

**ORDINANCE NO. 88**

**ANIMAL CONTROL ORDINANCE**

**AN ORDINANCE TO ADOPT AN ANIMAL CONTROL ORDINANCE WHICH ESTABLISHES REGULATIONS FOR THE CONTROL OF DOMESTIC ANIMALS, PROVIDES PENALTIES FOR VIOLATIONS, AND REPEALS ORDINANCES WHICH ARE INCONSISTENT OR IN CONFLICT.**

**LAKETOWN TOWNSHIP, COUNTY OF ALLEGAN AND STATE OF MICHIGAN ORDAINS:**

Section 1. **ADOPTION OF ANIMAL CONTROL ORDINANCE.**

This Ordinance is adopted pursuant to the provisions of Michigan Public Act 246 of 1945, as amended.

Section 2. **PURPOSE.**

The purpose of this Animal Control Ordinance is to provide for the preservation of public peace and to protect the health, safety and welfare of Township citizens by regulating the control of domestic animals by their owners.

Section 3. **DEFINITIONS.**

The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them.

**Animal pound** means any animal shelter where a domestic animal may be impounded. The animal pound may be maintained by the Township, by the Allegan County Humane Society, or by any natural person or entity which operates an animal shelter and which contracts with the Township.

**At large** means off the premises of the owner and not under control of the owner, or a member of the owner's immediate family, by leash, cord, chain or otherwise.

**Domestic animal** means an animal kept as a pet and shall include, but not be limited to, all dogs and cats.

**Owner** means any person having a right or property in a domestic animal or who harbors a domestic animal or has a domestic animal in that person's care or who permits a domestic animal to remain on or about the property or premises occupied by that person.

**Police officer** means any person employed by the Township or by the State or County and whose duty it is to preserve the peace or to make arrests or to enforce the law.

Section 4. **DOG LICENSE.**

(a) No owner of any dog shall own, harbor, maintain, possess or permit any dog to remain on such owner's premises within the Township unless the owner shall have complied with the laws of the State providing for the licensing and registration of such dog.

(b) Every owner of a dog shall be required to provide the dog with a collar to which the license tag issued for that dog shall be affixed. The owner shall be responsible to see that the collar and tag are worn by the dog constantly when it is off the owner's premises.

Section 5. **RUNNING AT LARGE; IMPOUNDMENT**

It shall be unlawful for any owner to permit or to allow any domestic animal to be at large at any place within the limits of the Township. Any person may, and it shall be the duty of any police to, seize any domestic animal found running at large contrary to this Section. Any domestic animal seized by any person shall be delivered to a police officer. The police officer, upon receiving or upon seizing any domestic animal, shall impound the domestic animal and make a complete record of its breed, color and sex, and whether it is licensed. If licensed, the police officer shall enter the number and year of the license tag and the name of the owner if known. If any domestic animal so found running at large cannot be seized and impounded, any police officer shall have the right to kill the domestic animal; there shall be no liability in damages or otherwise for that killing.

Section 6. **IMPOUNDING, NOTICE TO OWNER AND REDEMPTIONS.**

Any domestic animal delivered to or seized by a police officer shall be impounded. Not later than two days after the impounding of any domestic animal, if the owner is known or can be ascertained, the police officer shall notify the owner personally or by telephone or in writing of the fact of impounding and the place where the domestic animal can be reclaimed. The owner of any domestic animal impounded may claim and redeem the domestic animal after first securing a license if the domestic animal is unlicensed and one is required by State law. If the domestic animal is redeemed, the owner shall pay to the Township an impounding fee of \$10.00 for the first offense of the domestic animal, \$15.00 for the second offense of the domestic animal, and \$25.00 for the third or greater offense of the domestic animal. If the domestic animal is redeemed from the County Humane Society or any other animal shelter which contracts with the Township, the owner shall also pay such impounding fee and such further fees for the keeping of the domestic animal as may from time to time be set and charged by the County Humane Society or the animal shelter.

Section 7. **CLAIMING DOMESTIC ANIMALS, PROHIBITION.**

It shall be unlawful for any person to claim or redeem an impounded domestic animal under this Ordinance when the person is not the legal owner having the right or property in the domestic animal.

