

ORDINANCE #41

ANIMAL CONTROL ORDINANCE

PURPOSE

Deeming it advisable in the interest of protecting the public's health, safety, welfare and convenience, we the people do proceed with this Ordinance, pertaining to the control, conduct and care of animals within Chocolay Township.

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SECTION 41.01 DEFINITIONS

For the purpose of this Ordinance, the following terms shall be used:

- A) **Animal:** unless otherwise stated the word "animal" shall include but not be limited to: birds, fish, reptiles, amphibians, arachnids and insects; poultry, ornamental and/or game birds, possessed and/or being reared pursuant to Act 191 of the Public Acts of 1929, as amended, being Sections 317.71-317.85 of the Compiled Laws of 1948 (MSA Sections 13.1271-13.1285). All mammals, male, female, any offspring thereof or sexually altered including dogs and cats; livestock, including but not limited to: horses, sheep, cattle, mules, goats, swine, rabbits or other fur-bearing animals being raised in captivity.
- B) **Person:** any human being, State County, or local employee, corporation, co-partnership and/or association.
- C) **Owner:** shall include but not limited to any person or persons owning premises, occupying or in the possession of any property, having proprietorship of an animal, right of property of an animal, or an authorized agent. Any person or persons who keeps, harbors, has care, custody or control of an animal. Any person or persons that allows any animal to remain on or about premises occupied by him/her for a period of five days or more.
- D) **Law Enforcement Officer:** any person or persons whose sworn duty it is to preserve the peace and to enforce the law.
- E) **Animal Control Officer:** any person or persons whose duty it is to enforce this Ordinance and the State Statutes pertaining to animal control and welfare, within the boundaries of the Charter Township of Chocolay.
- F) **Impound Facility:** a designated structure for the purpose of holding and caring for impounded or confined animals.

- G) **Day:** shall mean working days including Saturday. It shall not include Sundays or Holidays.
- H) **Dog:** as used in this Ordinance shall include male, female, offspring or sexually altered.
- I) **Leader Dog:** a dog specifically trained as a Leader, Guide or Sight Dog for a person legally blind.
- J) **Kennel:** an establishment wherein dogs are kept for remuneration, by breeding, board or sale. A premise whereat four (4) or more dogs are kept shall be considered a “kennel” and owners must comply with Section 41.04 of this Ordinance and with applicable State Statutes.
- K) **Enclosure:** a structure used to immediately restrict one or more animals to a limited amount of space.
- L) **Animal Bites:** a penetration of the skin caused by an animal.
- M) **Suspected Rabid Animal:** any animal that bites or scratches, causing penetration of the skin.
- N) **Vicious Animal:** any animal in the process of threatening person or property, or any animal that in the experience of a Law Enforcement Agency repeatedly threatens or destroys person or property.
- O) **Dispose:** to donate, sell, reclaim or to destroy in a humane manner.
- P) **Non-Agricultural Area:** any area zoned by the Charter Township of Chocoday for other than agricultural purposes.
- Q) **Township Board:** unless otherwise specified, the term “Township Board” shall mean the Charter Township of Chocoday.

SECTION 41.02 ANIMAL CONTROL OFFICER

A) **QUALIFICATIONS**

- 1) An Animal Control Officer may be employed by the Township Board and shall serve within the Department of Law Enforcement.
- 2) An Animal Control Officer shall meet the requirements of the Michigan Department of Agriculture and of the Personnel Policy of the Township.
- 3) In lieu of all fees and other remuneration under the Statutes of the State, an Animal Control Officer shall be paid a salary as established by appropriate resolution of the Township Board.

B) **DUTIES**

An Animal Control Officer shall:

- 1) promptly investigate any incident involving any animal running at large. Based on the Officer’s investigation, the animal may be seized, transported and impounded at the impound facility in accordance with the provisions of this Ordinance or the Statutes of the State.
- 2) issue appearance tickets to any person in violation of the provisions of this Ordinance or the Statutes of the State.
- 3) dispose of all impounded animals which are not claimed and released within the Statutory holding period.

- 4) promptly investigate all animal bites and if there is human exposure, search out and attempt to discover the animal involved, the owner of the same, and proceed as described in Section 41.06 of this Ordinance.
- 5) locate all unlicensed dogs, list such dogs and begin necessary proceedings as provided in this Ordinance and the Statutes of the State.
- 6) inspect kennels for the purpose of licensing and may suspend a license if he/she has reason to believe conditions exist which are unsanitary or inhumane to the animals. If such conditions are not corrected within a reasonable period of time, the Animal Control Officer shall have the authority to revoke said license.
- 7) investigate complaints of any animal alleged to be dangerous to persons and property, and if such complaint is justifiable, the animal may be impounded and appropriate action taken.
- 8) investigate complaints of cruelty to animals has the right to seize, take up and impound such animal, pursuant to Public Act 70 of 1877 as amended.

