

# ANIMAL CONTROL ORDINANCE

The Board of Negaunee Township of Marquette County, Michigan Ordains:

That Ordinance No. 8 Being the Negaunee Township Dog Control Ordinance Entitled: "Dog Control Ordinance of the Township of Negaunee. An Ordinance Regulating and Licensing the Keeping and Managing of Dogs in the Township of Negaunee and Providing for the Taking up and Impoundment of Dogs, and Destruction of Dogs in Certain Cases, and Making Violations Thereof Punishable by Fine And/or Imprisonment" Which Was Adopted on September 9, 1976, as Amended, Is Hereby Repealed.

That the Negaunee Township Animal Control Ordinance Be Adopted as Follows:

## THE ANIMAL CONTROL ORDINANCE OF NEGAUNEE TOWNSHIP

### SECTION 1 - PURPOSE

This ordinance has been established for the purpose of:

- (A) licensing the keeping and managing of animals in the Township of Negaunee.
- (B) regulating the keeping and managing of animals in the Township of Negaunee.
- (C) providing for the taking up and impoundment of animals.
- (D) destroying animals in certain cases.
- (E) providing for the issuance of dog kennel licenses; and
- (F) making violations of the provisions of the ordinance punishable by fine and/or imprisonment.

### SECTION 2 - DEFINITIONS

As used in this ordinance, the following words and phrases shall have the following meaning:

- (A) "animal" shall mean any non-human living creature, domestic or wild.
- (B) "animal shelter" shall mean any premises designated by the township board for the purpose of impounding and caring for animals held under authority of this ordinance.
- (C) "dangerous animal" shall mean and include any wild non-human living creature which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. The term "dangerous animal" shall also mean and include any domestic non-human living creature which, because of its size or vicious propensity or other characteristic, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters.
- (D) "livestock" shall mean horses, stallions, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine and any fur bearing animals or other wild animals being raised in captivity.

(E) "own" shall mean to have a right of property in an animal; to feed or harbor an animal in one's care or possession; or to permit an animal to remain in or about any premises of a person for a period of two days or more.

(F) "Person" shall mean an individual, partnership, company or corporation.

(G) "poultry" means any domestic or wild fowl, ornamental birds and game birds being penned or confined, except that this term shall not include small cage birds kept solely as pets.

(H) "premises" shall mean any land, property and buildings owned, or otherwise occupied by the owner, keeper or other person having control over the animal.

(I) "residential areas" shall mean all areas within the township which are zoned residential (R-1), multiple-family residential (rm-1) or mobile home (mh-1)

(J) "reasonable" control" shall mean that the animal shall be kept in such a position as to be obedient to the commands of the responsible person accompanying said animal.

(K) "restraint shall mean an animal shall be deemed to be under restraint if on the premises of its owner or if accompanied by a responsible person and under that person's reasonable control.

(L) "township" shall mean the Township of Negaunee.

(M) "Township board" shall mean the governing body of the Township of Negaunee.

(N) "Vicious dog" is defined as one which has bitten a person or domestic animal without molestation, or, which, by its actions, gives indication that it is liable to bite any person or domestic animal without molestation.

### SECTION 3 - LICENSING AND VACCINATION OF DOGS

It shall hereafter be unlawful for any person to own, possess, harbor, or have the care or charge of any dog, male or female or unsexed, of the age of six months or over, within the township unless such dog shall wear a collar to which is attached the license tag provided for by the laws of the state of Michigan; provided, however, that this ordinance shall not apply to any person transporting a dog through the township or any dog lawfully hunting in the township when accompanied by its owner or his agent, if such dog has been tagged at the residence of the owner. Every person in possession of any dog, or who shall permit any dog to remain on or about this premises for a period of two days or more, shall, for the purpose of this ordinance, be deemed to be the owner of such dog.

### SECTION 4 - MANAGEMENT AND RESTRAINT OF ANIMALS

It shall hereafter be unlawful for any person, owning, possessing or having charge of any animal to violate any of the following restrictions;

(A) to permit such animal to go beyond the premises unless such animal is under the restraint of its owner, keeper, or other person having control over it.

(B) to permit such female animal to go beyond the premises when she is in heat, unless such animal is under the restraint and is held on a leash and is under the complete control of its owner, keeper, the agent of its owner or keeper, or other person having control over it.

(C) to permit such animal, if a vicious animal, to go beyond the premises unless such animal is under restraint and in an enclosure and securely muzzled; and further, to permit such animal, if a vicious animal, to be on the premises unless such animal is on a leash or in an enclosure and securely muzzled.

