

Macomb County Rules and Regulations Governing the Sport of Racing and Carrier Pigeons

Policy: To meet the statutory mandate of Act Number 57, Public Acts of 1974, and in furtherance of the welfare of the people of Macomb County, it is in the public interest that there be established a racing and carrier pigeon control agency.

General Provisions – Article I

Section 1.1 Short Title. This regulation shall be known and may be cited as the Macomb County Rules and Regulations for Racing and Carrier Pigeon Control.

Section 1.2 The design of these rules and regulations is intended to control the housing, harboring, raising, flying, training and conditioning of the type of pigeons defined in Section 1 (1) and 1 (2) of Act 57, P.A. 1974; empowering investigation and abatement of violations of these rules and regulations; and for the establishment and enforcement of rules and regulations; for the issuance of permits to owners of racing or carrier pigeons meeting the requirements of Act 57, P.A. 1974 and these rules and regulations; for the prohibition of certain acts causing a public nuisance or hazard to the health, welfare or safety of the general public; providing for fines and penalties for violations of the provisions of these rules and regulations; and for just and adequate means by which the provisions of these rules and regulations may be executed.

Section 1.3 Definition of Terms. As used in these rules and regulations except as otherwise specifically provided or where the context indicates clearly that a different meaning is intended, the following words and phrases shall have the meanings ascribed to them in this article:

“Carrier Pigeon” means homing and racing pigeons which have the name of the owner stamped upon the wing or tail, or are banded upon the leg with the name or initials of the owner or with an identification or registration number stamped on the band.

“Racing Pigeon” means pigeon registered with a national pigeon racing organization and used as a game competitive bird. The pigeons are not to be identified or classified as fowl when raised and used in the sport and hobby of racing carrier pigeons.

County – County of Macomb

Board – the Macomb County Board of Health

Department – the Macomb County Health Department

Director – the Director of the Macomb County Health Department or his duly authorized representative.

Loft – any structure in which carrier or racing pigeons are housed

Conditioning – the exercise and training of the carrier or racing pigeon to develop the most excellent physical shape

Exercise – the freedom of flight in the area of the loft required to condition the carrier or racing pigeon for a particular competitive race

Training – the release of the carrier or racing pigeon at an airline distance for a straight flight to the loft

Permit – a certificate authorizing the owner of carrier or racing pigeons to maintain a loft for housing the pigeons and to fly the pigeons for necessary exercise and training; permits are not transferable to new loft locations or new owners.

Person – any individual natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency or other entity recognized by law as the subject of rights and duties

Carrier or Racing Pigeon Owner – a person breeding, raising, harboring, maintaining, housing, flying or conditioning carrier or racing pigeons

Administration and Organization Article II:

Section 2.1 Enforcement Agency – The Macomb County Health Department is charged with the duty of investigating complaints and enforcing the provisions of these rules and regulations. The responsibility for the enforcement of these rules and regulations shall rest with the Director of the Macomb County Health Department and his duly authorized representative.

Section 2.2 The Director shall be empowered to:

- a. Supervise the implementation of these rules and regulations.
- b. Initiate complaints against all persons violating any provision of these rules and regulations and institute necessary legal proceedings to prosecute violations of these rules and regulations and compel the prevention and abatement of nuisances arising therefrom.
- c. Inspect and examine existing and newly constructed lofts to determine compliance with provisions of these rules and regulations.
- d. Investigate complaints pertaining to violations of these rules and regulations and make necessary inspections and observations and record such investigations, complaints, inspections and observations.
- e. Approve or reject applications for permits and administer notices or other matters required under the provisions of these rules and regulations.
- f. Issue or deny permits under the provision of Act 57, P.A. 1974 and these rules and regulations.
- g. Cooperate with municipal building and zoning agencies for the purposes of coordinating activities under the provisions of Act 57, P.A. 1974 and these rules and regulations.

- h. To establish permit fees and accept, receive, and give receipts for monies for and in behalf of the County, subject to all applicable laws and with the approval of the Macomb County Board of Commissioners.

