did. We built a beautiful coop in June, and moved the chickens up before the 4th of July. Then on August 6th, while my husband was working a neighbor bypassed our locked gate by entering from an electric line easement. He was elderly and introduced himself as a friendly neighbor. My husband was friendly to him in return. The next day, we were turned into the township for the ordinance violation of owning chickens. We later found out that this "friendly neighbor" is a local commissioner and his wife is the township treasurer. We were then given notice of violation and told to either apply for a variance or remove the chickens. Their variance costs \$260 or more just to apply! There is no guarantee that it will be granted. And if it is granted, they decide what you are allowed to have, and how many. We had 28 chickens to begin with. If they said we could only own 4, they would greatly limit our farm.

We needed help! We found [**BackYard Chicken's Right To Farm Thread**](#) a great help! We also found the [**Michigan Small Farm Council**](#), and even more help. We contacted the [**Farm To Consumer Legal Defense Fund**](#) for legal advice. We also hand delivered notices to the township as well as the treasurer and her husband that no one for any reason is allowed on our property without written permission from us. Without a warrant signed by a judge, it is

trespassing and it will be reported and prosecuted. We also informed them that we are exercising our Right To Farm rights, which supersede their local ordinance. We handed them a copy of the RTFA and left.

On November 7th the commissioner trespassed onto our property and shot his gun in the direction of our home where my husband was working. He also took down our "No Trespassing" sign, and sicked his dogs on my husband. My husband immediately called the police. The commissioner was ranting about our chickens to the police officer saying he wanted to press charges against us for owning chickens. The Commissioner was cited for 5 criminal charges which have all been approved by the attorney generals office.

My husband and I are law abiding citizens. We also received MAEAP verification for our farm, and created an LLC. We hope to increase the size of our flock, and possibly add more animals as well.

Please support the Farm to Consumer Legal Defense Fund (FTCLDF)!

The FTCLDF is a national non-profit organization dedicated to defending the rights and broadening the freedoms of family farm. The FTCLDF arranged to have the January 22nd Public Comment Period professionally videotaped, and has provided legal assistance to many Michigan farmers seeking Right to Farm protection.



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