(D) to own, harbor, or keep any animal that disturbs the

peace, safety, and quiet of the neighborhood and the community by excessive, continuous or untimely barking or other noise, molesting passersby, chasing vehicles, habitually attacking people or other domestic animals or trespassing upon public or private property in such a manner as to damage property.

(E) to own, harbor, or keep any animal afflicted with a contagious or infectious disease, or, further, to permit such animal to be shipped or removed from the premises, except under the supervision of the animal control officer or other police or health personnel.

(F) to own, harbor, or keep any dangerous animal, unless coming within the provisions of one or more of the following exceptions:

1. Keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study.

2. Keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show.

3. Keeping of such animals in a bona fide, licensed veterinary hospital in treatment.

4. Dangerous or poisonous reptiles may be maintained by bona fide education or medical institutions for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the director of public health.

5. Keeping of such animals in the animal shelter.

(G) to own, harbor, or keep any livestock on any premises located within the residential areas of the township unless the premises exceed 10 acres in size and unless any pen, corral or other place of confinement for the keeping of such livestock is at least 150 feet from any residence, other than the residence of the person so keeping the livestock.

(H) to own, harbor, or keep any poultry on any premises located within the residential areas of the township unless the premises exceed one acre in size and unless any pen or other place of confinement for the keeping of such poultry is at least 100 feet from any residence other than the residence of the person so keeping the poultry.

## **SECTION 5 - ANIMALS FOUND IN VIOLATION TO BE IMPOUNDED**

Any animal found in the township in a situation which is in violation of the provisions of section 4 herein above set forth is hereby declared to be a nuisance and shall be impounded as hereinafter provided.

## **SECTION 6 - ANIMAL CONTROL OFFICER AND HIS DUTIES**

The township board shall designate a person to be known as "animal control officer" of the township, at such salary or fees as may be fixed by the township board, who shall serve at the pleasure of the township board. Such animal control officer shall have the powers and authority of a township constable in relation to his duties as herein prescribed. It shall be the duty of the animal control officer to enforce the provisions of this ordinance and the dog law of 1919 of the state of Michigan, as amended, being MSA 12.511 et seq; MCLA 287.261 et seq, and to perform, in addition, the following duties:

(A) to impound any dog not duly licensed and tagged as provided by law and by the ordinance.

(B) to impound any animal he finds to be in violation of the provisions of this ordinance or the state dog law.

(C) to serve notice in writing upon the owner of any animal impounded under the provisions of this ordinance, if such owner is known and can be identified; and to make reasonable effort to identify the owner of any animal so impounded.

(D) to make a report to the township supervisor of any unlicensed dogs he finds in the township after march 1st of each year.

(E) to conduct an annual dog census as provided by law.

(F) to record an accurate description of every animal impounded, together with the date and hour of impounding and the name of its owner, if known.

(G) to dispose of or cause to be disposed all animals impounded at the animal shelter which are not released within four days after impoundment; and disposal shall be done in one of the following manners:

(1) if, in the opinion of the animal control officer, it is diseased or badly injured, it shall be immediately destroyed in a humane manner.

(2) for a period of 4 days after impoundment, it shall be offered for sale or adoption in a manner that would result in a placement consistent with the provisions of this ordinance.

(3) if not adopted or sold within the period provided, it shall be forthwith destroyed in a humane manner.

(H) to set the fees for sale or adoption of animals, to collect said fees and to place all fees collected into the hands of the township treasurer who shall keep accurate records of same. These fees shall be in addition to the impounding fee and boarding fee as herein provided.

## **SECTION 7 - HEARING ON CAUSE FOR IMPOUNDMENT OR DESTRUCTION**

On sworn complaint by either the animal control officer or any other person to the 96th district court of Michigan that certain facts exist indicating a violation of this ordinance or the dog law of 1919 of the state of Michigan, such court shall issue an order authorizing the impounding of the animal and summons to show cause why such animal may not be impounded or destroyed.

## **SECTION 8 - COMPLAINT AND SUMMONS FOR VIOLATION OF ORDINANCE**

When any owner, keeper or other person having control over animal within the Township of Negaunee is observed or actually known by the animal control officer to be in violation of this ordinance or of the dog law of 1919 of the state of Michigan, the animal control officer shall file a sworn complaint against the owner, keeper, or other person having control over the animal with the 96th district court of Michigan alleging facts showing such a violation, and the court shall forthwith issue a summons for the owner, keeper or person having control of the animal to appear and answer to the complaint. The summons may be served any place within the county, and shall be made returnable not less than two nor more than six days from the date therein and shall be served at least two (2) days before the time of the appearance mentioned therein.

