

Proposed Ordinance 316

An ordinance Amending Chapter 91 of the Hancock City Code, regulating Animals within the City.

Be it ordained by the City of Hancock (City) State of Michigan hereby amends Chapter 91 of the Hancock City Codes as follows with any matter omitted designated in strikethrough and a matter added designated by underscore:

**Sec. 91. Purpose.**

                    The purpose of this chapter is to promote the public health, safety, and general welfare of the citizens of the city and to ensure the humane treatment of animals by regulating the care and control of animals within the city.

~~§ 91.01 RUNNING AT LARGE PROHIBITED.~~

~~—No person, firm, or corporation shall permit any fowl or animal owned by him, to run at large in any street, alley, or public place within the city, or upon the premises of another unless by permission of the owner or occupant of said premises; and no person shall permit any fowl or animal, to act in such a way as to be a nuisance to the general public, and such person, firm, or corporation shall take such steps as may be deemed necessary to abate any nuisance, and for failure thereof, shall be in violation of this chapter and subject to the penalties prescribed or such violation as hereinafter set forth.~~

~~(Ord. 102, passed 7-12-72) Penalty, see § 91.99~~

**Sec. 91.01. Restraint and Confinement.**

1. All dogs shall be restrained and confined in accordance with Public Act 399 of 1919.
2. Any dog in an off-leash area (OLA) may be permitted to run at large within the boundaries of such areas as may, from time to time, be designated by resolution of the city council as off-leash areas, subject to the following:
  - a. The behavior of dogs permitted to run at large in an OLA, and the behavior of the owners thereof, shall conform to all other applicable provisions of this chapter, and to such rules and regulations as may be established by the city council.
  - b. Such dogs shall always while in the OLA be under reasonable voice control of the owners.
  - c. The owners of such dogs shall always carry with them, within the OLA, a leash or chain of sufficient tensile strength to restrain such dogs if necessary.
  - d. No owner shall have more than three dogs within an OLA at any one time.

~~§ 91.02 RIDING HORSES ON SIDEWALKS PROHIBITED.~~

~~—It shall be unlawful for any person to ride or lead a horse on the sidewalks of the city.~~

~~(Ord. 172, passed 9-4-85) Penalty, see § 91.99~~

~~Cross reference:~~

~~—Streets and Sidewalks, see Ch. 98~~

### **Sec. 91.02. Permitted Animals.**

The following animals are permitted within the City and shall be kept in accordance with GMAAPS practices:

1. Domestic pets.
2. Rabbits are limited to six per property.
3. Female Poultry are limited to four per property.

### ~~§ 91.03 KEEPING CATTLE, POULTRY AND THE LIKE WITHIN CITY LIMITS.~~

~~—No person, firm, or corporation shall keep any horses, cattle, swine, sheep, ponies, goats, poultry, or other animals and fowl, except dogs and cats, within the corporate limits of the city.~~

~~(Ord. 102, passed 7-12-72)~~

### **Sec. 91.03. Prohibited Animals.**

No person shall own, possess, keep, harbor, or have custody of:

1. Cattle, cows, horses, sheep, swine, goats, or other livestock in areas of the city not zoned for agricultural land uses.
2. Male poultry.
3. Wild animals' contrary to state or federal law or regulations.
4. Venomous insects or snakes.
5. Exotic animals.
6. Bees

### ~~§ 91.04 KEEPING PETS IN APARTMENT COMPLEXES.~~

~~—Occupants of apartment complexes with 60 or more apartments in the city shall be prohibited from permitting pets on their premises.~~

~~(Ord. 182, passed 10-7-87) Penalty, see § 91.99~~

### **Sec. 91.04. Caring for Animals.**

1. It shall be unlawful for the owner of any animal to refuse or fail to provide such animals with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment.
2. It shall be unlawful for the owner of any animal to unnecessarily expose any animal to hot, stormy, cold or inclement weather.

3. It shall be unlawful for the owner of any animal to willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

4. Care of laying chickens shall follow the guidelines set up by the GAAMPS.

5. Chickens must not free range on owners' property or rental property.

§ 91.05 EXCEPTIONS.

