

WILD AND VICIOUS ANIMAL ORDINANCE
Ordinance 8-00
TOWNSHIP OF ENSLEY, NEWAYGO COUNTY, MICHIGAN
ORDAINS

SECTION 1
DEFINITIONS

For the purpose of this ordinance, the following terms shall have the following meanings:

- A. **Public Nuisance Animal.** Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of persons (other than their owners) to enjoyment of life or property. The term, “public nuisance animal” shall mean and include, but is not limited to, any animal that does any of the following:
1. Is repeatedly found at large;
 2. Damages the property of anyone other than its owner;
 3. Molests or intimidates pedestrians or passersby;
 4. Chases vehicles;
 5. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or other discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 6. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 7. Causes unreasonable unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
 8. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or
 9. Attacks other domestic animals,

A traditional farm animal shall not be deemed to be a ‘public nuisance animal’ if it is kept properly restrained at all times and the keeping of such a traditional farm animal is permitted within zoning district within which the animal is located.

- B. **Vicious Animal.** Any animal that attacks, bites, or injures any human being or domesticated animal without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals or to destroy property.
- C. **Wild Animal.** Any living member of the animal kingdom, including mammals, birds, and reptiles and including those animals born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), traditional farm animals, small rodents, and captive-bred species of common cage birds.

SECTION 2
PROHIBITION AGAINST THE KEEPING OF WILD ANIMALS, VICIOUS ANIMALS OR PUBLIC NUISANCE ANIMALS

No person shall own, keep, possess, or have custody on his or her premises any wild animal, public nuisance animal or vicious animal. This prohibition shall not apply to government officials who keep or handle such animals pursuant to their governmental functions. Nor shall this section apply to persons keeping wild animals pursuant to a valid state or federal license allowing them to keep such wild animals.

SECTION 3
PERFORMING ANIMAL EXHIBITIONS

No person shall sponsor, promote or train an animal to participate in, contribute to the involvement of an animal in, or attend as a spectator any activity or event in which any animal engages in unnatural behavior or is wrestled, fought, mentally or physically or is induced or encourage to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause activities taking place on or in either public or private facilities or property, but shall not apply to any of the following:

1. Rodeos or circuses if properly licensed under all applicable laws.
2. Hunting, fishing or trapping activities as permitted by state law.
3. Traditional agricultural, farm or animal husbandry uses and activities.
4. Licensed slaughterhouse.

SECTION 4

Article I. Section 4 of the Ensley Township Wild and Vicious Animal Ordinance (Ordinance No. 8-00) is hereby amended to read in full as follows:

SECTION 4 ENFORCEMENT AND PENALTIES

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. All remedies available to the Township under this Ordinance and Michigan law shall also be deemed to be cumulative and not exclusive. (Amended February 6, 2007)

SECTION 5 **QUARANTINE**

Every animal, which has bitten a person, shall be quarantined for a period of ten (10) days for the purpose of determining whether said animal is diseased. Such quarantine may be at a government shelter, a veterinary office, or such other place as may be designated by the Township Supervisor. Quarantine shall mean isolating the animal from people and from other animals. The owner of such animal shall surrender such animal to a government control officer or township official upon request.

Article III. Section 6 (formerly entitled "Removal of Animals") of the Ensley Township Wild and Vicious Animal Ordinance (Ordinance No. 8-00) is hereby amended to read in full as follows:

SECTION 6

REMOVAL OF ANIMALS; RELATED PENALTIES

In addition to the municipal civil infraction procedures and penalties contained in Section 4 hereof, upon sworn complaint that a violation of this ordinance has occurred, the Township may issue a citation to the owner of any animal in violation of the ordinance or may secure a summons against said person commanding him or her to appear in the appropriate court and show cause why said animal should not be ordered confined, vacated, or destroyed. Upon a hearing at said court, if the court shall determine said animal to be a vicious animal, a public nuisance animal, or a wild animal, the court may order said animal confined to the premises of the owner or such other place as the court may determine or may order the Director of Animal Control (or equivalent official) to cause said animal to be destroyed, or may enter such other order relative to the care and custody of such animal as the court shall determine to be appropriate. Any person who shall fail to comply with or otherwise violates such order shall be responsible for a municipal civil infraction pursuant to Section 4 hereof.

Article III. Except as expressly amended by Articles I and II hereof, all other portions of the Ensley Township Wild and Vicious Animal Ordinance (Ordinance No. 8-00) shall remain unchanged and in full force and effect.

Article IV. Effective Date: This ordinance/ordinance amendment shall take effect thirty (30) days after a copy of this ordinance/ordinance amendment (or a summary thereof) appears in the newspaper as provided by law. (Amended February 6, 2007)

SECTION 7
CIVIL LIABILITY

Nothing in this ordinance shall be construed as limiting the civil liability of the owner of an animal for damages or acts committed by the animal.

SECTION 8
OTHER REMEDIES

In addition to the remedies and penalties provided herein, the township may seek injunctive relief to abate and permanently enjoin any violation of this ordinance.

SECTION 9
EXCEPTIONS

Any farm animals that are part of a farming enterprise under the Right to Farm Act, under generally accepted management practice as provided under state law, P.A. 261 of 1999, shall be exempt hereunder.

SECTION 10
SEVERABILITY

Any portion of this ordinance found to be invalid by any court of law shall be deemed separate and distinct, and such finding shall not affect the remaining provisions of this ordinance.

SECTION 11
CONFLICT WITH OTHER TOWNSHIP ORDINANCES

In the case of conflict between any provision of this ordinance and any other township ordinance, the more stringent provision shall prevail.

SECTION 12
EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after publication in a newspaper generally circulated within Ensley Township.

The forgoing Ordinance was offered for adoption by Board Member Richard Bergman, supported by Board Member Faye Folkema.

YEAS: Folkema, VanderMeulen, Patin, Harwood, and Bergman

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Cynthia Harwood
Ensley Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a regular meeting of the Ensley Township Board held at the Ensley Township Hall on May 4, 2004.