Upon hearing, if the court shall find the owner, keeper, or person having control of the animal guilty of the offense charged, the court shall impose such penalties as proved by section 13 of the ordinance together with costs.

## **SECTION 9 - CONTROL OF RABIES**

Any person who shall have in his possession any animal which has contracted rabies, or which has been exposed or subjected the same, or which is suspected of having rabies, or which has bitten any person, shall, upon demand of the animal control officer or police officer of the township county or state, produce and surrender up such animal to the officer, to be held in quarantine at the animal shelter, a veterinary hospital or other place selected by the officer for observation or confine the same to the premises of the owner, keeper, or person having control of the animal at the discretion and direction of such officer. The animal shall be held for two weeks, at the expense of the owner, keeper or other person having control of the animal. If at the end of the two weeks a veterinarian is convinced that the animal is free from rabies it shall be released from quarantine. If the animal dies in the meanwhile, the necessary parts of its anatomy shall be sent to the state department of health for examination for rabies.

It shall be the duty of any person owning or harboring a dog of livestock which has been attacked or bitten by any other animal showing symptoms of rabies, to immediately notify the animal control officer, police officer, constable, or health officer that such person has such a dog or livestock in his possession. The failure to do so shall be cause for complaint to the 96th district court of Michigan as provided in section 7 of this ordinance.

## **SECTION 10 - IMPOUNDING FEES**

Any animal seized or impounded by the animal control officer shall be released to the owner, keeper or person having control of the animal or the person buying or adopting the animal upon the following conditions:

(A) payment of an impounding fee of \$5.00 for the first impoundment, \$10.00 for the second impoundment of the same animal; and \$15.00 for the third impoundment of the same animal for each impoundment of the same animal thereafter.

(B) payment of the boarding of the animal at a cost of \$3.00 per day or in such amount as the township board may, from time to time, determine.

(C) payment of any fee for adoption or purchase.

(D) in the case of dogs, proof that the dog has a current valid license tag and is currently immunized against rabies.

(E) provided, further, that the animal shall be only released if the placement shall be consistent with the provisions of this ordinance and so, not cause or result in another violation of the provisions of this ordinance.

## **SECTION 11 - ISSUANCE OF KENNEL LICENSE**

For the purpose of this act, a kennel shall be construed as an establishment wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding, or training purposes for remuneration and such kennel facility shall be so constructed as to prevent the public or stray animals from obtaining entrance thereto and gaining contact with dogs lodged in said kennel. Any person who keeps or operates a kennel may, in lieu of individual dog license required under this act, apply to the county treasurer for a kennel license entitling him to keep or operate such kennel. Proof of vaccination of dogs against rabies shall not be required with such application. Such license shall be issued by the county treasurer, on a form prepared and supplied by the director of the department of agriculture and shall entitle

the licensee to keep any number of dogs 4 months old or over not at any time exceeding a certain number to be specified in the license. The fee to be paid for each kennel license shall be \$7.50 for 10 dogs or less, and \$15.00 for more than 10 dogs; provided that license is applied for after the first day of June. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year. (A) any dog, 6 months old or over, sold by a licensed kennel located in the township shall be vaccinated against rabies by such licensed kennel, prior to delivery of the dog to the new owner providing the new owner of such dog shall reside in any county where proof of vaccination is required in connection with the individual dog license.

(B) the licensee of a kennel shall, at all time, keep one of such tags, attached to a collar on each dog 4 months old or over, kept by him under a kennel license. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel. This section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trail or snow.

## **SECTION 12 - LICENSE FEE**

The license fees for each dog 6 months or older is, males and unsexed dog, \$1.00, females \$2.00, subject to change the discretion of the township board. If said application is made on or after march 1st, the same shall be accompanied by a license fee of \$2.00 for each male or unsexed dog and \$4.0-0 for each female dog.

## **SECTION 13 - PENALTIES**

Any person or persons who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than \$5.00 or more than \$100.00 or by imprisonment in the discretion of the court.

## **SECTION 14 - SEVERABILITY**

The several sections of the 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, same shall not affect the validity or the ordinance as a whole or any part thereof other than the part or section so declared to be unconstitutional or invalid.

## **SECTION 15 - POLICE EFFECT**

This ordinance is declared to be necessary for the protection of the public health, safety, welfare, and peace of the people to the Township of Negaunee, and is not to be construed as a substitute for the provisions of the dog law of 1919 of the state of Michigan as amended, being MSA 12.511 et seq; MCLA 287.261 et seq, but shall be considered to be supplementary thereto.

