

This is to certify that on the 26th day of January, 1963, a copy of this ordinance was posted at the Martin State Bank, Martin Post Office, and Geib's Service Station.

ORDINANCE NO. 12

AN ORDINANCE TO REGULATE THE KEEPING OF HORSES, COLTS, MULES, COWS, GOATS, SHEEP, SWINE AND FOWL IN THE VILLAGE OF MARTIN, MICHIGAN; TO PROVIDE PENALTIES FOR VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE VILLAGE OF MARTIN ORDAINS:

SECTION 1. For the purpose of this ordinance, the following definitions shall apply:

- (a) "Person" shall mean any person, co-partnership, company, corporation or association;
- (b) "Owner" shall be given its ordinary meaning and shall include any trustee, board or organization having a freehold interest in the property;
- (c) " Dwelling" shall mean the abode of a person or family and shall also include apartments, hotels, motels and retail business establishments;
- (d) "Occupant" shall mean the tenant in possession of or the person occupying or having custody of a dwelling;
- (e) "Farm" shall mean the premises upon which farming in its ordinary meaning is the principal business or occupation and shall include orchards;
- (f) The singular of words used shall also include the plural where applicable.

SECTION 2.

(a) It shall be unlawful for any person to keep, house or maintain any horse, colt, mule, cow, goat, sheep or swine in the Village of Martin, Michigan, within four hundred (400) feet of any existing dwelling, or one that may be erected in the future, or to tether any of the foregoing animals in any street or alley in the Village, or permit same to feed or graze along or upon any street or alley.

(b) It shall be unlawful for any person to keep, house or maintain any fowl in the Village unless the same shall be confined to the owner or occupant's premises by a suitable enclosure which will prevent their wandering to or about another's premises, including public streets, alleys or other public property, and the housing or roost for said fowl shall be at least fifty (50) feet from the nearest dwelling on property adjacent to the owner of said fowl.

SECTION 3. All barns, pens, coops and the grounds upon which these are situated shall be kept in a clean and sanitary condition at all times. The Village or the Allegan County Health Department shall determine if sanitary conditions are maintained.

SECTION 4. The restriction of four hundred (400) feet from any existing dwelling, or one that may be erected in the future, contained in Section 2(a) hereof shall not apply to a farm within the corporation limits of the Village.

SECTION 5. Any person who shall violate any of the provisions of this ordinance, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the Allegan County jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

SECTION 6. Should any phrase, sentence, clause, or section of this ordinance be declared invalid by any court of competent jurisdiction, such invalidity shall not be deemed to invalidate any other part or section of this ordinance, which shall continue in full force and effect.

SECTION 7. All ordinances or parts of ordinances now in effect and in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall take effect and be in force 20 days after its passage and approval.

Approved and adopted this 12 day of January, 1963.

Signed Opeta Salimony  
Village Clerk

Approved Al W. Gable  
Village President

EDWARD READ BARTON  
ATTORNEY & COUNSELOR AT LAW  
ALLEGAN BANK BUILDING  
ALLEGAN, MICHIGAN 49010

PLAINWELL  
682-2061  
WAYLAND  
792-2436

TELEPHONE  
ALLEGAN  
673-3712

May 3, 1967

Mr. Melville Shook  
Martin, Michigan

Dear Sir:

Enclosed is an opinion on Ordinance 12. I trust  
it is self explanatory.

Very truly yours,

*Edward Read Barton*  
Edward Read Barton

ERB/kms  
Enc: 1

OPINION ON ORDINANCE 12  
OF THE ORDINANCE OF THE  
VILLAGE OF MARTIN

Ordinance 12 contains the provision that the named livestock cannot be housed or maintained within 400 feet of an existing dwelling at the time the party starts keeping the livestock.

The Ordinance further states that the 400 foot requirement does not apply to a farm. Section one defines a farm as where farming is the principle business or occupation. The use of the premises for a livestock hobby certainly would not fit the definition of farming in the Ordinance.

Livestock may be kept beyond the 400 foot limit, however, subject to such health regulations as the Village or Allegan County Health Department may subsequently adopt.

It is very doubtful that any court would hold that ponies were not within the meaning and scope of Ordinance 12.

Dated: May 3, 1967.

