

**BURR OAK TOWNSHIP  
ST. JOSEPH COUNTY, MICHIGAN  
ORDINANCE NO. 2020-1**

**ADOPTED:** February 3, 2020

**EFFECTIVE:** February 3, 2020

An ordinance to amend the Burr Oak Township Zoning Ordinance (Number 2002-1) (the "Zoning Ordinance").

**THE TOWNSHIP BOARD OF BURR OAK TOWNSHIP, ST. JOSEPH COUNTY, MICHIGAN,  
ORDAINS:**

Burr Oak Township's Zoning Ordinance (Ordinance No. 2002-1) shall be amended as follows:

**SECTION I: AMENDMENT OF ARTICLE 3**

Article 3 is amended by adding the following definitions:

**Dog Breeding Establishment:** Any establishment where dogs are intentionally mated to produce puppies to be sold.

**Kennel:** Any dog breeding establishment regardless of the number of dogs kept on site and/or any establishment wherein or whereon four or more dogs over the age of six months are kept overnight (regardless of whether or not the dogs are owned by the owner or occupant of the subject property) excluding an animal hospital. Notwithstanding the foregoing, a kennel shall not include an establishment wherein or whereon four dogs are kept if all such dogs are kept as pets and are spayed or neutered and proof of the same is provided to the Township.

**SECTION II: AMENDMENT OF SECTION 5.3**

Section 5.3 is amended by adding the following as special exception uses allowed in the AG-Agricultural District:

- O. Kennel. The following minimum requirements shall be included in a special exception use permit granted for a kennel:
  - 1. A plan detailing maintenance and cleaning of the kennel areas shall be submitted along with the special exception use application, which shall include a description of how the kennel areas will be cleaned and maintained, a schedule for cleaning, and plans for dog waste removal and disposal. If the plan is approved and a permit issued, the kennel operator's adherence to this plan shall be a condition of maintaining the permit. A record of actual maintenance and/or cleaning performed with regard to the kennel areas shall be kept and made available during any inspections.
  - 2. The special exception use permit shall specify the maximum number of dogs that may be kept on the subject property.

3. All dogs kept on the subject property shall be kept in compliance with all federal, state and local laws and regulations, including licensing and vaccination requirements. Licenses, vaccinations records, and other similar records related to the dogs shall be maintained and made available for review during inspections.
  4. An applicant applying for and receiving a special exception use permit for a kennel consents to reasonable inspections (including unannounced inspections) of the kennel operation by the Township's ordinance enforcement officer and/or zoning administrator. Refusal to allow an inspection shall constitute grounds for revocation of the special exception use permit.
  5. The Township shall have the discretion to add other requirements and/or conditions.
- P. Dog breeding establishment. The following minimum requirements shall be included in a special exception use permit granted for a dog breeding establishment:
1. A dog breeding establishment must have a special exception use permit for a kennel regardless of the number of dogs kept on the subject property.
  2. All requirements for kennels as set forth in Section 5.3(O) shall also apply to dog breeding establishments.
  3. The owner and/or operator of a dog breeding establishment shall maintain records that include the following in addition to the records required to be maintained for a kennel:
    - a. A photograph of each dog used for the purpose of breeding labeled with the name, age, and sex of the dog and the date the dog was acquired.
    - b. The date of each breeding event along with the names of the dogs bred.
    - c. The date any puppies are born along with the names of the parents, the number of female puppies in the litter, and the number of male puppies in the litter.
    - d. All veterinary and/or medical records related to the dogs on the subject property;
    - e. Sale information for each puppy/dog sold, including the following:
      - (1) Date of sale;
      - (2) Date of birth of the dog and the dog's mother's name;
      - (3) Purchaser's name, address, and telephone number.
  4. The sale of any dog (including puppies) to an unlicensed and/or illegal facility that does experiments or testing on animals shall constitute grounds for revocation of the special exception use permit.