## **SECTION 16 - EFFECTIVE DATE**

This ordinance was adopted by the negaunee township board of Marquette Ccounty, Michigan at a meeting held on September 9, 1976, and notice ordered published in the mining journal, a newspaper having general circulation in said Township of

Negaunee; said publication to be made within thirty (30) days after adopting. This ordinance shall become effective thirty (30) days after said publication.

Negaunee Township Board  
By Wesley J Larson, Supervisor  
By Dorothy Collins, Clerk

Dated: September 9, 1976  
10/11/76 1 Time

Amended Animal Control Ordinance Follows: (Amended 4/12/85)  
Amendment to Animal Control Ordinance Adopted 4/11/85

Township of Negaunee, Marquette County, Michigan  
The Township of Negaunee, County of Marquette, State of Michigan, Ordains:

"Dog Control Ordinance of the Township of Negaunee. An Ordinance Regulating and Licensing the Keeping and Managing of Dogs in the Township of Negaunee and Providing for the Taking up an Impoundment of Dogs, and Destruction of Dogs in Certain Cases, and Making Violations Thereof Punishable by Fine And/or Imprisonment."

Be Amended as Follows:

- Section 1 - Purpose No Change
- Section 2 - Definitions No Change
- Section 3 - Licensing and Vaccination of Dogs No Change
- Section 4 - Management and Restraint of Animals No Change
- Section 5 - Animals Found in Violation to Be Impounded No Change
- Section 6 - Animal Control Officer and His Duties No Change
- Section 7 - Hearing on Cause for Impoundment or Destruction No Change
- Section 8 - Complaint and Summons for Violation of Ordinance No Change
- Section 9 - Control of Rabies No Change

**SECTION 10 - IMPOUNDING FEES** - Subsections (A) and (B) of the Ordinance Establishing Impounding Fees Is Hereby **Amended** as Follows:

**SECTION 10 - IMPOUNDING FEES**

Any animal seized or impounded by the animal control officer shall be released to the owner, keeper of person having control of the animal or the person buying or adopting the animal upon the following conditions:

- (A) payment of an impounding fee in the amount of \$25.00 for each impoundment of the same animal.
- (B) payment of the boarding costs of the animal at a cost equal to the prevailing rate charged by the kennel to which the animal has been assigned by the township
- (C) no change
- (D) no change
- (E) no change

**SECTION 11 - ISSUANCE OF KENNEL LICENSE.** The Ordinance Establishing Charges for Issuance of Kennel Licenses Is Hereby **Amended** as Follows;

**SECTION 11 - ISSUANCE OF KENNEL LICENSE**

For the purpose of this act, a kennel shall be construed as an establishment wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding, or training

purposes for remuneration and such kennel facility shall be so constructed as to prevent the public or stray animals from obtaining entrance thereto and gaining contact with dogs lodged in said kennel. Any person who keeps or operates a kennel may, in lieu of individual dog license required under this act, apply to the county treasurer for a kennel license entitling him to keep or operate such kennel. Proof of vaccination of dogs against rabies shall not be required with such application. Such license shall be issued by the county treasurer, on a form prepared and supplied by the director of the department of agriculture and shall entitle the licensee to keep any number of dogs 4 months old or over not at any time exceeding a certain number to be specified in the license. The fee to be paid for each kennel license shall be determined by the county treasurer for marquette county, Michigan. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

- (A) no change
- (B) no change

**SECTION 12 - LICENSE FEES** the Ordinance Establishing License Fees Is Hereby **Amended** as Follows:

**SECTION 12 - LICENSE FEES**

The license fee for each dog 6 months or older shall be in the amount as set by the marquette county treasurer.

**SECTION 13 - PENALTIES**

THE ORDINANCE ESTABLISHES PENALTIES FOR VIOLATION THEREOF IS HEREBY **AMENDED** AS FOLLOWS:

**SECTION 13 - PENALTIES**

Any person or persons who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of up to \$500.00 or by imprisonment in the county jail not to exceed 90 days and/or by a fine and imprisonment in the discretion of the court.

- Section 14 - Severability No Change
- Section 15 - Police Effect No Change

**SECTION 16 - EFFECTIVE DATE**

This ordinance shall be published in the marquette mining journal, a newspaper of general circulation, in said township, forthwith after its adoption and shall be recorded in the ordinance book of the township and such recording authenticated by the signature of the township supervisor and the township clerk, and shall be come effective 30 days after said publication.

Passed and Adopted by the Township of Negaunee, Michigan on this 12th Day of April, 1985.

Yeas 4 Nays 0 Absent 1

Wesley J Larson, Township Supervisor  
Dorothy a Collins, Township Clerk

4/25/85 1 Time