~~—The provisions of §§ 91.01 and 91.03 shall not be construed or interpreted as applying to the keeping of any canary, parakeet, or similar bird kept as a pet within any dwelling house or place of business within the city.~~

(Ord. 102, passed 7-12-72)

**§91.05 RESERVE FOR FUTURE USE**

**§ 91.06 ANIMAL RESTRAINT AND CLEANLINESS.**

~~—(A) Purpose. Ownership of an animal is a privilege which carries with it responsibilities to the city and its residents and visitors with regard to the custody of the animal. It has been determined that the owning or harboring of an animal in the city that is not restrained or under the physical control of the owner or allowing animals to deposit wastes outside the owner's property or on the owner's property which negatively affects adjacent properties is deemed a public nuisance.~~

~~—(B) Definitions. — For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—OWNER. Any person having a right of property in an animal, every person who keeps or harbors such animal or has it in their care, and every person who permits such animal to remain in or about any premises occupied by them.~~

~~—REASONABLE CONTROL. Keeping an animal on a suitable leash or in a carrier under the physical control of the owner or custodian, in all cases other than while upon private property.~~

~~—(C) Restraint required. All animals shall be secured by a leash or carrier under physical control of a responsible person when in public.~~

~~—(D) Animal waste. The owner of every animal shall be responsible for the prompt removal of any defecation/excreta deposited by their animal on public sidewalks, streets, highways, parks, beaches, recreation areas, or other property not under ownership of the animal's owner. Furthermore, animal waste shall be promptly removed from the owner's property before it causes a nuisance to neighboring properties via sight, sound, smell, or interaction with standing ground water.~~

~~—(E) Enforcement. The city's Police Department and other city staff as designated by the City Manager are hereby authorized and directed to make evidence-based determinations in enforcing this section.~~

(Ord. 275, passed 11-17-10; Am. Ord. 303, passed 7-17-19)

### **Sanitation.**

1. No owner of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or private property other than that of the owner, unless such owner shall immediately remove and dispose of all feces deposited by such animal in any manner permitted by ordinance.
2. No person owning, harboring or keeping an animal within the city shall permit any waste matter from the animal to collect and remain on the property of the owner, or on the property of others to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's property, or to abutting property owners.

### **Barking and Other Loud Animal Noises Prohibited.**

No person shall harbor or keep any dog, cat, or other animal, which by loud or frequent habitual barking, meowing, yelping, howling, cackling, crowing or other nuisance noises which shall cause a serious annoyance in the neighborhood, or to people passing to and from upon the streets and sidewalks, or public highways.

### **Return of Animal to Owner.**

If the name of the owner of an animal found at large is known or can be obtained with reasonable dispatch, the officer shall return the animal to the residential address of the owner. If there is no one present, the officer shall leave written notice of whom the owner must contact to reclaim the animal. The officer shall then remove the animal to the nearest animal shelter or facility that will accept the animal.

### **Cruelty to Animals.**

1. It shall be unlawful for any person to willfully or maliciously strike, beat, abuse, or intentionally run down with a motorized vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals.
2. No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird, except for substances used in the normal course of business for pest control.
3. Nuisance animals shall only be dealt with by the Michigan Department of Natural Resources current policy for Wildlife Damage and Nuisance Control

~~§ 91.07 FEEDING BIRDS AND WATERFOWL.~~

~~—(A) Purpose. It has been determined that the presence of large numbers of certain species of birds and waterfowl cause a public health nuisance by contaminating beaches, shorelines, parks, buildings, sidewalks and pathways used by the public. Accordingly, this section is adopted to prevent such conduct as may attract and concentrate certain species on and around Portage Lake and Waterway, beaches, shorelines, parks, highways, buildings, sidewalks and streets and pathways in the city.~~

~~—(B) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.~~

~~—(1) DOMESTIC WATERFOWL. Nonnative ducks and geese not retained in agricultural operations.~~

~~—(2) FEED or FEEDING . The act of feeding or furnishing of food or other substance to any form of bird and/or waterfowl species regulated by this section.~~

~~—(3) MIGRATORY WATERFOWL. Ducks and geese native to North America.~~

~~—(4) PIGEON . The rock dove or any of its domesticated varieties.~~

~~—(C) Prohibition on feeding.~~

~~—(1) Migratory and domestic waterfowl. No person shall feed, cause to be fed or provide food for domestic or migratory waterfowl located in the city.~~

