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Effective: April 19, 2021

AMENDMENT TO THE ANIMAL ORDINANCE OF THE CITY OF NEGAUNEE

CHAPTER 606

The City of Negaunee ORDAINS:

That the City of Negaunee's Animal Ordinance, Chapter 606 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended to read as follows:

REPEALER

The City of Negaunee's Animal Ordinance, Chapter 606, as amended, of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. The repeal date shall be the effective date of the following Amendments.

PURPOSE

The purpose of this Ordinance is to secure and maintain the public health, safety and welfare of the residents and property owners of the City of Negaunee by providing for the control, conduct and care of animals within the City of Negaunee.

DEFINITIONS

For the purpose of this Ordinance, the following terms shall be used:

Word or Phrase	Definition
Adequate care	Means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.
Animal	Means, but is not limited to birds; fish; reptiles; amphibians; poultry; ornamental and/or game birds' arachnids and insects; and all non-human mammals, male, female or sexually altered, and offspring thereof, including dogs, cats, livestock, and poultry.

Animal bites	Means a penetration of the skin caused by an animal.
Animal Control Officer	Means a person or persons whose duty it is to enforce this Ordinance and other laws and regulations pertaining to animal welfare and control within the boundaries of the City of Negaunee, MI.
Business day	Means days when the City offices are open, not including Saturdays, Sundays or holidays.
Calendar day	Means all days on a calendar, including Saturdays, Sundays, and holidays.
County	Means the County of Marquette, MI.
Dispose	Means to donate, sell, reclaim or to destroy an animal in a humane and lawful manner.
Dog	Means male, female, offspring or a sexually altered animal of the domesticated canine family.
Enclosure	Means a structure or fencing used to immediately restrict one or more animals to a limited amount of space.
Exotic Animal	Any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, Leopards, elephants, camels, antelopes, anteaters, kangaroos and water buffalo, and species of foreign domestic cattle such as Ankole, Gayal and yak.
Holiday	Means a day of the year City offices are officially closed as approved annually by the Negaunee City Council.
Impound facility	Means a designated location for the purpose of holding and caring for impounded or confined animals.
Kennel	Means an establishment where dogs are kept for pay for purposes of breeding, board or sale; or a premise where four or more dogs are kept.
Law Enforcement Officer	Means any person employed or elected by the people of the state, or by any municipality, county, or township, whose

	duty it is to preserve peace or to make arrests or to enforce the law.
Livestock	Means animals used for human food and fiber of animals used for service to human beings. This includes, but is not limited to, cattle, swine, llamas, goats, bison, horses and rabbits. Livestock does not include dogs or cats.
Nuisance Animal	<p>Means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "nuisance animal" shall include, but not be limited to:</p> <ol style="list-style-type: none"> 1. Any animal that is repeatedly found running at large; 2. Any animal that damages, soils, defiles or defecates on any property other than that of its owner; 3. Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the animal or the premises where the animal is or harbored; 4. Any animal in season that is not confined so as to allow attraction or contact with other animals; 5. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way or otherwise; 6. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of having attacked, bitten, or physically injured human beings or other animals, without provocation.

	7. Any exotic animal.
Owner	Means, but not limited to, any person or persons having a right of property in an animal, every person who keeps or harbors an animal, or has an animal in his or her care or control, and every person who knowingly permits an animal to remain at or about any premises occupied by the person.
Poultry	Means domesticated fowl (such as chickens, turkeys, ducks or geese) or any other fowl raised for meat or eggs.
Reasonable control	Means an animal that is leashed or obedient to the commands or restraint of the owner or person having custody or control of the animal.
Repeat offense	Means a second, or any subsequent, municipal civil infraction violation of the requirements or provisions of this Animal Ordinance committed by a person within any twenty-four-month period, and for which the person admits responsibility or is determined to be responsible.
Run at large	Means an animal that is free of its enclosure and is unrestrained and is not under reasonable control.
Service dog	Means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, and/or mental disability.
State	Means the State of Michigan.
Suspected rabid animal	Means any animal that bites or scratches, causing penetration of the skin or an animal that exhibits apparent symptoms of rabies.
City	Means the City of Negaunee, MI.
Vicious animal	Means any animal in the process of threatening any person or property, or any animal that in the opinion of a Law Enforcement Agency or officer repeatedly threatens persons or destroys or property.

Section 1. Animal Control Officer.

- a) The designated Animal Control Officer(s) shall be employed by the City of Negaunee Police Department, and is deputized to enforce this Ordinance and the laws and regulations of the State pertaining to animals, and to make complaint(s) to the District Court or other appropriate Court in regard to any violations.
- b) The Animal Control Officer(s) are authorized and empowered to enter upon any property, but not in a dwelling without a warrant, where animals are for purpose of an investigation or making inquiries about any animals on the property if there is probable cause to believe that this Ordinance is being violated.
- c) The Animal Control Officer shall investigate incidents involving any animal reported or seen running at large, reported animal bites, alleged dangerous animals, complaint of cruelty to animals, or other alleged violations of this Ordinance or Statutes of the State.
- d) Based on the Officer's investigation, the involved animal(s) may be seized, transported and impounded at the impound facility in accordance with the provisions of this Ordinance or the Statutes of the State, and/or a citation(s) may be issued to any person in violation of this Ordinance or Statutes of the State.

