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Senate Bill 631 (as passed by the Senate)  
Sponsor: Senator Hoon-Yung Hopgood  
Committee: Local Government and Elections

Date Completed: 4-10-14

### **RATIONALE**

Public Act 57 of 1974 regulates the ownership and handling of carrier pigeons. Under that Act, the health department of a city, village, township, or county must issue a carrier pigeon permit to the owner of carrier pigeons who complies with certain requirements regarding the construction, maintenance, and cleanliness of a "loft" (a structure in which carrier pigeons are housed). A permit holder may build and maintain a loft in the city, village, township, or county from which he or she obtained the permit, and is authorized to fly the pigeons for necessary exercise and training. Since some areas of the State are more densely populated than others, and neighborhood disputes may occur, some people believe that local units should be empowered to regulate the keeping of carrier pigeons.

### **CONTENT**

**The bill would amend Public Act 57 of 1974 to do the following:**

- **Require the keeping of carrier pigeons to be in compliance with local regulations.**
- **Bar a local unit of government from prohibiting the keeping of carrier pigeons.**

Specifically, the requirements for a carrier pigeon permit would include that the keeping of pigeons complied with the regulations and ordinances of the city, village, township, or county in which they would be located.

The bill specifies that a city, village, township, or county could not enact an ordinance that prohibited the keeping of carrier pigeons.

Currently, the requirements of zoning regulations relating to restrictions on the location of stables and poultry enclosures do not apply to a loft for which a permit has been issued. The bill would delete that provision.

MCL 433.352

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

State law mandates that a local health department issue a carrier pigeon permit to an owner of carrier pigeons who meets certain requirements regarding his or her pigeon loft. There is no authorization in statute, however, for local units of government to regulate the keeping of carrier pigeons. In at least one instance, in the City of Allen Park, local officials' inability to regulate the practice has contributed to a neighborhood dispute.

The Wayne County Health Department apparently issued an Allen Park resident a permit to keep up to 200 carrier pigeons. Residential lots in the suburban community are relatively small, and houses are located in close proximity to each other. At least one neighbor has complained about the odor from the pigeons and their feces, and the noise when they are released twice a day. When the neighbor contacted city officials, she was told that State law does not authorize local units to regulate the keeping of carrier pigeons.

By requiring the keeping of carrier pigeons to be in compliance with local regulations, but barring local units from prohibiting that practice, the bill would ensure that people could continue to keep carrier pigeons but that local units could reasonably regulate the hobby. This would allow local governments to decide what is suitable for their communities. For example, a local unit could limit the number of pigeons allowed or where they may be kept. Local officials then could enforce their regulations and possibly settle disputes such as the one that arose in Allen Park.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.