

## **Livestock and Domestic Animal Ordinance (1.29.18)**

### Section 10.1 - Definitions

*Agricultural Swine* means any swine typically used in the production of food, including but not limited to, Landrace, Yorkshire, Berkshire, Tamworth, Red Wattle, Large Black, Large White, Mulefoot, Duroc, Guinea Hog, and Old Spot breeds including any mixture of the aforementioned breeds. Any swine exceeding one hundred and fifty (150) pounds shall be considered agricultural swine.

*Animal* means all mollusks, crustaceans, and vertebrates other than human beings including, but not limited to, livestock, exotic animals, aquaculture, and domestic animals.

*Commercial Agricultural Operation* means any established agricultural operation as defined under the Michigan Right to Farm Act existing at the date of the 2018 revision to Chapter 10.

*Domestic Animal* shall mean any animal typically suited for life in a household setting. Including, but not limited to, canines, felines, and pet mini pigs.

*Large Livestock* shall include animals not ordinarily tame or domesticated as well as animals used for human food and fiber or animals used for service to human beings. Including, but not limited to, cattle, sheep, llamas, goats, bison, equine, and agricultural swine.

*Small Livestock* shall include animals not ordinarily tame or domesticated as well as animals used for human food and fiber or animals used for service to human beings. Including, but not limited to, rabbits/hares, guinea pigs, ducks, turkeys, geese, pigeons, and chickens (excluding roosters).

*Nuisance* shall be defined as any act which infringes on the health, safety and welfare of another person including but not limited to litter, odor, smoke, fumes, dust, and noise production.

*Owner* when applied to the proprietorship of livestock or a domestic animal includes every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in his care, and every person who permits such animal to remain in or about any premises occupied by him.

*Pet Mini Pigs* shall mean any miniature sized swine up to one hundred and fifty (150) pounds in weight and suited for life in a household setting. These include Juliana, Gottengin/Guttengin, African Pygmy, Yucatan Micro, Swedish White, and various mixes of these breeds.

*Reasonable Control* means keeping a domestic animal on suitable leash or under the oral control of the owner or custodian or some other person with the permission of the owner or custodian, in all cases unless the domestic animal is confined in a closed automobile or transport receptacle.

### Section 10.2 – Keeping Livestock

- A. It shall be unlawful for any person or entity to keep or maintain any large livestock as defined in Section 10.1 above.
  - a. An established agricultural operation as defined above shall be exempt from this Section.
- B. A person may keep and maintain no more than six (6) small livestock animals as defined in Section 10.1 above.
- C. A permit pursuant to the requirements of this chapter shall be required to keep and maintain small livestock within the City.
- D. A fee, implemented by resolution of City Council, may be a requirement of the small livestock permit application in order to offset any costs associated with processing such application.
- E. Permits shall be processed by the Office of the City Clerk. A permit will only be issued upon finding that the property subject to permit request can be maintained without injury to the health of small livestock residing there, the health and safety of any person within the surrounding area, as well as the enjoyment of any person's property generally free of nuisance within the surrounding area.
  - a. The Clerk may rely on the review of the permit by others to ensure the intent, purpose and standards of this Section are met. This includes but is not limited to the Zoning Administrator, Legal Counsel, Chief of Police, Planning Consultant and any others determined to be of assistance to the Office of the Clerk.
- F. The permit shall be issued by the Clerk only after it is assured that each animal will be maintained in compliance with the standards outlined in Section 10.3.
- G. Any person maintaining small livestock shall keep the small livestock from leaving the premises upon which such is kept, and shall not permit the small livestock to run at large upon the public rights-of-way or upon the property of any other person.

#### Section 10.3 – General Standards for Small Livestock

- A. Small livestock may only be kept on a lot containing a single-family residential dwelling. No persons shall allow small livestock to be kept on a multi-family dwelling.
- B. A permit application must be submitted to the Office of the Clerk along with a sketch of the location, basic design of the proposed enclosure, and projected size of any structures with all associated fees. The permit shall be effective for a period of five (5) years as long as compliance is maintained with the issued permit.
- C. No person shall keep any small livestock, place any structures housing small livestock, or any items associated with keeping small livestock within ten (10) feet of any property line or within twenty (20) feet of any dwelling unit, other than the dwelling unit of the permit holder. If setbacks cannot be met, no permit will be issued.
- D. All stored feed and other items associated with keeping small livestock shall be properly contained with secured lids in order to prevent rats, mice and other rodents from gaining access to them.

