

**CITY COUNCIL
CITY OF NEWAYGO
Newaygo County, Michigan**

Council member Wisner, supported by Council member Walerczyk, moved the adoption of the following Ordinance:

**CITY OF NEWAYGO
ORDINANCE NO. 12-03**

**AN ORDINANCE FOR THE AMENDMENT TO CHAPTER 6, SECTION 6-3
AND THE ADDITION OF SECTION 6-11 OF THE CODE OF ORDINANCES
OF THE CITY OF NEWAYGO, MICHIGAN, REGARDING ANIMALS**

THE CITY OF NEWAYGO ORDAINS:

Article 1. Amendment. Chapter 6 (Animals), Sections 6-3 of the Code of Ordinances of the City of Newaygo, Michigan is hereby amended as follows:

Sec. 6-3. Keeping of certain animals prohibited.

- A. Except as otherwise provided in the zoning ordinance or subsection 6-3(B) of this ordinance and except as provided for horses, donkeys, and mules associated with a horse carriage ride pursuant to article IV of chapter 70 of this Code, it is unlawful for any person to keep, breed, or possess any of the following within the city:
1. Any game animal or wild animal.
 2. Any horse, mule, donkey, cow, cattle, sheep, hog, pig, chicken, geese, or other livestock.
 3. Any exotic, nondomestic, or dangerous animal, which includes, but is not limited to, any tiger, cougar, bear, poisonous snake, alligator, crocodile, coyote, wolf, or lion.

The prohibitions of this section shall not apply to any temporary carnival, circus, exhibition or similar event which complies with all ordinances and laws of the city, Newaygo County, State of Michigan, and federal government and has any applicable license or approval from the city for the event involved.

Nothing in this Chapter prohibits the City or a third party from bringing a nuisance action based on the keeping of animals.

B. Keeping of Female Chickens (Hens)

(a) For purposes of this section, the following definitions apply:

1. "Adjacent property" means all parcels of property that the applicant's property comes into contact with at one or more points, but does not include parcels that are legally adjacent to but are, in fact, separated from the applicant's property by a public or private street.
2. "Backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line

established by the rear of the single-family or two-family structure and extending to the side lot lines.

3. "Hen" means a female chicken and does not include roosters.
4. "Resident" means any person living in the City of Newaygo.
5. "Private restrictions" include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws and covenant deeds.
- (b). Residents may keep hens in the City of Newaygo, subject to all of the following requirements:
 1. A permit must be obtained according to subsection (c) below before acquiring the hens.
 2. The principal use of the resident's property must be for a single-family dwelling or two-family dwelling.
 3. No more than four (4) hens may be kept on a single parcel.
 4. Such hens are to be used as pets and shall not be used to produce income. The by-product such as eggs or meat shall not be sold.
 5. No person may slaughter any hens.
 6. Hens may only be kept in the backyard.
 7. Hens must be provided with a covered enclosure made of durable materials (no tarps, canvas, plastic, or similar materials) and must be kept in the covered enclosure or in a fenced enclosure at all times. Fenced enclosures are subject to all City fence regulations.
 8. A covered or fenced enclosure must be at least 10 feet from any property line of an adjacent property.
 9. A covered or fenced enclosure must be at least 40 feet from any residential structure on an adjacent property; however, this requirement may be waived as follows:
 - (i) If the principal use of the resident's property is for single-family dwelling, all adjacent landowners must verify in writing that there is no objection to the issuance of a permit.
 - (ii) If the principal use of the resident's property is for a two-family dwelling, all adjacent landowners and the occupants of the other dwelling must verify in writing that there is no objection to the issuance of the permit.
 9. All enclosures for the keeping of the hens must be constructed of durable materials (no tarps, canvas, plastic, or similar materials) and repaired so as to prevent rats, mice or other rodents from being harbored underneath, within, or within the walls of the enclosures.
 10. All feed and other items associated with the keeping of hens that are likely to attract rats, mice or other rodents must be protected so as to prevent rats, mice or other rodents from coming into contact with them.
 11. A person who has been issued a permit must submit it for examination on demand by any Police Officer or Code Enforcement Officer.
- (c). To obtain a permit to keep hens, a resident must submit an application to the City Clerk. The application must be accompanied by the following:
 1. Written consent waving the distance requirement in subsection (b) 7 and 8 above, if applicable.
 2. A filing fee, if any, as determined by City Council resolution.
- (d). The City Clerk must grant a permit to keep hens if the applicant meets all the conditions under subsection 6-3(B). Permits expire three years after the date of issuance. A resident who wishes to continue keeping hens must obtain a new permit on or before the expiration date of the previous permit. Application for a new permit will be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

- (e) If a resident granted a permit under this section fails to comply with the requirements listed under subsection (b), the City may revoke the permit and may initiate prosecution for a civil infraction violation.
- (f) Private restrictions on the use of property remain enforceable and take precedence over a permit to keep hens. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of hens is void. Interpretation and enforcement of private restrictions is the sole responsibility of private parties involved.

Article 2. Addition. Chapter 6 (Animals), Sections 6-11 of the Code of Ordinances of the City of Newaygo, Michigan is hereby added as follows:

Sec. 6-11. Carcass Removal and Burial.

- A. When any beast, bird or animal dies within the City the owner or person in possession of it shall within twelve (12) hours thereafter cause the carcass to be removed beyond the city limits or bury the same so that the entire carcass shall be covered with earth no less than three (3) feet in depth above such carcass.
- B. No person shall bring the carcass of any dead animal into the city except for the purpose of eating the same.

Article 3. Effective Date. This ordinance/ordinance amendment shall take effect upon its publication as required by law.

YEAS: Council members: Day, Mast, Palmiter, Walerczyk, Wisner

NAYS: Council members: _____

ABSENT: Council members: Bumstead, Fedell

ABSTAIN: Council members: _____

Ordinance No. 12-03 declared adopted.

Introduced:	<u>April 9, 2012</u>
Adopted:	<u>May 14, 2012</u>
Published:	<u>May 23, 2012</u>
Effective:	<u>May 23, 2012</u>

Kim Biegalle, City Clerk

CERTIFICATION

I, Kim Biegalle, hereby certify the foregoing to be a true copy of an Ordinance adopted at a regular meeting of the City Council of the City of Newaygo on May 14, 2012, held pursuant to the required statutory procedures and notice.

Kim Biegalle, City Clerk