

**CITY COUNCIL
CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 508

**AN ORDINANCE TO AMEND CHAPTER 6 OF THE CITY OF ALLEGAN, CODE
OF ORDINANCES TO PROVIDE UPDATED REGULATIONS FOR THE
KEEPING OF ANIMALS**

The City of Allegan ordains:

Section 1. Amendment. Chapter 6 of the City of Allegan, Code of Ordinances, entitled "Animals," is hereby amended to read in its entirety as follows:

**Article I
General Regulations**

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Animals* means dogs, cats, and any other animals.
- (b) *Harbor or keep* means the practice of a person to permit or allow an animal to remain or to be lodged or fed at a property, dwelling, building, enclosure or premises owned or occupied by such person.
- (c) *Noises* means, in the case of dogs, barking, howling, yelping, whining or growling. Noises in the animals other than dogs means such noises as are made by such other animals.
- (d) *Owner* means every person having a right of property in an animal; and shall include a person who harbors or keeps an animal or has an animal in his custody.
- (e) *Reasonable control of an animal* means, with respect to dogs and cats, restraining the animal on a suitable leash in all places other than the property of the owner or the property of another person who has specifically granted permission for the animal to remain unleashed. Dogs and cats need not be leashed when on private property with the permission of the property owner so long as they are under the oral control of a responsible individual. With respect to any animal other than a dog or cat, "reasonable control" shall mean confining such animal to a dwelling, building, cage, motor vehicle, or shipping receptacle.

Sec. 6-2. Keeping of animals on one's property.

- (a) Domestic animals may be kept on the owner's residential premises so long as:
 - (1) the animal is being kept for a non-commercial purpose;
 - (2) the animal is a domestic animal of a type customarily kept for personal pleasure, such as a dog, cat, small bird, small mammal, or small reptile;
 - (3) any animal other than a dog or a cat is kept indoors; and
 - (4) no more than a total of 3 domestic animals, over two months' of age, are kept on any single residential premises within the City.
- (b) Chickens may be kept on the owner's residential premises in compliance with the regulations set forth in article III of this chapter.

(c) It shall be unlawful to keep animals in the City except as provided in subsections (a) and (b) above.

Sec. 6-3. License and inoculation tags required.

It shall be unlawful for any person to own any dog over the age of six months within the city that does not at all times wear a collar with a license tag attached thereto as provided for by state law, and with a required rabies inoculation tag.

Sec 6-4. Animals outside of property of owner.

- (a) No person owning or having possession, charge, custody or control of any animal shall:
- (1) Allow such animal outside the boundaries of the property of the owner or person having possession, charge, custody, or control of that animal unless the animal is under reasonable control, as that term is defined in section 6-1.
 - (2) Bring or allow such animal to be in any area, whether publicly or privately owned, where its presence is prohibited by posted signage.
 - (3) Allow the animal's feces to remain on the property of another. The person having possession, charge, custody or control of the animal shall promptly remove and sanitarily dispose of any feces deposited by the animal on any such property, whether public or private.
- (b) The prohibitions in subsections (a)(2) and (a)(3) do not apply when the animal is a fully trained service dog that is assisting a person.

Sec. 6-5. Noises prohibited.

No person shall own, harbor or keep, or have custody of an animal which, by making loud and frequent or habitual noises, shall disturb the peace and quiet or interfere with the sleep or repose of persons owning or occupying other properties in the neighborhood; or which shall cause unreasonable interference or annoyance to persons lawfully traversing upon the streets and sidewalks. That an animal may otherwise be under reasonable control shall not constitute a defense to prosecution under this section.

Sec. 6-6. Destruction or damage of property or trespass.

It shall be unlawful for a person who owns, harbors or keeps, or who is the custodian of an animal to permit or allow such animal to destroy or damage, or to trespass upon, the property of another person.

Sec. 6-7. Animal cruelty prohibited.

- (a) It shall be unlawful for a person who owns, harbors or keeps, or who has custody of an animal to treat such animal, or to permit or allow such animal to be treated, in a cruel or inhumane manner; deliberately or negligently to cause, or to permit or allow to be caused, an animal to suffer unnecessary pain; to cause, or permit or allow to be caused, an animal to go without food, water or adequate shelter; or to deprive an animal of such care and attention as may be reasonably necessary to preserve its life or health.
- (b) No person shall maliciously taunt, provoke or harass an animal; nor shall a person maliciously cause an animal to suffer pain or injury; nor shall a person maliciously or cruelly kill an animal.
- (c) A violation of this section shall be a criminal misdemeanor punishable by a fine not exceeding \$100.00, imprisonment not exceeding 30 days, or by both a fine and imprisonment. If the animal suffered great bodily injury or death, a violation of this section shall be a criminal misdemeanor punishable by a fine not exceeding \$500.00, imprisonment not exceeding 90 days, or by both a fine and imprisonment.

Sec. 6-8. Animals in Unattended Motor Vehicles

- (a) No person shall confine an animal in any unattended motor vehicle, or leave an animal confined in any unattended motor vehicle, under conditions that endanger the health or well-being of the animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or any other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
- (b) A peace officer, animal control officer or first responder is authorized to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
- (c) A peace officer, animal control officer or first responder who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.
- (d) A peace officer, animal control officer or first responder is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle pursuant to this section, including but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible for the motor vehicle.
- (e) A peace officer, animal control officer or first responder who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.
- (f) Nothing in this ordinance shall be deemed to prohibit the transportation of horses, cattle, pigs, sheep, poultry or other agricultural animals in motor vehicles designed to transport such animals for agricultural purposes.
- (g) A violation of subsection (a) shall be a criminal misdemeanor, subject to the following penalties:
 - (1) If the animal did not suffer great bodily injury or death, a violation of this section is punishable by a fine not exceeding \$100.00, imprisonment not exceeding 30 days, or by both a fine and imprisonment.
 - (2) If the animal suffered great bodily injury or death, a violation of this section is punishable by a fine not exceeding \$500.00, imprisonment not exceeding 90 days, or by both a fine and imprisonment.

