

**JAMESTOWN CHARTER TOWNSHIP COUNTY OF OTTAWA,
MICHIGAN**

ORDINANCE NO. 05-002

ANIMAL CONTROL ORDINANCE

AN ORDINANCE TO PROVIDE REGULATIONS FOR THE CONTROL OF ANIMALS WITHIN THE CHARTER TOWNSHIP OF JAMESTOWN, OTTAWA COUNTY, MICHIGAN, TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE, TO PRESCRIBE PENALTIES FOR THE VIOLATIONS OF THIS ORDINANCE, TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE, AND TO REPEAL ORDINANCES WHICH ARE INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.

THE CHARTER TOWNSHIP OF JAMESTOWN, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. TITLE. This Ordinance may be cited as the Jamestown Charter Township Animal Control Ordinance.

Section 2. AUTHORITY. This Ordinance is adopted pursuant to the provisions of Section 15 of the Charter Township Act, as amended.

Section 3. 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 animals by their owners.

Section 4. DEFINITIONS. The following words and phrases are hereby defined.

A. Adequate Care. The provision of sufficient food, water, shelter, sanitary conditions, and veterinary medical attention in order to maintain an animal in a state of good health.

B . Animal. Any living, vertebrate creature, domestic or wild, not including a human being.

C. Animal Control Officer. Any Person designated by the Township to enforce the provisions of this Ordinance or any law enforcement officer empowered to enforce Township ordinances.

D. Animal Pound. Any Animal shelter where a Domestic Animal may be impounded. The Animal Pound may be maintained by the Township, by the Ottawa County Humane Society, or by any third party which operates an Animal shelter and which contracts with the Township.

E. At Large. 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.

F. Dangerous Animal. Any Animal which, without provocation, attacks or injures a Person who is peaceably conducting themselves in any place where they lawfully may be. Dangerous Animals shall also include any Animal which, because of its size, vicious propensity or other characteristic, would constitute a danger to human life, property, or Domestic Animals if not

restrained or kept in a safe manner.

G. Dog . Any Animal in the canine family, of either or no sex, and of any age.

H. Domestic Animal: An Animal that is commonly kept and housed inside a residential dwelling unit as a domestic, household pet, including cats, dogs, fish, gerbils, household birds within small cages, rabbits and other similar Animals that are under 20 pounds in weight. Domestic Animals shall not include Livestock, whether or not such animal is intended to be kept as a pet. Domestic Animals may include a wild animal, if such Animal is less than 20 pounds in weight and the owner has obtained any necessary permit for such Animal from the appropriate state or federal agency.

I. Livestock: Any species of Animal used for food or fiber, or any species of Animal used for service to humans, except for fish or rabbits when kept as a Domestic Animal pet. Livestock includes, but is not limited to, cattle, sheep, swine, equine (i.e. horses), poultry, goats, bison, captive cervidae (i.e. deer), new world camelids (i.e. llamas). And ratites (i.e. ostrich).

J. Kennel Operator. Any person who operates an establishment, other than an Animal Shelter, where Dogs and/or cats are maintained for boarding, training, or similar purposes for a fee or compensation; or who sells, exchanges, or offers for adoption with or without charge, Dogs and/or cats which the person bred or raised. A person who harbors three (3) or fewer Animals shall not be considered a Kennel Operator.

K. Neglect. Failure to sufficiently and properly care for an Animal to the extent that the Animal's health is jeopardized.

L. Owner. Any Person who has a right or property interest in an Animal, who keeps or harbors an Animal, who has an Animal in his or her care, who acts as custodian of an Animal, or who knowingly permits any Domestic Animal or Livestock to remain on or about any premises occupied by him or her.

M. Person. Any corporation, partnership, limited liability company, association or other legal entity, as well as a natural human being.

N. Pet Shop Operator. Any Person who operates an establishment, other than an Animal Shelter, where Animals are sold, offered for sale, exchanged, or offered for adoption with or without charge. A person who sells, offers to sell, exchanges or offers for adoption only such Animals that the person has produced or raised shall not be considered a Pet Shop.

O. Police Officer. 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.

P. Public Nuisance. Any Animal or Animals which:

(1) Chases passersby or passing vehicles;

(2) Attacks other Animals;

(3) Is at large three (3) or more times within a year's time;

(4) Damages private property; or

(5) Barks, howls, yelps, or runs at large, so as to disrupt the peace of the neighborhood.

