

CITY OF MUNISING

ANIMALS

ORDINANCE NUMBER 2022-2

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 instincts 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 obtaining a zoning compliance permit from the City to keep chickens and subject to the following restrictions, female chickens may be used, raised, kept, and maintained in the City of Munising for production of eggs and meat for personal consumption of the owner of the land where the chickens are raised but not for sale or other distribution to persons other than the owner. The application for the zoning compliance permit shall include a site plan that complies with Section 604 of Munising's zoning ordinance, or a corresponding section of any amendment to that ordinance and shall show the location of the enclosure that will house the chickens, the lot size, and the lot lines all drawn to scale.

1. The owner's parcel of land upon which the chickens are kept must be not less than 5,000 square feet in size. No chickens shall be kept on a parcel of land that is smaller than 5000 square feet.
2. The owner is allowed to possess not more than 3 chickens on the owner's parcel of land that is between 5000 square feet and 6,999 square feet in size. The owner is allowed to possess not more than 6 chickens on the owner's parcel of land that is 7000

- square feet or larger than 7000 square feet. Under no circumstances shall an owner possess more than six chickens.
3. The principal use of the owner's property must be as a single-family dwelling.
 4. Male chickens shall not be kept under any circumstances.
 5. Female chickens shall be kept for egg production, and for production of meat for the personal consumption of the owner of the land where the chickens are raised, but not for production of feathers or waste.
 6. Chickens shall only be slaughtered/killed within the confines of a building located on the owner's land where the chickens are kept.
 7. The owner shall provide all chickens with access to a covered enclosure at all times.
 8. On parcels of land that are smaller than 43,264 square feet, chickens shall be kept in a fenced enclosure or run. On parcels of land that are larger than 43,264 square feet, chickens may be free range but shall be confined to the parcel of land by appropriate fencing.
 9. 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 structure and extending to the side lot lines.
 10. Any covered enclosure or fenced enclosure shall be located within zoning district setbacks.
 11. All enclosures for the keeping of chickens shall be constructed, maintained, and repaired to prevent rats, mice, or other rodents from entering the enclosure.
 12. All feed and bedding associated with the keeping of chickens shall be kept in a manner that will prevent rats, mice, or other rodents from coming into contact with the feed or bedding.
 13. Chickens shall be kept in accord with Section 4
 14. Waste produced by chickens shall be composted or bagged and removed. Dead chicken carcasses shall be removed from the land where the chickens are being raised and disposed of in a lawful manner.

B. Using, raising, keeping, or maintaining chickens 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, kick, mutilate, or cruelly kill, or cause the torturing, tormenting, depriving of necessary sustenance, beating, kicking, 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 ten (10) days after the date of publication.

ADOPTED: July 18th, 2022.

Mike Nettleton
MIKE NETTLETON, Mayor
Sue Roberts
SUE ROBERTS, City Clerk

Date Introduced: June 1st, 2022

Date Adopted: July 18th, 2022

Date Published: July 25th, 2022

Date Effective: August 4th, 2022