

TOWNSHIP OF PENTWATER
COUNTY OF OCEANA, MICHIGAN

At a regular meeting of the Township Board of the Township of Pentwater, held at the Pentwater Township Hall, 327 Hancock Street, within the Township, on the 12th day of October, 2005, at 7:00 p.m.

PRESENT: Members: Smith, Burke, Siska, Cluchey, Flynn

ABSENT: Members: None

The following ordinance was offered by Member Cluchey and supported by Member Flynn.

ORDINANCE NO. 10-12-2005

**AN ORDINANCE TO REGULATE THE CONTROL AND MAINTENANCE
OF ANIMALS AND THEIR LICENSURE AND
TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF**

THE TOWNSHIP OF PENTWATER ORDAINS:

**ARTICLE I
GENERAL**

SECTION 1.01. PURPOSE. It is deemed by the Township of Pentwater that the ownership of an animal is a privilege which carries with it responsibilities to the Township and residents with regard to the care and custody of said animal. It is the intent of this ordinance to protect the people of Pentwater Township from problems caused by unrestrained or annoying animals.

SECTION 1.02. SHORT TITLE. This ordinance shall be known as, and may be cited and referred to as "The Animal Control Ordinance of Pentwater Township."

**ARTICLE II
DEFINITIONS**

SECTION 2.01. DEFINITIONS. Whenever, in this ordinance, the following terms are used they shall have the meaning as described to them in this article, unless it is apparent from the context thereof that some other meaning is intended.

SECTION 2.02. ANIMAL. As used in this ordinance animal shall mean dog, cat, bird, reptile, mammal, fish or any other non-human creature, but shall not include bona fide farm animals such as cattle, horses, sheep, swine, mules and fowl when such farm animals are being raised or kept for agricultural purposes or family food production and are not kept as household pets. A dog shall not be considered a farm animal.

SECTION 2.03. ANIMAL CONTROL OFFICER. The Animal Control Officer shall mean the agent of the Oceana County Department of Animal Control or any other officers designated for such duties by the Township.

SECTION 2.04. ANIMAL SHELTER. As used in this ordinance shall mean the Oceana County Animal Shelter.

SECTION 2.05. TOWNSHIP. As used in this ordinance shall mean the Township of Pentwater.

SECTION 2.06. COUNTY. As used in this ordinance shall mean the County of Oceana.

SECTION 2.07. DIRECTOR. As used in this ordinance shall refer to the director of the Oceana County Department of Animal Control.

SECTION 2.08. DEPARTMENT. As used in this ordinance shall refer to the Oceana County Department of Animal Control.

SECTION 2.09. IMPOUNDED. If any animal pursuant to this ordinance or any statute has been received into the custody of any animal shelter, such animal will have been "impounded" as that word is used in this ordinance.

SECTION 2.10. OWNER. Owner when applied to the proprietorship of an animal means every person having a right of property in the animal, or every person who keeps or harbors the animal or has it in his care, or every person who permits the animal to remain on or about any premises occupied by him. For the purposes of this act any person keeping or harboring any animal for seven (7) consecutive days shall be deemed the owner thereof within the meaning of this ordinance.

SECTION 2.11. PERSON. Includes an individual, partnership, corporation, trust, and any association of persons.

SECTION 2.12. SHERIFF'S DEPARTMENT. As used in this ordinance shall refer to the Oceana County Sheriff's Department.

ARTICLE III DOGS

SECTION 3.01. LICENSES. All dogs over the age of six (6) months within the Township shall at all times be currently licensed in accordance with the requirements of the State Law, Public Act 339 of 1919, as amended, and of the County Animal Control Ordinance. A license tag issued by the County shall be securely affixed to a collar, harness, or other device which shall be worn by the dog at all times unless the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.