Section 2.3 Written notice on forms provided shall be given to the Director before erection, alteration or remodeling of carrier or racing pigeon lofts is undertaken.

Appeals Board Article III:

Section 3.1 An appeal Board is hereby created consisting of five (5) members, to be appointed by the Health Education Environment and Welfare Committee of the Macomb County Board of Commissioners in accordance with their established procedures.

Section 3.2 Per Diem compensation may be paid to members of the Appeal Board as determined and established by the Board of Commissioners.

Permit Issuance Article IV:

Section 4.1 Permit Required

- a. It shall be unlawful to maintain a carrier or racing pigeon loft or to keep carrier or racing pigeons within the County without first obtaining a permit therefor from the Director, after the effective date of these Rules and Regulations.

Section 4.2 Application for Permit; Contents; Information; Accompanying Documents; Submission to Director.

- a. An application for a permit or a permit renewal shall be filed by the carrier or racing pigeon owner together with an address or legal description of the property upon which the loft is kept or proposed to be kept.
- b. The application must be signed by the carrier or racing pigeon owner as defined in these rules and regulations.
- c. The permit application shall be on a form provided by the Director, and shall be accompanied by the required permit fee.
- d. A drawing showing the size and location of the loft(s), and measured distances to property lines and habitable buildings on the property must accompany the application.
- e. Written certification from the municipality within which the loft(s) is located that construction of the loft(s) complies with applicable building ordinances or codes.
- f. The number of carrier or racing pigeons to be kept in the loft.
- g. Such additional information deemed necessary to properly and effectively administer the provisions of Act 57, P.A. 1974 and these rules and regulations.

Section 4.3 Denial of Permits

When a permit is denied the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the applicants' right to a hearing before the Appeals Board, or for filing a further application after revisions are made to meet objections specified as reasons for denial.

Section 4.4 Issuance of Permits

When the Director has determined that the provisions of Act 57, P.A. 1974 and these rules and regulations have been complied with he shall issue a permit.

Section 4.5 Time schedule for Compliance

- a. Existing lofts not in compliance with Article 5 as of the effective date of these rules and regulations shall be in compliance within six (6) months of the effective date of their adoption.
- b. All new lofts shall comply with these rules and regulations upon the effective date of their adoption.

Section 4.6 Term of Permit; Renewal; Renewal Fee

- a. After October 30, 1976 all owners must possess a valid permit issued by the Director.
- b. All permits shall expire at midnight on October 29, 1979 and triennially thereafter.
- c. Interim permits granted to new owners or owners with new lofts six (6) months or less prior to the expiration date prescribed in 4.6b shall continue to be valid until the next succeeding triennial expiration date. All other interim permits granted to new owners or owners with new lofts shall expire in accordance with Section 4.6b.
- d. Applications for permit renewal shall be submitted thirty (30) days prior to the expiration date in the manner provided in Article 4.2 together with the prescribed permit fee.

Section 4.7 Suspension; Revocation of Permit; Prosecution

- a. All pigeon lofts shall be subject to inspection by the Director as provided in these rules and regulations. Failure to comply with any or all of these rules and regulations following proper written notification of violation and a reasonable period of time to effect compliance shall be grounds for permit suspension or revocation by the Director. The owner shall be notified in writing of the effective date of such permit suspension or revocation together with the reasons therefor. Suspension or revocation shall be without prejudice to the owner's right to a hearing before the Appeals Board.
- b. The issuance of a permit shall not be held to exempt the owner to whom the permit was issued from prosecution for flagrant violations of these rules and regulations.

Standards and Operational Procedures – Article V:

Section 5.1 Loft Construction

The physical construction of the loft(s) shall be in compliance with applicable municipal building ordinances and codes.

Section 5.2 Loft Location

Lofts established, constructed, erected, maintained or operated in the County shall not be located nearer than **20** feet to any residential structure on an adjoining lot or parcel and **3** feet to a property line, unless otherwise specified in municipal building ordinances and codes.

Section 5.3 Loft Occupancy

A minimum of **1** square foot of loft floor area per carrier or racing pigeon shall be provided within the loft.