EDWARD READ BARTON

*Edward Read Barton*  
Village Attorney

**VILLAGE OF MARTIN**  
**MARTIN, MICHIGAN**

I HEREBY GIVE MY CONSENT FOR MR. AND MRS. HOLLIS  
KENT TO KEEP PONIES ON THEIR LAND ADJACENT TO MY  
PROPERTY.

1. Isabelle Decker
2. Mr + Mrs Neil Walter
3. George Merchant
4. James Kent
5. John Katz
6. James Miller
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

125

Mr. Barton  
6733712

AN AMENDMENT TO ORDINANCE NUMBER TWELVE (12) ALLOWING THE KEEPING OF LIVESTOCK UNDER CERTAIN SPECIFIED CONDITIONS. THE VILLAGE OF MARTIN ORDAINS:

That Ordinance number 12 of the Ordinances of the Village of Martin, duly enacted January 22, 1963, be amended by adding the following Section 4A.

4A. The restriction of four hundred (400) feet from any existing dwelling, or one that may hereafter be erected, contained in Section 2A above shall not apply to parcels of ~~eight~~ <sup>10</sup> acres or more if all the following conditions are met in the order listed:

1. That the owner or leasee has obtained, in writing, consent to the keeping of the type of livestock he proposes to keep from <sup>75% of the adjoining</sup> ~~all the adjoining~~ property owners which signed consents shall be filed with the Village Clerk <sup>[see attached]</sup>

2. That the Village Commission unanimously adopt a resolution allowing and approving the keeping of the proposed type of livestock by the proposed owner or leasee on the specified parcel.

~~3. Withheld as Village Plat =~~  
Effective Date: This amendment shall take effect and be in force twenty (20) days after its passage and approval.

Passed and approved this 20 day of April, 1968.

Signed: \_\_\_\_\_  
Village Clerk.

Approved: \_\_\_\_\_  
Village President.

COUNTY OF ALLEGAN — STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

RE: Amendment to Ordinance 12
Village of Martin

Charles F. Barrett, Sr.

being duly sworn, says: "I am the chief clerk of the PLAINWELL ENTERPRISE, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates. to-wit:"

April 18 A.D. 1968
A.D. 19
A.D. 19

Charles F. Barrett, Sr.

Subscribed and sworn to before me this 20th day of April A.D. 1968

James J. Barrett
Notary Public, Allegan County, Michigan

My Commission expires March 1, 1970

The Plainwell Enterprise
200 East Bridge Street — Plainwell, Michigan

An Amendment to Ordinance Number Twelve (12) Allowing The Keeping of Livestock Under Certain Specified Conditions.

The Village of Martin Ordains: That Ordinance number 12 of the Ordinances of the Village of Martin, duly enacted January 22, 1963, be amended by adding the following Section 4A.

4A. The restriction of four hundred (400) feet from any existing dwelling, or one that may hereafter be erected, contained in Section 2A above shall not apply to parcels of ten (10) acres or more if all the following conditions are met in the order listed:

1. That the owner or leasee has obtained, in writing, consent to the keeping of the type of livestock he proposes to keep from 75% of the adjoining property owners which signed consents shall be filed with the Village Clerk.

2. That the owner or leasee agrees in writing to keep such livestock at least 200 feet away from the street.

3. That the Village Commission unanimously adopt a resolution allowing and approving the keeping of the proposed type of livestock by the proposed owner or leasee on the specified parcel.

Effective Date: This amendment shall take effect and be in force twenty (20) days after its passage and approval.

Passed and approved this 2nd day of April, 1968.

Signed: Lois Boss
Village Clerk
Approved: Melville Shook
Village President

This is to Certify that on the 16th day of April, 1968, a copy of this Amendment was posted at the First National Bank, Martin Branch, the Martin Post Office, and Geib's Service Station.

Lois M. Boss

Statement

Date .....

# PLAINWELL ENTERPRISE

200 E. BRIDGE ST.

PLAINWELL -- MICHIGAN

Lois Boss, Clerk

Martin, Michigan 49070

Notice - Tornado Signal	3.00
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1 folio - published April 18

Notice of Amendment to Ord. #2	9.00
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3 folios - published April 18

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TOTAL

\$12.00

*PAID*  
*10-10-68*  
*CK 746*