~~—(2) Pigeons. No person shall feed, cause to be fed or provide food for pigeons located in the city.~~

~~—(D) Songbird feeders. Within the boundaries of the city in which feeding of waterfowl and pigeons is prohibited, birdfeeders may be erected and maintained for other avian species.~~

~~—(E) Enforcement. The Police Department and other city staff as designated by the City Manager are hereby authorized and directed to enforce this section.~~

(Ord. 284, passed 3-21-12)

### **Sec. 91.07. Ground Feeding of Wild Animals and Birds Prohibited.**

1. No person shall to any wild animal.

2. No person shall intentionally place food for the feeding of seagulls, pigeons, chipmunks and squirrels.

### **§ 91.08 INDOOR PETS.**

~~—Any small animal or bird which is kept as a pet and is kept entirely within a residence at all times, is permitted under this section. For the purpose of this section, a RESIDENCE is a home, trailer, dwelling unit, or house that is occupied by one or more persons and is sanctioned by a governmental agency as being suitable for occupancy.~~

(Ord. 297, passed 4-20-16)

§91.08 Reserve for later use

**Sec. 91.09. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any live creature, both domestic and wild, except humans. The term "animal" includes, but is not limited to, mammals, fish, birds (e.g., poultry and fowl), reptiles, amphibians, and arthropods (e.g., bees and venomous insects).

Animal nuisance means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, any animal.

Animal shelter means any facility operated by the city or the county humane society for the temporary care, confinement, and detention of animals and for the humane killing and other disposition of animals. The term "animal shelter" shall also include any private facility approved by the chief of police to impound, confine, detain, care for, or dispatch any animal.

At large means an animal is off the premises of the owner, and not under the immediate control of a person physically capable of restraining the animal.

Cruelty means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as animal training and hunting, the term "cruelty" shall mean a failure to employ the most humane method reasonably available.

Domestic pets include dogs, cats, or animals customarily kept or housed inside dwellings as household pets.

Exotic animal means any live monkey, alligator, crocodile, caiman, raccoon, skunk, fox, bear, sea mammal, venomous snake, member of the feline species other than domestic cat, member of the canine species other than domestic dogs, or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops.

GAAMPS Generally accepted agricultural management practices.

Impoundment means taking into custody of an animal by any police officer or other authorized representative.

Nuisance animals mean 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.

Owner means any person having temporary or permanent custody of, sheltering or having charge of, or harboring, exercising control over, or having property rights to any animal covered by this chapter. An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.

Off Leash Area (OLA) means any area designated by a governing body within which dogs, under the effective control of their owners, keepers or guardians, may be off leash.

§ 91.99 PENALTY.

~~—(A) Any person, firm, or corporation violating any provisions of §§ 91.01 and 91.03 shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of §§ 91.01 and 91.03 is committed, continued, or permitted. Upon conviction thereof, such person shall be subject to a fine of not more than \$100.~~

~~(Ord. 102, passed 7-12-72)~~

~~—(B) Any person who violates § 91.02 of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine not to exceed \$100 or not more than 90 days in jail or both.~~

~~(Ord. 172, passed 9-4-85)~~

~~—(C) Failure to abide by the provisions of § 91.04 will be punishable by a fine not to exceed \$100 and/or ten days in jail.~~

~~(Ord. 182, passed 10-7-87)~~

~~—(D) Any person violating any of the provisions of § 91.06 is guilty of a misdemeanor punishable by a fine not exceeding \$100, or by imprisonment in the county jail for a period not exceeding 90 days, or both such fine and imprisonment.~~

~~(Ord. 275, passed 11-17-10)~~

~~—(E) Any person violating any provision of § 91.07 is guilty of a misdemeanor punishable by a fine not exceeding \$100 or by imprisonment in the county jail for a period not exceeding 90 days, or both such fine and imprisonment.~~

~~(Ord. 284, passed 3-21-12)~~

§ 91.99 PENALTY AND ENFORCEMENT

**Penalties.**

Any person who violates this chapter shall be guilty of a municipal civil infraction.

**Enforcement.**

The city police officers, or others specifically designated by the City Manager, shall be enforcement officials for this chapter.