

**ARMADA TOWNSHIP
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. R2015-17
ANIMAL CONTROL ORDINANCE**

AN ORDINANCE TO REGULATE THE POSSESSION AND CONTROL OF DOMESTIC ANIMALS; TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY PREVENTING UNSANITARY CONDITIONS FROM OCCURRING; AND TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ARMADA, COUNTY OF MACOMB, MICHIGAN, ORDAINS:

SECTION 1. SHORT TITLE

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

SECTION 2. PURPOSE

The purpose of this Ordinance is to regulate the possession and control of domestic animals; to protect the public health, safety and welfare by preventing unsanitary conditions from occurring; and to provide penalties for violations hereof.

SECTION 3. ENABLING AUTHORITY.

This Ordinance is adopted pursuant to, and in accordance with MCL 287.261 et seq, MCL 287.266 et seq., and Public Act 246 of 1945 as amended.

SECTION 4. DEFINITIONS

Owner: Any person who (1) harbors or keeps a domestic animal; (2) has a right or property interest in any domestic animal; or (3) any person who shall permit any domestic animal to remain about any premises owned or occupied by him or her for a

period of five (5) days shall be deemed to be the owner of such domestic animal for the purpose of this Ordinance.

Custodian: A person who has charge of the domestic animal.

Domestic Animal: An animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as a household pet, including but not limited to dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, cockatiels, cockatoos, canaries, finches, parakeets, parrots, and tropical fish.

SECTION 5. DOG LICENSE REQUIRED

It shall be unlawful for any person to own, maintain, keep or harbor any dog within the corporate limits of the Township without first obtaining a license from Macomb County, as required by Public Act 339 or 1919, MCL 287.266 et seq., as amended.

SECTION 6. NOISE CONTROL

It shall be unlawful for any person to own, harbor or keep any domestic animal which shall cause annoyance or disturbance to persons by frequent or habitual barking, howling, yelping or habitual crying.

SECTION 7. LEASH REQUIREMENTS/ANIMALS AT LARGE PROHIBITED

All domestic animals shall be kept under restraint. It shall be unlawful for any person to cause or permit any domestic animal owned, kept, possessed or harbored by such person, under his or her control, to run at large or unattended, upon the public streets, walks, alleys, parks, public places within the Township, or upon the premises of another, without express permission of the owner or occupant of the private premises.

It shall be unlawful for any person to permit or cause to permit a domestic animal to leave, stray, roam or wander beyond the boundaries of the premises owned or occupied by its owner, unless that animal is under leash or other means of direct control by its owner or his agent.

SECTION 8. INJURY TO PROPERTY

It shall be unlawful for any person owning or possessing a domestic animal to permit a domestic animal to go upon private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant shrub, tree or garden in any manner whatsoever.

SECTION 9. WASTE REMOVAL

It shall be unlawful for any person to permit any domestic animal owned or harbored by him/her to deposit fecal matter in any place other than the premises where the animal is harbored or kept, unless that fecal matter is immediately collected, removed and properly disposed of.

SECTION 10. CONFINEMENT

It shall be unlawful for any person owning, keeping, harboring, or having charge of any domestic animal to confine, keep, or harbor such animal in a structure, pen coop or yard, or otherwise, so as to create an unsanitary, unwholesome, malodorous, or obnoxious condition. Any structure, pen, or coop maintained for the purpose of confining, keeping, or harboring any domestic animal shall not be constructed nor maintained so as to be nearer than 15 feet to any property line.

All pens, yards or runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not become unsightly.

SECTION 11. VIOIOUS DOGS

No person shall own or harbor a vicious or dangerous dog, or an animal which has bitten any person, or an animal that has been bitten by an animal known to have been affected by rabies.

SECTION 12. FOOD AND SHELTER

It shall be unlawful for any person in charge of an animal to fail, refuse or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry such animal in or upon any vehicle in a cruel or inhumane manner.

“Shade” shall mean protection from the direct rays of the sun during the months of June through September. “Shelter”, as it applies to domestic animals, shall mean a moisture-proof structure of suitable size to accommodate the domestic animal and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible, wind-proof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

SECTION 13. CRUELTY TO ANIMALS

It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse, or cruelly beat, strike or abuse any animal, or by any act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering or injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals shall be delivered to the Humane Society for proper disposal or care.

SECTION 14. PENALTIES

Any person who violates the provisions of this Ordinance shall upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed five hundred dollars (\$500) or imprisonment in the county jail for a period not to exceed ninety (90) days, or both such fines and imprisonment.

SECTION 15. ENFORCEMENT

The Township Board hereby authorizes the Township code enforcement officer or his designee, the Macomb County Sheriff's Department officers and their agents/assignees, the Michigan State Police officers and their agents/assignees and the Macomb County Animal Control officers and their agents/assignees to enforce or assist in the enforcement of this Ordinance and to issue citations under this Ordinance.

The Township may also sue in any court of competent jurisdiction for civil relief, including damages or injunctive relief, and may recover its fees, costs and expenses

incurred from any person, partnership, firm, association or corporation who violates the Animal Control Ordinance.

SECTION 16. REPEALING OF CONFLICTING PROVISIONS

All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 17. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 18. PUBLICATION

A true copy of this Ordinance or a summary thereof shall be published in the Armada Times, a newspaper of general circulation in the Township of Armada.

SECTION 19. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the publication of a true copy or summary thereof as provided in Section 18.

CERTIFICATE OF TOWNSHIP CLERK

I certify that the foregoing constitutes a true and complete copy of the Ordinance duly adopted by the Township Board of the Township of Armada, Macomb County, Michigan, at a meeting held on the 8TH day of July A.D., 2015.

I further certify that the following Township Board Members were present at the meeting: Smith, Goetzinger, Swiacki, LeMieux and Paterek
and the following Township Board members were absent: None

I further certify that Member Paterek moved for the adoption of the Ordinance, and that motion was supported by Member Swiacki. I further certify that the following Township Board Members voted for the adoption of the Ordinance: LeMieux, Goetzinger, Swiacki, Smith and Paterek and that the following Township Board Members voted against adoption of the Ordinance: None.



MARY K. SWIACKI, Clerk
Armada Township

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Armada, do hereby certify that on 15th, 2015, the foregoing Ordinance, or Summary thereof, was duly published in the Armada Times, a newspaper having general circulation within the Township of Armada.

MARY K. SWIACKI, Clerk
Armada Township

ARMADA TOWNSHIP

MACOMB COUNTY, MICHIGAN

SUMMARY OF ARMADA TOWNSHIP ANIMAL CONTROL ORDINANCE

PLEASE TAKE NOTICE that on the 8th day of July, 2015, the Armada Township Board adopted the Armada Township Animal Control Ordinance, being Ordinance No. R2015-17 of the Armada Township Ordinances, as amended, to regulate the possession and control of domestic animals; to protect the public health, safety and welfare by preventing unsanitary conditions from occurring; to provide penalties for violations thereof; and repealing any Ordinances and/or Resolutions in conflict therewith.

A true copy of the Ordinance is on file at the Township offices and may be examined, or a copy purchased during regular business hours. This Ordinance shall take effect thirty (30) days after publication of the Ordinance or a summary thereof in a newspaper of general circulation in Armada Township.

Mary K. Swiacki, Clerk
Armada Township

Published: July 15, 2015

