

**City of Grant
Ordinance No. 21**

An Ordinance Regulating the Ownership, Care and Custody of Animals

THE CITY OF GRANT ORDAINS:

Ordinance No. 43: "An Ordinance amending the Code of Ordinances of the City of Grant, amending section 1 of Ordinance Number 21, Dog Control Ordinance, adopted September 10, 1998" is hereby repealed.

Ordinance No. 21-1: "An Ordinance Regulating the Ownership, Care and Custody of Animals within the City of Grant", adopted April 16, 2011 is hereby repealed.

Ordinance No. 21 "An Ordinance regulating the care and custody of dogs within the City of Grant, adopted July 12, 1978" is hereby repealed and replaced in its entirety as follows:

ARTICLE I – PROHIBITION

Section I. Keeping of Animals Limited

- a. No person shall keep or house any animals, poultry or fowl within the city except the following:
 1. Dogs, cats, rabbits, canaries or small animals commonly classified as pets which are customarily kept or housed inside dwellings as household pets.
 2. Horse, mule, donkey, cow, cattle, goat, sheep, hog, pig, chicken, turkey, geese, or other livestock located on premises within the Agricultural Residential District as defined by the City of Grant Zoning Ordinance. Such animals shall be accessory to a permitted residential use providing, they are housed at the premises that is residentially occupied by the owner of the livestock/poultry. The care of and keeping of the livestock/poultry is subject to restrictions outlined herein, and for accessory buildings, fencing, and nuisance provisions of the City of Grant Ordinances.
 3. Urban livestock/poultry as explicitly outlined in Article III of this ordinance.

Section II. Exceptions for Temporary Events.

- a. The prohibitions of this article shall not apply to the following:
 1. Any temporary carnival, circus, or similar event which complies with all ordinances and laws of the City of Grant, Newaygo County, State of Michigan, and federal government and also has any applicable license or approval from the City for the event.
 2. Horses, donkeys, and mules, for temporary carriage/wagon rides for community events.

ARTICLE II – DOGS

Section I. Licenses

All dogs over the age of four (4) months shall at all times be currently licensed in accordance with the requirements of state law and of the Newaygo County Dog Control Policy. A licensed tag issued by the County shall be securely affixed to a collar, harness, or other device which shall be worn by the dog at all times.

Section II. Limit on Number of Dogs

No person shall have within their care, custody or control more than three (3) dogs other than dogs under six (6) months of age born to a female dog under the care, custody or control of such person.

Section III. Barking Dogs

No person shall own, keep, house, or have charge of any dog or at which, by prolonged barking, howling, yowling or yelping, becomes a nuisance. Prolonged barking, howling, yowling or yelping for a period of fifteen minutes or longer shall be deemed a violation of this section

Section IV. Dogs Running at Large

- a. No person shall own, keep, house, or have charge of any dog shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of a person owning or having charge, care, custody or control of such dog, unless such dog is restrained by a substantial chain or leash not exceeding eight (8) feet in length and it is in the charge, care, custody or control of a person with the ability to restrain it which may be determined by the discretion of the Grant Police Department or Newaygo County Animal Control.
- b. Dogs may be on a chain or leash or not restrained provided 1) the dog is present on the property of the person owning or having charge, care, custody or control of such dog and 2) the person owning or having charge, care, custody or control of such dog is directly present with said dog at all times.

Section V. Dogs Not Directly Supervised

No person shall own, keep, house, or have charge of any dog shall leave a dog unsupervised on a chain or leash or unrestrained. All dogs that are unsupervised outdoors shall be within a secure physical barrier and or kennel. Said outdoor secure physical barrier and or kennel shall be constructed of durable metal fence or wood fence materials. Electronic fence barrier applications are not considered a physical barrier. All dogs left unsupervised within a secure physical barrier or kennel shall have adequate shelter provided and water and food available.

