

CHARTER TOWNSHIP OF BROWNSTOWN

WAYNE COUNTY, MICHIGAN

ORDINANCE NO. 173-10

AN ORDINANCE TO AMEND GENERAL ORDINANCE NO. 173, PART 133, ARTICLE 3 “DOG AND CAT LICENSES”; AND ARTICLE 4 “KENNEL LICENSES”; AND ARTICLE 5 “TAGS”; AND ARTICLE 8 “GENERAL PROVISIONS”, SECTION 8.03 “SANITATION”, AND SECTION 8.04 “NOISE”, AND SECTION 8.05 “TRESPASS”, AND SECTION 8.08 “ABANDONMENT”, AND SECTION 8.10 “EXOTIC ANIMALS”, AND SECTION 8.14 “INTERFERENCE WITH AN ANIMAL CONTROL OFFICER”, AND SECTION 8.25 “PENALTIES”.

The Charter Township of Brownstown ordains:

Section 1. Brownstown Ordinance, Part 133, Article 3, “Dog and Cat Licenses”, Section 3.03 “Fees”, is hereby amended as follows:

- Section 3.03 subsections A. through G. shall be replaced in their entirety with the following:
 - “A. Dog Licenses *(fees subject to change with notice posted at Township Animal Shelter)*:
 1. New licenses obtained before April 30th of any year, \$10.00/1 year. Proof of rabies vaccination is required prior to issuance of license.
 2. Renewal of licenses after April 30th of any year, \$20.00/1 year. Proof of rabies vaccination is required prior to issuance of license.
 3. Owner release fee (for stray/roaming animal):
 - \$20.00 for First pick up, plus \$10.00 per day boarding fee after pick up.
 - \$40.00 for Second pick up within 3 months, plus \$10.00 per day boarding fee after pick up.
 - \$60.00 for Third and each subsequent pick up within 3 months, plus \$10.00 per day boarding fee after pick up.
 - B. Cat Licenses *(fees subject to change with notice posted at Township Animal Shelter)*:
 1. New licenses obtained before April 30th of any year, \$10.00/1 year. Proof of rabies vaccination is required prior to issuance of license.
 2. Renewal of licenses after April 30th of any year, \$20.00/1 year. Proof of rabies vaccination is required prior to issuance of license.
 3. Owner release fee (for stray/roaming animal):
 - \$20.00 for First pick up, plus \$10.00 per day boarding fee after pick up.
 - \$40.00 for Second pick up within 3 months, plus \$10.00 per day boarding fee after pick up.
 - \$60.00 for Third and each subsequent pick up within 3 months, plus \$10.00 per day boarding fee after pick up.
 - C. Animal Adoption Fee: \$60.00 for cats and \$80.00 for dogs (subject to change with notice posted at Township Animal Shelter), plus license fee. This adoption fee includes cost of Township Animal Shelter performing spay/neuter services. If a person adopting an animal declines spay/neuter services for any reason, a state-mandated deposit fee (currently \$25.00 but subject to change with notice posted at Township Animal Shelter) must be rendered at time of adoption. Said spay/neuter deposit is refundable upon written proof that animal has been spayed/neutered within 4 weeks of adoption.

- D. Senior Citizens (65 or over) shall be issued either one dog or cat license without cost if obtained by Senior Citizen before the annual deadline of April 30th. Each additional animal license or lost animal license shall be issued at ½ the regular cost of a license of the current fee schedule if obtained by Senior Citizen before annual deadline of April 30th.
 - E. *Euthanasia Fee*: \$250.00 per animal (*subject to change with notice posted at Township Animal Shelter*), and the Township has discretion on lowering the fee for demonstrated hardship.
 - F. *Voluntary Surrender of an animal*: \$40.00 for cats and \$60.00 for dogs (*subject to change with notice posted at Township Animal Shelter*). If the animal does not have a valid license, there is an additional \$10.00 fee. The service is provided only for animal owners who are residents to Brownstown Township.
 - G. *Live Trap Fee (subject to change with notice posted at Township Animal Shelter)*:
 1. \$50.00 refundable deposit.
 2. Rental fee of \$20.00 per trap per week.
 3. \$20.00 pick up fee for any animal.
 4. Traps are set Monday thru Thursday and picked up Friday. No weekend trapping.
 5. Trap can be set a maximum of 5 days.
 6. Fee is due at the time the trap is set.
 7. Fee is for the week it is set. Traps can be requested for the next week in accordance with the trap fee.”
- Additionally, the following language shall be added to Sec. 3.03 and shall be considered subsection H.