Section 2. Licenses for Dogs.

- a) All dogs six (6) months old or older in the City must be properly licensed and have proof of a current rabies vaccination, unless the dog is properly licensed under procedures established by the State and the County of Marquette. Current dog licenses issued by other jurisdictions within the State prior to residence in the City shall be honored and valid for the remainder of the calendar year in which they were issued.
- b) Any dog not confined in an enclosure, or not immediately engaged in hunting, must wear or have affixed to itself proof of licensure and rabies vaccination.
- c) No dog shall be exempt from a rabies vaccination, unless a registered and practicing veterinarian of the State certifies in writing that such vaccination would be detrimental to the health of the dog.
- d) No license or license tag issued for one dog shall be transferable to another dog. Whenever ownership or possession of any dog is permanently transferred from one person to another within the same County, the license of such dog may likewise transfer, upon written notice given by the last registered owner to the County Treasurer who shall note such transfer upon the Treasurer records. This Ordinance does not require procurement of a new license or the transfer

of a license already secured where the possession of a dog is temporarily transferred for the purpose of boarding, hunting, trial or show.

Section 3. Kennel.

- a) Any person(s) owning, keeping or operating a kennel within the City shall possess an appropriate license from the County Treasurer or other appropriate County-authorized agent.
- b) Any owner who is required to obtain a County kennel license shall post a valid copy on the premises in a conspicuous location.
- c) Any person or persons owning, keeping or operating a kennel within the City shall maintain such kennel pursuant to the requirements of this Ordinance, and the laws and regulations of the State, including, but not limited to the Dog Law of 1919, MCL 287.261 *et seq.*

Section 4. Enclosures.

- a) All animal enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to shield them from the sun and adverse weather conditions, to contain them and to keep predators out.
- b) All enclosures shall be constructed and maintained so as to enable the animals to remain dry and clean.
- c) All enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit and lie in a comfortable, normal position.
- d) The floors of an enclosure shall be constructed so as to protect the animal's feet and legs from injury.
- e) Each enclosure shall be provided with a solid resting surface which, in the aggregate, shall be of an adequate size to comfortably hold all occupants of the enclosure at the same time.
- f) If a house with a chain or another device is used as an enclosure for an animal kept outdoors, the chain or other device used shall be placed or attached so that the animal cannot become entangled with the chains or devices of other animals or with objects. The chain or other device shall be the type commonly used for the size of animal involved and shall be attached to the animal by means of a well fitted collar or other appropriate means. The chain or other device shall be at least three (3) times the length of the animal as measured from the tip of its nose to the base of its tail and shall allow the animal convenient access to the animal house. The chain or device shall not be of

such length as to allow the animal off the premises or to access the public right-of-way.

Section 5. Animal Bites and Procedures.

- a) Any owner of an animal kept as a pet that bites or scratches a person or other animal penetrating the skin, shall be required to secure and confine the animal inside an appropriate building or enclosure for a period of ten (10) calendar days. The owner shall also immediately report the bite or scratch to the Animal Control Officer/City of Negaunee Police Department or the County Health Department, as well as report any unusual behavior or appearance change in the animal during the ten (10) calendar day period. In the event the Animal Control Officer has reason to believe the owner will not comply with this section, the Animal Control Officer shall take custody of the animal and confine it at the impound facility for ten (10) business days at the expense of the owner.
- b) Upon a report of a bite or scratch of a person or other animal, penetrating skin, the Animal Control Officer shall investigate and, if there is human exposure, search out and attempt to discover the animal involved, the owner of the animal, and proceed as described in this ordinance.
- c) Any animal running loose after biting or scratching a person or other animal, causing penetration of the skin, and whose owner cannot be determined, shall be confined for ten (10) business days at the City impoundment facility or another local facility.
- d) Any wild animal that bites or scratches a person causing penetration of the skin shall be immediately destroyed according to State-defined suspected rabid animal procedures.
- e) Any animal, domestic or wild, which has bitten or scratched a person or other animal causing penetration of the skin that cannot be apprehended may, at the discretion of the Animal Control Officer, be immediately destroyed according to State-defined suspected rabid animal procedures.
- f) Any animal, as previously described in any of the above sections, that should die or become ill during the time of confinement will be suspected as rabid and treated according to State-defined suspected rabid animal procedures.

Section 6. Impound.

- a) Any animal observed to be in immediate danger by a Law Enforcement Officer or Animal Control Officer may be removed from the situation by the quickest and most reasonable means available and placed in the impound facility.

