

# ORDINANCE 62 ANIMAL CONTROL

## Section 1 Purpose

The purpose of this Ordinance is to secure and maintain the public health, safety and welfare of the residents and property owners of the Charter Township of Chocolay by providing for the control, conduct and care of animals within Chocolay Township.

## Section 2 Title

This Ordinance is to be known and cited as the "Charter Township of Chocolay Animal Control Ordinance".

## Section 3 Definitions

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

Word or Phrase	Definition
Adequate care	Means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health
Animal	Means, but not limited to, birds; fish; reptiles; amphibians; poultry; ornamental and/or game birds; arachnids and insects; and all non-human mammals, male, female, and offspring thereof or sexually altered including dogs, cats, livestock, and poultry
Animal bite	Means a penetration of the skin caused by an animal
Animal Control Officer	Means a 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
Business day	Means days when the Township offices are open, not including Saturdays, Sundays or holidays
Calendar day	Means all days on a calendar, including Saturdays, Sundays, and holidays
County	Means the County of Marquette
Dispose	Means to donate, sell, reclaim or to destroy an animal in a humane manner
Dog	Means male, female, offspring or sexually altered animal of the domesticated canine family
Enclosure	Means a structure or fencing used to immediately restrict one or more animals to a limited amount of space
Holiday	Means a day of the year Township offices are officially closed as approved annually by the Township Board
Impound facility	Means a designated location for the purpose of holding and caring for impounded or confined animals



Word or Phrase	Definition
Kennel	Means an establishment where dogs are kept for pay for purposes of breeding, board or sale; or A premise where four or more dogs are kept
Law Enforcement Officer	Means any person employed or elected by the people of the state, or by any municipality, county, or township, whose duty it is to preserve peace or to make arrests or to enforce the law
Livestock	Means animals used for human food and fiber or animals used for service to human beings Includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, horses and rabbits Livestock does not include dogs or cats.
Non-agricultural area	Means any area zoned by the Charter Township of Chocolay other than the Agriculture / Forestry (AF) district as established in the Township Zoning Ordinance
Owner	Means, but is 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 who keeps, harbors, has care of, custody of or control of an animal for a period of five or more calendar days Any person that allows any animal to remain on his or her premises for a period of five or more calendar days
Poultry	Means domesticated fowl (such as chickens, turkeys, ducks or geese) raised for meat or eggs
Reasonable control	Means an animal that is leashed or kept in such a position as to be obedient to the commands or restraint of the owner or person having custody or control of the animal
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 month period, and for which the person admits responsibility or is determined to be responsible
Run at large	Means an animal that is free of its enclosure and is unrestrained and is not under reasonable control <b>Exception:</b> A hunting dog which has been released from restraint for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if the hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler it shall not be deemed to be a violation.
Service dog	Means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability
State	Means the State of Michigan



Word or Phrase	Definition
Suspected rabid animal	Means any animal that bites or scratches, causing penetration of the skin or An animal that exhibits apparent symptoms of rabies
Township	Means the of the Charter Township of Chocolay
Vicious animal	Means 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 persons or property

## Section 4 Animal Control Officer

The qualifications, duties, and authority for the Animal Control Officer are:

### (A) Qualifications

The Animal Control Officer shall:

1. Be employed by the Township and shall serve within the Police Department.
2. Be paid a salary as established by appropriate resolution of the Township Board In lieu of all fees and other remuneration under the Statutes of the State.

