

VILLAGE OF OTTER LAKE
LAPEER AND GENESEE COUNTIES, MICHIGAN
ANIMAL ORDINANCE

ORDINANCE #7.1 (REPEALS #7)

An ordinance to regulate the possession, care, and control of all animals within the Village; to provide penalties for violation hereof; and to repeal prior ordinances.

THE VILLAGE OF OTTER LAKE ORDAINS:

Section 1. PURPOSE

The purpose of this ordinance is to protect the health, safety and welfare of citizens and animals by regulating the ownership, harboring or maintaining of animals; preventing injury to person and property; limiting the number of animals that may be kept; regulating the confinement of animals; prohibiting the keeping of certain animals; requiring that sanitary conditions be maintained both inside structures and on premises within the Village; licensing certain animals; requiring rabies shots for certain animals; and regulating noise and odors made by animals.

Section 2. DEFINITIONS

The following words, terms and phrases used in this ordinance shall have the meaning scribed to them in this Section except where the context clearly indicates a different meaning;

“Abuse”, in addition to its common meaning, means failure of any owner, as defined in this chapter, to seek veterinary treatment for an injured or obviously ill domestic animal on their premises or failure to request and permit proper public authorities to remove stray domestic animals on property owned, leased, or occupied by them.

“Animal” means any living organism typically capable of moving about, but not of making its own nourishment by photosynthesis, including any mammal, reptile, bird, snake, turtle, fish, mollusk, crustacean, or any other vertebrate other than a human being,

“Dangerous animal” means an animal that has menaced or scratched or which has bitten a person or animal so as to draw blood or break bones. An animal shall not be considered dangerous because it has bitten or attacked a person or an animal that has without justification, provoked it by attacking or tormenting its young. Nor shall an animal be considered dangerous because it bites or attacks a person who is trespassing, committing another tort, or committing a crime on the property of the animal’s owner or if the animal is responding in a manner that when the owner is not on private property with the permission of the person or persons with the right of occupancy of the private property.

“Torment” means a willful act of omission that causes pain, suffering or distress to an animal or causes physical, mental, or emotional anguish in an animal.

“Wild animal” means a living member of the animal kingdom, including, animals born or raised in captivity, except human beings, domestic dogs (excluding hybrids with wolves coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, and hybrid animal that is part wild and captive-bred species or common cage birds.

Section 3. APPLICATION OR ORDINANCE

This section shall not apply to a person engaged in farming or agriculture and the keeping of farm animals or livestock in the ordinary course of that business; museum or demonstration projects operated by

governmental entities or bona fide nonprofit or charitable institutions; the business premises of a licensed veterinarian or veterinary hospital; an animal shelter owned or operated by a public entity; a bona fide private animal shelter located in a nonresidential zoning district; pet shops located in nonresidential zoning districts; commercial kennels located in a nonresidential zoning district; pet service establishment located in a nonresidential zoning district; public or private stables; riding academies; or circus.

This section does not apply to service dogs for the blind, deaf, and physically disabled.

Section 4. ABUSE - POISONING - INJURING OR DISTURBING

A person shall not abuse, mistreat, torment or treat any domestic animal in a cruel or inhumane fashion.

A person shall not knowingly leave or deposit any poison on any public place or exposed private place where it endangers, or is likely to endanger, any animal. This section shall not prohibit the use of poisonous bait upon vermin in any area which does not endanger any other animal, nor does it prohibit the use of poisons by licensed exterminators in the course of their business.

No person, except a public officer or peace officer acting in his official capacity, shall injure, kill or capture any wild animal or disturb any wild animal's nest or the contents thereof.

Section 5. HARBORING AND MAINTAINING ANIMALS

A person shall not own, harbor or maintain any animal within the Village of Otter Lake, except a domestic animal as defined in this section. No person shall keep or permit to be kept any wild, dangerous, exotic or undomesticated animal as a pet.

A person shall not keep, harbor, or maintain any dangerous or public nuisance animal within the Village of Otter Lake.

Section 6. ABANDONED OR UNWANTED ANIMALS

It is unlawful to abandon or release into the wild any animal, or cause any animal to be abandoned or released into the wild, in any place, without making provisions for the animal's adequate care, unless the premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, walking, hiking or hunting shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal. Unwanted animals shall be offered to an animal shelter. If an unwanted animal is not accepted by an animal shelter, the animal shall be humanely disposed of by a licensed veterinarian.

Section 7. NUMBER OF ANIMALS - VACCINATION - CONFINEMENT AND CONTROL - LICENSING.

Unless otherwise provided in this section, a person shall not harbor or maintain more than three (3) domestic animals of any species, six months of age or older on any premises at any time, except fish.

A person shall not own, harbor or maintain a dog or cat that is six months or older without obtaining certificate of vaccination of rabies and being able to produce proof of current vaccination at the request of any Village official or designated person.

A person shall keep all domestic animals under reasonable control at all times.