Article II Dangerous Animals

Sec. 6-11. Ownership of Dangerous and Diseased Animals Prohibited.

It shall be unlawful for any owner to keep, harbor, or have charge of any animal when any one or more of the following conditions exist:

- (a) The animal has a dangerous or ferocious disposition, shows vicious habits, or has without justification molested any person lawfully in or upon any public street or place;
- (b) The animal has without justification attacked or bitten any person or animal, or has destroyed any property or any animal not posing a threat to the offending animal; or
- (c) The animal appears to be suffering from rabies, mange or other infectious or dangerous disease. However, an owner shall not be deemed to be in violation of this subsection if the animal is under the care of a licensed veterinarian for the condition and is properly quarantined.

Sec. 6-12. Duty to report dangerous and rabid animals.

- (a) It shall be the duty of any person owning an animal which has been attacked or bitten by another dog or animal showing symptoms of rabies to immediately notify a police officer or animal control officer.
- (b) It shall also be the duty of any person having knowledge of a vicious or dangerous animal to report such animal to a police officer or animal control officer.

Sec. 6-13. Impoundment.

- (a) Police officers or other persons designated by the chief of police or city manager are authorized to impound:
 - (1) Animals that are at large;
 - (2) Animals that have bitten or threatened other humans or animals;
 - (3) Animals that appear to be suffering from rabies, mange or other infectious or dangerous disease; or
 - (4) Animals that appear to be in severe physical distress.
- (b) Any animal impounded shall be released to the owner only if the following conditions are satisfied:
 - (1) The owner has paid the applicable impounding fee.
 - (2) The owner has paid the cost of boarding the animal, if the animal was impounded for more than 24 hours.
 - (3) The owner has presented proof of all required immunizations and licenses.

**Article III
Keeping of Chickens**

Sec. 6-21. Keeping of chickens.

A person may keep chickens, other than roosters, at his or her residential property in accordance with a permit issued by the City and subject to the following terms and conditions:

- (a) A maximum of four chickens may be kept per parcel if the parcel is 1/2 acre in size or less, five chickens if the parcel is 1/2 to one acre in size; and six chickens if the parcel is over one acre in size.
- (b) The keeping of roosters is prohibited.
- (c) The outdoor slaughtering of chickens is prohibited.
- (d) Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times. Chickens may be allowed to roam outside of the covered or fenced enclosure if within a fully fenced side and/or rear yard and if supervised by a person in the immediate vicinity of the chickens.
- (e) All covered enclosures or fenced enclosures shall be located in the rear yard, shall be no closer than five feet to any property line of an adjacent property, and shall be located no closer than 25 feet to any residential structure on an adjacent property.
- (f) The total square footage of any covered enclosure and fenced enclosure shall not exceed 80 square feet and shall be a maximum of eight feet in height.
- (g) All covered enclosures shall be constructed in such a way as to prevent rats, mice, or other rodents from being harbored underneath or within the walls of the enclosure. The enclosure shall be

constructed in a workmanlike manner. The coop and pen must be completely enclosed with a top and/or cover.

- (h) All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
- (i) Egg-laying chickens shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as amended, except as otherwise provided in this section.
- (j) Eggs or meat produced from chickens kept under this chapter may be consumed by the property owner or sold to others, so long as any such sales occur off-premises (e.g., via delivery or as part of a farmers market). This section ordinance does not authorize the operation of farm stands on residential property.

Sec. 6-22. Permit application for keeping chickens.

Any person desiring to keep chickens at his or her residence shall make application in writing to the city clerk, describing particularly the following:

- (a) The place where the applicant proposes to keep the chickens;
- (b) The number of chickens proposed;
- (c) The distance from such place of keeping to the public streets and the boundary lines of such applicant's premises;
- (d) The distance from the closest residential structure on adjacent properties.
- (e) A description and/or depiction of the outdoor enclosure in which the animal will be kept.

Applications shall be accompanied by a fee in an amount set by resolution of the City Council.

Sec. 6-23. Issuance of permit.

The city clerk shall approve the application if the application is complete and the requirements set forth in this chapter are satisfied. Upon approving the application, the city clerk shall issue a permit setting forth the place where the chickens may be kept, the number thereof, and any other conditions needed to protect the public health, safety, and welfare. It shall be unlawful for any person to violate the terms and conditions of the permit. An initial permit shall be valid for three years from the date of issuance. A renewal permit shall be valid for two years from the date of issuance.

Sec. 6-24. Grounds for revocation of permit.

The city clerk may revoke any permit issued under this article due to failure to comply with the terms and conditions of the permit.

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect upon publication.

YEAS: Bird, Galloway, Hanse, Redding

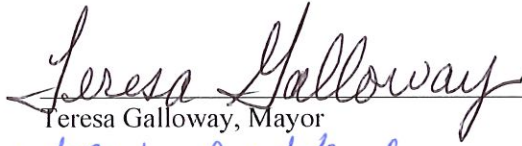
NAYS: Zeter


ABSTAIN: _____

ABSENT: Andrus, Morgan

CERTIFICATION

This is a true and complete copy of Ordinance No. 508 adopted at a regular meeting of the Allegan City Council held March 27, 2023.


Teresa Galloway, Mayor


Michaela Kleehammer, Clerk

Introduced: March 13, 2023
Adopted: March 27, 2023
Published: March 30, 2023
Effective: April 19, 2023