

**VILLAGE OF BERRIEN SPRINGS  
ORDINANCE NUMBER 390**

AN ORDINANCE TO AMEND ORDINANCE NO. 248 UNDER CHAPTER 10,  
ENTITLED "ANIMALS," ARTICLE II ENTITLED "DOGS" AND TO ADD  
TO ARTICLE II NEW SECTION 10-39 ENTITLED, "DAYCARE KENNELS".

**NOW THEREFORE,** The Village of Berrien Springs ordains:

**Section 1.** Ordinance No. 248 Under Chapter 10, Entitled "Animals", Article II Entitled "Dogs", is hereby amended to add new Section 10-39 entitled "Daycare Kennels".

**Section 10-39. Daycare Kennels**

a. Defined:

A Daycare Kennel, as used in this Section means any establishment where three or more dogs are boarded and cared for during the day only (defined as 6:00 am to 8:00 pm) as a paid service and are picked up by their owners before 8:00 pm; this service being for people who cannot look after their dog(s) during the day when they are working, at school or otherwise away from their home during the day, for some period of time.

b. Licensing:

Any Daycare Kennel shall require a kennel license from the State of Michigan or Berrien County. It shall be unlawful to operate a Daycare Kennel within the Village without having first secured a license to operate such a kennel from the County of Berrien or State of Michigan. Such license shall permit the operation of such kennel for a period of one year from the date of its issuance, unless previously revoked, or as otherwise required by the applicable State or County statute or ordinance.

c. Requirements:

No person shall be permitted to operate a Daycare Kennel unless the following conditions, requirements, limitations and regulations are met:

1. No Daycare Kennel shall be operated other than in the C-1, C-2 or Industrial zoning districts with a special land use permit as further provided in the Village Zoning Ordinance.

2. All inside and outside spaces shall be completely and entirely cleaned of all refuse matter at least twice per day.
3. In case any Daycare Kennel outdoor exercise area or outdoor enclosure is located within fifty feet (50') of one or more buildings used or occupied as residences, the kennel dogs shall be continuously confined within the kennel building and not allowed to run at large or be in the outdoor enclosure of such kennel. Such enclosed building shall be constructed or maintained as nearly sound proof as may be through ordinary building construction.

d. Nuisance; inspections:

Daycare Kennel premises shall be maintained in a clean, sanitary conditions at all times and sanitary methods shall be used to prevent any offensive odors. Any dogs which are habitual barkers shall be confined inside the enclosed building at all times. The police or an inspector designated by the Village shall have the right to inspect such kennels at all reasonable hours.

- e. All Daycare Kennels shall be operated as a special use in conformance with all applicable County, State and Federal regulations.
- f. Any time an animal is outside of the building they must be with an employee and, if an animal is outside of an enclosed area they must be on a leash.
- g. Enclosure areas for each dog shall meet or exceed the minimum area recommended by the United States Department of Agriculture Animal Welfare Act and Animal Welfare Regulations publication issued January 2017, or subsequent publication, or other professional organization upon supporting documentation provided to the Village Council. Each enclosure shall be of such construction as will adequately and comfortably house any dogs kept therein during any season of the year and its conditions shall meet any and all State or County requirement.

- h. The buildings, including the walls, must be of such construction that it can be easily cleaned and sanitized. The floors must be suitable for sanitizing. Any kennels or yards that are connected or are used to confine the kennel dogs, must be kept clean and free from accumulations of feces, filth, mud and debris.
- i. Every dog kept or maintained in the kennel or connected to the kennel, shall have constant access to a clean, fresh water supply.
- j. The Special Use Permit shall establish a limit on the number of animals that may be boarded at one time, but this number is subject to change by the Village Zoning Administrator, based on a review of the Daycare Kennel and its effect on the neighborhood by the Village Zoning Administrator.
- k. All animals shall be kept in an enclosed structure, except for walking and outdoor exercise when accompanied and controlled by an employee of the Kennel. The Conditional Use Permit may limit the time during which the animals are permitted out of the building.
- l. An operations and maintenance plan shall be submitted that specifically addresses how noise will be attenuated and waste handled.

## **Section 2. Prior Ordinances.**

All other ordinances or part of ordinances in conflict with or superseded by this Ordinance are repealed except to the extent that any project, condition, violation or prosecution that was subject to the prior ordinance shall continue.

## **Section 3. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, unlawful or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 4. Effective Date.**

This Ordinance shall take effect twenty (20) days after publication.

**Section 5. Publication.**

The Village Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

YEAS: Trustees Zach Fedoruk, Sheila Snyder, Mark Vandevere, Jack Davis, Lonna Johnson, and President Barry Gravitt.

NAYS: None.

ABSENT: Trustee Kristin von Maur.

Dated: July 10, 2023

  
Barry Gravitt, Village President

Ordinance declared adopted:

  
Rachael Kuzda, Village Clerk

I hereby certify that the above and foregoing Ordinance was duly adopted by the Village Council of Berrien Springs and published in the *Journal Era*, a weekly newspaper published in the Village of Berrien Springs, in the issue of said newspaper dated and published on the 19<sup>th</sup> day of July, 2023.

  
Rachael Kuzda, Village Clerk