

ANIMAL CONTROL ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE CONTROL, CONDUCT AND CARE OF ANIMALS WITHIN THE TOWNSHIP OF FORSYTH, COUNTY OF MARQUETTE INTENDED TO PROTECT AND PROMOTE THE PUBLIC'S HEALTH, SAFETY, WELFARE AND CONVENIENCE, AND TO PROVIDE FOR THE AUTHORITY FOR THE IMPOSITION OF CERTAIN FINES AND COSTS FOR VIOLATION THEREOF.

THE TOWNSHIP OF FORSYTH HEREBY REPEALS AND REPLACES THE PREVIOUSLY ENACTED ORDINANCE NUMBER 2-74 AND ALL SUBSEQUENT AMENDMENTS TO SUCH ORDINANCE AS FOLLOWS:

ARTICLE I
SECTION 1.1 SHORT TITLE

This Ordinance shall be known and cited as the Animal Control Ordinance.

SECTION 1.2 DEFINITIONS

For the purpose of this Ordinance, the word "shall" and "will" are mandatory, and the word "may" is permissive. Words not defined in this Ordinance shall be given their common and ordinary meaning.

(a) The term "animal" shall include but not be limited to: birds, fish, reptiles, amphibians, arachnids, and insects; poultry, ornamental and game birds, possessed or being reared pursuant to Act 191 of the Public Acts of 1929, as amended. All mammals, male, female, and any offspring thereof or sexually altered mammals, 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) The term "person" shall mean any human being, partnership, company, corporation, entity or association.

(c) The term "township" shall mean the Township of Forsyth.

(d) The term "township board" shall mean the governing body of the Township of Forsyth.

(e) The term "owner" shall include but not be 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 keep, harbor, have care, custody or control of an animal. Any person or persons that allow any animal to remain

on or about premises occupied by him or her for a period of five or more days.
(f) The term "law enforcement officer" means any person or persons whose sworn duty it is to preserve the peace and to enforce the law.

(g) The term "animal control officer" means 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 Township of Forsyth.
(h) The term "impound facility" means a designated structure or place for the purpose of holding and caring for impounded or confined animals.
(i) The term "day" shall mean working days including Saturday. It shall not include Sundays or Holidays.

(j) The term "dog" shall include male, female, offspring or sexually altered dogs.

(k) The term "leader dog" shall mean a dog specifically trained as a leader, guide or sight dog for a person who is legally blind.

(l) The term "kennel" shall mean an establishment where dogs are kept for remuneration, by breeding, board or sale. A premise where four or more dogs are kept shall be considered to be a kennel, and owners of such establishments must comply with the provisions of this ordinance and with applicable state statutes.

(m) The term "enclosure" shall mean a structure used to immediately restrict one or more animals to a limited amount of space.

(n) The term "animal bites" shall mean a penetration of the skin caused by an animal.

(o) The term "suspected rabid animal" shall mean any animal that bites or scratches, causing penetration of the skin.

(p) The term "vicious animal" shall mean any animal in the process of threatening person or property, or any animal that in the experience of a law enforcement officer or animal control officer repeatedly threatens or destroys person or property.

(q) The term "dispose" shall mean to donate, sell, reclaim or to destroy in a humane manner.

(r) The term "non-agricultural area" shall mean any area zoned by the Township of Forsyth for other than agricultural purposes.

(s) The term "reasonable control" with regard to an animal shall mean that when such animal is on the premises of its owner, or when such animal not being on the premises of its owner, is on a leash and controlled by a competent person and obedient to that person's commands, or within a vehicle being driven or parked.

(t) The term "wild animal" shall include, but not be limited to geese, ducks and other waterfowl, deer, bear, raccoons and other fur-bearing animals which are not possessed, controlled or being raised in captivity, but shall not include non-game birds which are customarily fed at bird-feeders.

ARTICLE II. ANIMAL CONTROL OFFICER

SECTION 2.1 - QUALIFICATIONS

An Animal Control Officer may be employed by the Township Board and shall serve within the Department of Law Enforcement.

An Animal Control Officer shall meet the requirements of the Michigan Department of Agriculture and of the Personnel Policy and other applicable or controlling agreements of the Township.

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 or other applicable or controlling agreements by the Township.

SECTION 2.2 - 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 ARTICLE VI 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 (sentence continued on page 4)

and 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 complaint of any animal alleged to be dangerous to persons or property, and if such complaint is justifiable, the animal may be impounded and appropriate action taken.

8. Investigate complaints of cruelty to animals and has the right to seize, take up and impound such animal, pursuant to Public Act 70 of 1877 as amended.

SECTION 2.3 AUTHORITY

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.

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 or other appropriate Court in regard to any violation thereof.

