

CITY OF CEDAR SPRINGS

CITY COUNCIL

Kent County, Michigan

Councilmember Gross supported by Atchison, moved the adoption of the following ordinance:

ORDINANCE NO. 221

AN ORDINANCE TO AMEND Chapter 8 – ANIMALS OF THE CITY CODE OF ORDINANCES

THE CITY OF CEDAR SPRINGS ORDAINS:

Section 1. Amendment to Modify Chapter 8 – ANIMALS, Article 1, that the Code of Ordinances of the City of Cedar Springs is amended to read in its entirety as follows:

Sec. 8-1. - Domestic animals and fowl.

No person shall keep or house any animal or domestic fowl within the city, except dogs, cats, and rabbits as indoor or outdoor pets, or other animals commonly classified as pets which are kept or housed inside dwellings as household pets. No person shall permit any animal or fowl to enter business places where food is sold for human consumption, except for leader, guide, hearing and service dogs as required by MCL 750.502c. except as otherwise permitted by law.

Sec. 8-2. - Horses on sidewalks.

No person shall keep, ride or drive, with a surrey, buggy, wagon or other device, a horse on the sidewalks in the city.

Sec. 8-3. - Cruelty to animals.

It shall be unlawful to:

1. Fail to provide an animal with adequate care which includes sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.
2. Fail to provide shelter which means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for an outdoor pet, includes one or more of the following:
 - a. The residence of the animal's owner or other individual.
 - b. An enclosed structure with a roof which provides protection from both the sun and precipitation and a windbreak, the structure being of appropriate dimensions for the breed and size of the animal. The structure shall have dry bedding when the outdoor temperature is or is predicted to drop below 32 degrees Fahrenheit.
 - c. A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the animal from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains an enclosed structure as provided under subpart b of this section that is accessible to the animal.
3. Cruelly drive, work, beat or kick an animal, or cause an animal to be cruelly driven, worked, beaten or kicked.
4. Cruelly treat or abuse any animal.
5. Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transports or in any other cruel and inhumane manner.
6. Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock animals may stand, and in which all other animals may stand, turn around, and lie down during transportation.
7. Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.

8. Allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.
9. Slaughter, kill, render, butcher or process for meat any animal in the City **except by a properly licensed and zoned commercial business in the course of its regular business conduct.**

Sec. 8-4 Regulations for tethering animals

1. No person shall tether, fasten, chain, tie, or restrain a animal, or cause any animal to be tethered, fastened, chained, tied, or restrained to a dog house, tree, fence, or any other stationary or immovable object with the intent that the tethering will be the animal's primary means of permanent containment.
2. No animal shall be tethered for longer than 9 hours per 24 hour period.
3. Any tethered animal shall have convenient access to a sheltered area and access to food and clean water.
4. Any tether used shall:
 - a. be at least five (5) times the length of the animal's body, as measured from the tip of the nose to the base of the tail and be at least ten feet in length minimum
 - b. it must terminate at both ends with a swivel;
 - c. it must not weigh more than one-eighth (1/8) of the animal's weight;
 - d. it may not use chain links larger than one-quarter of an inch thick
 - e. it must be free of tangles; and setup to avoid injury, entanglement or strangulation with any object
 - f. the tether must be connected to the animal by a properly fitted, buckle-type collar or body harness of a size appropriate for the animal. A tether shall not be connected by means of a choke-type, pinch-type or prong type collar; and
 - g. the collar or harness shall not be made primarily of metal and shall not cause the animal injury
5. The animal shall not be outside tethered during a period of extreme weather, including but not limited to, extreme heat or freezing temperatures, thunderstorms, tornadoes or flooding.
6. No more than one (1) animal at a time may be attached to the same tether.
7. While tethered, the animal is to be monitored periodically.

Sec. 8-5- Sanitary Conditions

All animals shall be kept in sanitary conditions which includes space free from health hazards including excessive animal wastes, overcrowding of animals, free of insects, vermin or obnoxious odors or other conditions that endanger the animal's health.

Sec. 8-6 Number of Animals Permitted

1. No person may own, harbor or possess more animals than they are capable of providing adequate care for. It shall be unlawful to own, harbor, possess, or keep more than six (6) animals of any combination that are six (6) months old or older, upon a person's premises. No more than four (4) of which may be dogs. For purposes of this section, where more than one (1) owner or person shall reside at any one (1) address or premises, it shall be unlawful for such owners or persons to own, harbor or possess more than six (6) animals of any combination or more than four (4) dogs at any such address or premises whether jointly or individually owned harbored or possessed by the persons living at that residence. This section shall not apply to honeybees kept in accordance with the City's Beekeeping ordinance.
2. Individuals seeking to keep more than 4 dogs at any address or any premises may seek a dog kennel license as an accessory use of a property from the Planning Commission which shall consider the following factors in its approval or disapproval of said license:
 - a. Applicant must also receive any applicable state or county dog kennel license and follow all the rules and requirements of that license
 - b. Applicant must not have begun dog kennel operations prior to receipt of the dog kennel license
 - c. Applicant must not currently be in violation of any aspect of this chapter when applying for a dog kennel license
 - d. The property proposed for a dog kennel is not in violation of the International Property Maintenance Code
 - e. Whether the use of the property has been the source of complaints regarding cleanliness, infestation, noise violations, offensive odors or cruelty to animals
 - f. Whether the applicant's proposal will satisfy all the requirements for setbacks, requirements of the accessory structure ordinance and fence ordinance.
 - g. Whether permitting a dog kennel to operate at that location would be injurious to the privacy, peace and quiet, right of use, safety and security or quiet enjoyment of surrounding properties.

Sec. 8-7 Misdemeanor

A violation of any provisions of this article shall be a misdemeanor punishable in accordance with this Code. The City may also seek injunctive relief, equitable relief, and pursue civil actions related to violations of this ordinance.

Section 2. Severability and Repealer. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect upon its publication in The Cedar Springs Post, a newspaper of general circulation in the City of Cedar Springs, consistent with state law and the City Charter.

YEAS: Councilmembers: Atchison, Powell, Gross, Race, Nixon, and Hall

NAYS: Councilmembers: None

ABSENT: Councilmembers: Conley

ABSTAIN: Councilmembers: None

Ordinance No. 221 declared adopted

Dated December 12, 2019

Shandell Napieralski, Deputy City Clerk

CERTIFICATION

I certify that this is a true and complete copy of an ordinance adopted by the City Council of the City of Cedar Springs at a Regular Meeting held December 12, 2019 and that public notice of the meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: December 12, 2019

Shandell Napieralski, Deputy City Clerk

Public Hearing: N/A

First Reading: November 14, 2019

Second Reading: December 12, 2019

Published: December 19, 2019

Effective: December 19, 2019