C) **AUTHORITY**

- 1) An Animal Control Officer shall be authorized and empowered to enter upon any property where animals are being kept, and there is probable cause to believe that this Ordinance is being violated, for the purpose of making inquiries about any animals thereon. The Animal Control Officer shall determine if the owner of said animals has complied with the appropriate provisions of this Ordinance; if not, the owner shall be notified of the provisions of this Ordinance and allowed fifteen (15) days to comply.
- 2) An Animal Control Officer shall be deputized to enforce this Ordinance and the Statutes of the State pertaining to animals, and to make complaint to the District Court and other appropriate Court in regard to any violation thereof.

SECTION 41.03 DOGS, LICENSING

- A) On or before June 1 of each year, every owner of any dog six months or over shall purchase a current license for every dog owned or kept by him/her from the Treasurer or authorized agent in the Township where the owner resides. Proof of vaccination against rabies, with a vaccine licensed by U.S. D.A. and signed by an accredited veterinarian, shall be required in order to purchase the license. License forms shall state the breed, sex, age, color and markings of the dog. For any dog attaining the age of six months after June 1, the owner shall have seven (7) days in which to obtain a license without penalty.
- B) It shall be unlawful for any person to own any dog six months old or over, unless the dog is licensed as hereinafter provided:
 - 1) The license fee for all dogs shall be established by the Marquette County Board of Commissioners and posted at all locations that shall have the authority to sell such licenses.
 - 2) For dogs reaching the age of six months after June 1, and before July 10, the license fee shall not be doubled.
 - 3) For any person becoming the owner of a dog six months old or over after July 10, the license fee shall be one-half (1/2) the amount fixed as the annual fee for such dog.
 - 4) Fees for Leader Dogs are hereby waived.
 - 5) Current dog licenses issued by other Counties within the State of Michigan, prior to the residence in Chocolay Township, shall be honored and valid for the remainder of the calendar year in which they were issued. Owners of said dog(s) are required to notify the licensing agent for Chocolay Township of the dog or dogs.

- 6) Any dog not confined in an enclosure, or not immediately engaged in hunting, must at all times wear a collar with a license tag approved by the Director of the Michigan Department of Agriculture attached.
- 7) All dog licenses expire on December 31 of the year purchased.

C) It shall be unlawful:

- 1) For any person except the owner to remove any collar and/or license tag from any dog.
- 2) For any owner to allow any dog to run at large except working farm dogs or hunting dogs while actively engaged in the activity for which they are trained and under the direction of the owner.

D) No dog shall be exempt from a rabies vaccination, unless a registered and practicing veterinarian of the State of Michigan certifies in writing that such vaccination would be detrimental to the health of the dog.

E) No license or license tag issued for one dog shall be transferable to another dog. Whenever ownership or possession of any dog is permanently transferred from one person to another within the same County, the license of such dog may likewise transfer, upon written notice given by the last registered owner to the County Treasurer who shall note such transfer upon his/her records. This Ordinance does not require procurement of a new license or the transfer of a license already secured where the possession of a dog is temporarily transferred for the purpose of boarding, hunting, trial or show.

F) If the dog license tag is lost, it may be replaced by the County Treasurer upon request of the owner of the dog and upon surrendering the owner's copy of such license and a sworn statement of the fact regarding the loss of such tag. The cost of said replacement tag shall be determined by resolution of the Marquette County Board of Commissioners.

SECTION 41.04 KENNELS

- A) Any person(s) who wishes to own, keep or operate a kennel shall, in lieu of individual licenses required under this Ordinance and under the Laws of the State of Michigan, apply to the County Treasurer or authorized agent thereof, for a kennel license.
- B) Any person(s) who at any time owns four (4) or more dogs at a single location within the boundaries of any non-agricultural area within Chocolay Township, shall on or before June 1 of every year apply for a kennel license as required under Act 339 of Public Acts of 1919, as amended. Failure to do so is punishable as set forth in the Penalty provision of this Ordinance. Fees for a kennel license shall be established by resolution of the Marquette County Board of Commissioners.

SECTION 41.05 ENCLOSURES

- A) All enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them and to keep predators out.
- B) All enclosures shall be constructed and maintained so as to enable the animals to remain dry and clean.
- C) All enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit and lie in a comfortable, normal position.
- D) The floors of an enclosure shall be constructed so as to protect the animal's feet and legs from injury.