Section 8. **DISPOSITION OF UNCLAIMED OR INFECTED DOMESTIC ANIMAL.**

(a) Any domestic animal seized and impounded pursuant to this Ordinance shall be kept for a total period of not less than seven days from the time it is seized, unless it is claimed and redeemed by its owner with those seven days. If at the expiration of seven days any domestic animal shall not have been claimed by the owner and redeemed, it may be destroyed. Any domestic animal which appears to be suffering from rabies or affected with hydrophobia, mange, or other infectious or dangerous disease shall not be released, but may be immediately destroyed; however, any domestic animal which has attacked and bitten any person shall remain impounded for the period of time required by the laws of the State. If any domestic animal is determined by the County Humane Society, or any other animal shelter which contracts with the Township, to be worthy and valuable, it may be offered for sale if not claimed by the owner at any time prior to the sale.

(b) The County Humane Society or any other animal shelter which contracts with the Township shall retain the proceeds from its sale of any domestic animal.

Section 9. **HARBORING, KEEPING DOMESTIC ANIMALS; PROHIBITIONS AND PENALTIES.**

(a) It shall be unlawful for any owner to keep, harbor or have charge of any domestic animal, whether licensed or unlicensed, when any one or more of the following facts exist:

- (1) The domestic animal has attacked or bitten any person or has destroyed any property or other domestic animal;
- (2) The domestic animal appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease;
- (3) The domestic animal, by destruction of property or trespassing upon the property of others, has become a nuisance in the vicinity where kept (any complaint based upon this fact shall be made by not less than two persons from two separate households in the vicinity where the domestic animal is kept, or by a police officer); or
- (4) The domestic animal, by loud barking, howling, yelping, whining, meowing or other sound, has become a nuisance in the vicinity where kept (any complaint based upon this fact shall be made by not less than two persons from two separate households in the vicinity where the domestic animal is kept, or by a police officer).

(b) If any one or more of the facts listed in (1) or (2) above shall exist, the owner shall immediately deliver the domestic animal to a police officer on demand. A complaint shall be filed in the district court and the district court shall be asked to issue a summons to the owner of such domestic animal to show cause why the domestic animal should not be killed or otherwise disposed of as ordered by the court. At the conclusion of the hearing, the district judge, upon finding that one or more of the facts set forth in this Section exists, shall be asked to order the domestic animal to be killed or otherwise disposed of as ordered by the court. Any owner refusing to obey such order shall be responsible for a municipal civil infraction subject to the enforcement procedures as set forth in Ordinance No. 71.

(c) If any one or more of the facts listed in (3) or (4) above shall exist, the owner shall be responsible for a municipal civil infraction subject to the enforcement procedures as set forth in Ordinance No. 71.

Section 10. **SEVERABILITY AND CAPTIONS.**

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 11. **ADMINISTRATIVE LIABILITY.**

No Township officer, agent, appointee, contractor or employee, or member of the Township Board, shall be personally liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 12. **REPEAL.**

All other ordinances, parts of ordinances, or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are hereby repealed in their entirety to the extent of such conflict.

Section 13. **EFFECTIVE DATE.**

This Ordinance was approved and adopted by the Township Board of Laketown Township, Allegan County, Michigan, on \_\_\_\_\_, 199\_\_. This Ordinance shall be effective 30 days following its publication in a newspaper of general circulation in the Township.

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Township Supervisor

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Township Clerk

**CERTIFICATE**

I, Robert Jaskulski, the Clerk for the Township of Laketown, Allegan County, Michigan, do hereby certify that the foregoing Animal Control Ordinance was adopted at a regular meeting of the Township Board held on February 12, 1997. The following members of the Township Board were present \_\_\_\_\_ at \_\_\_\_\_ the \_\_\_\_\_ meeting:

\_\_\_\_\_  
\_\_\_\_\_.

The following members of the Township Board were absent:

\_\_\_\_\_  
\_\_\_\_\_.

The Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_ voting in favor and members of the Board \_\_\_\_\_ voting in opposition. The Ordinance was published in the Holland Sentinel on \_\_\_\_\_, 1997.

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Robert Jaskulski, Township Clerk