“H. *Dead Pet Pickup and Disposal Fee*: \$50.00 (*subject to change with notice posted at Township Animal Shelter*). The service is provided only for pet owners who are residents to Brownstown Township.”

Section 2. Brownstown Ordinance, Part 133, Article 4, “Kennel License”, Sections 4.02 and 4.03, 4.04, 4.08, and 4.09 are hereby replaced in their entirety by the following (with all other sections in said Article remaining unchanged):

“133.402 - Applications.

Sec. 4.02. All applications for kennel licenses (for both private or commercial kennels) shall be filed with the Water Department (or subsequent department designated thereafter) on such forms as may be prepared by them, and then reviewed thereafter by respective Township departments for purposes of zoning and building requirements and restrictions. The application for kennel licenses shall be made on or before May 1 of each year and shall give a description of the premises where the kennel is to be operated, the capacity of the kennel quarters, and the largest number of dogs, including those six months of age or younger, to be kept thereat, and a description of the type of kennel to be licensed and the functions to be engaged in by such kennel. It shall give permission for any duly authorized officer or representative of the Township and County to inspect said premises at all reasonable times. All kennel licenses hereafter issued shall expire on the 30th day of April in the year following their issuance.”

“Section 4.03. Kennel license fee (for either private or commercial kennels; and, *dollar amount subject to change with notice posted at Township Animal Shelter*):

| | |
|-------------------|----------|
| 10 dogs or less | \$200.00 |
| More than 10 dogs | \$300.00 |

All license fees shall be paid to the Township Treasurer; provided, however, the Township Treasurer may designate and authorize certain officers or employees, including the Animal Control Officer, to accept fees in the name of the Township Treasurer and to issue proper receipts therefor.”

“133.404 - Issuance of Kennel licenses.

Sec. 4.04. Kennel licenses (for both private or commercial kennels) shall be issued by the Water Department (or subsequent department designated thereafter) on filing and approval of proper applications, on payment of the required fees and on full compliance with the provisions of this ordinance.”

“133.408 - License limitations.

Sec. 4.08. A license for a private kennel shall in no way authorize the holder thereof to operate a commercial kennel, nor shall a license for a commercial kennel authorize the holder thereof to operate a private kennel; providing however, that nothing in this section shall prevent anyone from obtaining both a private and a commercial kennel license if he/she is otherwise qualified to receive such licenses.”

“133.409 - Kennel limitations.

Sec. 4.09. No private kennel license shall permit or authorize the keeping or harboring of more than ten dogs. No commercial kennel license shall permit or authorize the keeping, harboring or boarding of more than 40 dogs. No person shall keep, harbor, or board in any kennel any number of dogs in excess of the number authorized or permitted by the license issued for such kennel, nor shall any person own, maintain or operate any kennel in which the number of dogs kept, harbored or boarded is in excess of the number authorized or permitted by the license issued for such kennel. Inspections of all kennels will be made at least once per year and as many as four times per year.”

Section 3. Brownstown Ordinance, Part 133, Article 5, “Tags”, Sections 5.01, 5.04, and 5.05 are hereby replaced in their entirety by the following (with all other sections in said Article remaining unchanged):

“133.501 - Issuance of tags.

