

CITY OF MUNISING

ANIMALS

ORDINANCE NO. 3

An Ordinance regulating and prohibiting the use, harboring, keeping and maintaining of animals, livestock and fowl, other than licensed dogs, within the City of Munising.

THE CITY OF MUNISING ORDAINS:

SECTION 1. Livestock and Fowl:

A. Definitions:

1. "Animals", "livestock", and "fowl" as used in this ordinance shall mean and include, horses, ponies, mules, cattle, calves, swine, sheep, goats, chickens, turkeys, ducks and geese.

2. It shall be unlawful to maintain, harbor, keep and use animals, livestock and fowl as defined above, within the limits of the City of Munising.

3. It shall be unlawful for any person, firm or corporation to keep, maintain, harbor and use any animals, livestock or fowl as defined above within the limits of the City of Munising, excepting therefrom, licensed dogs.

4. It shall be unlawful to ride any of the above defined animals or livestock within the City of Munising, Michigan, except upon special permission given by the City Manager for parades and other authorized public exhibitions.

SECTION 2. Pets and Domesticated Animals:

A. Definitions:

1. For the purpose of this ordinance, the term "pet" shall mean any domesticated animal (including without limitations mammals, birds, and fish) which is kept primarily for pleasure rather than for utility or profit and which is of a species that is not generally regarded as being dangerous and does not pose a threat to the health or safety of people, and, further, is normally considered a domestic animal.

b) The term "wild animal" shall mean any other kind of animal.

2. Wild Animals Prohibited:

No person shall keep, maintain or harbor any

wild animals within the City.

3. Pets; Threat to Personal Safety; Prohibited:

No person shall keep, maintain or harbor any pet or animal which by its demeanor, conduct or natural instinct poses a threat to the personal safety or property of residents of the City.

4. Pet in Public, Private Place; Rabies:

No person shall allow any pet which is kept, maintained or harbored by him or her to run in any public place or upon any private property not owned or rented by such person unless the pet is held securely by a leash of suitable strength and length by such person or other adult capable of restraining the pet. No pet shall be permitted at any time to be in any public place or on private property unless the pet has been immunized against rabies.

5. Rabies; Veterinarian; Seizure:

Any person who shall have in his or her possession or control an animal which has contracted rabies, or which has been subjected to the same, or which is suspected to having rabies, or which shall have bitten any person shall immediately deliver the animal to a veterinarian, and in default thereof the animal may be seized by or for the City and delivered to a veterinarian. In that event the owner of the animal, if known, shall be promptly notified. At the expense of the owner the veterinarian shall test the animal for the existence of rabies and any other diseases which, give the species of animal involved, could pose a health hazard to persons coming into contact with the animal. If at the conclusion the of test(s) it appears that the animal is afflicted with rabies, or has bitten any person it shall be destroyed. Otherwise, it shall be returned to the owner.

6. Proper Care and Control, Owner's Duty:

Owners of pets shall exercise proper care and control of their pets to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passerby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, trespassing upon private property in such manner as to damage property, or maintaining the pet in a cruel manner, or in a manner that endangers the public health shall be deemed a nuisance and a violation of this ordinance.

7. Business, Sale, Profit, Prohibited:

No person shall raise pets in any residential area of the City as a business.

SECTION 3. Cruelty to Animals; Penalty;

Whoever tortures, torments, deprives of necessary substance, cruelly beats, mutilates or cruelly kills, or causes the torturing, tormenting, depriving of necessary sustenance, cruel beating, mutilating or cruel killing of any animal, and whoever fails to provide any animal owned by him or under his care with reasonable food, drink, shelter or protection from the weather, shall be in violation of this ordinance.

SECTION 4. PENALTY-CIVIL INFRACTION/MISDEMEANOR. A person responsible for activity that violates Section 1 shall be guilty of a civil infraction or a misdemeanor, as provided below.

A person found responsible hereunder shall be guilty of a civil infraction as defined in RJA Section 113, MCLA 600.113, punishable by civil fine according to the following schedule:

First offense within one year \$50.00;

Second offense within one year \$100.00.

Any person who commits three or more violations of Section 1 shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.00, and/or imprisoned for not more than 90 days.


For purposes of computing the one year period, time shall run from the date the first ticket was issued.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portion.

SECTION 6. NOTICE TO BE PUBLISHED. The City Clerk shall publish this ordinance in the manner required by law.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in full force and effect in this governmental unit ten (10) days after the date of publication.

ADOPTED: March 15, 1993.



GLENN CHAMPAGNE, Mayor



ELIZABETH ANN WILLIAMS, City Clerk

Date Introduced: November 23, 1992
Date Adopted: March 15, 1993
Date Published: April 14, 1993
Date Effective: April 25, 1993