- b) Any animal found running at large may be seized by a Law Enforcement Officer and if the owner of the animal cannot be located in accordance with the Statutes of the State, the animal will be placed in the impound facility.
- c) Upon impoundment of an animal, the Law Enforcement Officer or Animal Control Officer shall make reasonable effort to notify the owner of the animal and inform the owner of the location of the animal and how custody can be regained in accordance with the regulations of the City and the impound facility.
- d) Any animal not redeemed within seven (7) days shall be disposed of in accordance with the provisions of the impoundment facility.
- e) Impound fees shall be posted at the impound facility and the fees must be paid prior to redeeming the animal.
- f) Impound fees will be set annually by the City and posted in the City's adopted, current Fee Schedule.
- g) Any owner who willfully fails to redeem the impounded animal after notification of impoundment may be cited for cruelty by neglect of said animal under the Cruelty Statutes of the State, including, but not limited to, MCL 750.50 *et seq.*

Section 7. Seizing Animals.

- a) It shall be lawful for any person to seize an animal at large upon his or her property in violation of this Ordinance or the Statutes of the State and to turn the animal over to the Law Enforcement Officer.
- b) In no event shall the provisions of this Ordinance exonerate a person from compliance with the criminal laws of this State, including the safe discharge of firearms.

Section 8. Livestock or Poultry in Non-Agricultural Areas.

The keeping of chickens shall be subject to the following requirements.

1. Chicken owner(s), in R1 & R2, may not keep more than six (6) chicken hens on the premises at any one time. Hens are for personal use only and not for any business or commercial use. In RR districts, chickens will be considered for approval upon application for up to 6 chickens, plus 3 additional chickens per acre over two (2) acres.
2. Any selling of chickens or eggs must comply with Chapter 1285 of Negaunee Ordinances.
3. Roosters are prohibited.

Section 9. Violations.

- a) It shall be unlawful for any person or owner to allow any animal of any age, licensed or unlicensed, wearing or not wearing a collar to:
 - 1. Run at large, except working farm dogs and hunting dogs while they are trained and under the direction of the owner. An animal need not be physically restrained, but must be under reasonable control of the responsible person.
 - 2. Be within the confines of any public park that prohibits animals. A service dog accompanied by its owner shall be exempt.
 - 3. Destroy or deface property, real or personal.
 - 4. Soil or pollute with solid body waste the property of a person other than the owner, unless promptly removed.
 - 5. Attack or bite a person.
 - 6. Show vicious habits or harass passers-by, when such person(s) are lawfully in a public place.
 - 7. Cause serious annoyance by loud and/or frequent noise.
- b) It shall be unlawful for any person to:
 - 1. Remove a collar or tag from any animal without the permission of the owner.
 - 2. Decoy or entice any animal out of an enclosure off of the property of the owner.
 - 3. Seize, harass or tease any animal while held or led by any person or while on the property of the owner.
- c) Nuisance animal. It shall be unlawful for any person to keep any animal on any property located within the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

Section 10. Enforcement.

- a) This Ordinance shall be enforced by the City Animal Control Officer(s), by the Negaunee City Police Department, or by such a person or persons Negaunee City Manager may designate.

- b) In the event of any violation of any provision of this Ordinance or the laws or regulations of the State, an Animal Control Officer or Law Enforcement Officer may take such measures as may be necessary to initiate and pursue enforcement action against such violator.
- c) The Court, upon a finding of guilty, shall assess the penalties in accordance with the penalty provisions of this Ordinance.

Section 11. Preservation of Certain Rights.

- a) Nothing in this Ordinance shall be construed to prevent the owner of an animal from being responsible in an action against the law brought by any Law Enforcement Officer.
- b) Nothing in this Ordinance shall be construed as limiting the statutory or common law liability of the owner of an animal for damages committed by said animal.

Section 12. Validity.


Should any action, clause or provision of this Ordinance be declared 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 invalid.

Section 13. Fees and Penalties – See Negaunee Ordinance 202.99(a) – (c), and Addendum A hereto for fees and penalties associated with this Ordinance.

Section 14. Effective Date.

This Ordinance shall take effect thirty (30) calendar days from publication.

City of Negaunee

By: 

Attest: 

Addendum A

Fees and Penalties:

This section and fees charges can be revised by the City of Negaunee City Council, when deemed necessary.

1) Penalties.

a) Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction, and upon an admission of responsibility or a finding of responsibility shall be subject to payment of a civil fine of not less than \$50.00 or more than \$300.00, plus costs and other sanctions, including but not limited to injunction relief, for each infraction.

b) Repeat offenses shall be subject to increased fines in accordance with this section.

c) The increased fine for a repeat offense under this section shall be as follows:

1. The fine for any offense which is a first repeat offense shall be no less than \$75.00 or more the \$300.00, plus costs and other sanctions; and,
2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$100.00 or more than \$300.00, plus costs and sanctions.

3) Impoundment fees for animals (cats and dogs):

- a. Day 1: \$25.00/day.
- b. Each day after: \$15.00/day.
- c. Transporting animals to UPAWS: \$60.00.
- d. Euthanasia: actual cost incurred.