

Chapter 4

ANIMALS*

* **State Law References:** Authority to adopt animal control ordinance, MCL 287.290; crimes related to animals and birds, MCL 750.49 et seq.; wildlife conservation, MCL 324.40101 et seq.

Sec. 4-1. Domesticated animals.

Sec. 4-2. Animals running at large.

Sec. 4-3. Defecating in certain places, etc., defined as nuisance; prohibited.

Sec. 4-4. Notice of violation.

Sec. 4-5. Removal.

Sec. 4-1. Domesticated animals.

(a) No person shall keep or house any animal within the village, except dogs, cats, birds or other animals which are commonly kept and housed inside dwellings as household pets; provided, however, that no more than 15 rabbits may be kept, as long as they are confined in a completely enclosed structure. However, horses may be kept in the village provided the following minimum requirements are met:

- (1) The person has, by way of ownership or rental, etc., one acre of land per horse.
- (2) Shelter must be provided for the horses.
- (3) The area must be maintained. The term "maintained" means that the droppings shall be removed periodically, along with other materials or accumulations associated with keeping horses.

(b) No person shall, however, create a public nuisance by way of noise, odor or otherwise in the keeping of any household pet or horses. (Comp. Ords. 1999, § 70.002; Ord. of 2-3-1915, § 2; Ord. of 6-7-1993, § 2; Ord. of 7-10-1995, § 2)

(c) For purposes of this section the term "animals" includes, but is not limited to, the following animals: cattle, ~~chickens~~, goats, lambs, pigs, other livestock, excluding horses and any wild or exotic animals not commonly kept and housed inside dwelling as house hold pets.

(d) Keeping of chickens-

1. No person shall keep chickens within the Village of Lyons in such a manner that a nuisance is created.

i. No more than 6 hens may be kept and no roosters.

2. An annual no fee permit, issued by the Village shall be required for the keeping of domesticated hens on residential property. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

ii. The annual permit to keep domesticated hens may not be assigned to another person. The permit authorizes the keeping of hens only upon the property described in the permit. The permit must occupy the residence on the property where the hens are kept as the individual's personal primary residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit.

3. Only one (1) permit is allowed per person. In the event the person is absent from the property for longer than sixty (60) days, the permit automatically shall terminate and become void. The issuance of a permit does not create a vested right of renewal of the permit beyond the stated term thereof.

4. The first permit year shall extend from the date of issuance through December 31. Thereafter the permit year shall be January 1 through December 31.

5. Food storage and Removal: All stored food for the domesticated hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.

6. Enclosure:

(a) All domesticated hens shall be kept outside of a habitable structure in a predator – proof enclosure, a portion of which must be a covered henhouse, and a portion of which must be a fenced area complying with applicable construction of fences.

(b) In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse. A minimum of two (2) square feet per hen shall be provided for henhouses and six (6) square feet per bird for fenced enclosures.

(c) Fenced enclosure and henhouses must be property ventilated, clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(d) The henhouse and fenced enclosure must provide adequate ventilation, adequate sun and shade and must be constructed in a manner to resist access by rodents, wild birds and predators, including dogs and cats.

(e) Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird resistant wire of less than one (1) inch openings.

7. Sanitation, nuisance, and humane treatment:

(a) Waste storage and removal. Provisions must be made for the storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings.

(b) No perceptible odor from the hens or the hen enclosure shall be present at any property line.

(c) No slaughtering of domesticated hens shall occur on the property.

(d) No breeding of chickens shall occur on the property.

(e) No domesticated hens shall be used or trained for the purpose of fighting for amusement, sport or financial gain.

8. Set Backs: An enclosure shall be located twenty-five (25) feet away from any residential structure (other than the permit holder's residence), twenty (20) feet from any property line, all hens shall be kept in the side or rear yards. No hens shall be kept in the front yard.

9. Denial, suspension, or revocation of permit: The Village shall deny a permit if the applicant fails to submit an affidavit demonstrating compliance with all provisions of this ordinance. A permit to keep domesticated hens may be suspended or revoked by the Village where there is a risk to public health or safety or for any violation of a failure to comply with any of the provisions of this ordinance. Any denial, revocation of permit shall be in writing and shall include notification of the right to and procedure for appeal. No new permit shall be issued by the Village for the same address unless the property changes ownership or a new tenant is residing at the address.

10. Penalty – In addition to any other enforcement action which the Village may take, violation of any provision of this ordinance shall be subject to a fine of fifty dollars (\$50.00), each day that a violation continues shall be treated as a separate offense.

“Domesticated hens” means female chickens that may, where permitted, be kept and maintained for the non-commercial production of eggs, education, companionship or recreation. Other types of fowl and poultry shall not be considered domesticated hens.

(adopted 4-20-2015, eff. 4-30-2015)

Sec. 4-2. Animals running at large.

(a) Any person who owns keeps or harbors any animal shall not permit such animal to run at large in the village.