- E. Small livestock enclosures and associated housing must be cleaned to control for odor created by waste. Collected waste shall be disposed of by the owner of the subject property. The City will not collect any livestock waste.
- F. Slaughter of any small livestock must be conducted in a fully enclosed structure.
- G. A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.
- H. Violation of any terms specified in this permit may result in revocation of the permit and/or a citation at the discretion of the City's enforcement officer.

#### Section 10.4 - Keeping Domestic Animals

- A. The raising and keeping of less than five (5) domestic animals shall be permitted.
- B. The owner of any domestic animal must maintain reasonable control of said animal at all times.
- C. Rabies prevention and exposure:
  - 1. Any owner who possesses a dog that has contracted rabies or that is suspected of having rabies or that has bitten any person shall, upon demand of the City's enforcement officer or Shiawassee County Animal Control, produce and surrender up such dog to be held for observation.
  - 2. It shall be the duty of any person owning or harboring a dog that has been attacked or bitten by another dog or other animal showing the symptoms of rabies, immediately to notify the police department or Shiawassee County Animal Control of his possession of such dog.
  - 3. Any dog impounded for observation for rabies shall be held until released by the health officer or otherwise disposed of by Shiawassee County Animal Control.
- D. No person who is the owner of any dog shall permit it to be unconfined unless under the reasonable control of some person, licensed as required by law, and wearing its license tag and evidence of rabies immunization.

#### Section 10.5 - Seizure and Impoundment

- A. Any domestic animal found at large within the City or that is in violation of the requirements listed in Section 10.4 may be seized and impounded by the enforcement officer of the City or Shiawassee County Animal Control.
- B. No domestic animal shall be released from the animal shelter/ holding facility unless the owner or persons entitled to claim such domestic animal pay the fees established by the subject facility.

#### Section 10.6 - Licensing Requirements

- A. The City Clerk/Treasurer shall, on or before December 1 of each year, make application to the County Treasurer for the necessary license blanks and tags for the ensuing year.

The City Clerk/Treasurer shall not later than March 1 of each year return to the County Treasurer all unused tags, together with a list of names of each licensee and the number of each license issued to him. He shall also on or before March 1 of each year, pay over all moneys received by him for issuing licenses less \$1.00 for each license issued, to pay him for issuing and recording the same.

- B. On or before March 1 of each year, the owner of any dog six months old or over shall apply to the County Treasurer or the City Clerk/Treasurer or their authorized agent, where the owner resides, in writing, for a license for each dog owned or kept by him. Such application shall state the breed, sex, age, color and markings of such dog, and proof of spay or neuter if applicable. Such application for a license shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian.
- C. At the time of making application, the owner of such dog shall pay the following license fees:
  - 1. If the application is made before March 1, the application shall be accompanied by a license fee determined by Shiawassee County.
  - 2. If the application is made on or after March 1, the application can only be obtained by Shiawassee County, accompanied by a license fee determined by the County.
- D. Upon receipt of required information detailed above and payment of the licensing fee, agency shall then deliver to the owner a license and also one of the tags approved by the department of agriculture of the state, such tag to be affixed to a substantial collar to be furnished by the owner, which with the tag attached shall at all times be kept on the dog for which the license is issued, except when such dog is engaged in lawful hunting accompanied by its owner or custodian.
- E. A person who owns or harbors a dog shall produce proof of a valid dog license upon request of a person who is authorized to enforce this chapter.

#### Section 10.7 – Penalty Enforcement:

- A. Any person found responsible for a violation of this article shall be responsible for a municipal civil infraction citation and punishable by civil fines as provided herein, plus costs and expenses provided by this code.
  - 1. First offense, a fine of \$100.00 shall be assessed
  - 2. Second offense, a fine of \$150.00 shall be assessed