Q. Restrain. An Animal shall be deemed under restraint if:

(1) It is under the control of its Owner or other responsible Person by means of a leash, cord, rope, strap, chain, or lead held by such Owner or Person and securely fastened to the collar or harness attached to the Animal; or

(2) It is securely enclosed, confined, or restrained on the premises where it may lawfully be so as to be unable to enter upon the public way or to molest Persons lawfully using the public way.

R. Sanitary Conditions. Space free from health hazards including excessive Animal waste, overcrowding of Animals, or other conditions that endanger the Animal's health. This definition does not include a condition resulting from any customary and reasonable practice pursuant to farming or Animal husbandry.

S. Shelter. Adequate protection from the elements suitable for the age and species of the Animal and weather conditions to maintain the Animal in a state of good health, including structures or natural features such as trees and topography.

T. State of Good Health . Freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the Animal, unless the Animal is undergoing appropriate treatment.

U. Water. Potable water that is suitable for the age and species of the Animal, made regularly available unless otherwise directed by a veterinarian licensed to practice veterinary medicine.

Section 5. KEEPING OR HOUSING ANIMALS. The keeping or housing of Domestic Animals and other Animals shall only be permitted within the Township as is authorized by this ordinance and by applicable provisions of the Township Zoning Ordinance.

Section 6. DOG LICENSE. 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 the Dog. 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 property.

Section 7. HARBORING, KEEPING DOMESTIC ANIMALS; PROHIBITIONS.

A. Prohibited Acts. 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 an ugly or vicious disposition, shows vicious habits and/or has molested any Person or Animal lawfully in or upon any public street or place. For purposes of this Section, any Domestic Animal who has bitten or attacked another Person shall be rebuttably presumed to be vicious.

(2) The Domestic Animal has attacked or bitten any Person or has destroyed any property or other domestic animal;

(3) The Domestic Animal appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease;

(4) The Domestic Animal, by destruction of property or trespassing upon the property of others, has become a nuisance in the vicinity where kept, as witnessed by an Animal Control Officer or any two (2) persons from two (2) separate households in the vicinity where the Domestic Animal is kept; or

(5) The Domestic Animal, by loud barking, howling, yelping, whining, meowing or other sound, has become a nuisance in the vicinity where kept, as witnessed by an Animal Control Officer or any two (2) persons from two (2) separate households in the vicinity where the Domestic Animal is kept.

B. Running at Large. No owner shall cause or permit any Animal kept by him or her to run at large within the Township. Animals which are on any street, alley, sidewalk, path, public park, or any other public place, without being restrained, shall be deemed to be running at large. It shall be unlawful to permit any Animal to run at large on the property of another without the permission of the owner of that property.

C. Keeping of Wild Animals. No Person shall keep or permit to be kept on his or her premises any wild animal (such as, but not limited to, bear, deer, large snakes, large reptiles, or large members of the cat family) as a pet or for display or exhibition purposes, unless he or she has obtained a permit from the State of Michigan authorizing such activity and complies with the Township Zoning Ordinance. This subsection shall not apply to performing animal exhibitions or circuses. An Animal Control Officer shall have the power to release or order the release of any wild Animal capable of surviving in the wild and/or turn such Animal over to any agency authorized by the State of Michigan to house wildlife.

D. Keeping Dangerous Animals.

(1) No owner shall permit any Dangerous Animal to be on any private or public property, other than the Owner's property, unless such Animal is securely muzzled or caged. Adequate safeguards shall be taken to prevent unauthorized access to a Dangerous Animal on the Owner's premises by Persons unlawfully on the premises.

(2) Whenever an Animal Control Officer determines upon personal observation or investigation that an Animal is a Dangerous Animal, as defined in this Ordinance, the officer shall notify the Owner of the Animal in writing of the determination, the reasons for the determination, and the requirements of this Section regulating the keeping of Dangerous Animals.

(3) Any Dangerous Animal running at large and which cannot safely be taken or impounded may be destroyed by an Animal Control Officer, provided, however, that in all cases where the Animal has seized or bitten any person or Animal with its teeth or jaws so as to cause a puncture or abrasion of the skin, or where the Animal is suspected to be rabid, no injury should be done to the head of the Animal.

