

REVISED ORDINANCE NO. 61

THIS ENACTMENT IS A REVISION RENUMBERING AND REPLACING ORDINANCE NO. 1989-1 BEING A REVISED ORDINANCE TO REGULATE THE POSSESSION, CARE, AND CONTROL OF ANIMALS WITHIN THE VILLAGE OF SHERIDAN; TO PROVIDE PENALTIES FOR VIOLATION HEREOF; AND TO REPEAL AND OR REVISE PRIOR ORDINANCES.

THE VILLAGE OF SHERIDAN, MONTCALM COUNTY, MICHIGAN ORDAINS:

CHAPTER 61 .1 ESTABLISHMENT AND RENUMBERING OF REVISED ORDINANCE

61.101 This Revised Ordinance No. 61 was formerly Ordinance No. 1989-1.

61.102 This Revised Ordinance shall be known as the "Village of Sheridan Animal Control Ordinance".

61.103 The Village of Sheridan finds that the population of the Village is steadily increasing, that there are decreasing amounts of vacant land within the Village, that persons within the Village are living in closer proximity to one another, and that as a consequence, the animals which one person may desire to keep will affect the health and living conditions of persons living within the Village.

61.104 The purpose of this Revised Ordinance is to protect the health, safety and welfare of citizens and animals by regulating the ownership, harboring or maintaining of animals; preventing injury to person and property; limiting the number of animals that may be kept; regulating the confinement of animals; prohibiting the keeping of certain animals; requiring that sanitary conditions be maintained both inside structures and on premises within the Village; licensing certain animals; requiring rabies shots for certain animals; and regulating noise and odors made by animals.

CHAPTER 61.2 DEFINITIONS The following words, terms and phrases used in this ordinance shall have the meaning scribed to them in this Section except where the context clearly indicates a different meaning:

61.201 "Abuse", in addition to its common meaning, means failure of any owner, as defined in this chapter, to seek veterinary treatment for an injured or obviously ill domestic animal on their premises or failure to request and permit proper public authorities to remove stray domestic animals on property owned, leased, or occupied by them.

61.202 "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, fish, mollusk, crustacean, or any other vertebrate other than a human being,

61.203 "Dangerous animal" means an animal that has menaced or scratched or which has bitten a person or animal so as to draw blood or break bones. An animal shall not be considered dangerous because it has bitten or attacked a person or an animal that has without justification, provoked it by attacking or tormenting its young. Nor shall an animal be considered dangerous because it bites or attacks a person who is trespassing, committing another tort, or committing a crime on the property of the animal's owner or if the animal is responding in a manner that when the owner is not on private property with the permission of the person or persons with the right of occupancy of the private property.

61.204 "Domestic animal" means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as a tame household pets, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, caged birds and tropical fish.

61.205 "Exotic animal" means an animal of a species not indigenous to the state, and which is not a domesticated animal, including any hybrid animal that is part exotic animal.

61.206 "Feral Cat or Stray Cat" means a cat that is not socialized to humans or is not an owned cat, or a Feral cat or stray cat colony or group that congregate, more or less, together as a unit and share a common food source.

61.207 "Livestock" means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, lamas, goats, bison, equine, poultry, and a rabbit, Livestock does not include animals that are human companions, such as dogs and cats. "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 or her care of possession, and every

person who permits an animal to remain in or around premises owned, leased or occupied by him or her.

61.208 "Person" means any individual and includes partnerships, associations, and corporations.

61.209 "Prohibited Animals" means that no person shall keep, maintain or harbor any horse, pony, donkey, cattle, mule, swine, goat, sheep, or other domestic farm animals which are commonly used as draft animals, or whose flesh, milk, hides, skins or fleece are commonly used by humans, or any chickens, geese, ducks, turkeys, guinea hens, pheasants or any other similar fowl whose flesh or eggs are commonly consumed by humans, or any rabbits, or any bees within the Village of Sheridan.