ARTICLE III – URBAN LIVESTOCK/POULTRY

Section I. Allowances

- a. In addition to livestock/poultry otherwise allowed in the Agricultural Residential District as pursuant to Article I of this ordinance, urban livestock/poultry outlined herein is permitted on single and two-family residential parcels located within the Single-Family Residential District as defined by the City of Grant Zoning Ordinance.
- b. Such urban livestock/poultry shall be accessory to a permitted residential use providing, they are housed at the premises that is residentially occupied by the owner of the livestock/poultry. The care of and keeping of urban livestock/poultry is subject to restrictions outlined herein, and for accessory buildings, fencing, and nuisance provisions of City of Grant Ordinances.
- c. Animal Units / Property Size: The number of urban livestock/poultry permitted to be housed at each property will be determined by calculating the allowable animal units (au) based on parcel size. For the purpose of this section, the following permitted livestock / poultry equate to the animal units listed:

ANIMAL TYPE	ASSOCIATED ANIMAL UNITS
Hen	1 au

The number of urban livestock permitted shall be limited to the total square footage of a parcel outlined herein:

LOT SIZE	PERMITTED ANIMAL UNITS
5,000 s.f. – 12,999 s.f.	4 au
13,000 – 21,779 s.f.	8 au
21,780 – 43,559 s.f.	10 au
43,560 s.f. +	12 au

Section II. Licenses

- a. Permit and License Required: The keeping of urban livestock/poultry is subject to permits and inspections for the construction and placement of the enclosures and any structures, and an animal license.
 - 1. One license is required for each property keeping urban livestock/poultry. If a rental property, the property owner must issue in writing approval for the application for a license. A license will be approved subject to property inspection by City staff to ensure enclosures and housing for said animals are compliant with requirements of this ordinance.
 - 2. The application for licensure must include a detailed list of all animals to be kept on the property. Any potential increase to the number/type of animals being kept under that licensure must be approved by the City as an amendment to the original license.
 - 3. Denial and Revocation: Permits or licenses may be denied for failure to comply with the provisions of this ordinance, or if the public health and safety would be unreasonably endangered by such permit or license. The City may also refuse to grant or revoke a permit or license if the urban livestock/poultry become a nuisance, as evidenced by the third substantiated violation.

Section II. General Provisions

- a. All urban livestock/poultry shall be subject to the following general provisions for their maintenance and care:
 - 1. No urban livestock/poultry shall reside within the dwelling unit.
 - 2. All premises on which urban livestock / poultry is housed shall be kept clean from filth, garbage, and any substance that attracts rodents. The enclosures and structures clean and sanitary, and odors from animals, manure, or other animal related items shall not be perceptible at the property boundaries.
 - 3. Adequate fresh food, water, and bedding must be provided sufficient for the number and type of urban livestock / poultry on a parcel.
 - 4. Feed must be stored in a rodent-proof and weather resistant container.
 - 5. Urban livestock/poultry is not allowed to run loose beyond the confines of the rear yard of the premises housing the animals.
 - 6. Waste shall either be composted with carbonaceous materials such as hay, bedding, or leaves and located twenty (20) feet from all adjoining property boundaries, or stored in a sealed container until it is removed from the property.

7. On-site slaughtering is prohibited.

Section II. Provisions for Keeping Hens

- a. The keeping of Hens is subject to the following requirements:
 1. Hens must be kept in an enclosure, including a fence or corral, in the rear yard that provides at least 10 sq. ft. of space for each hen. The enclosure must be of sufficient type, height, and strength to secure and reasonably assure that the hens will not escape.
 2. The enclosure and coop must be at least 10 feet from all adjacent property boundaries and 40 feet from any residential structure located on adjacent properties.
 3. The area must be well drained and free from standing water.
 4. There shall be a covered, well ventilated, predator proof coop within the enclosure that provides at least 2 sq. ft. per hen, nesting boxes for each three hens, and provides access to the outdoor portion of the enclosure. A coop shall not exceed 8 feet in height.
 5. Hens may be allowed to roam outside of the coop or fenced enclosure if within the fully fenced rear yard of the premises housing the hens, and under direct supervision by an adult in the immediate vicinity of the hens.
 6. Roosters are expressly prohibited, regardless of the age or maturity of the bird.