E. Diseased Animals. It shall be unlawful for an Owner to permit a Domestic Animal or Livestock afflicted with a contagious disease to run at large or to be exposed in any public place whereby the health of any other animal or Person may be affected.

F. Abandoned or Unwanted Animals. It shall be unlawful to abandon an Animal or cause an Animal to be abandoned, in any place, without making provisions for the Animal's adequate

care, unless the premises are temporarily vacated for the protection of human life during a disaster. An Animal that is lost by an Owner or custodian while traveling, walking, hiking or hunting shall not be regarded as abandoned under this section when the Owner or custodian has made a reasonable effort to locate the Animal. Unwanted Animals shall be offered to an Animal Shelter. If an unwanted Animal is not accepted by an Animal Shelter, the Animal shall be humanely dispatched by a licensed veterinarian.

H. Order to Show Cause Why Animal Should Not be Destroyed. An Animal Control Officer may issue a citation for a violation of this Section or a complaint may be filed in the District Court of Ottawa County, and the District Court shall thereupon issue a summons to the Owner of such Animal to show cause why the Animal should not be killed or otherwise disposed of as ordered by the Court. Upon hearing, the District Court Judge, upon finding that one or more of the facts as set forth in this Section exists, shall order the Animal to be killed or otherwise disposed of as ordered by the Court. All costs incurred for the disposition of the Animal shall be paid by the Owner. Such action shall be in addition to any penalty imposed pursuant to Section 9 of this Ordinance.

Section 8. CARE AND TREATMENT OF ANIMALS.

A. Humane Care. No Person shall cruelly treat, beat, torment, overload, overwork, or otherwise abuse any Animal. No Owner of an Animal shall Neglect or fail to provide such Animal with Adequate Care.

B. Inhumane Treatment. No person shall cause any Animal to be subjected to cruel or inhumane treatment, including, but not limited to:

(1) The unnecessary separation of a female Animal from its offspring before such time as the offspring can survive such separation;

(2) Painting, dyeing, or otherwise coloring any Animal as a novelty or for purposes of sale, exchange or adoption;

(3) Promoting, inciting, or conducting Animal fights or the intentional killing of Animals for wagering or entertainment;

(4) Keeping an Animal in any container or other enclosed area without sufficient food, water, light, ventilation, and care for an unreasonable length of time so as to cause undue discomfort or suffering;

(5) The unnecessary killing of any species of Animal except rat, mouse, mole or vole; and

(6) The transporting of any living Animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage or enclosure is provided so as to protect such Animal from falling or being thrown therefrom.

Section 9. PENALTIES. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500 and costs of prosecution, or imprisoned for not more than ninety (90) days, or both such fine and imprisonment in the sole discretion of the Court.

Section 10. ADMISTRATI[VE LIAIBILITY. No Township officer, agent, appointee, contractor of 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 11. 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 12. REPEAL. All other ordinances, parts of ordinances, or amendments thereto, any of which are in conflict with the provision 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 JAMESTOWN Charter Township, Ottawa County, Michigan, on May 9, 2005, after introduction and a first reading on April 11, 2005, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective 30 days after publication in the Advance Newspapers, a newspaper having general circulation in the Township, pursuant to the provision of Act No. 191 of Public Acts of 1939, as amended.

CERTIFICATE

We, James Miedema and Ruth Pruis, the Supervisor and Clerk, respectively, for the Charter Township of Jamestown, Ottawa County, Michigan, do hereby certify that the foregoing Jamestown Township Ordinance was adopted at a regular meeting of the Jamestown Charter Township Board on May 9, 2005. The following members of the Township Board were present and voting: Brouwer, Jensen, Miedema, Pruis, Rau, Shaarda and Sipe. The following members of the board were absent: None. The Ordinance was adopted by the Township Board with members of the Board Brouwer, Jensen, Miedema, Pruis, Rau, Shaarda and Sipe voting in favor and members of the Board: None voting in opposition. Notice of Adoption and Posting of the Ordinance was published in The Advance Newspapers – Grand Valley Edition on May 17, 2005. This Ordinance was filed the Ottawa County Clerk on May 10, 2005.



James Miedema, Supervisor



Ruth Pruis, Clerk