### **SECTION III: AMENDMENT OF SECTION 6.3**

Section 6.3 is amended by adding the following as special land uses allowed in the R-1 Residential District:

- H. Kennel. The following minimum requirements shall be included in a special exception use permit granted for a kennel:
1. A plan detailing maintenance and cleaning of the kennel areas shall be submitted along with the special exception use application, which shall include a description of how the kennel areas will be cleaned and maintained, a schedule for cleaning, and plans for dog waste removal and disposal. If the plan is approved and a permit issued, the kennel operator's adherence to this plan shall be a condition of maintaining the permit. A record of actual maintenance and/or cleaning performed with regard to the kennel areas shall be kept and made available during any inspections.

2. The special exception use permit shall specify the maximum number of dogs that may be kept on the subject property.
  3. All dogs kept on the subject property shall be kept in compliance with all federal, state and local laws and regulations, including licensing and vaccination requirements. Licenses, vaccinations records, and other similar records related to the dogs shall be maintained and made available for review during inspections.
  4. An applicant applying for and receiving a special exception use permit for a kennel consents to reasonable inspections (including unannounced inspections) of the kennel operation by the Township's ordinance enforcement officer and/or zoning administrator. Refusal to allow an inspection shall constitute grounds for revocation of the special exception use permit.
  5. The Township shall have the discretion to add other requirements and/or conditions.
- I. Dog breeding establishment. The following minimum requirements shall be included in a special exception use permit granted for a dog breeding establishment:
1. A dog breeding establishment must have a special exception use permit for a kennel regardless of the number of dogs kept on the subject property.
  2. All requirements for kennels as set forth in Section 5.3(O) shall also apply to dog breeding establishments.
  3. The owner and/or operator of a dog breeding establishment shall maintain records that include the following in addition to the records required to be maintained for a kennel:
    - a. A photograph of each dog used for the purpose of breeding labeled with the name, age, and sex of the dog and the date the dog was acquired.
    - b. The date of each breeding event along with the names of the dogs bred.
    - c. The date any puppies are born along with the names of the parents, the number of female puppies in the litter, and the number of male puppies in the litter.
    - d. All veterinary and/or medical records related to the dogs on the subject property;
    - e. Sale information for each puppy/dog sold, including the following:
      - (1) Date of sale;
      - (2) Date of birth of the dog and the dog's mother's name;
      - (3) Purchaser's name, address, and telephone number.
  4. The sale of any dog (including puppies) to an unlicensed and/or illegal facility that does experiments or testing on animals shall constitute grounds for revocation of the special exception use permit.

#### **SECTION IV: AMENDMENT OF SECTION 27.2**

Section 27.2 is amended by adding the following subparagraph D:

- D. In addition to the general requirements for a site plan, a site plan submitted with an application for a special exception use permit for a kennel and/or dog breeding establishment shall:
1. Show all buildings on the subject property (including dimensions and square footage);
  2. Clearly identify any building(s) that will be used for kennel operations;
  3. Show all enclosures where the dogs will be kept (including overall size, size of each separately enclosed area, height, construction materials, proposed floor or ground materials, etc.);
  4. Show all shelters that will be provided for the dogs (including size and construction materials); and,

show the distance between all buildings and enclosures used as part of the kennel and the property lines of the subject property.

**SECTION V: SEVERABILITY**

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof other than the part or portion thereof so declared to be invalid.

**SECTION VI: REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION VII: SAVING CLAUSE**

All suits, proceedings, or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to this amendment, may be commenced, maintained and/or prosecuted as if this amendment had not been made.

**SECTION VIII: EFFECTIVE DATE**

This ordinance shall take effect 30 days after publication as required by law.

The foregoing ordinance was offered by George Letts and supported by Michael Perry, the vote being as follows:

YEAS: 5  
NAYS: 0  
ABSENT: 0

Ordinance declared adopted.

Jacquilyn Wells  
Jacquilyn Wells  
Township Clerk

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a regular meeting of the Burr Oak Township Board held on February 3, 2020. I further certify that a summary of the foregoing Ordinance was published in the Sturgis Journal, Sturgis, Michigan, on \_\_\_\_\_, 2020 and an attested copy of the Ordinance was filed with the St. Joseph County Clerk's office on \_\_\_\_\_, 2020.

Dated: \_\_\_\_\_

Jacquilyn Wells, Clerk  
Jacquilyn Wells, Township Clerk