

**VILLAGE OF CASNOVIA**  
**COUNTIES of KENT AND MUSKEGON, MICHIGAN**

At a regular meeting of the Village of Casnovia, held at the Village Hall, 141 N. Main Street, within the Village, on the 10th day of July, 2023 at 6:30 p.m.

PRESENT: Members: Consuelo Morris, Ken Frary, Bob Bennett, Jerry Palinski  
ABSENT: Members: Kathy Kahrs.

The following ordinance was offered by Member Frary and supported by Member Palinski.

**ORDINANCE NO. Δ2023-03 Amended 7/10/23**

**ANIMAL CONTROL ORDINANCE**

**AN ORDINANCE to establish Village Ordinance Δ2023-03 to  
REGULATE THE CARE AND CUSTODY OF CERTAIN ANIMALS within  
the Village of Casnovia, to provide civil infraction penalties for the  
violation thereof. (Note: The presence of the Delta symbol Δ before and  
after a section will denote a change to the ordinance.)**

THE VILLAGE OF CASNOVIA ORDAINS:

**Section 1.** Purpose: It is deemed by the Village that the ownership of an animal is a privilege which carries with it responsibilities to the Village and residents with regard to the care and custody of such animal. It is the intent of this ordinance to protect the health, safety and general welfare of the people within the Village from problems caused by unrestrained or annoying animals.

**Section 2.** Definitions: The following words, terms and phrases, when used in this ordinance, shall have the meaning stated below in this section:

- a) *Animal* means a domestic animal kept as a pet or which could be kept as a pet, including but not limited to a dog, cat, bird, reptile, fish or any other domestic animal. Animal also means a non-domestic animal if kept as a pet. Animal does not include farm livestock or other animals kept for the purpose of productive agriculture.
- b) *Animal Control Officer* means the agent of the county department of animal control or any other officers designated for such duties by the Village.
- c) *Animal shelter* means either the county animal shelter, or the county humane society.
- d) *County* means either Muskegon County or Kent County, as applicable.
- e) *Department* means the County Department of Animal Control.

- f) *Director* means the director of the County Department of Animal Control.
- g) *Impounded* means any animal which, pursuant to this ordinance or any statute, has been received into custody of any animal shelter.
- h) *Owner* (when applied to the proprietorship of an animal) means every person having a right of property in the animal, or every person who keeps or harbors the animal or has it in his care, or every person who permits the animal to remain on or about any premises occupied by him. For the purpose of this ordinance, any person keeping or harboring any animal for seven (7) consecutive days or more shall be deemed the owner.

**Section 3.** *Relationship of Ordinance to County Regulations:* This ordinance is intended to supplement the county's animal control regulations. It is not the intent of this ordinance to impair the enforcement of the county's animal control regulations within the Village.

**Section 4.** *Vicious Animals:*

- a) A vicious animal shall at all times when not securely confined be securely muzzled and led by a leash. Any animal shall be deemed vicious which has bitten a person or domestic animal without molestation, or, which by its actions, gives indications that it is liable to bite any person or domestic animal without molestation.
- b) Prosecutions. On sworn complaint that any one of the following facts exist:
  - 1) That any animal has attacked or bitten a person; and
  - 2) That any animal that shows vicious habits or molests passers-by when lawfully on the public highways or sidewalks.

The County may secure a summons against the owner of said animal commanding such owner to appear and show cause why said animal should not be ordered to be confined or destroyed.

Upon such hearing, the district court shall proceed to determine whether the animal shows vicious habits or molests passers-by when lawfully on the public highway or sidewalk, and if the court shall so find, the court shall forthwith order said animal confined to the premises of the owner or shall order the director of animal control to cause said animal to be destroyed or shall enter such other order relative to the care of such animal as the court shall determine to be appropriate.

**Section 5.** *Hunting Dogs:* The provisions of this ordinance shall not apply to the ordinary and customary use of fully-licensed hunting dogs in the course of lawful hunting and shooting or the training of dogs for hunting purposes.

**Section 6.** *Dog License:* All dogs over the age of 4 months within the Village shall at all times be currently licensed in accordance with the requirements of state law and of the county animal control ordinance. A license tag issued by the county shall be securely affixed to a collar, harness or other device which shall be worn by the dog at all times, unless the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.

**Section 7.** *Licensing of Kennels:* All kennels must be licensed by the county and may only be established in locations where permitted by the Village zoning ordinance. In accordance with the county animal control regulations, no county license shall be valid if such kennel is declared a nuisance by the Village Council.

**Section 8.** *Barking Dogs:* No person owning or having charge, care, custody or control of a dog shall permit such dog at any time, by loud, frequent or habitual barking, yelping or howling to be clearly heard from nearby residential property, to cause annoyance to people in the neighborhood, or to persons on the public walks or streets of the neighborhood.

**△ Section 9.** *Leashing Dogs:* No person owning or having charge, care, custody or control of a dog shall at any time the dog is off that person's property, restrain the dog with a lead or leash no greater than six (6) feet in length; provided, however, this requirement shall not apply (1) when the dog is engaged in lawful hunting accompanied by its owner or custodian; or (3) as allowed by other applicable law.

