

ARTICLE R 48

SECTION R 48.01 HOUSING, KEEPING AND MAINTENANCE OF DOMESTIC PETS

AN ORDINANCE TO REGULATE THE HOUSING, KEEPING AND MAINTENANCE OF DOMESTIC PETS IN FRUITLAND TOWNSHIP

SECTION R 48.02 PURPOSE

This ordinance is enacted for the purpose of securing the health, safety and general welfare of the persons and property within Fruitland Township.

SECTION R 48.03 DEFINITIONS

“Domestic Pets”. For the purpose of this ordinance shall mean any animal normally maintained, or allowed, inside the main building or dwelling and ordinarily considered a “household pet.” It shall include but not be limited to dogs, cats, rabbits, and the like.

“Commercial Kennel”. Any lot or premises used for the commercial sale, boarding or treatment of dogs, cats or other domestic pets. Any kennel that exceeds the density listed under “Private Kennel.”

“Private Kennel”. Any lot or premises used for the private maintenance of up to four (4) dogs and/or cats, six (6) months of age or older and/or up to six (6) other household pets such as rabbits, gerbils, hamsters and the like, four (4) months of age or older, not involving any commercial activities. Keeping or maintaining more than the allowed density of animals under “Private Kennel” shall be considered a “Commercial Kennel” regardless of ownership or species of the animals.

“Dogs Running at Large”. Any dog which shall be loose on any streets or highways of Fruitland Township, or any dog which shall be at large upon any property not owned and occupied by the person who is the owner or custodian of such dog. A dog shall not be construed as running at large when upon the streets and highways or private places of said township when accompanied by its owner or caretaker. The owner or caretaker shall be holding such dog by a leash securely fastened to its collar, except, when under the control of a seasoned hunter.

SECTION R 48.04 DOMESTIC PET DENSITY

No more than four (4) adult six (6) months of age or older) dogs, and/or cats, or any other combination thereof, shall be kept or housed on any lot or premises in any part of portion of Fruitland Township without a permit for a commercial kennel.

No more than six (6) adult four (4) months of age or older) other domestic pets such as rabbits and the like, or any combination thereof, shall be kept or housed on any lot or premises in any portion of Fruitland Township without a permit for a commercial kennel.

SECTION R 48.05 REGULATIONS

All dogs and any other domestic pets as required shall be properly licensed in accordance with the laws and regulations of the State of Michigan.

It shall be unlawful for any persons to permit any dog owned or harbored or under control of such person or persons to run at large within the limits of Fruitland Township.

No kennel, commercial or private shall be a nuisance to neighboring residents. This includes but is not limited to noise, smell, unsafe or unsanitary conditions.

Where domestic pets of the owners or operators of any kennel commercial or private are kept or allowed outside, a fence or restraint of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.

All commercial kennels, pens, buildings or structures housing domestic pets shall be at least three hundred (300) feet from any adjoining property line not owned by the operator. A completely enclosed kennel is allowable if located at least fifty (50) feet from any property line not covered by the operator and is in commercial zoning district.

All commercial kennels shall have a proper septic tank system for disposal of wastes as approved by the County of Muskegon Health Department.

All applications for a commercial kennel permits shall be subject to a public hearing and a notice shall be mailed to adjoining property owners within three hundred (300) feet of the property line.

All commercial kennels shall be maintained, constructed and operated in accordance and pursuant to the provisions and regulations of the Public Acts of the State of Michigan, Muskegon County and Fruitland Township.

SECTION R 48.06 PERMIT REQUIRED

A permit shall be required for operation of a commercial kennel in Fruitland Township. Each permit granted to the operator is for one (1) particular location and operator. Neither the permitted location nor operator is transferable.

No commercial kennel may be established or maintained and located in Fruitland Township except by permit from Fruitland Township Board after proper application on the form as provided by the Fruitland Township Clerk. Applications require recommendation by Fruitland Township Planning Commission. The Fruitland Township Board may require review of any application by any County, State or Federal Agency. However such review must be made within sixty (60) days of the application and if the review does not ensue within such period it shall be deemed waived.

A twenty-five (\$25) dollar fee shall accompany all application for commercial kennel permit, which is not returnable. Yearly renewal of said permit will be required with a fee of five (\$5) dollars for such renewal plus one (\$1) dollar for each cage of said kennel over five (5) in number. Renewal of said permit may be summarily granted by the Clerk of the Township if no objection or complaint has been received within the prior year as to such kennel by the Township Board.

In the event an objection or complaint has been received during the prior year, then a hearing will be held thereon with notice only to the operator of the kennel and to the party or parties making the complaint or objection.

SECTION R 48.07 RELATIONSHIP WITH OTHER ORDINANCES

The Ordinance shall relate to, further emphasize and be a guideline for the Fruitland Township Zoning Ordinance and supersedes any other ordinance in conflict. Specifically, 35-3-0 “Dogs Running at Large” and 35-4-0 “Dog Kennels” are superseded by this ordinance.

SECTION R 48.08 SEVERANCE CLAUSE

Any section found to be invalid because of reason of unconstitutionality or other reasons shall be separated, but the remainder of the Ordinance shall be in full force and effect.

SECTION R 48.09 PENALTIES

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day’s continued violation shall constitute a separate and distinct offense.

SECTION R 48.10 EFFECT

This ordinance shall take effect thirty (30) days after the date of publication.

Effective Date: October 25, 2000

Amended: April 18, 2005 to amend numbering, article and section identification
Published: April 24, 2005
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