ARTICLE III, LICENSING SECTION 3.1

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.

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.

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 of 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.

ARTICLE IV, KENNELS SECTION 4.1

Any person who wishes to own, keep or operate a kennel may, in lieu of individual licenses required under the laws of the State of Michigan, apply to the Township 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. The license shall be issued by the Township 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 six months old or over, but not at any time exceeding a certain number to be specified in this license. The fee to be paid for each kennel license shall be \$10.00 for 10 dogs or less, and \$25.00 for more than 10 dogs. A fee of double the original license fee shall be charged for each previously licensed kennel whose kennel license is applied for after June 1. With each kennel license, the Township 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 Marquette County, the number of the kennel license, and they shall be readily distinguishable from the individual license tags for the same year.

SECTION 4.2

Any person who at any one time owns four or more dogs at a single location within the boundaries of any non-agricultural area within Forsyth 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.

SECTION 4.3

Any dog, six months or older, sold by a licensed kennel located in the Township requiring proof of vaccination for rabies with application for an individual dog license, shall be caused to be vaccinated by such licensed kennel, 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.

SECTION 4.4

The licensee of a kennel shall, at all times, keep one of such tags attached to a collar on each dog six months old or older which is 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. However, this section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily while under reasonable control, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

ARTICLE V, ENCLOSURES SECTION 5.1

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.

All enclosures shall be constructed and maintained so as to enable the animals to remain dry and clean.

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.

The floors of an enclosure shall be constructed so as to protect the animals' feet and legs from injury.

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.

If a house with a chain is used as an enclosure for an animal kept outdoors, the chain used shall be so 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 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.

ARTICLE VI, ANIMAL BITES AND PROCEDURES
SECTION 6.1

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 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 days at the expense of the owner or agent.

SECTION 6.2

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 10 days at the impound facility.

SECTION 6.3

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.

SECTION 6.4

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.

SECTION 6.5

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.

ARTICLE VII, IMPOUND FACILITY
SECTION 7.1

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.

SECTION 7.2

Upon impoundment of an animal, the Law Enforcement Officer shall make every reasonable effort to 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.

SECTION 7.3

Any animal not redeemed within the impound period shall be disposed of in accordance with the provisions of this Ordinance.

SECTION 7.4

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.

SECTION 7.5

Impound fees shall be posted at the impound facility and the fees must be paid upon redeeming the animal.

SECTION 7.6

Impound fees will be set by the Township Board.

SECTION 7.7

The Township may allow for an impound facility to be owned and operated by a person within the Township pursuant to an agreement between such person and the Township.

ARTICLE VIII KILLING AND/OR SEIZING OF ANIMALS
SECTION 8.1

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.

SECTION 8.2

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.

SECTION 8.3

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.

ARTICLE IX, PROHIBITION OF LIVESTOCK OR POULTRY IN NON-AGRICULTURAL AREAS

SECTION 9.1

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

ARTICLE X, VIOLATIONS AND PROCEDURE THEREOF

SECTION 10.1

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.

SECTION 10.2

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 at the property of the owner.
4. Feed, or allow to be fed, any "wild animals" except in accordance with DNR

regulations.

SECTION 10.3

In the event of any violations of any provisions of this Ordinance or the Laws of this State, an Animal Control Officer or Law Enforcement Officer may:

1. Issue citations or summonses to the owner or person in violation, summoning such person to appear before a Judge of the 96th District Court on charges of violations of this Ordinance or the Statutes of this State.

2. Sign a complaint before such Court for the violation of the Statutes of this State and proceed to obtain the issuance of a warrant and make the arrest of the person to whom the violations are charged, and bring such person before the Court to answer the charges.

SECTION 10.4

The Court, upon a finding of violation of this Ordinance, may assess the penalties in accordance with the penalty provisions of this Ordinance.

ARTICLE XI. PENALTIES

SECTION 11.1

Any person violating any provisions of this Ordinance shall be deemed guilty of a civil infraction, and upon such finding, may be fined in an amount not exceeding One Hundred (\$100.00) Dollars for each such violation plus Court costs.

ARTICLE XII. PRESERVATION OF CERTAIN RIGHTS

SECTION 12.1

Nothing in this Ordinance shall be construed to prevent the owners of an animal from recovery in an action at law from any Law Enforcement Officer.

or any other person, except as herein provided.

SECTION 12.2

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.

ARTICLE XIII, SEVERABILITY

SECTION 13.1

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.

ARTICLE XIV, EFFECTIVE DATE AND ADOPTION

SECTION 14.1

This Ordinance shall become effective immediately after its adoption and publication.

Dated: 6-10-86

Betty D. Nene
BETTY MENT

Township Clerk