### (B) Duties

The Animal Control Officer shall:

1. Promptly investigate any incident involving any animal reported or seen running at large.
2. 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.
3. Issue citations to any person in violation of the provisions of this Ordinance or the Statutes of the State.
4. Promptly investigate all reported animal bites and, if there is human exposure, search out and attempt to discover the animal involved, the owner of the animal, and proceed as described in Section 8 of this Ordinance.
5. Investigate complaints of any animal alleged to be dangerous to persons or property, and if such complaint is justifiable, impound the animal or take other appropriate action.
6. Investigate complaints of cruelty to animals and seize, transport and impound such animal, pursuant to Chapter IX of the Michigan Penal Code, as amended, codified at MCL 750.49 - 750.70.
7. Shall make a determination that an animal is a potentially dangerous animal if the officer determines that the animal's behavior was not the result of the victim abusing or tormenting the animal, was not the result of accidental or instinctive behavior while



playing, did not involve a significant injury, or other similar mitigating or extenuating circumstances.

**(C) Authority**

The Animal Control Officer shall:

1. Be authorized and empowered to enter upon any property where animals are being kept, and, if there is probable cause to believe that this Ordinance is being violated, for the purpose of making inquiries about any animals on the property.
2. Determine if the owner of such 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 ten business days to comply.
3. Be deputized to enforce this Ordinance and the Statutes of the State pertaining to animals, and to make complaint to the District Court or other appropriate Court in regard to any violations.

## Section 5 Licenses for Dogs

- (A)** All dogs four months old or over in the Township must be properly licensed and have proof of a current rabies vaccination, unless the dog is properly licensed under procedures established by the State and the County of Marquette. Current dog licenses issued by other jurisdictions within the State prior to residence in the Township shall be honored and valid for the remainder of the calendar year in which they were issued.
- (B)** Any dog not confined in an enclosure, or not immediately engaged in hunting, must wear a collar at all times with a current license and rabies tag attached.
- (C)** No dog shall be exempt from a rabies vaccination, unless a registered and practicing veterinarian of the State certifies in writing that such vaccination would be detrimental to the health of the dog.
- (D)** 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 the Treasurer 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.

## Section 6 Kennels

- (A)** Any person or persons who want to own, keep or operate a kennel in the Township shall apply to the County Treasurer or County-authorized agent for a kennel license.
- (B)** Any owner who is required to obtain a County kennel license shall post a valid copy on the premises.



## Section 7 Enclosures

- (A) All animal enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to shield them from the sun and adverse weather conditions, 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 of 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 used shall be placed or attached so that it cannot become entangled with the chains of other animals or with objects. The 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. The chain shall be at least three 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 8 Animal Bites and Procedures

- (A) Any animal kept as a pet that bites or scratches a person or other animal, penetrating the skin, shall be securely confined by the owner away from other animals inside an appropriate building or enclosure for a period of ten calendar days. The owner shall immediately report any unusual behavior or appearance change during the ten calendar day period to the Animal Control Officer. In the event the Animal Control Officer has reason to believe the owner will not comply with this section, the Animal Control Officer shall take custody of the animal and confine it at the impound facility for ten business days at the expense of the owner.
- (B) Any animal running loose after biting or scratching a person or other animal causing penetration of the skin, and whose owner cannot be determined, shall be confined for ten business 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 according to State-defined suspected rabid animal procedures.
- (D) Any animal, domestic or wild, which has bitten or scratched a person or other animal causing penetration of the skin that cannot be apprehended may, at the discretion of the Animal Control Officer, be immediately destroyed according to State-defined suspected rabid animal procedures.



- (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 treated according to State-defined suspected rabid animal procedures.

## Section 9 Impound Facility

- (A) Any animal observed to be in immediate danger by a Law Enforcement Officer or Animal Control Officer may be removed from the situation by the quickest and most reasonable means available and placed in the impound facility.
- (B) 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.
- (C) Upon impoundment of an animal, the Law Enforcement Officer or Animal Control Officer shall make every reasonable effort to promptly notify the owner of the animal and inform the owner of the location and how custody can be regained in accordance with the regulations of the Township and the impound facility.
- (D) Any animal not redeemed within the impound period shall be disposed of in accordance with the provisions of the impoundment facility.
- (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 annually by the Township Board and posted in the Township's Adopted Fee Schedule.
- (G) Any owner who willfully fails to redeem the impounded animal after notification of impoundment shall be cited for cruelty by neglect of said animal under the Cruelty Statutes of the State.