**Section 10.** *Removal of Animal Feces:* An owner or custodian shall prevent the animal from defecating on any public or private property other than his own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his property. △

**Section 11.** *Keeping of Pets and Other Small Animals and Fowl:*

- a) No person shall have within their care, custody, or control within the Village no more than a combined total of six (6) adult dogs or cats other than dogs or cats under six (6) months of age born to a female under the care, custody or control of such person; provided, however, this provision shall not be construed to require any person to dispose of any licensed dog or cat owned by such person at the effective date of this ordinance. This limit on the number of dogs and/or cats shall not apply to any person operating a kennel for commercial profit, provided the kennel complies with local and state law applicable thereto.
- b) No turkeys, geese or peacocks shall be kept, housed or maintained on any lands in the Village; provided however that this provision shall not apply to birds or small fowl that are customarily kept in a case inside a dwelling.
- c) For the keeping of backyard chickens or ducks and installation of any backyard chicken or duck enclosure, a registration and zoning application form must be submitted to the Village Zoning Administrator, which includes the property address, property parcel ID number, site plan, and a signed and dated acknowledgement of the terms of this section. Prior approval is required.
- d) The keeping of backyard chickens or ducks is permitted as an accessory use if all the following conditions are met:
  - 1) The parcel of land is located within a residential zoning district and the principal use of the parcel is a single-family residential dwelling.
  - 2) Chickens or ducks may only be kept by an occupant of a dwelling unit located on the real property on which the chickens or ducks are kept.
  - 3) The parcel of land is not less than .2 acres (8,712 square feet) in size.
  - 4) No more than a combined total of five (5) chickens or ducks may be kept on any parcel of land.

- 5) Chickens that crow and roosters shall not be permitted.
  - 6) The outdoor butchering or slaughtering of chickens or ducks is prohibited.
  - 7) Chickens or ducks must be kept in and confined in a properly constructed coop or chicken/duck house and shall not be allowed to roam the parcel or any public streets, land, alleys, vacant lots or other open or public places, or upon any third-party premises.
  - 8) Chickens or ducks shall be fed within the confines of the coop and feed must be in rodent and insect resistant and weather-proof containers.
  - 9) Litter must be regularly removed and properly disposed of in compliance with all local, state and federal regulations.
  - 10) The enclosed area where chickens or ducks are kept shall be within the rear yard (as defined in the zoning ordinance), not within the main building or any attached accessory buildings, and shall be at least 20 feet from any dwelling and at least 10 feet from the property line.
  - 11) Materials used to construct the enclosed area shall exclude tarps, plastic, fabric, rubber, cardboard, or other non-traditional building materials.
- e) Coops shall be kept and maintained in a manner so as to minimize, to the greatest extent possible, any adverse impacts to the property on which they are kept, surrounding properties, and any other areas of the Village, including, without limitation, dust, dirt, noise, odor, vermin, the attraction of other birds or animals, the potential spread of infection, disease or contamination or other health or safety hazards or nuisance conditions. All coops shall:
- 1) Be constructed and maintained in compliance with all applicable building code regulations.
  - 2) Be of sufficient size and design, and constructed of such material, so that it can be maintained in a clean, orderly and sanitary condition.
  - 3) Be kept, at all times, in a clean, orderly and sanitary condition, in good repair, and in compliance with all applicable health and safety laws and regulations.
  - 4) Be a maximum of 80 square feet in area and eight feet in height.
  - 5) Contain sufficient square footage to allow the chickens or ducks housed within to move around freely, provide an interior height of at least six inches higher than the head of the chicken or duck in the enclosure when the chicken or duck is in the normal standing position. A run for the chickens or ducks shall be of a length, width, and height to provide adequate space for an animal to exercise.
  - 6) Be enclosed on all sides and from above.
  - 7) Be screened from view from the street and neighboring properties with a sight-obscuring fence, wall or landscaping in such quantities to sufficiently prevent the sight of the area from the street and neighboring properties during all seasons
- f) The keeping of chickens or ducks shall follow all other Local, State, and Federal regulations.
- g) Pets and other animals shall not be kept, housed or maintained within any buildings or structures or upon any lands in such a manner or to such extent that there are serious adverse effects upon adjacent lands or other lands by reason of noise, objectionable odors, contagion, insects, or other objectionable effects.

**Section 12. *Civil Liability:*** Nothing in this ordinance shall be construed as limiting the common law liability of an owner for damages committed by an animal owned by such owner.

**Section 13.** *Penalty.* Any person who violates Section 4 of this ordinance or who shall violate any order to confine an animal owned by him to his premises pursuant to the provisions of this ordinance, or who shall, after demand, refuse to surrender any animal owned by him pursuant to an order made under this ordinance, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for no more than ninety (90) days, or both such fine and imprisonment. Violation of any other provision of this ordinance is a municipal civil infraction for which the fine shall not be less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies provided by law. For purpose of this section, "Subsequent offenses" means a violation of this ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible.

**Section 14.** *Repealed Ordinances:* Ordinance No. 15-2016 and Ordinance No. 2020-14 are hereby repealed and replaced with Ordinance No. 2022-02.

**Section 15.** *Severability.* The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or sub-section is declared to be void of ineffective for any reason, it shall not affect any other part or portion hereof.

**Section 16.** *Effective Date and Publication:* This ordinance shall become effective thirty (30) days following its publication or the publication of a summary of its provisions in a local newspaper of general circulation in the Village or on the Village website.

AYES:

NAYS: None.

Absent: 0

ORDINANCE DECLARED ADOPTED.

---

Pamela Manciu, Village Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Casnovia at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

---

Pamela Manciu, Village Clerk