Sec. 5.01. Upon issuance of a dog or cat license, there shall be delivered to the licensee by the Water Department (or subsequent department designated thereafter) a license tag of metal or other suitable material, containing the number of the license duly stamped or engraved thereon, the year of issuance, the words, "Brownstown, Wayne County, Michigan", and also bearing the word "immunized" in the case of individual dog or cat licenses. The shape and style of said tag shall be changed each year on the first day of May thereof. All tags and licenses shall at all times remain the property of Brownstown Township for which the Township reserves the right to revoke same at any time upon occasion of the recipient’s failure to continue to comply with Township ordinances or State or federal laws. The Township may also initiate a

prosecution action consistent with Section 133.825 contained herein or any other remedies allowable by Township ordinances or State or federal laws.”

“133.504 - Loss of tag.

Sec. 5.04. In case of the loss of a tag the owner may secure a duplicate from the Water Department (or subsequent department designated thereafter) upon payment of \$5.00 *(subject to change with notice posted at Township Animal Shelter).*”

“133.505 - Kennel tags.

Sec. 5.05. Upon the issuance of a kennel license there shall be delivered to the licensee by the Water Department (or subsequent department designated thereafter) a number of metal tags equal to the number of dogs authorized to be kept in the kennel. Such tags shall contain a serial number and the words "Kennel License, Brownstown, Wayne County, Michigan," stamped or engraved thereon. Such tags shall be readily distinguishable from the individual license tags for the same year. All kennel tags and licenses shall at all times remain the property of Brownstown Township for which the Township reserves the right to revoke same at any time upon occasion of the recipient's failure to continue to comply with Township ordinances or State or federal laws. The Township may also initiate a prosecution action consistent with Section 133.825 contained herein or any other remedies allowable by Township ordinances or State or federal laws.”

Section 4. Brownstown Ordinance, Part 133, Article 8, “General Provisions,” Section 8.03 “Sanitation,” is hereby amended as follows:

- In Section 8.03, the word “dog” is hereby replaced by “pet, domesticated animal, or farm animal”. The remaining language of Section 8.03 shall otherwise remain unchanged.

Section 5. Brownstown Ordinance, Part 133, Article 8, “General Provisions,” Section 8.04 “Noise,” is hereby amended as follows:

“Sec. 8.04. No person shall permit, keep or harbor any dog, cat or other animal, in a kennel or otherwise, which by loud, frequent or habitual barking, howling, growling, yelping, baying, crying, whining or any other sound shall cause an annoyance to the neighborhood or to people passing to or fro on the streets, nor shall disturb the public peace, or shall constitute a menace to the public health, safety or welfare.”

Section 6. Brownstown Ordinance, Part 133, Article 8, “General Provisions,” Section 8.05 “Trespass,” is hereby amended as follows:

“Sec. 8.05. No person shall permit any animal (which they own, keep, or harbor), whether such animal is licensed or unlicensed, to destroy or damage (or which has destroyed or damaged) property of any other person or persons, or to (or which has) habitually trespass(ed) on such property.”

Section 7. Brownstown Ordinance, Part 133, Article 8, “General Provisions,” Section 8.08, “Abandonment,” is hereby amended such that at the end of the existing language of Section 8.08, an additional paragraph shall be added as follows without changing the existing language:

“Furthermore, it shall be unlawful for any person to report or cause to be reported to the Animal Control Officer any information concerning an animal which would require action from the Animal Control Officer when the person knows the information to be false or that he or she has no such information. Such action will be treated as a violation of 133.814, “Interference with an animal control officer” with the penalties found in 133.825.”

