

CITY OF MUNISING

ANIMALS

ORDINANCE NO. 3

An Ordinance regulating or prohibiting using, raising, harboring, keeping, or maintaining animals, livestock, and fowl, within the City of Munising.

THE CITY OF MUNISING ORDAINS:

SECTION 1. Livestock and Fowl:

A. "Animals", "livestock", and "fowl" as used in this ordinance includes equine, cattle, swine, sheep, goats, chickens, turkeys, ducks, geese and other animals commonly kept for entertainment, work, riding, or consumption, excludes pets as defined herein, and includes wild animals as defined herein.

B. Subject only to the specific exceptions included in this Ordinance, it is unlawful to use, raise, harbor, keep or maintain animals, livestock or fowl within the limits of the City of Munising.

C. It is unlawful to ride or display any livestock within the City of Munising, except upon special permission given by the City Manager for parades and other authorized public exhibitions.

SECTION 2. Pets:

A. For the purpose of this ordinance, the term "pet" means any domesticated animal, including mammals, birds, and fish but excluding horses, ponies, mules, cattle, swine, sheep, goats, chickens, turkeys, ducks, and geese, kept primarily for pleasure rather than for utility, consumption, or business purposes and which is of a species not generally regarded as being dangerous, does not pose a threat to the health or safety of people, and is normally considered a domesticated, household animal.

1. The term "wild animal" means any animal other than a pet, livestock, or fowl.

B. Pets; Threat to Personal Safety; Prohibited:

Notwithstanding the foregoing, no person shall use, raise, harbor, keep or maintain any pet or animal that by its demeanor, conduct or natural instinct poses a threat to the personal safety or property of residents of the public.

C. Pet in Public, Private Place; Rabies:

No person shall allow his or her pet to run in any public place or upon any private property not owned or rented by such person unless the pet is under the control of such person or other adult capable of restraining the pet by leash or by electronic means. 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.

D. Rabies; Veterinarian; Seizure:

Any person who shall have in his or her possession or control an animal that has contracted rabies, or has been exposed to rabies, or is reasonably suspected of having rabies, or has bitten any person shall immediately deliver the animal to a veterinarian, and if that is not done the animal may be seized by or for the City and delivered to a veterinarian. In the event of seizure the owner of the animal, if known, shall be promptly notified. At the sole expense of the owner, the veterinarian shall test the animal for the existence of rabies and any other diseases which, given the species of animal involved, could pose a health hazard to persons coming into contact with the animal. If, at the conclusion of the test(s), it appears the animal is afflicted with rabies it shall be destroyed. Otherwise, it shall be returned to the owner. If the animal has bitten any person the return of the animal to the owner may be made subject to reasonable conditions to ensure the animal does not bite again. Violation of the conditions is a violation of this Ordinance and will empower the City to immediately destroy the animal.

E. 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, attacking members of the public, chasing vehicles, attacking other pets or animals lawfully kept under this Ordinance, entering upon school grounds, or entering upon private property in such manner as to damage property, is deemed a nuisance and is prohibited.

F. Business Sale Profit Prohibited:

No person shall engage in the business of raising or selling any animal, livestock, fowl, or pet in the City.

G. Pet Waste:

Owners of pets shall bag and dispose of pet excrement in a public trash receptacle immediately after the owner's pet produces the excrement.

SECTION 3. Keeping of Chickens:

A. Subject to the following restrictions, female chickens may be used, raised, kept, or maintained in the City of Munising for production of eggs for personal consumption but not for sale:

1. The owner's Land upon which the chickens are kept must be not less than 1 acre in size.
2. The owner is allowed to possess not more than 3 chickens for each full acre of land within a parcel. No more than 18 chickens shall be possessed by an owner.
3. The principal use of the owner's property must be as a single-family dwelling or two-family dwelling;
4. Male chickens shall not be kept;
5. Female chickens shall be kept for egg production and not primarily for consumption of flesh or production of feathers or waste;

6. The owner shall provide the chicken with access to a covered enclosure at all times;
7. Chickens shall only be kept in the backyard of the owner's property. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear-most portion of the single-family or two-family structure and extending to the side lot lines;
8. No covered enclosure or fenced enclosure shall be located closer than 40 feet from any property line;
9. All enclosures for the keeping of chickens shall be constructed, maintained, and repaired to prevent rats, mice, or other rodents from entering the enclosure;
10. All feed and bedding associated with the keeping of chickens be kept in a manner that will prevent rats, mice, or other rodents from coming into contact with the feed or bedding;
11. Chickens shall be kept in accord with Section 4;
12. Waste produced by chickens shall be composted, or bagged and removed. Dead chickens shall be promptly buried or otherwise disposed of so as not to create a danger to public health.

B. Using, raising, keeping, or maintaining chicken in violation of any of the foregoing restrictions is a violation of this Ordinance.

SECTION 4. Cruelty to Animals:

No person shall torture, torment, deprive of necessary substance, beat, mutilate or cruelly kill, or cause the torturing, tormenting, depriving of necessary sustenance, beating, mutilating or cruel killing of any animal. "Deprive of necessary sustenance" includes failing to provide any animal owned or under a person's care with appropriate food, drink, shelter and protection from the weather.

SECTION 5. PENALTY-CIVIL INFRACTION/MISDEMEANOR: A person who violates this Ordinance is guilty of a civil infraction or a misdemeanor, as provided below.

A. A person who violates this Ordinance up to two times in one year 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.

B. Any person who violates this Ordinance three or more times in one year shall be guilty of a misdemeanor and shall be fined not more than \$500.00, and/or imprisoned for not more than 90 days.

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

SECTION 6. If any part of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that part or those parts shall be deemed separate, distinct, and independent from the rest of this Ordinance, and any such holding shall not affect the validity of the remaining parts.

SECTION 7. NOTICE TO BE PUBLISHED. The City Clerk shall publish this ordinance in the manner required by law.

SECTION 8. WHEN EFFECTIVE. This ordinance shall be in full force and effect in the City of Munising unit ten (10) days after the date of publication.

ADOPTED: April 16, 2018.



ROD DesJARDINS, Mayor



SUE ROBERTS, City Clerk

Date Introduced: April 4, 2018

Date Adopted: April 16, 2018

Date Published: April 25, 2018

Date Effective: May 4, 2018