

**CHARTER TOWNSHIP OF WASHINGTON
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 156
ANIMAL CONTROL ORDINANCE**

TITLE

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 CHARTER TOWNSHIP OF WASHINGTON, COUNTY OF MACOMB, MICHIGAN, ORDAINS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the Washington 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

Dangerous/Vicious Dog shall mean a dog that bites or attacks a person, or another animal and causes serious injury or death to that animal. An animal that is intentionally trained or conditioned to fight; any dog which, when unprovoked approaches any person in an apparent attitude of attack upon the streets, sidewalks or any public grounds; or any dogs which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property.

Owner shall mean 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 shall mean a person who has charge of the domestic animal.

Domestic Animal shall mean 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; does not include common farm animals, fowl, exotic animals or wild animals.

Shade shall mean protection from the direct rays of the sun during the months of June through September.

Shelter 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.

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 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. MAXIMUM NUMBER OF DOGS AND CATS

It shall be unlawful for any person or persons to keep more than four dogs, four cats or any combination thereof, age six months or older at any one time on a lot or parcel of property within the Township or more than one litter of offspring which may be kept for a period of time not to exceed five months from birth. This Section does not apply to kennels or uses in compliance with Section 190.1240 of the Washington Township Code of Ordinances nor does it apply to licensed veterinarians.

SECTION 8. 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 10. 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 11. 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, 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.

SECTION 12. DANGEROUS/VICIOUS DOGS

No person shall own or harbor a dangerous/vicious 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. A dog shall not be deemed vicious if any injury or damage is sustained by a person who, at the time of such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting dog or was committing or attempting to commit a crime.

SECTION 13. 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 14 . 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.

SECTION 15. 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 16. 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 17. 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 18. 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 19. PUBLICATION

This Ordinance shall be published in accordance with MCL 42.8(3)(b) by posting a copy of the Ordinance in the office of the Township Clerk and on the Washington Township website.

SECTION 20. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the publication of a summary or a true copy of the Ordinance after final passage in accordance with MCL 42.22.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Washington Township, Macomb County, Michigan, at a meeting held on the 1st day of May, 2019.

I hereby further certify that the following Township Board members were present at the meeting: Babinski, Bosheers, Jacobson, Kopp, Nicley, O'Leary and Previti
and the following Township Board Members were absent: None

I further certify that Member Bosheers moved for the adoption of the Ordinance, and that motion was supported by Member Babinski.

I further certify that the following Township Board Members voted for the adoption of the Ordinance: Babinski, Bosheers, Jacobson, Kopp, Nicley, O'Leary and Previti
and that the following Township Board members voted against adoption of the Ordinance: None

Kathy Bosheers, Clerk
Charter Township of Washington

CERTIFICATE OF PUBLICATION

I, Kathy Bosheers, Township Clerk of the Charter Township of Washington do hereby certify that on April 22, 2019, the foregoing Ordinance was posted in the office of the Township Clerk and on the Charter Township of Washington's website as authorized by MCL 42.8(3)(b). On May 5, 2019, a Notice of Ordinance Adoption was published in a newspaper circulating within the Charter Township of Washington.

Kathy Bosheers, Clerk
Charter Township of Washington Clerk