Section 8. Brownstown Ordinance, Part 133, Article 8, “General Provisions,” Section 8.10, “Exotic animals,” is hereby amended as follows:

- In Subsection (8), the words “Pot Belly Pigs” shall be replaced with the words: “(8) All Pigs”;
- A new Subsection (10) shall be added with the following language:
“(10) Non-domesticated, wild, or exotic fowl including but not limited to wild geese, wild ducks, swans, ostriches, and emu.”
- The existing language of Section 8.10 (subsections (1) through (10) shall remain unchanged, and shall now be considered Subsection “A” of Section 8.10.
- At the end of Subsection “A”, the following language shall be added: “A violation of this Subsection (A) will be considered a misdemeanor with the penalties found in 133.825.”
- The following language shall be labeled as a new Subsection “B” of Section 8.10, and shall be placed under the existing language of Section 8.10 after Subsection (A) described above:

“No person shall feed wild animals, including but not limited to squirrels, feral cats, non-domesticated ducks, and non-domesticated geese. A violation of this Subsection (B) in particular will be considered a civil infraction with the penalties found in 133.825.”

Section 9. Brownstown Ordinance, Part 133, Article 8, “General Provisions,” Section 133.811(f) “Capture,” is hereby replaced as follows (with all other sections in said Article remaining unchanged):

“(f) Any animal which has bitten a person or other animal;”

Section 10. Brownstown Ordinance, Part 133.825, “Penalties,” is hereby replaced as follows (with all other sections in said Article remaining unchanged):

“Sec. 8.25.

- A. Choice of Remedies. The Township may prosecute any such enforcement and/or compliance violation of this ordinance through the progressive punishment of an appearance ticket action in the 33rd District Court, and/or a nuisance abatement action in the 3rd Circuit Court of Michigan. The Township may seek either or both actions, and neither choice of remedy is a precondition to the other remedy, and neither choice of remedy is mutually exclusive of the other remedy. Each day a violation exists shall constitute a separate offense.

1. District Court enforcement.

- a. For violations of the following Sections of this ordinance by any person:

3.01; 3.06; 3.07; 4.01; 4.07; 4.08; 4.09; 5.02; 5.03; 5.06; 6.01 (duty to notify); 8.01; 8.03; 8.04; 8.05; 8.09; 8.10(B); 8.13; and, 8.15

such person shall be responsible for a civil infraction for the first offense within any 24 month period, with a court appearance ticket filed with and adjudicated in the 33rd District Court, punishable by a fine not to exceed Two Hundred Dollars (\$200.00), at the discretion of the court. The second such offense within any 24 month period shall be a civil infraction filed with and adjudicated in the 33rd District Court, punishable by a fine not to exceed Three Hundred Dollars (\$300.00), at the discretion of the court. The third or more of such offenses within any 24 month period shall be a misdemeanor filed with and adjudicated in the 33rd District Court, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) and/or 90 days in jail, at the

discretion of the court. To the extent that any enforcement is sought in the 33rd District Court, the court shall be empowered upon any conviction to issue an order of the court requiring such person's compliance with this ordinance.

b. For violations of the following Sections of this ordinance by any person: 8.06; 8.07; 8.08; 8.10(A); 8.12; and, 8.14

such person shall be guilty of a misdemeanor filed with and adjudicated in the 33rd District Court, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500) and/or 90 days in jail, at the discretion of the court. To the extent that any enforcement is sought in the 33rd District Court, the court shall be empowered upon any conviction to issue an order of the court requiring such person's compliance with this ordinance.”

- Section 11. Severability.** If any article, section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such article, section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.
- Section 12. Repealer.** All ordinances, resolutions or orders, or parts of ordinances in conflict with the provisions of this Ordinance to the extent of such conflict, are hereby repealed.
- Section 13. Effective Date; Publication.** This Ordinance was approved and adopted by the Township Board of Brownstown Charter Township, Wayne County, Michigan, on November 4, 2019, after introduction and a first reading on October 7, 2019, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication, in The News Herald, a newspaper having general circulation in the Township.

ANDREW LINKO, Supervisor

BRIAN PETERS, Clerk

I further certify that the foregoing was published in The News Herald, a newspaper of general circulation in the Charter Township of Brownstown, on the 10th day of November, 2019.

BRIAN PETERS, Clerk