(b) Duty to keep animals under restraint while on own property.

(1) It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limit of its owner, possessor or custodian, and that:

a. It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own volition, and such enclosures must be securely locked at any time the animal is left unattended;

b. It is securely and humanely restrained by chain, cable and trolley or other tether to an inanimate object such as a tree, post or building of sufficient strength to prevent the animal from leaving the real property of its owner; or

c. It is on a leash and under the control of a competent person any time it is not restrained as provided for in subsection (b)(1)a or (b)(1)b of this section.

- (2) Additional requirements for precautions to be taken by owners of dangerous animals:
- a. Whenever outside of its enclosure as provided for in subsection (b)(1)a of this section, but on the owner's property, a dangerous animal must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escapes.
 - b. No dangerous animal shall be chained, tethered or otherwise tied to any inanimate object, such as tree, post or building, outside of its own enclosure as provided for in subsection (b)(1) of this section.
 - c. In addition to the requirements in subsection (b)(1) of this section, for owners of dangerous animals that maintain their animals out-of-doors, a portion of their property should be fenced with a perimeter or area fence. Within this perimeter fence, the dangerous animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides, a secured top attached to all sides, the sides must either be buried two feet into the ground, sunken into a concrete pad or securely attached to a wire bottom. The gate to the kennel must be locked.
- (3) Any person found in violation of this section is responsible for a municipal civil infraction and subject to the following penalties:
- a. First violation: \$50.00.
 - b. Second violation: \$100.00.

(Comp. Ords. 1999, § 70.02.1; Ord. of 2-3-1915, § 2; Ord. of 2-21-2005, § 2)

Sec. 4-3. Defecating in certain places, etc., defined as nuisance; prohibited.

(a) *Prohibited acts by animals.* No owner or person in charge or control of any animal shall allow or permit such animal to commit a nuisance on any of the following described properties:

- (1) Public right-of-way;
- (2) Property of any person or entity other than the owner or person in charge of or control of the animal without the express permission or consent of such person or entity.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Nuisance includes the following:

- (1) Running at large.
- (2) Defecation of the animal; provided, however, that if the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner on property owned by the person owning or in charge or control of such animal,

such nuisance shall be considered abated.

- (3) Law enforcement dogs and service dogs or dog guides are specifically exempted from the provisions of this definition.

(c) *Diseased animals on streets.* It shall be unlawful for the owner or a person having in his or her control any animal afflicted with any contagious disease to allow such animal to be or remain upon any street of the village.

(d) *Animals prohibited on municipally owned property.* No owner of or person in charge or control of any animal shall allow or permit such animal to be present in public buildings, public parks and recreation areas or in any adjacent areas of the village. Law enforcement dogs and service dogs or dog guides are specifically exempted from the provisions of this chapter.

(Comp. Ords. 1999, § 70.002.1; Ord. of 2-3-1915, § 2; Ord. of 11-8-1999, § 2)

Sec. 4-4. Notice of violation.

Whenever it comes to the attention of the village, its officers, agents, or any private citizen that a violation of this chapter exists, the village shall issue a notice in writing to the person responsible for the violation, if known, and to the occupant of the land where the violation exists, if known, and to the owner of the property, if known, at the person's last known address, notifying the person of the existence of the violation. The person receiving notice will then have ten days after receipt of such notice to correct the violation to the satisfaction of the village. Receipt will be deemed to have occurred on the day following mailing of the notice, unless that day is a Sunday or nationally recognized holiday. Every day that the violation continues after the ten-day period shall constitute a separate and distinct violation under the provisions of this chapter.

(Comp. Ords. 1999, § 70.004; Ord. of 2-3-1915, § 4; Ord. of 6-7-1993, § 4)

Sec. 4-5. Removal.

(a) The county sheriff's department or other agent designated by the village council shall have the right to enter private property at any reasonable hour of the day or night for the purpose of enforcing the provisions of this chapter. It shall be unlawful for any person to resist or attempt to prevent said officer from carrying out the purposes herein set forth.

(b) The county sheriff's department or other agent shall be in possession of, while carrying out the duties outlined of this section, sufficient credentials identifying the county sheriff or other agent and a search warrant issued upon a showing of probable cause.

(c) The county sheriff's department or other agent is empowered to perform the duties and functions and is hereby given the authority of a regularly authorized and appointed police officer of the village in the enforcement of the provisions of this chapter.

(d) The county sheriff's department or other agent is further authorized to prepare reasonable rules and regulations deemed necessary to carry out and enforce the provisions of this chapter, subject to the approval of the village council.

- (e) The county sheriff's department or other agent shall keep an accurate account of the expense

incurred in enforcing this chapter with respect to each parcel of land entered upon and make a sworn statement of said account. The expense of enforcement by the village shall then be charged against the owner or person in charge of the land.

(Comp. Ords. 1999, § 70.005; Ord. of 2-3-1915, § 5; Ord. of 6-7-1993, § 5)