

ARTICLE I. IN GENERAL**Sec. 4-1. Purpose.**

The purpose of this chapter is to promote the public health, safety, comfort and general welfare of the community through the proper control and care of animals by their owners and others. It is deemed by the village that the ownership of an animal is a privilege which carries with it responsibilities to the community and its residents with regard to the care and custody of said animal. In interpretation and application, the provisions of this chapter shall be construed to impose a primary responsibility for compliance with the provisions of this chapter on the owner of said animal.

(Ord. No. 2002-01, 5-28-02)

Sec. 4-2. Short title.

This chapter shall be known as, and may be cited and referred to as the "Animal Control Ordinance for the Village of Ontonagon."

(Ord. No. 2002-01, 5-28-02)

Sec. 4-3. Definitions.

For the purposes of this chapter, certain words used herein are defined as follows:

Animal shall mean any live creature except human beings, fish, reptiles and birds.

Animal control officer shall mean any person designated by the State of Michigan or other unit of government as a law enforcement officer who is qualified to perform such duties under the laws of this state.

Animal shelter shall mean any facility operated by an animal protection organization, governmental agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Domestic Animal shall mean an animal that is traditionally regarded as a house pet, and is a species that has been kept as a tame pet.

Animal of the wild shall mean an animal which falls under the designated responsibility of the DNR.

Kennel shall mean any premises, house, building, or enclosure used for the purpose of keeping, possessing, harboring, or having the care of domestic animals for the purpose of breeding or procreation of said animals, or caring for said animals for hire.

Nuisance per se shall mean any animal which:

- (1) Molests or attacks people or other animals;
- (2) Damages private or public property;

- (3) Barks, whines, howls, or makes any noise in excess, to cause annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood;
- (4) Defecates repeatedly at the same general location (excepting the owner's premises).

Owner shall mean every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his/her care, and every person who permits the animal to remain on or about any premises occupied by him/her.

Pet shall mean an animal kept for pleasure rather than utility.

Restraint shall mean any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or inside the real property limits of its owner.

(Ord. No. 2002-01, 5-28-02)

Sec. 4-4. Number of animals to be kept as pets.

The number of animals to be kept as pets shall not be limited, except by the following:

It shall be unlawful for any person in the village limits to possess, harbor, shelter or keep adult animals in or about the premises of any dwelling unless they are consistently and adequately controlled and cared for by the owner, and do not constitute a nuisance per se.

(Ord. No. 2002-01, 5-28-02)

Sec. 4-5. Running at large.

All pets shall be kept under restraint. No person owning or having charge, care, custody or control of any pet shall cause, permit, or allow the pet(s) to run at large, or to be on any property or premises other than those of the person owning such pet(s) unless such pet(s) is (are) restrained by a substantial chain or leash or is in the charge, care, custody, or control of a person with the ability to restrain it. Owners shall be responsible for the proper disposal of any solid animal waste(s) deposited by his/her animal(s) at, near, or upon public walkways, or upon public or private property within the village.

Pets that are within the confines of a secure enclosure on the owner(s) premises shall be considered to be restrained.

(Ord. No. 2002-01, 5-28-02)

Sec. 4-6. Penalties for violations.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor punishable by a fine not to exceed \$100.00 or by imprisonment in the county jail for a period not to exceed 90 days, or both such fine and imprisonment.

Any continuing violation or a repeated violation of this chapter shall constitute a nuisance per se and may be abated by an action in circuit court separately or in addition to criminal proceedings.

(Ord. No. 2002-01, 5-28-02)

Sec. 4-7. Enforcement.

This chapter shall be enforced through the complaint process by the animal control officer(s) as defined in this chapter.

(Ord. No. 2002-01, 5-28-02)

Secs. 4-8—4-25. Reserved.