

HOPKINS VILLAGE
ALLEGAN COUNTY, MICHIGAN

HOPKINS VILLAGE ORDINANCE NO. 7 (1 of 2024)

Adopted: May 13, 2024

Effective: July 1, 2024

**ORDINANCE ADDRESSING THE KEEPING OF ANIMALS WITHIN THE
VILLAGE OF HOPKINS**

THE VILLAGE OF HOPKINS ORDAINS:

SECTION I
DEFINITIONS

The following terms when used in this ordinance shall have the meanings set forth in this Section.

1. "Village" means the Village of Hopkins, Allegan County, Michigan.
2. The term "animals" as used in this ordinance shall be generally inclusive and shall include, but is not limited to, all animals including those defined in this ordinance as livestock, domestic, and wild animals.
3. Livestock – The term "livestock" as used in this ordinance shall mean animals used for human food and fiber or animals used for service to human beings and generally includes animals associated with farming and/or agriculture specifically including, but not limited to, Horses, Cows, Pigs, Goats, Sheep, Fowl (excluding chickens, ducks, & quail as stated in this ordinance, referred to as "domestic fowl").
4. Domestic Animals – For purposes of this ordinance, "domestic animal" or "domestic animals" shall mean any animal that is not likely to bite without provocation and/or is not likely to cause death, maiming or illness of a human, including but not limited to the following: household birds (caged), cat (domestic), chinchilla, ferret, dog (domestic), fish, rabbit (domestic), lizard (non-venomous), snake (non-venomous), spider (non-venomous).
5. Wild Animals – The term "wild animal" as used in this ordinance shall be generally inclusive and shall include, but is not limited to, all Non-domestic & Non-Livestock animals, racoons, opossums, skunks, coyotes, foxes, wolves, deer, as well as feral animals with no owner or caregiver.

6. The word "owner" when applied to the proprietorship of an animal shall include every person having a right or property in such animal, and every person who keeps or harbors such animal or has it in his or her care, and every person who permits such animal to remain in or about any premises occupied by him or her.
7. The word "Caregiver" or "Caretaker" shall be defined as any person who provides for the needs of any animal through feeding, grooming, or sheltering without having or claiming ownership of said animal with general regularity at any location at or away from the Caregivers primary place of residence.
8. Nuisance Animal, Aggressive Animal, and Dangerous Animal
 - a. *Nuisance Animal* shall mean any animal running at large, on public or private property other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to:
 - i. making physical contact with a person or other animal in a harassing manner;
 - ii. urination or defecation on persons or property;
 - iii. damaging inanimate personal property; or,
 - iv. trespasses upon another's property.
 - b. *Aggressive Animal* shall mean any animal that exhibits menacing behavior on public or private property including that of its owner or keeper. Menacing behavior shall include, but not be limited to, the following list of actions or behaviors directed at a person or other animal in a place where the person or other animal is legally entitled to be:
 - i. charging;
 - ii. biting;
 - iii. scratching;
 - iv. toppling;
 - v. teeth-baring;
 - vi. snapping;
 - vii. growling;
 - viii. other predatory mannerisms.
 - c. *Dangerous Animal* shall mean any animal that bites or otherwise causes any injury to a person or other animal on public or private property where the injured person or other animal is legally entitled to be, including the property of the animal's owner or custodian. An animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or service purposes while engaged in the activities for which they were trained, shall be considered a dangerous animal.
 - d. Exceptions.
 - i. An animal shall not be considered a nuisance, aggressive or dangerous animal where its act is caused by any of the following:
 1. An illness or injury suffered by the animal at the time of the act;
 2. The negligent or reckless conduct of any person to whom the act is directed;
 3. Lawful hunting while the animal is under the control of its owner or custodian;

4. Reasonable defense of the animal's owner, or members of the owner's family or household, or their property.

SECTION II

GENERAL PROVISIONS

Care and Keeping of Animals. If an occupant or owner keeps or allows animals within a dwelling, in a yard, in a structure, or upon a property, the occupant or owner shall remove any odorous or unsanitary condition(s). The property owner shall be responsible for the repair of any damage to the dwelling, structure or yard caused by any animal and shall be responsible for any unsafe condition.

No more than three (3) dogs or three (3) cats or any combination thereof totaling three that are six (6) months of age or older shall be permanently kept at any residence, dwelling, or property within the Village of Hopkins.

No person shall own, be the primary caregiver of, keep, house, or intentionally feed any wild animals within the Village of Hopkins (except for outdoor wild bird feeders).