An owner shall not allow any dog, cat, or ferret to leave the owner's premises under any circumstances unless the dog, cat or ferret is currently immunized against rabies. This section does not prevent an owner from taking his or her dog, cat, or ferret to the offices of a veterinarian for the purpose of having the dog, cat or ferret immunized or has obtained a waiver for immunization from the appropriate authorities.

A dog, cat or other domestic animal shall be confined to the owner's premises at all times, except when the dog, cat or other domestic animal is otherwise under the reasonable control of the owner as defined in this chapter.

An owner shall license any dog over the age of 6 months with Lapeer or Genesee County.

Section 8. REMOVAL OF WASTE - SANITARY CONDITIONS

A person shall not permit an animal to discharge fecal material upon any public or private property within the Village, unless the person has the permission of the owner, lessee, or occupant or the property or immediately cleans up and removes the fecal material.

A person shall not walk or exercise any animal on property not owned by the person walking the animal, whether public or private, unless the owner has appropriate device or means for the collection of fecal material in his or her immediate possession and an appropriate container for the transportation of the fecal material for proper disposal.

A person shall maintain real property where an animal is harbored or maintained in a sanitary manner so that animals and humans are not harmed or affected by dangerous conditions, disease, odor, or vermin.

All persons who own, manage, lease, rent, occupy, or control an dwelling, garage, outbuilding, or other structure shall be equally responsible for keeping each structure in a clean and habitable condition and shall take all necessary steps to prevent conditions detrimental to the public health, including, but not limited to, rotting food, garbage, trash, urine, fecal material, or unsanitary conditions which could lead to disease, odor, or vermin.

Section 9 VIOLATIONS AND PENALTIES

A violation of the Village of Otter lake animal control ordinance shall be deemed to be a civil infraction. In the event of a determination of responsibility for a civil infraction under this ordinance is made, a maximum fine of one hundred dollars (\$100.00) may be imposed.

In addition to ordering the defendant responsible for a civil infraction to pay a civil fine, the court shall also impose any other costs, damages, and expenses as provided by law.

In addition to civil infraction enforcement, the court shall be authorized to issue any judgment, writ, order or equitable relief necessary to enforce, or enjoin violation of this ordinance.

Each act of violation and each day upon which any such violations shall occur, shall constitute a separate offense reasonable person would conclude was intended to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

"Domestic animal" means 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 tame household pets, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, caged birds and tropical fish.

"Exotic animal" means an animal of a species not indigenous to the state, and which is not a domesticated animal, including any hybrid animal that is part exotic animal.

"Livestock" means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, lamas, goats, bison, equine, poultry, and rabbits, Livestock does not include animals that are human companions, such as dogs and cats.

"Owner" means every person having any right of ownership in any animal, every person who keeps or harbors any animal, every person who has an animal in his or her care of possession, and every person who permits an animal to remain in or around premises owned, leased or occupied by him or her.

“Person” means any individual and includes partnerships, associations, and corporations.

“Provoke” means to perform a willful act of omission that a reasonable person would conclude is likely to precipitate a bite or an attack by an animal.

“Public nuisance animal” means an animal which unreasonably annoys humans, endangers the life or health of other animals or person or substantially interferes with the rights of citizens (other than the owner of such animal) to enjoyment of life or property. The term “public nuisance animal” means an animal which:

1. Repeatedly is found at large
2. Damages the property of any person other than the owner of such animal:
3. Disturbs or intimidates pedestrians or passersby:
4. Chases vehicles:
5. Excessively makes disturbing noises, including but not limited to, continues and repeated howling, Barking, meowing, squawking, whining or other utterances causing unreasonable annoyance, Disturbance or discomfort to neighbors or others in close proximity to the premises where the Animal is kept or harbored: or
6. Causes fouling of the air by odor, thereby creating unreasonable annoyance or discomfort to Neighbors or others is close proximity to the premises where the animal is kept or harbored.

“Reasonable control” means having an animal on a suitable leash, confined in a suitable cage or location confined to designated property or by radio collar or similar device, or under the oral control of the owner or a responsible person designated by the owner

Section 10 DISPOSAL OF ANIMAL CARCASSES

Animal carcasses shall be disposed of in accordance with methods defined in the State of Michigan’s “The Bodies of Dead Animals Act, Public Act 239, of 1982; as amended.

Section 11 SEVERABILITY

This ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

Section 12 REPEAL OF PRIOR ORDINANCES

The Dog Ordinance adopted on October 5, 1978, is hereby repealed.

Section 13 ENACTMENT AND EFFECTIVE DATE

This ordinance, adopted by the Village Council of the Village of Otter Lake, Lapeer County, Michigan, at a meeting duly called and held on the 2nd day of October, 2006, and is ordered to be given publication in the manner prescribed by law. This ordinance shall take effect thirty (30) days following publication thereof.

David W. Dorr

David W. Dorr, President

Joan Skias

Joan Skias, Clerk

Ordinance Published October 15, 2006

Ordinance Effective November 4, 2006
