

CLEMENT TOWNSHIP ANIMAL ORDINANCE
ORDINANCE NO. 2016-02

An ordinance to protect the health, safety, and welfare of citizens and animals by regulating the ownership, harboring, or maintaining of animals; by preventing injury to person and property, limiting the number of certain animals that may be kept, by regulating the confinement of animals, by prohibiting the keeping of certain animals, by requiring that sanitary conditions be maintained both inside structures and on premises within the township, and by regulating noise made by animals.

Now, therefore, the Township ordains:

Section 1. Title. This ordinance shall be known as “The Clement Township Animal Ordinance” (referred to herein as “This Ordinance”)

Section 2. 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; by preventing injury to person and property, limiting the number of certain animals that may be kept by regulating the confinement of animals, by prohibiting the keeping of certain animals, by requiring that sanitary conditions be maintained both inside structures and on premises within the township, and by regulating noise made by animals.

Section 3. Definitions.

- A. 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, and fish, mollusk, crustacean, or any other vertebrate other than a human being.
- B. Domestic Animal means an animal that is traditionally, through a long association with humans, lives in a state of dependence upon humans or under the domain and control of humans and has been kept as tame household pets including but not limited to dogs, cats, hamsters, gerbils, guinea pigs, ferrets, mice, rabbits, caged birds, and nonpoisonous, nonvenomous, and non-constricting amphibians, fish, or reptiles.
- C. Farm Animals means those animals commonly associated with farm or performing work in an agricultural setting. Unless otherwise defined such animals include members of the equestrian family (horses, mules, etc.), bovine family (cows/bulls), sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), swine, goats, bees, alpacas, llamas, emus, ostrich., and other animals associated with a farm, ranch, or stable.
- D. 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 care or possession, and every person who permits an animal to remain in or around premises owned leased or occupied by him.
- E. Reasonable Control means having an animal on suitable leash, confined in a suitable cage or location, confined to designated property by radio collar or similar devise or under the oral control of the owner or responsible person designated by the owner at all times when the owner is not on private property with the permission of the person with the right of occupancy of that private property.

Section 4. Regulation.

- A. No person who shall reside in the Township of Clement on a lot having less than forty thousand (40,000) square feet in area or in an apartment, condominium, or other attached dwelling shall possess, keep, or harbor more than three (3) dogs, or any three (3) animals of any one species at said premises except where said person has obtained a kennel license from the County of Gladwin, State of Michigan.
- B. No person who shall reside in the Township of Clement shall maintain a kennel on a residential lot in a platted subdivision.
- C. Domestic animals shall be confined to the owner's premises at all times except when the animal is otherwise under the reasonable control of the owner.
- D. A person shall not harbor or maintain more than three (3) domestic animals of a species except fish, six months of age or older, on any premises at any time.
- E. It shall be unlawful for any person in Clement Township to keep, harbor, or maintain any dangerous animal with the Township.
- F. A person shall not keep or harbor an animal in Clement Township which by barking, howling, meowing, squawking, or producing any other sound made frequently or for continued duration a noise that endangers, injures, or disturbs a person of normal sensitivities who is located off of the premises occupied by the animal.
- G. A person shall not permit an animal to discharge fecal matter upon any public or private property within the Township unless the person has the permission of the owner, lessee, or occupant of the property or immediately cleans up and removes the fecal matter or material.
- H. A person shall not walk or exercise any animal on any property not owned by the person walking the animal, on public or private property, unless the owner has an appropriate device or means for the collection of fecal material in his immediate possession and an appropriate container for the transportation of the fecal material for proper disposal.
- I. 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, insects, or vermin.
- J. A person shall insure that dog, cat, or animal food, urine, or fecal material on the property where an animal is harbored or maintained does not threaten the health, safety or welfare of others or constitutes a nuisance to others due to unsightly conditions, odor, disease, or the attraction of flies or vermin.
- K. All persons who own, manage, lease, rent, occupy or control any dwelling, garage, outbuilding, or other structure shall be equally responsible for keeping each structure in a clean inhabitable condition and shall take all necessary steps to prevent conditions detrimental to the public health.

Section 5. Injunctive Relief. The Township may, in addition to the other remedies provided herein for violation of this chapter, enforce this chapter by seeking and obtaining equitable or injunctive relief from a court of competent jurisdiction.

Section 6. Notice of Remedy Condition. Upon the discovery of a prohibited condition existing as set for in the Ordinance, the Township Enforcement Officer or the duly authorized representative of the Township of Clement shall notify the owner of the property of such condition and require that it be remedied within ten (10) calendar days. The notification may be given in person, or by first class mail, addressed to the last known address of the property owner, or by posting the premises.

Section 7. Failure to Remedy Prohibited Condition; Lien. Should the owner fail to remedy the condition after notice as described in this Ordinance, the Township Enforcement Officer or the duly authorized representative of the Township of Clement may remedy the condition or cause the same to be done by the personnel of the Township or by private contractor, and the actual cost of remedying the prohibited condition plus 10% for inspection and overhead and other additional costs in connection therewith, shall be collected as a special assessment against the premises as provided in the statutes and shall become a lien against the property. Levying or collection such special assessment shall not relieve any person offending against this ordinance from the penalty described for the violation of the same.

Section 8. Penalties.

- A. First Offense: Any person, responsible party or other entity who violates this ordinance shall, as a first offence, be responsible for a civil infraction with a penalty of \$100.00 together with any costs assessed by the court.
- B. Subsequent Offenses: Any person, responsible party or entity who violates any provision of this Ordinance a second time within twelve months of receiving a civil infraction ticket (whether the violation is for the same offense of the civil infraction or some other offense under this ordinance) shall upon conviction in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of not more than \$500.00 and imprisonment for a period of not more than 93 days, or both, plus court costs and costs of prosecution.
- C. Additional Remedies: In addition to the foregoing provisions relating to penalties, Clement Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate legal or equitable remedy to abate all said violations and the nuisances thereby created and to compel compliance with this ordinance. Each day that a violation continues shall constitute a separate offense.

Section 9. Severability. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or sub-section is declared to be void or ineffective for any reason, it shall not affect any other part or portion thereof.

Section 10. Repeal of Conflicting Provisions. All other Township ordinances, Township Board resolutions, and parts thereof that conflict with provisions of this ordinance are hereby repealed and shall be of no further force or effect.

Section 11. Effective Date. This Ordinance shall become effective thirty (30) days from the date of publication in a newspaper in general circulation within the Township of Clement.

Yeas: (4) Eric House, Karon Hoffman, Carolyn Ochab, Jacklyn Anderson

Nays: (0)

Absent: (1) Sharon Prosser

ORDINANCE DECLARED ADOPTED this 10th day of August, 2016.

Eric House, Clerk
Clement Township
Gladwin County, Michigan