

D R A F T
ANN ARBOR TOWNSHIP
ANIMAL REGULATIONS
AMENDMENTS TO ZONING CODE SECTION 74-2, SECTION 74-461, SECTION 74-462, SECTION 74-463, AND CREATION OF A NEW 74-607
ORDINANCE NO. _____

The Ann Arbor Charter Township Board of Trustees ordains: The Ann Arbor Charter Township Zoning Code is amended as follows:

[Addition to Sec. 74-2. Definitions and interpretation as follows]

Animal: A non-human zoological species, classified for purposes of this Ordinance as follows:

- (1) *Animal, Class I*: Domesticated household pets weighing less than one hundred seventy-five (175) pounds.
- (2) *Animal, Class II*: An animal, which is normally part of the livestock maintained on a farm including:
 1. Bovine and like animals, such as cows.
 2. Equine and like animals, such as horses.
 3. Swine and like animals, such as pigs and hogs.
 4. Ovis (ovine) and like animals, such as sheep and goats.
 5. Other animals, similar to those listed in subsection (1-4) above, weighing seventy-five (75) pounds or more, and not otherwise specifically classified herein.
- (3) *Animal, Class III*: Rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as waterfowl, such as geese or gamebirds such as pheasant and grouse, and other animals weighing less than seventy-five (75) pounds not specifically classified herein.

Riding Stable, public: means any building or structure used for the boarding, breeding or care of horses for commercial or business purposes, and not for personal use, other than horses used for farming or agricultural purposes. A public riding stable may include areas and facilities for the training, riding, or driving of horses and for the offering of lessons to teach the riding and driving of horses.

Kennel, private: is eliminated as a definition from Section 74-2 as such facilities and uses are now governed by Section 74-607.

Riding Stable, private: is eliminated as a definition in Section 74-2 as such facilities and uses are now governed by Section 74-607.

[Amendment to Sec. 74-461. Rural Districts, as follows]

*Keeping of Class II animals*⁴

R-C	A-1	A-R
P	P	P

Keeping of Class III animals⁴

R-C	A-1	A-R
P	P	P

4. Keeping of Class I animals, Class II animals and Class III animals shall be subject to the regulations established in Section 74-607.

References to Kennel (private) and Riding Stable (private) are eliminated from this Section 74-461 as such uses and facilities are now governed by Section 74-607.

[Amendment to Sec. 74-462. Rural and Suburban Residential Districts, as follows]

Keeping of Class II animals²

R-1	R-1A	R-2
P	P	P

Keeping of Class III animals²

R-1	R-1A	R-2
P	P	P

2. Keeping of Class I animals, Class II animals and Class III animals shall be subject to the regulations established in Section 74-607.

References to Kennel (private) and Riding Stable (private) are eliminated from this Section 74-462 as such uses and facilities are now governed by Section 74-607.

[Amendment to Sec. 74-463. Urban Residential Districts, as follows]

Keeping of Class III animals⁶

R-3	R-3A	R-4
P	P	P

6. Keeping of Class I animals and Class III animals shall be subject to the regulations established in Section 74-607. Keeping of Class II animals is not permitted in Urban Residential Districts.

[Creation of a new Sec. 74-607. SUPPLEMENTARY DISTRICT REGULATIONS, Keeping of Animals, as follows]

74-607. SUPPLEMENTARY DISTRICT REGULATIONS, Keeping of Animals

A. Standards; Application; Purpose. This Section establishes standards for keeping of Class I animals, Class II animals or Class III animals in residential districts including residential Planned Unit Developments. Animals may be kept only by the resident owner of the parcel and the owner's immediate family members who reside at the parcel. The purpose of this Section is to ensure that the keeping of animals is compatible with adjacent land uses, to maintain the residential character of the neighborhood, and to protect the public health, safety and welfare. This Section does not apply to farming operations, public riding stables, or commercial kennels.

B. Cross References. A commercial kennel as defined in Section 74-2 may be operated in Rural Districts in accordance with Section 74-590 and an approved conditional use permit. A public riding stable as defined in Section 74-2 may be operated in accordance with an approved conditional use permit in Rural Districts.