No person shall own or be the caregiver of any livestock within the Village of Hopkins.

No person shall abandon and/or dispose of any animal in the Village of Hopkins.

It shall be a violation of this ordinance to provoke any animal through a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

Any authorized Village law enforcement officer or Sheriff's Deputy, animal control officer, or ordinance enforcement officer is hereby authorized to impound any animal s/he finds running at large within the Village and deliver such animal to the county animal pound or other authorized facility where the owner of such animal may reclaim it provided that such reclamation is made within the required time and the necessary costs are paid as provided by law.

SECTION III

DOGS

1. A person who owns, is a caretaker, or has custody of a dog shall prevent the dog from engaging in nuisance, aggressive or dangerous behavior.
2. Licensing Required. All dogs shall be licensed with a license issued by Allegan County, as provided for by State law, except:
 - a. A dog under six (6) months of age;
 - b. A dog licensed by a municipality in which the dog owner and dog reside;
 - c. A dog licensed by another state or county in which the dog and owner reside, if the owner will be present in Allegan County for thirty (30) days or less;

- d. Dogs kept in dog kennels licensed pursuant to the Allegan County Animal Control Regulation or as otherwise permitted by state law to be kept without a license.
3. Exhibition of Animals, Licenses or Certificates of Vaccination.
 - a. Upon the request of a police officer, any person owning any dog shall exhibit the dog, the required vaccination certificate, and the current license or license tag for such dog.
 - b. No person shall fail to exhibit a dog, the required vaccination certificate and the license or license tag for such a dog.
 - c. It is unlawful for a person to own a dog six months or older that does not wear a collar and tag at all times when outdoors, except when engaged in hunting activities accompanied by his or her owner.
4. Any dog employed by a law enforcement department, fire department or military unit shall be exempt from the provisions of this ordinance when in the performance of official duties.
5. A person who owns or has custody or control of a dog shall prevent the dog from running at large.
6. A person who owns or has 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, except when engaged in hunting activities accompanied by his or her owner.
7. A person who owns or has custody or control of an animal shall prevent the animal from defecating on any public or private property other than his or her own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his or her property.
8. No person shall own any dog which by loud or frequent or habitual barking, yelping or howling, shall cause annoyance to the people in the neighborhood.
9. Rabies prevention, exposure, notice, quarantine
 - a. Any person who shall have in his or her possession a dog which has contracted rabies or which has been subjected to the same or which is suspected of having rabies or which has bitten any person, shall upon demand of the Police Department, Health Officer or County Dog Warden, produce and surrender up such dog to be held for observation as hereinafter provided.
 - b. It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or other animal showing symptoms of rabies, immediately to notify the Police Department or County Dog Warden of his or her possession of such dog.
 - c. The Allegan County Sheriff's Office and Allegan County Animal Control are hereby authorized to require that any dog be quarantined, or that a quarantine be established in the Village of Hopkins for any defined period, when in his or her opinion such measures are necessary in order to protect the health of the inhabitants of such Village.

SECTION IV
CATS

1. A person who owns, is a caretaker, or has custody of a cat shall prevent the cat from engaging in nuisance, aggressive or dangerous behavior.
2. Any at-large cat may be assumed to be unowned and/or wild and may be humanely trapped and brought to a local animal shelter for impoundment.

SECTION V
CHICKENS, DUCKS, & QUAIL

1. Chickens, Ducks, and/or Quail, referred to in this ordinance as “domestic fowl”, may be kept as an accessory use to an owner-occupied, single family dwelling in any residential district in the Village of Hopkins subject to the following conditions:
 - a. Domestic Fowl may only be kept on a lot containing a single-family dwelling.
 - b. Domestic Fowl may only be kept on a lot which is at least 3,800 square feet in size.
 - c. Domestic Fowl may only be kept by an occupant of a dwelling unit located on the real property on which the Domestic Fowl are kept.
 - d. Domestic Fowl must be kept in and confined in a properly designed and constructed coop or enclosure or pen , or a fenced and covered enclosure, which shall be located outdoors and only in the "rear yard" of the property.
 - i. The Village Council may permit an alternate placement where a rear yard does not exist due to existing building placement or for properties that do not have a rear yard, providing that there are no detrimental effects on adjacent properties.
 - e. Domestic Fowl may be allowed to roam the rear yard of a property so long as they are contained within a fence and do not stray from the property of their owner. Domestic Fowl shall not be allowed to roam freely off the owner’s property.
 - f. Each fenced and covered enclosure shall be designed with adequate yard space for each Domestic Fowl Any covered enclosures shall comply with zoning ordinance standards, including but not limited to setback regulations. Enclosures must be clean and resistant to predators and rodents.
 - g. Each fenced and covered enclosure shall be properly cleaned and maintained by the owner or the owner’s designee.
 - h. No person shall keep or allow to be kept more than six (6) Domestic Fowl on a lot which is 3,800 square feet or greater in size.
 - i. Domestic Fowl feed must be in rodent resistant and weather-proof enclosures and be placed in a fenced area inaccessible to wild fowl.
 - j. Domestic Fowl may not be butchered, slaughtered, or otherwise killed for any reason or any purpose in a public space or in the general sight of the public, or in the front yard of any real property on which Domestic Fowl may be kept pursuant to this ordinance.
 - k. The person keeping the Domestic Fowl shall abide by all health and safety standards of the Village of Hopkins and Allegan County Property Maintenance Code and Health Department regulations.