ARTICLE IV – NUISANCE ANIMALS

Section I. Prohibition

- a. No person owning, possessing or having charge or control of an animal shall:
 1. Permit such animal, whether licensed or unlicensed, to go beyond the premises of the owner unless the animal is held securely on a leash that is not longer than eight (8) feet in length, or upon the premises of another, unless given permission by the owner or occupant thereof. Nothing in this subsection shall be construed to conflict with the provisions of the ADA as it relates to service animals.
 2. Permit such animal if it is vicious to be unconfined, unless securely muzzled and led by a leash not exceeding three (3) feet in length.
 3. Permit such animal, if it is a female animal, to go beyond the premises of such owner when such dog or cat is in estrus.
 4. Own, harbor or keep any animal which, by frequent or loud habitual barking, yelping or howling, causes annoyance to other persons residing in the neighborhood.
 5. Own, harbor or keep such animal if it has been bitten by an animal known to have been or reasonably suspected of having been afflicted with rabies at the time such animal was bitten, unless such bitten animal has been surrendered to the Police Department or an Animal Control Officer, held for observation and released by the Animal Control Officer.
 6. Own or harbor any animal, either licensed or unlicensed, that, by the destruction of property or trespassing on the property of others, becomes a nuisance.
 7. Permit such animal to be in a playground, school yard, beach, cemetery or other posted area, without the express permission of the authority in charge. This subsection shall not apply to police-owned dogs, or service animals, as defined by the ADA, when accompanied by their owner or his or her authorized agent, while actively engaged in an activity for which such dogs are certified and trained.

8. Fail to remove and dispose of, in a sanitary manner, any excrement deposited by such animal upon public or private property.
9. Except where agricultural uses are allowed by zoning, allow an animal to be unrestrained when outdoors on private property, unless a person capable of controlling the animal is in attendance with the animal or unless adequate measures have been taken to prevent the animal from leaving the property. As used in this subsection, "adequate measures" include, but are not limited to, confining the animal to a fenced area which may include all or a portion of the property; confinement on a chain, rope or tether which is sufficiently strong and secure considering the size of the animal confined; or use of an electronically activated collar which prevents the animal's escape from the property.

ARTICLE V – VIOLATIONS AND LIABILITY

Section I. Civil Liability

- a. Nothing in this ordinance shall be construed as limiting the common law liability of the owner of an animal for damages committed by it.
- b. Nothing in this ordinance shall prohibit the city or a third party from bringing a nuisance action based on the keeping of animals.

Section II. Violations and Penalties

- a. A person who violates or fails to comply with any of the provisions of this ordinance is responsible for a civil infraction and shall be subject to a civil fine that shall not exceed one hundred dollars (\$100.00) for each offense.
- b. In addition to ordering the defendant responsible for a civil infraction to pay a civil fine, the court shall also impose any other costs, damages, and expenses as provided by law. In addition to civil infraction enforcement, the court shall be authorized to issue any judgment, writ, order or equitable relief necessary to enforce, or enjoin violation of this ordinance.
- c. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

ARTICLE VI – SEVERABILITY, REPEAL AND EFFECTIVE DATE

Section I. Severability

This ordinance and the various articles, sections, paragraphs, provisions and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, provision or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

Section II. Repeal

Any and all Ordinances of the City of Grant or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions within this Ordinance, are hereby expressly repealed.

Section III. Effective Date. This ordinance shall take effect after its summary publication in a newspaper of general circulation, but no less than twenty (20) days from the date of its adoption as provided by the Grant City Charter.