SECTION 3.02. LIMIT ON NUMBER OF DOGS AND CATS. No person shall have within his care, custody or control within the Township no more than a combined total of six (6) adult dogs or cats other than dogs or cats under six (6) months of age born to a female under the

care, custody or control of such person; provided, however, this provision shall not be construed to require any person to dispose of any licensed dog or cat owned by such person at the effective date of this ordinance. This limit on the number of dogs and/or cats shall not apply to any person operating a kennel for commercial profit which complies with local and state law applicable thereto.

SECTION 3.03. BARKING DOGS. No person owning or having charge, care, custody or control of a dog shall permit such dog at any time, by loud or frequent or habitual barking, yelping or howling, to cause annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood.

SECTION 3.04. DOGS RUNNING AT LARGE. No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such dog, within the Township, unless such dog is restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.

SECTION 3.05. FEMALE DOGS IN HEAT. No person owning or having charge, care, custody or control of an unspayed female dog shall permit such dog to be or to run at large during the copulative season (i.e., when said dog is in heat as that term is commonly understood) unless such dog shall be restrained as provided in Section 3.04 at all times other than when the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.

ARTICLE IV VICIOUS ANIMALS

SECTION 4.01. CONTROL OF VICIOUS ANIMALS. A vicious animal shall at all times when not securely confined be securely muzzled and led by a leash. Any animal shall be deemed vicious which has bitten a person or domestic animal without molestation, or, which by its actions, gives indications that it is liable to bite any person or domestic animal without molestation.

SECTION 4.02. PROSECUTIONS. On sworn complaint that any one of the following facts exist:

- (a) That any animal has attacked or bitten a person,
- (b) That any animal shows vicious habits or molests passersby when lawfully on the public highways; the County may secure a summons against the owner of said animal commanding him to appear and show cause why said animal should not be ordered to be confined or destroyed. Upon such hearing, the District Court shall proceed to determine whether it shows vicious habits or molests passersby when lawfully on the public highway, and if the Court shall so find, it shall forthwith either order said animal confined to the premises of the owner or shall order the Director of Animal Control to cause said animal to be destroyed or shall enter such other order relative to the care of such animal as the Court shall determine to be appropriate.

SECTION 4.03. CIVIL LIABILITY. Nothing in this Chapter shall be construed as limiting the common law liability of the owner of an animal for damages committed by it.

ARTICLE V
KENNELS

SECTION 5.01. LICENSE. Each person having a kennel shall have a valid kennel license from the Oceana County Treasurer.

SECTION 5.02. APPROVAL. Each kennel must be inspected and approved by the Oceana County Director of Animal Control or his agents on an annual basis.

SECTION 5.03. CONSTRUCTION. If dog kennel runs shall be of concrete, they must provide adequate draining for sanitation. If sand or pea gravel is used, droppings must be picked up and disposed of promptly and the runs treated regularly with an effective disinfectant. Runs made of other materials require special approval from the Director of Animal Control.

SECTION 5.04. REVOCATION. If at any time the Township Board determines that it is not in the interest of the community to permit a kennel license, such license may be revoked.

SECTION 5.05. MODIFICATION OF LICENSE. If at any time the Township Board determines it is in the interest of the community to change the conditions of licensure, such conditions may be changed after reasonable notice.

ARTICLE VI
MISCELLANEOUS

SECTION 6.01. PENALTY. Any person who violates this Ordinance, or who shall violate any order to confine an animal owned by him to his premises pursuant to the provisions of this Ordinance, or who shall, after demand, refuse to surrender any animal owned by him pursuant to an order made under this Ordinance, shall be guilty of a misdemeanor punishable by a fine of not more than \$500 or imprisonment of not more than 90 days, or both such fine and imprisonment.

SECTION 6.02. SEVERABILITY. If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION 6.03. CONFLICT. Any ordinance or any part thereof in conflict with the provisions of this ordinance are hereby declared to be invalid. This ordinance shall become effective on the 30th day following its publication or the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Smith, Siska, Cluchey, Flynn

NAYS: Members: Burke

ORDINANCE DECLARED ADOPTED.

Barbara Burke
Barbara Burke, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Pentwater at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Barbara Burke
Barbara Burke, Township Clerk