- I. Roosters and Mallards are expressly prohibited, regardless of the age or maturity of the bird.

SECTION VI **MISCELLANEOUS**

1. No person shall keep, harbor or raise any bees in or upon any premises within the Village.
2. Ponds for the keeping of fish shall be permitted on residential property in accordance with applicable zoning ordinances, state laws including but not limited to EGLE regulations and local building and health department codes. No person shall dispose of any domestic, tropical, or saltwater fish in any river, stream, or public water way.
3. It shall be unlawful for any person to ride, walk or otherwise use, cause, permit or allow any horse, mule, pony or donkey on any sidewalk within the Village. Provided, however, said animals may be on a Village sidewalk for the limited purpose of participating in an organized parade or event within the village.
4. Restriction on feeding locations
 - a. It shall be unlawful to knowingly provide food to wild animals within the Village of Hopkins with the following exceptions:
 - i. The feeding of wild birds in feeders
 - b. All locations for the feeding of domestic animals that live primarily outdoors shall be restricted to no more than 6 feet from the primary residence on the property or contained within a domestic fowl enclosure or enclosed area/run as described in this ordinance

SECTION VII **ENFORCEMENT**

The President of the Village, with the affirmation of the Village Council, may designate a person or agency as an enforcement officer for this ordinance. All public safety officers including, but not limited to the Allegan County Sheriff, Gun Lake Tribal Police, and Michigan State Police, as well as the Allegan County Animal Control shall also constitute legal enforcement for this ordinance.

In the absence of a designated enforcement officer, the President shall, at the will and consent of the council, fulfill the role of the enforcement officer.

SECTION VIII **COMPLAINTS, VIOLATIONS AND PENALTIES**

All complaints shall be submitted to the Village in writing.

Complaints shall be investigated by the President or the designated enforcement officer within 14 days.

Any violation of this ordinance constitutes a municipal civil infraction and is subject to the penalties thereof.

Violation. Any person, partnership, limited liability company, corporation or association who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or who causes, allows or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person, partnership, limited liability company, corporation or association responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

First Offense	\$100.00
Second Offense Within two (2) years of the first offense	\$200.00
Third or Subsequent Offense Within two (2) years of the date of the first offense	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village of Hopkins has incurred in connection with the municipal civil infraction. In no case, however, shall costs of more than \$500.00 be ordered.

Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

SECTION IX
REPEAL

This ordinance repeals all conflicting ordinances, specifically Village of Hopkins Ordinance 7 (7 of 1921) of Part 65 and Ordinance 30 (3 of 1960) of Part 66 of the Village Ordinances.

SECTION X
SEVERABILITY

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 of this ordinance.

SECTION XI
EFFECTIVE DATE

This ordinance shall become effective upon its adoption and publication as provided by Village Charter.

Moved by Adams, with support by Mullett, that HOPKINS VILLAGE ORDINANCE NO. 7 (1 of 2024) be adopted as read.

YEAS: 5

NAYS: 0

ABSENT: 1

Adoption Date: May 13, 2024

Effective Date: July 1, 2024

SECTION XII
CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the Village of Hopkins, Michigan, does hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Council of the Village of Hopkins, at a regular meeting of the City Council on the 13th Day of May, 2024, at which meeting a quorum was present and remained throughout, and that the original of said Ordinance is on file in the records of the Village of Hopkins. I further certify that the meeting was conducted and public notice was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Dated: May 13, 2024

Mike Alberda
Village of Hopkins Clerk