61.210 "Provoke" means to perform a willful act of omission that a reasonable person would conclude is likely to precipitate a bite or an attack by an animal.

61.211 "Public nuisance animal" means an animal which unreasonably annoys humans, endangers the life or health of other animals or person or substantially interferes with the rights of citizens (other than the owner of such animal) to enjoyment of life or property. The term "public nuisance animal" means an animal which:

- 61.2111 Repeatedly is found at large;
- 61.2112 Damages the property of any person other than the owner of such animal;
- 61.2113 Disturbs or intimidates pedestrians or passersby;
- 61.2114 Chases vehicles;
- 61.2115 Excessively makes disturbing noises, including but not limited to, continued and repeated howling, barking, meowing, squawking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the Animal is kept or harbored; or
- 61.2116 Causes fouling of the air by odor, thereby creating unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

61.212 "Reasonable control" means having an animal on a suitable leash, confined in a suitable cage or location confined to designated property or by radio collar or similar device, or under the oral control of the owner or a responsible person designated by the owner.

61.213 "Torment" means a willful act of omission that causes pain, suffering or distress to an animal or causes physical, mental, or emotional anguish in an animal.

61.214 "Wild animal" means a living member of the animal kingdom, including, animals born or raised in captivity, except human beings, domestic dogs (excluding hybrids with wolves coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, and hybrid animal that is part wild and captive-bred species or common cage birds.

CHAPTER 61.3 EXCEPTIONS APPLICATION OF REVISED ORDINANCE

61.301 This Chapter shall not apply to a person engaged in farming or agriculture and the keeping of farm animals or livestock in the ordinary course of that business; museum or demonstration projects operated by governmental entities or bona fide nonprofit or charitable institutions; the business premises of a licensed veterinarian or veterinary hospital; an animal shelter owned or operated by a public entity; a bona fide private animal shelter located in a nonresidential zoning district; pet shops located in nonresidential zoning districts; commercial kennels located in a nonresidential zoning district; pet service establishment located in a nonresidential zoning district; public or private stables; riding academies; or circus.

61.302 A person may keep, maintain or harbor fowl within the Village of Sheridan if either of the following conditions are met:

61.3021 Two such fowl in a home or living unit as household pets.

61.3022 No more than a total of five of all of the above types of fowl in sanitary quarters, which must be located at least 30 feet from any occupied building or dwelling unit.

61.303 A person may keep, maintain or harbor bees within the Village of Sheridan provided that such bees shall be kept in hives or apiaries which are located not less than 1,000 feet from any dwelling house.

61.304 A person may keep, maintain or harbor rabbits within the Village of Sheridan if all of the following conditions are met:

61.3041 Such rabbits in a home or living quarters as household pets.

61.3042 No more than a total of 5 rabbits in sanitary quarters, which must be located at least 30 feet from any occupied dwelling house.

CHAPTER 61.4 ABUSE - POISONING - INJURING OR DISTURBING

61.401 A person shall not abuse, mistreat, torment or treat any domestic animal in a cruel or inhumane fashion.

61.402 A person shall not knowingly leave or deposit any poison on any public place or exposed private place where it endangers, or is likely to endanger, any animal. This section shall not prohibit the use of poisonous bait upon vermin in any area which does not endanger any other animal, nor does it prohibit the use of poisons by licensed exterminators in the course of their business.

61.403 No person, except a public officer or peace officer acting in his official capacity, shall injure, kill or capture any wild animal or disturb any wild animal's nest of the contents thereof.

CHAPTER 61.5 ABANDONED OR UNWANTED ANIMALS

It is unlawful to abandon or release into the wild any animal, or cause any animal to be abandoned or released into the wild, in any place, without making provisions for the animal's adequate care, unless the premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, walking, hiking or hunting shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal. Unwanted animals shall be offered to an animal shelter. If an unwanted animal is not accepted by an animal shelter, the animal shall be humanely disposed of by a licensed veterinarian.

