

TOWNSHIP OF EAGLE
CLINTON COUNTY, MICHIGAN

ORDINANCE NUMBER 2-05

Dog Control Ordinance

An ordinance to regulate the possession and control of dogs; to protect the public health by preventing unsanitary conditions from occurring; and to provide penalties for violations hereof.

EAGLE TOWNSHIP ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Eagle Township Dog Control Ordinance.

Section 2: Definitions

Owner: Any person who (1) harbors or keeps any dog; (2) has right or property interest in any dog; or (3) any person who shall permit any dog 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 dog for the purpose of this Ordinance.

Custodian: A person who has charge of the dog.

Section 3: Noise Control

No person shall own, keep, or have charge of any dog which by loud, frequent, or persistent barking, howling, or yelping shall cause annoyance, disturbance or a nuisance to occupiers of neighboring property.

Section 4: Leash Requirements

No person who owns or has custody of a dog shall permit any dog to run unleashed on property open to the public or on private property not owned or leased by the owner or custodian of the dog unless that owner or custodian has permission; provided, however that if such dog is removed from the owner's premises it shall be securely held upon a leash of leather or other durable material of a length not to exceed six feet and in the custody of a responsible person, or the dog shall be securely held in a shipping receptacle or in a closed motor vehicle.

It shall be lawful for any enforcement officer(s) to seize any dog running at large in the Township in violation of this ordinance.

Section 5: Waste Removal

If a dog is not within the limits of the owner's premises, the person in custody of the dog shall be required to pick up, remove, and properly dispose of all waste left by the dog.

Section 6: Confinement

It shall be unlawful for any person owning, keeping, harboring, or having charge of any dog to confine, keep, or harbor such dog 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 dog shall not be constructed nor maintained so as to be nearer than 15 feet to any property line.

Section 7: Penalties

A person who violates any provision of this Ordinance is responsible for a municipal civil infraction. Any person who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine of \$100.00. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in an ordinary civil action and may include all expenses, direct and indirect, including attorney fees, to which the plaintiff has been put in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of less than \$9.00 or more than \$500.00 be ordered. Each violation shall be considered a separate offense. Repeat offenses shall be subject to increased fines of an additional \$50.00 per violation in any given three year period. A violation of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as provided by Michigan law.

The Township Supervisor, or his or her designee, shall be the official authorized to issue citations for municipal civil infraction violations.

The Township may 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 Dog Control Ordinance.

Section 8: Enforcement

The Township Board hereby authorizes Township code enforcement officer or Clinton County officials and their agents/assignees to enforce or assist in the enforcement of this ordinance.

Section 9: Seizure

In addition to other penalties provided in this Ordinance, enforcement may include seizure of any dog in violation of Section 4 of the Ordinance. Any official authorized under Section 8 of this Ordinance shall have the authority to take up, seize and place any dog in violation of Section 4 at any animal shelter, dog pound or any other place or facility deemed appropriate by the authorized official. Such impoundment shall be at the cost of the owner of the dog impounded. The

authorized official has the authority to move the impounded dog to a registered kennel at the owner's request.

Section 10: Effective Date

This ordinance shall take effect thirty days after its publication. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

Section 11: Publication

A summary of this ordinance shall be published in a newspaper circulated within Eagle Township, Clinton County, Michigan within thirty days following the adoption hereof.

Section 12: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 13: Severability and Saving Clause

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared to be invalid.

A vote on the foregoing ordinance was as follows:

Aye: Therrian, Simmons, Colby, Schafer, Morris

Nay: None

Wendy K. Simmons, Clerk

CERTIFICATION

I, Wendy K. Simmons, Clerk of the Township of Eagle, do hereby certify that the foregoing is a true and accurate copy of the Dog Control Ordinance 2-05 adopted by the Township of Eagle on the July 13, 2005.

Wendy K. Simmons, Clerk