

ORDINANCE NO. 2021-1
Animal and Livestock Ordinance of the Township of Ely, Michigan

An Ordinance regulating the keeping of animals, livestock and bees in certain Residential Zoning Districts in the Township of Ely, Marquette County, Michigan, and to provide civil remedies for violation of this Ordinance.

SECTION 1.1. SHORT TITLE

This Ordinance shall be known as "the Animal and Livestock Ordinance."

SECTION 1.2. DEFINITIONS

Animal: as used in this Ordinance shall include all species of domesticated birds, rabbits, livestock, and bees.

Bird: as used in this Ordinance shall mean chickens, ducks, geese, pheasants, turkeys, and other domesticated birds.

Livestock: as used in this Ordinance shall mean horses, sheep, cows, goats, pigs, llamas, alpacas, and any other domesticated animals being raised in captivity, whether male, female, or neutered.

Residential Area: as used in this Ordinance means the following Zoning Districts as defined by the Ely Township Zoning Ordinance: Residential (R), Residential Two (R-2), Residential 5 (R-5), Residential 10 (R-10), Recreational Structure (RS), Town Development (TD), Lake Shore and River (LS&R)

SECTION 2.1. MAINTENANCE AND KEEPING OF ANIMALS

No animals (including livestock, birds, rabbits, or bees) shall be kept or maintained in any Residential Area of the Township except pursuant to the following conditions:

1. Livestock shall only be permitted within Residential Areas on parcels of ten (10) or more acres
2. The maximum number of Livestock shall be calculated by a ratio of livestock type to acreage according to the following: Cows 1:1, Horses 1:2, Goats, pigs, llamas, alpacas, and sheep 2:1.
3. All livestock shall be kept in a pen, corral or other place of confinement and shall be not less than one hundred fifty (150) feet from any residence, other than the residence of the person keeping the livestock.

4. Birds are permitted on any size parcel in a Residential Area. All birds must be kept in a coop or other detached, enclosed structure.
5. A maximum of twelve (12) birds per single or duplex building unit is permitted in a Residential Area. Birds are not permitted in residences, porches or attached garages.
6. One or more permitted type of bird may be kept, provided the total number does not exceed the maximum number permitted, and provided the entire coop, structure or enclosure meets the required setback distance for the Zoning District as specified in the Zoning Ordinance, and is located in a backyard. No coops, structures or enclosures are permitted on the side or front yards. Waterfront residential coops, structures, or enclosures can be located in the front yard or backyard if screened from public view and maintaining the shoreline setback of thirty (30) feet. In no event, however, shall a coop, structure or enclosure for birds be allowed under this Ordinance be located closer than twenty (20) feet from a neighboring residence, regardless of the minimum Zoning setback.
7. All seed, fertilizer, and animal feed must be stored in secure, rodent and raccoon proof containers and be housed within an enclosed structure. A site plan shall indicate the intended feed and weekly manure storage areas as well as fencing to prevent infiltration of unwanted predators. Feed and weekly manure storage must be screened from adjacent property owner's view.
8. Enclosed coops or bird housing shall be fully enclosed, roofed, and contain at least three (3) square feet of floor space per chicken or duck), and at least ten (10) square feet of floor space per goose or turkey.
9. An outdoor enclosed run is allowed but limited to sixty (60) square feet in size and eight (8) feet in height, must be attached to the coop and screened from street and neighboring properties to protect them from vehicular traffic and to minimize external impacts of the outdoor roaming area.
10. All coops and food and storage areas shall be maintained to prevent mice, rats, or other rodents from living underneath or within the walls of the structure or enclosure.
11. All animal structures and enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to shield them from the sun and adverse weather conditions, to contain them and to keep predators out.
12. All animal enclosures shall be constructed and maintained to provide sufficient space to allow each animal to turn about freely, and to easily stand, sit, and lie down in a comfortable, normal position.
13. Animals are not permitted to run loose outside the direct supervision and control of the owner or caretaker; are prohibited from straying from the owner's or caretaker's property;

are prohibited from roaming unattended into streets or public rights-of-way; and are prohibited from trespassing onto or damaging the property of neighbors or others.

14. All animals shall be properly cared for and monitored daily to maintain animal health and to prevent nuisance problems with neighbors and the community.
15. All coops, structures, enclosures or fences shall be in full compliance with the Ely Township Zoning Ordinance. The keeping and maintenance of animals shall only be allowed as an accessory use under the Township Zoning Ordinance.
16. Butchering of animals raised on the premises shall be permitted if conducted entirely within an enclosed building. Waste products from butchering must be disposed of according to the current Residential Garbage Collection Regulations.
17. All animal structures and roaming areas must be kept in a sanitary condition and free from accumulation of animal excrement (manure) and objectionable odors. Waste can be composted or disposed of on a weekly basis as determined by the current residential garbage regulations. Piling of waste on property is not permitted.
18. The keeping of all animals, including livestock, birds, rabbits, and bees, and the production of any associated products, including but not limited to eggs, honey or meat, shall be permitted to be sold.
19. Animals currently existing shall be "grandfathered in" or permitted to remain after the effective date of this Ordinance. Property owners shall notify the Township within ninety (90) days after this Ordinance has been adopted of all existing animals or livestock.
20. All animals shall be kept in compliance with the criteria set forth in the Michigan Department of Agriculture and Rural Development Generally Accepted Agricultural and Management Practices (GAAMPS) for the care of farm animals, regardless of the technical applicability to non-commercial applications.