Section 5.4 Commercial Use Prohibited

Owners possessing a valid permit from the Director may utilize their loft(s) for the breeding, raising, harboring, training, conditioning, and flying of carrier or racing pigeons, but shall not use such lofts for the business of breeding, raising, or harboring for commercial or marketing purposes.

Section 5.5 Nuisances

- a. Owners of carrier or racing pigeons shall:
 1. exercise necessary measures to prevent their birds from perching or lingering on the buildings or property of others.
 2. maintain the loft(s) and surrounding premises in a sanitary, hygienic condition.
 3. maintain the birds in a healthy, disease free condition.
 4. exercise necessary measures to prevent the generation of obnoxious or offensive odors and noise, or otherwise create a nuisance affecting the buildings or property of others.
 5. maintain the loft in an orderly condition and in good repair.
 6. store loft scrapings, dead birds, manure and other putrescible wastes in water tight containers with tight fitting covers; final disposal shall be accomplished in a manner which creates neither a health hazard or nuisance and shall be approved by the Director.
 7. not house, harbor or keep more carrier or racing pigeons than permitted by Section 5.3

8. not allow or permit the birds to destroy or deface property

Appeals Article VI:

Section 6.1 Any person taking exception to or aggrieved by any decision, ruling, regulation, violation notice, or order issued by the Director may appeal to the Appeals Board. Such appeal shall be taken within ten (10) days after the decision, ruling, regulation, violation notice, or order complained of, by filing with the Director a notice of appeal directed to the Appeals Board specifying the grounds thereof and the relief sought. A filing fee of \$52.00 shall be posted by the appellant at the time of filing of the appeal to cover the cost of the hearing. The Director shall forthwith furnish to the Appeals Board all papers relating to the decision, ruling, or regulation, or order, which is appealed. The Appeals Board shall set a date, not less than five (5) days and not more than thirty (30) days after the date of filing of the appeal for the hearing and shall give notice thereof by certified mail to all interested parties. Such an appeal shall act as a stay of the decision, ruling, regulation, or order in question until the decision of the Appeals Board is rendered, except that this shall not be construed to abridge the rights of the Director to summarily abate a health or safety hazard. The Appeals Board shall affirm, modify, or set aside in writing the decision, ruling, regulation, or order of the Director, unless extraordinary circumstances exist requiring additional information, the appellant shall be advised of the decision of the Appeals Board at the time of the hearing. The decision of the Appeals Board shall be final unless reversed by a court of competent jurisdiction. Appeals from the decision of the Appeals Board shall conform to the rules applicable to appeals from state administrative agencies.

Right of Entry Article VII:

Section 7.1 Right of Entry for Inspection:

The Director may enter and inspect any property at reasonable times for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with these rules and regulations.

Penalties Article VIII:

Section 8.1 Penalties – Any person violating any of the provisions of these rules and regulations shall upon conviction be guilty of a misdemeanor punishable by a fine not exceeding the sum of \$100.00 or by imprisonment in the County Jail not exceeding ninety (90) days, or by both such fine and imprisonment in the discretion of the court and every day such violation continues shall be deemed a separate offense.

Section 8.2 Injunctive Proceedings – Whenever any person has been found to have repeatedly violated provisions of these rules and regulations, the Director may commence appropriate civil legal action in a court of competent jurisdiction in the name of the County and enjoin and restrain further continuance of such violation.

Severability Article IX:

Section 9.1 Severability – It is declared that this regulation is enacted in the interests of the public health and welfare of the residents of the County. If any part of this regulation shall be declared to be invalid or unconstitutional, such decision shall not affect the validity of the

remaining portions of this regulation, the Board of Health hereby declaring that it would have passed such remaining portions of this regulation notwithstanding such invalidity.

Effective Date:

These rules and regulations shall be deemed to be in effect on and after April 12, 1976.

Adopted by the Macomb County Health Department on February 9, 1976.

Reviewed and approved by the Macomb County Board of Commissioners on February 27, 1976.