- E) Each enclosure shall be provided with a solid resting surface or surfaces which, in the aggregate, shall be adequate size to comfortably hold all occupants of the enclosure at the same time.
- F) If a house with a chain is used as an enclosure for an animal kept outdoors, the chain shall also be placed or attached that it cannot become entangled with the chains of other animals or with objects. Such chain shall be the type commonly used for the size of animal involved and shall be attached to the animal by means of a well fitted collar. Such chain shall be at least three (3) times the length of the animal as measured from the tip of its nose to the base of its tail and shall allow the animal convenient access to the animal house.

SECTION 41.06 ANIMAL BITES AND PROCEDURES

- A) Any animal kept as a pet that bites a person or other animal, penetrating the skin, shall be securely confined by the owner inside an appropriate building or enclosure for a period of ten (10) days. In the event the Law Enforcement Officer has reason to believe the stipulation of this section will not be complied with, the Officer shall take custody of the animal and confine it at the impound facility for the required ten (10) days at the expense of the owner or agent.
- B) Any animal running loose after biting a person or other animal causing penetration of the skin, and whose owner cannot be determined, shall be confined for ten (10) days at the impound facility.
- C) Any wild animal that shall bite or scratch a person, causing penetration of the skin, shall be immediately destroyed and procedures for suspected rabid animal followed.
- D) Any animal, domestic or wild, which has bitten a person or other animal causing penetration of the skin, that cannot be apprehended, may at the discretion of the Officer, be immediately destroyed and the procedures for suspected rabid animal will be immediately followed.
- E) Any animal as previously described in any of the above sections, that should die or become ill during the time of confinement, will be suspected as rabid and procedures for such will be immediately followed.

SECTION 41.07 IMPOUND FACILITY

- A) Any animal found running at large may be seized by a Law Enforcement Officer and if the owner of the animal cannot be located, impounded in accordance with the Statutes of the State.
- B) Upon impoundment of an animal, the Law Enforcement Officer shall make every reasonable effort to promptly notify the owner of said animal and inform such owner of the location and how custody can be regained in accordance with the regulations of the Township and/or Agent.
- C) Any animal not redeemed within the impound period shall be disposed of in accordance with the provisions of the Ordinance.
- D) Any owner after notification of impoundment, who willfully fails to redeem the impounded animal, shall be cited for cruelty by neglect of said animal under the Cruelty Statutes of the State.
- E) Impound fees shall be posted at the impound facility and the fees must be paid upon redeeming the animal.
- F) Impound fees will be set by the Township Board.

SECTION 41.08 KILLING AND/OR SEIZING OF ANIMALS

- A) Any animal that enters an enclosure which is owned or leased by a person raising livestock or poultry, unaccompanied by the owner, shall be in violation of this Ordinance. The owner or leasee of such enclosure or his/her agent may apprehend or kill such animal while it is in the enclosure, without liability for killing such animal.
- B) It shall be lawful for any person to seize an animal running at large upon his/her property in violation of this Ordinance or the Statutes of the State of Michigan and to turn said animal over to a Law Enforcement Officer.
- C) In no event shall the provisions of this Article exonerate a person from compliance with the criminal laws of this State, including the safe discharge of firearms.

SECTION 41.09 PROHIBITION OF LIVESTOCK OR POULTRY IN NON-AGRICULTURAL AREAS

No livestock or poultry shall be owned, kept, possessed, harbored or kept charge of within the boundaries of any non-agricultural area within Chocolay Township.

SECTION 41.10 VIOLATIONS AND PROCEDURE THEREOF

- A) It shall be unlawful for any person or owner to allow any animal of any age, licensed or unlicensed, wearing or not wearing a collar to:
 - 1) run at large. An animal need not be physically restrained, but under reasonable control of a responsible person.
 - 2) be within the confines of any public park when such park prohibits animals. A Leader Dog accompanied by its owner shall be exempt.
 - 3) destroy or deface property, real or personal.
 - 4) soil or pollute with body waste the property of persons other than the owner.
 - 5) attack or bite a person.
 - 6) show vicious habits or molest passers-by, when such person(s) are lawfully in a public place.
 - 7) cause serious annoyance by loud and/or frequent noise.
- B) It shall be unlawful for any person to:
 - 1) remove a collar or tag from any animal without the permission of the owner.
 - 2) decoy or entice any animal out of an enclosure or off the property of the owner.
 - 3) seize, molest or tease any animal while held or led by any person or while on the property of the owner.
- C) In the event of any violation(s) of any provision(s) of this Ordinance or the Laws of the State, an Animal Control Officer or Law Enforcement Officer may:
 - 1) issue citation(s) or summon(es) to the owner or person in violation, summoning him/her to appear before a District or charge(s) of violation(s) of this Ordinance or the Statutes of the State.
 - 2) sign a complaint before said Court for the violation(s) of the provisions of this Ordinance or Statutes of the State and proceed to obtain the issuance of a warrant and make arrest of the person to whom the violation(s) is charged and bring him/her before the Court to answer the charges.