SECTION 2.2. LIMITED RESIDENTIAL KEEPING OF RABBITS- MINIMUM
REQUIRED CONDITIONS

1. Rabbits are permitted on any size parcel in a Residential Area.
2. Rabbits can be kept for Cuniculture.
3. Rabbits shall be kept only within an enclosed structure, cage, or hutch except for monitored exercise.
4. An area of at least five (5) square feet of floor space per rabbit is required for a maximum of up to two (2) rabbit hutches. The maximum number of rabbits permitted is twenty (20).

- a. All structures related to the housing of rabbits shall be meet the required setback distance for that Zoning District as specified in the Zoning Ordinance. In no event, however, shall a structure related to the housing of rabbits be located closer than twenty (20) feet from a neighboring residence, regardless of the minimum Zoning set back.

SECTION 2.3. LIMITED RESIDENTIAL KEEPING OF BEES- MINIMUM REQUIRED CONDITIONS

1. All structures necessary for and relating to the housing of honeybees shall be set back at least ten (10) feet from any property line, or shall meet the minimum required setback distance for that Zoning District as specified in the Zoning Ordinance, whichever is greater.
2. Ground mounted beehives shall be located no higher than six (6) feet from grade and have a maximum size of twenty (20) cubic feet.
3. A constant supply of water shall be provided for all hives.
4. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the hive such that honeybees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance of the hive and shall extend at least two (2) feet on either side of the hive opening.

SECTION 3.1. PERMITS

1. Every person desiring to keep animals, livestock, rabbits, or bees in a residential area must submit an Application for a Permit and secure approval by the Ely Township Zoning Administrator before keeping any animals or livestock in a residential area.
2. The Application for Permit is available from the Ely Township office and will consist of the following: A site plan not less than 1:10 scale indicating the following: All buildings, property lines, property size, proposed animal housing and enclosed exercise and foraging area, setbacks from adjoining property line, and the property tax identification number.
3. Permits are not transferable and do not run with the land.
4. Any person or entity aggrieved by the decision of the Zoning Administrator may, within thirty
5. (30) days of said decision, appeal the decision to the Zoning Board of Appeals, which shall consider and resolve such appeal by a majority vote of said Board.

6. Permits shall be issued without charge to Ely Township residents.

SECTION 4.1. NUISANCE

The maintenance of any non-commercial animals, birds, livestock, rabbits, or bees on any premises in violation of this Ordinance is hereby declared to be a public nuisance and may be enjoined or subject the violator to the penalties and remedies as described in this Ordinance.

SECTION 5.1. PENALTIES AND ENFORCEMENT

Any person who violates the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subjected to a civil fine of not less than \$50.00 or more than \$300 for each infraction. Each day that a violation continues to exist shall constitute a separate infraction. Such penalty shall not preclude any other civil action against the violator for injunctive or other relief.

Repeat offenses shall be subject to increased fines according to the following:

1. The fine for any offense which is a first repeat offense shall be no less than \$75 or no more than \$500.
2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.
3. This Ordinance shall be enforced by the Zoning Administrator, Ordinance Enforcement Officer, the Supervisor of the Township or by any other person as the Township Board may, by Resolution, from time to time designate.

SECTION 6.1. INAPPLICABILITY TO COMMERCIAL FARM OPERATIONS

This Ordinance is intended to apply to the keeping of animals for personal, non-commercial use or consumption, and is not intended to regulate operation of a farm, or the commercial production of farm products, governed under the Michigan Right-to-Farm Act, MCL 286.471, et seq. In the event of any conflict between this Ordinance and operations falling under the Right-to-Farm Act, the Right-to-Farm Act shall control.

SECTION 7.1. SEVERABILITY

The provisions of this Ordinance are declared to be severable, and if any clause, sentence, word, section or provision is declared void and unenforceable by reason of any Court of

competent jurisdiction, it shall not affect any provision of the Ordinance other than the part or portion thereof.

SECTION 8.1. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication.

Adopted by the Township Board of the Township of Ely on the 17th day of February 2021.

Signed:

Jeremy Laakso
Ely Township Supervisor

Attest:

Molly Taseris
Ely Township Clerk

