

VILLAGE OF ARMADA
MACOMB COUNTY, MICHIGAN

ORDINANCE NO. 131

AN ORDINANCE TO AMEND SECTION 96-4 OF CHAPTER 96 OF THE VILLAGE CODE AND TO AMEND SECTION 7.05 OF CHAPTER 7 OF THE VILLAGE ZONING ORDINANCE TO CLARIFY RESTRICTIONS ON THE KEEPING OF ANIMALS

THE VILLAGE OF ARMADA ORDAINS:

Section 1. Section 96-4 of the Village Code shall be amended to read as follows:

96-4. KEEPING OF DOMESTIC ANIMALS.

(A) Except as provided in this section, no person shall keep, harbor, or allow to be kept or harbored any animals within the village.

(B) Small domestic animals commonly classified as household pets may be kept within the village, so long as they are kept in conformity with the requirements of this chapter.

(C) Dogs and cats over the age of six (6) months shall be limited to four (4) per domicile, in any combination. The keeping of more than four (4) dogs and/or cats shall be deemed to be a kennel operation and shall be subject to being licensed as a kennel in order to be lawful.

(D) Other small domestic animals, commonly classified as household pets but excluding dogs and cats, shall be limited to four (4) per domicile, in any combination.

(E) Animals less than four (4) months of age shall not be counted for the purpose of determining the number of animals kept on the premises.

(F) Except as authorized in Section 7.05 C. of the village zoning ordinance, the keeping, trapping, or luring of animals not normally considered small domestic animals or household pets, including but not limited to pigs, horses, sheep, cattle, poultry, reptiles, pigeons, and exotic or wild animals, is prohibited.

(G) Except as may otherwise be permitted by state law or village code or ordinance, domestic animals shall be indoor pets and not kept or harbored outside of a domicile at night or for extended periods of time without supervision.

(H) For purposes of this section, the following terms shall have the following meanings:

“Domestic Animal” means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as a tame household pet, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, cockatiels, cockatoos, canaries, finches, parakeets, and parrots. Domestic animals shall include animals which are capable of traversing within or outside of a domicile under their own power, but not fowl, pigs, horses, cattle, goats, or similar farm animals, and not exotic or wild animals. The Zoning Board of Appeals is hereby authorized to determine whether an animal not specifically mentioned in this subsection should be included within the meaning of “small domestic animal.”

“Exotic Animal” means an animal not occurring naturally, either presently or historically, in this state, and/or an animal that has not traditionally lived in a state of dependence upon humans as a tame pet or has not been domesticated by humans. These animals would be typically found in the wild, zoos, circuses, wildlife sanctuaries, or nature preserves. They include but are not limited to any warm-blooded, carnivorous or omnivorous, wild animals; dangerous or undomesticated animals which are not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined in a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage (including, but not limited to nonhuman primates, raccoons, skunks, wolves, any wolf-dog cross as that term is defined by Act 246 of the Public Acts of 2000, foxes and wild and exotic cats; but excluding ferrets and rodents of varieties used for laboratory purposes); any animal, whether warm- or cold-blooded, spider or insect, having poisonous bites; venomous, cold-blooded reptiles and other cold-blooded animals that, if in contact with humans, are capable of inflicting fatal injury to the average human, including, but not limited to constrictor snakes 6 feet or more in length; all non-domesticated carnivores such as crocodiles, piranha fish, sharks, and the like; and all wild animals which a person is prohibited from possessing by law. The Zoning Board of Appeals is hereby authorized to determine whether an animal should be included within the meaning of “exotic animal.”

“Fowl” means a type of animal that includes all wild and domestic birds, including, but not limited to, game birds, songbirds, turkeys, roosters, chickens, ducks, geese, or other poultry.

“Household Pet” means an animal that is customarily kept for personal use or enjoyment and is not restricted by other local, state, or federal regulations. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and similar domestic animals.

“Poultry” means, but is not limited to, chickens, guinea fowl, turkeys, waterfowl, geese, ducks, pigeons, doves, peafowl, and game birds that are propagated and maintained under the husbandry of humans.

(I) A person who owns or keeps an exotic or wild animal on the effective date of this section shall, within 30 days, relocate the animal from the village to an organization or keeper that is licensed to keep, or which has significant experience with, the type of animal in question. Such animals shall not be deposited into the wild. The relocation requirement of this section

shall not apply to any duly licensed zoological park or aquarium which is accredited by the American Association of Zoological Parks and Aquariums; wildlife sanctuaries; nature preserves; circuses; bona fide scientific, medical, or educational research facilities; and properly licensed stables.

Section 2. Section 7.05 of Article 7 of the Zoning Ordinance shall be amended to read as follows:

Section 7.05 Keeping of Animals.

- A. **DOMESTIC ANIMALS.** The keeping of small domestic animals as indoor household pets is not a land use concern but is instead a matter of public health, safety, and welfare, and is therefore regulated independent of this Zoning Ordinance by the Village Code of Ordinances.
- B. **SETBACKS.** Accessory structures where animals are kept, outdoor runs and exercise areas shall not be located in any required yard setback areas, and shall be setback at least twenty five feet (25') from dwellings on adjacent lots.
- C. **OTHER ANIMALS.** The keeping of animals that are not small domestic animals or household pets, or which are primarily kept outdoors, including but not limited to pigs, horses, sheep, cattle, poultry, and wild animals, is prohibited in all residential zoning districts.

EXCEPTION:

FOWL OR RABBITS. The keeping of fowl, rabbits or similar small animals for use or consumption by the occupants of the premises, subject to the following requirements:

- 1. The lot area shall be not less than one (1) acre.
- 2. All fowl, rabbits, or similar small animals shall be housed, fenced and kept in a manner that does not cause a nuisance, and all accessory structures used for this purpose shall be located not less than fifty feet (50') from any lot line, and not less than one hundred feet (100') from dwellings on adjacent lots.

Section 3. All ordinances or parts of ordinances or any section of the village code of ordinances in conflict herewith are hereby repealed.

Section 4. All ordinances or parts of ordinances or any section of the Village Zoning Ordinance in conflict herewith are hereby repealed. All other provisions of the Village Zoning Ordinance which are not specifically amended by this ordinance shall remain in full force and effect. The sections of this Ordinance are declared to be severable and if any section is declared illegal, or void for any reason, it shall not affect the remainder of the Ordinance.

Section 5. The sections of this ordinance are declared to be severable and if any section is declared illegal, or void for any reason, it shall not affect the remainder of the ordinance.

Section 6. This ordinance shall be published in accordance with the terms, conditions, and requirements of the Village Charter of the Village of Armada.

Section 7. This ordinance shall be effective twenty-one (21) days after its adoption hereof.

MOTION BY: STIRRETT

SECONDED BY: COOPER

AYES: STIRRETT, COOPER, AWDEY, COENEN

NAYS: BALLARD, CLARK, WOLAK

Adopted at a Regular Session of the Village Council for the Village of Armada on the 22ND day of July, 2013.

Sherri Cooper, Village President

Michelle Poulos, Village Clerk

VILLAGE OF ARMADA

Ordinance No. 131

NOTICE OF ADOPTION OF ORDINANCE

The Village of Armada has adopted an ordinance amending Section 96-4 of the Village Code and Section 7.05 of Chapter 7 of the Village Zoning Ordinance to clarify restrictions on the keeping of animals within the corporate limits of the Village. The ordinance shall be effective twenty-one days after its adoption. A copy of the ordinance can be inspected or obtained from the Office of the Village Clerk located at 74274 Burk Street, Armada, Michigan 48005, during normal business hours.