

**BRUCE TOWNSHIP
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. _____
ANIMAL CONTROL ORDINANCE**

AN ORDINANCE adopted to protect the public health, peace, safety and welfare of property and persons in the Township; to regulate the possession and control of domestic animals; to protect the public health by preventing unsanitary conditions from occurring; and to provide penalties for violations hereof, and to repeal Ordinance 166 in its entirety, and to replace Ordinance 166 in its entirety with this Ordinance herein.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF BRUCE, COUNTY
OF MACOMB, MICHIGAN, ORDAINS:**

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the Bruce 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 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

- Owner: Any person who (1) harbors or keeps a domestic animal; (2) has 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: A person who has charge of the domestic animal.
- Domestic Animal: 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.

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 thereof, as required by Public Act 339 or 1919, 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. 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. No dog or cat shall be permitted in any cemetery.

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.

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 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 9. 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 10. 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 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 domestic animal shall not be constructed nor maintained so as to be nearer than 15 feet to any property line.

All pens, yards or runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not become unsightly.

SECTION 11. VICIOUS DOGS

No person shall own or harbor a vicious or dangerous dog, or an animal that has been bitten by an animal known to have been affected by rabies, or an animal which has bitten any person.

SECTION 12. MAXIMUM NUMBER OF DOGS AND CATS

It shall be unlawful for any person or persons to keep more than three (3) dogs or six (6) cats at any one time on a parcel of property, with the exception that a litter of pups or kittens, or a portion of that litter, may be kept for a period of time not exceeding five months from birth.

SECTION 13. KENNELS

Kennels are permitted only as set forth by the provisions in the Bruce Township Zoning Ordinance, being Ordinance 161 of the Bruce Township Ordinances, as amended.

SECTION 14. 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 15. 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. Any unwanted animals shall be delivered to the Humane Society for proper disposal or care.

SECTION 16. 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 17. ENFORCEMENT

The Township Board hereby authorizes the Township code enforcement officer or his designee, the Macomb County Sheriff Department officials 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 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 18. 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 19. 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 20. PUBLICATION

A true copy of this Ordinance or a summary thereof shall be published twice in a newspaper of general circulation in the Township of Bruce.

SECTION 21. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the publication of a true copy or summary thereof as provided in Section 15.

CERTIFICATE OF TOWNSHIP CLERK

I certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of the Township of Bruce, Macomb County, Michigan, at a meeting held on the ____ day of _____ A.D., 2015.

I further certify that the following Township Board Members were present at the meeting:

and the following Township Board members were absent:

I further certify that Member _____ moved for the adoption of the Ordinance, and that motion was supported by Member _____. I further certify that the following Township Board Members voted for the adoption of the Ordinance:

and that the following Township Board Members voted against adoption of the Ordinance:

TOWNSHIP OF BRUCE CLERK

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Bruce, do hereby certify that on _____, the foregoing Ordinance, or Summary thereof, was duly published in the _____, a newspaper having general circulation within the Township of Bruce.

TOWNSHIP OF BRUCE CLERK