

ORDINANCE NO. 12

PURPOSE: An Ordinance to amend Section 202 (Farm Animal and Farm Fowl) of the Arbela Township Zoning Ordinance (1986).

THE TOWNSHIP OF ARBELA ORDAINS:

SHORT TITLE:

This Ordinance shall be known and may be cited as:

ANIMAL CONTROL ORDINANCE

SECTION 1. PURPOSE. The purpose of this Ordinance is to promote harmonious relationships in the interaction between man and animal by:

- A. Protecting animals from improper use, abuse, neglect, exploitation, inhuman treatment and health hazards.
- B. Delineating the animal owner's or harborer's responsibility for the acts and behavior of his animals at all times: and
- C. Encouraging responsible pet ownership.

SECTION 2. DEFINITIONS. As used in this Ordinance:

- A. "Animal" is any mammal, domestic or wild, other than man which may be affected by rabies.
- B. "Animal Nuisance" is created when an animal:
 - 1. Runs uncontrolled.
 - 2. Molests or disturbs persons or vehicles by chasing, barking or biting.
 - 3. Attacks other animals.
 - 4. Damages property other than that of the owner or harborer.
 - 5. Barks, whines, howls, honks, brays, cries or makes other noise excessively.
 - 6. Creates noxious or offensive odors.
 - 7. Defecates upon any public place or upon premises not owned or controlled by the owner or harborer unless promptly removed by the animal owner or harborer.

- 8. Creates an insect breeding and/or attracting sight due to an accumulation of excretion.
- C. “Domestic Animal” includes fur, feathered or hooved animals raised and/or maintained in confinement.
- D. “Harborer” is any person who provides food and shelter for any domesticated animal on other than a periodic or temporary basis.
- E. “Owner” is any person having right of property to any animal: who keeps an animal; who has an animal in his care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him.
- F. “Person” is any individual, firm, corporation, partnership, association, trust, state or other legal entity.

SECTION 3. RESPONSIBLE ANIMAL CARE. It shall be unlawful for any owner or harborer of a domestic animal not to provide for his animal:

- A. Sufficient quantity of good and wholesome food and water .
- B. Proper protection and shelter from the weather.
- C. Veterinary care when needed to prevent suffering.
- D. Humane treatment.
- E. Prompt removal and sanitary disposal of all excretion deposited by his animal anywhere upon a public place.

SECTION 4. DISEASED ANIMALS. It shall be unlawful for the owner of any domestic animal to knowingly cause or allow the same to run at large or be exposed in any public place anywhere in the township, or to ship or remove such animal from the owner’s premises when same is afflicted with a contagious or infectious disease except under the supervision of a proper government health office.

SECTION 5. CRUELTY TO ANIMALS. It shall be unlawful for any person to:

- A. Beat, underfeed, overload, overwork, torment, abandon or otherwise inhumanely treat any domestic animal anywhere in the Township.
- B. Sell, offer for sale, barter, or giveaway as a pet or a novelty, any rabbit, hare, baby chick, duckling or other fowl which has been dyed, colored or otherwise treated to impart an official color thereto.

- C. Kill or wound, attempt to kill or wound or take the eggs or young of any game or song bird.
- D. Knowingly poison or cause to be poisoned any domestic animal except that common rat poison mixed only with vegetable or grain substances may be exposed for the protection or property.

SECTION 6. NUISANCE PROHIBITED. It shall be unlawful for the owner or harbinger of any dog, cat, or other domestic animal to cause or permit such animal to perform, create or engage in any nuisance as defined by Section 2.

SECTION 7. STRAY ANIMALS. It shall be unlawful for the owner or harbinger of any domestic animal to cause or allow the same to run at large in the Township or to be picketed or tied in any public place for the purpose of grazing or feeding.

IF LOCATED IN AGRICULTURE A-1 ZONING DISTRICT WITH 20 OR MORE ACRES THE FOLLOWING DOES NOT APPLY.

SECTION 8. ACREAGE, SETBACK REQUIREMENTS, COMMERCIAL RAISING. Raising or keeping of domestic animals, including horses, ponies, deer, cattle, mules, donkeys, sheep, goats, pigs, fur bearing animals, fowl or rabbits shall be permitted within the Township only according to the following acreage requirements

- A. For one or two animals, except rabbits, dogs and cats, a minimum of five (5) acres shall be required, with an additional one (1) acre for each additional animal.
- B. All animals, including fowl and rabbits, shall be properly housed so as not to become a nuisance.
- C. The raising of fur bearing animals, fowl and rabbits for commercial purposes must first be approved by the Township Board. This also applies to those commercial enterprises in operation before this ordinance was in effect.
- D. No animals housed in the front yard of residences except dogs and cats.

SECTION 9. PENALTY. Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) and the

costs of prosecution or by imprisonment for not more than ninety (90) days in jail, or both. Each day's failure of compliance with any provision of this Ordinance shall constitute a separate offense.

SECTION 10. INVALIDITY. If any section, paragraph, sentence, clause, phrase or part of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 11. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days from and after publication thereof.

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Arbela, County of Tuscola, State of Michigan, at a regular meeting thereof held on the 12th day of April, 1993, and ordered to be given publication in the manner prescribed by law.

We, Joseph B. White, Supervisor of the Township of Arbela, and Mary C. Warren, Clerk of the Township of Arbela, do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Township Board at a meeting held on the 12th day of April, 1993.

Arbela Township – Supervisor

Arbela Township – Clerk

Animal Control Ordinance

| | YES | NO |
|---------------------|-------|-------|
| _____ Supervisor | _____ | _____ |
| _____ Clerk | _____ | _____ |
| _____ Treasurer | _____ | _____ |
| _____ Trustee | _____ | _____ |
| _____ Trustee | _____ | _____ |

I, Mary C. Warren, Clerk of the Township of Arbela, do hereby certify that the above are the names of the members of the Township Board of the Township of Arbela voting on the above Ordinance and how said members votes.

Arbela Township – Clerk

I, Mary C. Warren, Clerk of the Township of Arbela, do hereby certify that the above Ordinance was published by insertion in the Caro Publishing Inc., a newspaper circulating within the Township of Arbela, on the 21st day of April, 1993.

Arbela Township – Clerk

Animal Control Ordinance

I, Mary C. Warren, Clerk of the Township of Arbela, do hereby certify that the above Ordinance is hereby filed with the County Clerk for the County of Tuscola, Michigan, pursuant to the provisions of Public Act No. 142 of 1972, (M.C.L.A. 42.192) this 27th day of April, 1993.

Arbela Township - Clerk