## Section 10 Seizing of Animals

- (A) It shall be lawful for any person to seize an animal running at large upon his or her property in violation of this Ordinance or the Statutes of the State and to turn the animal over to a Law Enforcement Officer.
- (B) In no event shall the provisions of this Ordinance exonerate a person from compliance with the criminal laws of this State, including the safe discharge of firearms.



## Section 11 Livestock or Poultry in Non-Agricultural Areas

- (A) No livestock or poultry, except chickens, shall be owned, kept, possessed, harbored or kept charge of within the boundaries of any non-agricultural area within Chocolay Township.
- (B) The keeping of chickens in non-agriculture districts shall be subject to the following requirements:
1. A chicken license is required prior to chickens being permitted on the premises.
  2. Chicken owner(s) may not keep more than six chicken hens on the premises at any one time. Hens are for personal use only and not for any business or commercial use.
  3. No selling of chickens or eggs is permitted.
  4. Roosters are prohibited.
  5. Chickens shall not be kept in any location on the property other than in the backyard.  
**Exception:** Waterfront residential can be either in the front yard or backyard if screened from public view.
  6. Chickens shall be maintained in a fully enclosed structure or a fenced enclosure and shall be kept in the enclosed structure or fenced enclosure at all times. Fenced enclosures and structures are subject to all fence and structure provisions and restrictions in the Township Zoning Ordinance.
  7. Chicken structures, or the portions of other structures used to house or provide shelter for small animals, shall not exceed two hundred square feet of ground floor area nor exceed ten feet in height.
  8. An enclosed structure shall follow all zoning setback requirements for the zoning district.
  9. An enclosed structure or fenced enclosure shall not be located closer than twenty feet (20) or designated setbacks for the property's zoning district, whichever is greater, from any boundary of the property it is located upon.
  10. All structures and enclosures for the keeping of chickens shall be constructed and maintained so as to prevent rats, mice, or other rodents or vermin from living underneath or within the walls of the structure or enclosure.
  11. All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
  12. Chickens and all containment areas shall be maintained in a clean, sanitary manner with removal of manure on as regular a basis as necessary to prevent the detection of odor beyond the owner's boundaries.
  13. All chickens shall be kept in compliance with the criteria set forth in the Michigan Department of Agriculture Generally Accepted Agricultural and Management



Practices for the Care of Farm Animals, regardless of technical applicability to non-commercial operations.

## Section 12 Violations

- (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, except working farm dogs and hunting dogs while actively engaged in the activity for which they are trained and under the direction of the owner. An animal need not be physically restrained, but must be under reasonable control of the responsible person.
  2. Be within the confines of any public park that prohibits animals. A service 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 harass 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, harass or tease any animal while held or led by any person or while on the property of the owner.

## Section 13 Enforcement

- (A) This Ordinance shall be enforced by the Township Animal Control Officer, by the Township Police Department, or by a person or persons as the Township Board may designate.
- (B) In the event of any violation of any 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.
- (C) The Court, upon a finding of guilty, shall assess the penalties in accordance with the penalty provisions of this Ordinance.





## Section 14 Penalties

- (A) 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, shall be subject to payment of a civil fine of not less than \$50.00 or more than \$300.00, plus costs and other sanctions, including but not limited to injunctive relief, for each infraction.
- (B) Repeat offenses shall be subject to increased fines in accordance with this section.
- (C) 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 \$75.00 or more than \$300.00, 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 \$100.00 or more than \$300.00, plus costs and sanctions.

## Section 15 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 16 Validity

Should any action, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared invalid.

## Section 17 Repeal

Ordinance 41 and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

## Section 18 Effective Date

This Ordinance shall take effect thirty calendar days from February 13, 2017.