CHAPTER 61.6 VIOLATION AND PENALTIES

61.601 Criminal Enforcement Misdemeanor

61.6011 The Village of Sheridan Council through the Clerk's office or its' Code Enforcement Officer shall request the Village Attorney to prepare a misdemeanor complaint to be filed with the Montcalm County District Court.

61.6012 Any misdemeanor complaint shall provide the following information:

- a. Name and address of the property owner or violator.
- b. The inclusive dates of the violation.
- c. A short rendition of how the property owner or occupant has violated this Revised Ordinance.

61.6013 Any person convicted of violation of any of the provisions of this Revised Ordinance shall be punished by a fine of not

- 61.6014 more than \$500.00 or by a jail term for not more than 90 days of such fine and imprisonment with costs per violation. Each day that a violation of this Revised Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this section, provided no person shall be imprisoned for a single but continuing violation of this ordinance for a period longer than ninety (90) days.
- 61.602 This Revised Ordinance may be enforced by issuing an appearance ticket as authorized by the laws of the State of Michigan as a civil infraction.
- 61.6021 In the event of a determination of responsibility for a civil infraction under this ordinance is made; a maximum fine of one hundred dollars (\$100.00) may be imposed for each violation.
- 61.6022 Each day that a violation of this Ordinance exists, it shall be deemed to be a separate and distinct violation of this Ordinance for which the penalties herein described may be imposed.
- 61.6023 In addition to ordering the defendant responsible for a civil infraction to pay a civil fine, the court shall also impose any other costs, damages, and expenses as provided by law.
- 61.603 In addition to civil infraction enforcement, the court shall be authorized to issue any judgment, writ, order or equitable relief necessary to enforce, or enjoin violation of this Revised Ordinance as a public nuisance (Pursuant to MCL 125.3407), and may be abated by order of any civil court of competent jurisdiction at the discretion of the Village pursuant to MCL 600.2940, via injunctive and declaratory relief.

CHAPTER 61.7 REMOVAL OF OFFENDING ANIMAL OR ANIMALS

In addition to any of the other remedies or penalties provided for in this Ordinance, any violation of the terms or conditions of this Ordinance shall be deemed to be a public nuisance which shall entitle the Village of Sheridan to proceed in the Circuit Court for abatement of such nuisance and removal of the offending animals.

CHAPTER 61.8 SEVERABILITY

The provisions of this Revised Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

CHAPTER 61.9 CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED

61.901 On the effective date as set forth in Chapter 61.10, after the adoption of this Revised Ordinance, Ordinance Number 1993-1 as originally adopted on June 1, 1993, shall be superseded as revised and repealed in its entirety.

61.902 All other ordinances, amendments, or provisions thereof, which may be inconsistent or in conflict with this Revised Ordinance are hereby repealed.

CHAPTER 61.10 EFFECTIVE DATE

This Revised Ordinance shall become effective thirty days after publication of the Revised Ordinance or thirty days after publication of a summary of its provisions in a local newspaper of general circulation pursuant to Chapter 61.11. During these thirty days, the Ordinance as it now reads shall remain effective, and thereafter shall be superseded pursuant to Chapter 61.9 of this Revised Ordinance.

CHAPTER 61.11 PUBLICATION

This Revised Ordinance was published in the Greenville Daily News on August 20, 2015 2015, pursuant to Statutory Requirement.

VILLAGE ADOPTION CERTIFICATION

We the undersigned, as Village Council President and Clerk of the Village of Sheridan, Michigan, do hereby certify that this Revised Ordinance No. 61 of the Village of Sheridan was introduced at a regular meeting of the Sheridan Village Council held on 7-14, 2015 and was thereafter adopted at a regular meeting on 8-11, 2015 by a vote of by a vote of six (6) for; 0 (0) against; and one (1) abstaining.

Susan Wyckoff-McFarland
Susan Wyckoff-McFarland, Village Council President

Marilyn Klemm
Marilyn Klemm, Acting Village Clerk