- D) The Court, upon a finding of guilty, assesses the penalties in accordance with the penalty provisions of the Ordinance.

SECTION 41.11 PENALTIES

Any person violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the County Jail for not more than thirty (30) days or by a fine of not more than one hundred dollars (\$100.00) or both.

SECTION 41.12 PRESERVATION OF CERTAIN RIGHTS

- A. Nothing in this Ordinance shall be construed to prevent the owner of an animal from recovery in an action at law from any Law Enforcement Officer or any other person, except as herein provided.
- B. Nothing in this Ordinance shall be construed as limiting the Common Law liability of the owner of an animal for damages committed by said animal.

SECTION 41.13 SEVERABILITY

The several sections of this Ordinance shall be deemed severable, and should any section, clause or provision thereof be declared unconstitutional or contrary to the laws of the State of Michigan, and therefore voided by any Court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part or section so declared to be unconstitutional or invalid.

SECTION 41.14 EFFECTIVE DATE AND ADOPTION

- A. This Ordinance shall become effective sixty (60) days following its final passage by the Chocolay Township Board.

Dated: December 6, 1982

Helen St. Aubin
Clerk

Attested:
Ivan J. Fende
Supervisor

Adopted at a Regular Board Meeting of the Charter Township of Chocolay Board on December 6, 1982.

Published in the "Mining Journal"

1. November 10, 1982
2. December 16, 1982

This Ordinance becomes effective February 4, 1983.

Hill moved, Wickstrom second that the Board adopt the amendment to the Animal Control Ordinance.

AMENDMENT TO CHARTER TWPNSHIP OF CHOCOLAY TOWNSHIP
ANIMAL CONTROL ORDINANCE

The Board of the Charter Township of Chocolay, Marquette County, Michigan,

ORDAINS: That the Animal Control Ordinance of the Charter Township of Chocolay, designated as Ordinance Number 41, as adopted December 6, 1982, shall be, and the same hereby is, amended as follows:

REPEALER

Section 41.10 C., Section 41.10 D., and Section 41.11 of the Charter Township of Chocolay Animal Control Ordinance as adopted December 6, 1982, and any other Ordinance, Resolution, Order or parts thereof in conflict with the provisions of this Amendment are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendments.

AMENDMENT

1. Section 41.10 C. of the Animal Control Ordinance of the Charter Township of Chocolay, as adopted December 6, 1982, shall be, and the same hereby is, amended to read as follows:

“C. In the event of any violation of the provision of this Ordinance or the laws of the State, an Animal Control Officer or Law Enforcement Officer may take such measures as may be necessary to initiate and pursue enforcement action against such violator as a civil infraction.

2. Section 41.11 of the Animal Control Ordinance of the Charter Township of Chocolay as adopted December 6, 1982, shall be, and the same hereby is, amended to read as follows:

SECTION 41.11 PENALTIES

Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction, and upon an admission of responsibility or a finding of responsibility therefore, shall be subject to payment of a civil fine of not less than \$35.00 or more than \$300.00, plus costs and other sanctions, for each infraction.

- A) Repeat offenses shall be subject to increased fines in accordance with this section. As used in this section “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Animal Control Ordinance committed by a person within any twenty-four (24) month period, and for which the person admits responsibility or is determined to be responsible.
- B) The increased fine for a repeat offense under this section shall be as follows:
 - 1) The fine for any offense which is a first repeat offense shall be no less than \$50.00, plus costs and other sanctions: and,
 - 2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$75.00, plus costs and sanctions.”

AYES 6 NAYS 0 MOTION CARRIED

I certify that this is the official true and accurate copy of an amendment to Ordinance No. 41 – An Ordinance for Animal Control in the Township of Chocolay, Marquette County, Michigan. This amendment to Ordinance No. 41 was adopted by the Charter Township Board on March 6, 1995.

Dated: March 6, 1995

Arlene E. Hill, CMC
Clerk, Charter Township of Chocolay Township

Ivan J. Fende, Supervisor
Charter Township of Chocolay Township

Dates of publication in the "Mining Journal"

3. February 23, 1995
4. April 5, 1995