C. Specific Regulations.

1. Class I Animals may be kept in any zoning district, subject to sections 4 and 5 below.
2. Where Class II animals or Class III animals are kept as part of a farming operation, such animals shall be exempt from the requirements of this Section so long as the farming operation is conducted in accordance with a GAAMP as adopted and published by the Michigan Department of Agriculture, or its successor, and as amended from time to time.
3. Where Class II animals and Class III animals are not kept in connection with a farming operation, then the following regulations shall apply:
 - a. Class II Animals may be kept subject to the following conditions:
 1. The minimum lot area required to keep Class II animals is three acres as follows:
 - (a) Up to two Class II animals shall be permitted on a three acre parcel;
and
 - (b) One additional Class II animal shall be permitted for each full one acre in excess of three acres.
 2. There shall be adequate fencing, or other restraining device, for keeping animals within the restricted areas provided for in this Ordinance.
 3. Structures housing Class II animals shall be located no nearer than one hundred feet to any dwelling, which exists on an adjacent lot and no nearer than fifty feet to any adjacent lot line. Fenced areas shall be located no nearer than fifty feet from any dwelling, which exists on an adjacent lot.
 4. The manure, refuse and wastes resulting from the keeping of animals shall be controlled upon the premises, and shall be cared for or disposed of regularly to minimize hazards of health and including odors and other offensive effects upon neighboring people and uses.
 5. All feed and other substances and materials for the keeping of animals shall be stored to not attract rats, mice, vermin or other pests.
 - b. Class III Animals may be kept subject to the following conditions:

1. The minimum acreage required for the keeping of Class III animals shall be 0.5 acres, unless the applicant obtains permission from all adjacent landowners (including owners of land directly across a street or road from the applicant's premises). Such permission would allow keeping of Class III animals on lots smaller than 0.5 acres. Evidence of such permission must be provided to the Township in writing from all adjacent landowners at the time of application.
 2. No more than four Class III animals may be kept.
 3. The principle use of the property must be single family residential.
 4. No roosters shall be kept.
 5. Class III animals will be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
 6. Structures housing Class III animals shall be located no nearer than fifty feet to any dwelling which exists on an adjacent lot and no nearer than ten feet to any adjacent lot line.
 7. There shall be adequate fencing, or other restraining device, for the purpose of keeping animals within the owner's parcel in a manner that does not create a disturbance to neighboring owners and occupants.
 8. The manure, refuse and wastes resulting from the keeping of animals shall be controlled upon the premises, and shall be cared for or disposed of regularly to minimize hazards of health and odors or other offensive effects upon neighboring people and uses.
 9. All feed and other substances and materials on the premises for the keeping of animals shall be stored to not attract rats, mice, vermin or other pests.
4. On any premises upon which animals are kept in the Township, garbage, refuse, offal, and the like shall not be brought upon the premises and fed to animals. Animal waste shall be properly disposed of so as to not create a health hazard.
 5. Keeping of animals shall not create a health hazard or result in offensive odors, noises or other disturbances that unreasonably interfere with the quiet enjoyment by owners or occupants of neighboring parcels ("Disturbance"). The owner of the land on which animals are kept and the person keeping such animals, if different, shall be responsible for ensuring compliance with this Section, including this subsection 5.
 - a. A Disturbance or other violation of this Section may be determined upon the inspection by the Zoning Officer, or other Township Ordinance Enforcement Officer in accordance with Division II of Chapter 74, Section 74-96, et seq.

- b. If a Disturbance or other violation of this Section is found, a written notice shall be given by the Zoning Officer or other Township Ordinance Enforcement Officer to the person keeping animals and the owner of the premises, stating in the notice that it appears that a Disturbance or other violation of this Section arising from keeping of animals exists on the premises, describing the Disturbance or other violation of this Section, and directing the person keeping the animals and the owner of the premises to abate the Disturbance or other violation of this Section within ten (10) days of the date of the notice.

- c. If the Disturbance or other violation of this Section persists after expiration of the ten (10) day period, the Zoning Officer or other Township Ordinance Officer may issue a civil infraction in accordance with Division II of Chapter 74 Section 74-96 et. seq., and take other action to abate the violation.

CERTIFICATION

It is hereby certified that that foregoing Ordinance was adopted by the Township Board of Ann Arbor charter Township, Washtenaw County, Michigan, at a meeting of the Board duly called and held on _____, 2010.

ANN ARBOR CHARTER TOWNSHIP

By: _____
Michael C. Moran, Supervisor

By: _____
Rena Basch, Clerk

Public Hearing: August 4, 2010

Adopted: _____, 2010

Published: _____, 2010

Effective: _____, 2010 (7 days after publication)