

ORDINANCE NO. 2023-04

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE PIERSON TOWNSHIP ZONING ORDINANCE TO AMEND SECTION 4.37 – KEEPING AND RAISING OF ANIMALS FOR NON-FARM RELATED PURPOSES, AND TO PROVIDE FOR SEVERABILITY PROVISIONS, REPEAL PROVISIONS, AND AN EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF PIERSON, COUNTY OF MONTCALM, AND STATE OF MICHIGAN ORDAINS:

Section 1. Section 4.37 – Keeping and Raising of Animals for Non-Farm Related Purposes of the Zoning Ordinance will be amended to state in its entirety as follows.

Section 4.37. Keeping and Raising of Animals for Non-Farm Related Purposes. The keeping and raising of animals for any purpose other than as a part of a bona fide farm operation shall be permitted in the Township only as stated in this section.

For purposes of this section, a bone fide farm operation is defined as a land use or activity consisting of the commercial production of farm products, where such activity is engaged in as an occupation or for a livelihood. Farm operations may include the raising of livestock, dairying, the cultivation, growing and harvesting of crops, turf and tree fanning, the raising of other animals generally regarding as farm animals and other activities associated with the commercial production of farm products, but not including such activities when engaged in as a leisure-time activity, an avocation or for hobby purposes.

- (a) The keeping and raising of animals customarily kept as household pets, such as dogs, cats, guinea pigs and hamsters, is permitted in all zone districts; provided, however, that the caretaker of such animals is an occupant of the premises; and provided further that the keeping and raising of dogs in accordance with the terms of this section or otherwise shall not preclude the requirement for the property owner or other responsible party to obtain a kennel license issued by the appropriate county agency, if such a kennel license is required under the terms of state law or county regulations.
- (b) The keeping and raising of animals other than household pets is prohibited in the L-R, R-2, R-3, C-1, C-2 and I Districts.
- (c) Keeping of Poultry. Notwithstanding the provisions of Section 4.37(b), the keeping of poultry shall be permitted within the R-1, L-R, R-2, and R-3 Districts if kept in compliance with the following requirements:
 - (1) The property on which the poultry is kept shall contain a single-family detached dwelling.
 - (2) Number of Poultry Allowed:
 - (i) L-R, R-2, and R-3 Districts:
 - (I) No more than six (6) hens may be kept at any time.
 - (II) Roosters and crowing chickens shall be prohibited.
 - (ii) R-1 District:

(I) On a property one acre or less in area:

(aa) No more than six (6) hens may be kept at any time.

(bb) Roosters and crowing chickens shall be prohibited.

(II) On a property more than one (1) acre but less than three (3) acres in area, no more than twenty (20) poultry may be kept at any time.

(III) On a property more than three (3) acres but less than ten (10) acres in area, no limit to number of poultry kept as long as it is in compliance with all other regulations contained within this Section.

(IV) On a property ten (10) acres or more, see Section 4.37.d

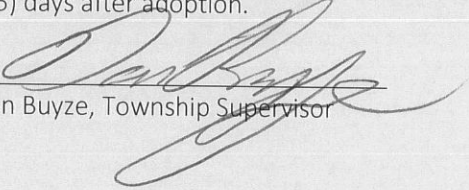
- (3) Poultry shall be provided and kept within an enclosure that includes both a coop and connected fenced run at all times. The total size of the enclosure shall meet all Township ordinances pertaining to accessory buildings. The enclosure shall not be constructed of tarps, plastic, fabric, rubber, paper, cardboard or other non-traditional building materials.
- (4) Poultry shall be kept in the rear yard and setback a minimum of ten (10) feet from any side or rear lot line and 40 feet from any residential structure on adjacent property.
- (5) The enclosure shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored.
- (6) Appropriate feeder containers shall be used for all feeding and watering. All feed and other items associated with the keeping of poultry shall be secured and protected in sealed metal containers to prevent access by rats, mice or other rodents or vermin.
- (7) Sanitary conditions shall be maintained. Any person keeping poultry shall keep or cause to be kept all manure, or offal therefrom, deposited or accumulated from such animals securely and closely confined to or buried upon their premises and in such a manner as will prevent it from being scattered from such place or deposited into or upon any street, sidewalk, alley, gutter, storm drain, ditch, lake, wetland, or waterway, and such person shall so cover and care for the animal manure, offal and waste as to prevent any malodorous or offensive condition to exist and prevent any nuisance to arise therefrom, except that persons shall be permitted to use chicken manure as compost on their property provided that such composting is done in a manner that does not create an offensive or malodorous condition.
- (8) Any person keeping poultry shall remain subject to public nuisance and other associated codes and ordinances, including, but not limited to, noise, odor and blight.
- (9) Poultry shall be kept in compliance with the Michigan Department of Agriculture & Rural Development Generally Accepted Agriculture and Management Practices for the Care of Farm Animals, as it related to laying chickens, as amended except as otherwise provided in this section.

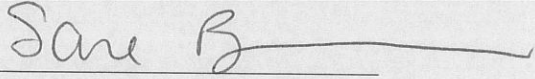
- (d) In the R-1 District the keeping and raising of domesticated animals not customarily kept as household pets, such as horses, cattle, goats, poultry and pigs, is permitted on parcels of ten (10) acres or more in area.
- (e) The keeping and raising of domesticated animals not customarily kept as household pets, such as horses, cattle, goats and pigs, is permitted in the AG District and the R-R District; provided, however, that on parcels of ten acres or less in area, the number of domesticated animals (other than household pets) shall not exceed one animal for the first two acres of land area plus one additional animal for each additional acre of land area.
- (f) Any building or confined feeding area in which domesticated animals other than household pets are confined or fed (not including feeding by grazing) shall be at least 100 feet away from the nearest property line or street right-of-way line, and it shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.
- (g) All animals kept and raised within the Township shall be kept under sanitary conditions and, where enclosed, in sanitary buildings or enclosures.

Section 2. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

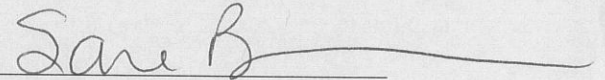
Section 4. Effective Date. Pursuant to Section 401 of the Michigan Zoning Enabling Act (MCL 125.3401), this Ordinance shall take effect eight (8) days after publication of this Ordinance, or a summary of the regulatory effect thereof, which publication shall occur in a newspaper of general circulation in the Township within fifteen (15) days after adoption.


Dan Buyze, Township Supervisor


Sara Burkholder, Township Clerk

CERTIFICATE

I, Sara Burkholder, the Clerk for the Township of Pierson, Montcalm County, Michigan, certify that the foregoing Pierson Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on August 21, 2023. The following members of the Township Board were present at that meeting: Buyze, Burkholder, Orcutt, Sower. The following members of the Township Board were absent: Bergman. The Ordinance was motioned by Sower and Seconded by Orcutt and so adopted by the Township Board members Buyze, Burkholder, Orcutt, Sower voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Greenville Daily News* on August 25, 2023.



Sara Burkholder, Clerk
Pierson Township