

ANIMAL CONTROL ORDINANCE

ORDINANCE NUMBER 391

THE CITY OF NORWAY ORDAINS:

Section 1. Purpose and Intent.

The purposes of this Ordinance are to promote the public health, safety, and general welfare of the citizens of the City of Norway and to ensure the humane treatment of animals by regulating the care and control of animals with the City.

Section 2. Definitions.

When used in this Ordinance, the following words, terms and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Animal* mean any live creature, both domestic and wild, except humans. “Animal” includes fowls, fish and reptiles.
- (b) *Animal nuisance* means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.
- (c) *Animal shelter* means any facility operated by the Spring Lake Animal Shelter for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals. The term shall also include any private facility approved by the Chief of Police to impound, confine, detain, care for or destroy any animal.
- (d) *At large* means that an animal is off the premises of the owner, and not on a leash which is under the immediate control of a person physically capable of restraining the animal.
- (e) *Cruelty* means any act of omission whereby unjustifiable physical pain, suffering or death of animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as animal training or hunting, “cruelty” shall mean failure to employ the most humane method reasonably available.
- (f) *Disposition* means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. “Disposition” includes placement or sale of an animal to the general public, or removal of an animal from any pet shop or any other location.
- (g) *Domestic pet* includes dogs, cats, or animals customarily kept or housed inside dwellings as household pets.
- (h) *Exotic animals* means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, venomous snake, member of the feline species other than domestic cat, member of the canine species other than domestic dog, or any other

animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops.

- (i) *Impoundment* means taking into custody of an animal by any police officer or other authorized representative.
- (j) *Owner* means any person having temporary or permanent custody of; sheltering or having charge of; harboring, exercising control over, or having property rights to, any animal covered by this Ordinance. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.
- (k) *Nuisance animal* means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of like or property. The term “nuisance animal” shall include, but not be limited to:
 - a. Any animal that is repeatedly found running at large;
 - b. Any animal that damages, soils, defiles or defecates on any property other than that of its owner;
 - c. Any animal that makes disturbing noises, including but not limited to, continued or repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or other in close proximity to the premises where the animal is or harbored;
 - d. Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
 - e. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
 - f. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of having attacked, bitten, or physically injured human beings or other animals, without provocations either because of temperament or training.

Section 3. Keeping of Animals.

It shall be unlawful for any person to keep animals within the City of Norway except for domestic pets. It shall be unlawful for anyone to own or harbor any exotic animal.

Section 4. Number of Animals.

- (a) It shall be unlawful to keep on property within the City of Norway three (3) or more dogs/cats, except a litter of pups or kittens that may be kept for a period not to exceed a period of six months from birth without a permit issued pursuant to the City’s Zoning Ordinance as it applies to dogs and in Ordinance 271 of 1974 as it applies to cats.
- (b) Provided, however, that the City of Norway adopts and incorporates by reference a map indicating that outside of the residential area a person may keep and maintain animals in excess of the number provided herein including cattle and farm animals which shall be allowed.

Section 5. Licensing of Domestic Pets.

The City hereby adopts by reference the Dickinson County Animal Control Ordinance provisions regarding the licensing of domestic pets, as from time to time amended, which ordinance is incorporated by reference.

- (a) License required. No person shall own, keep, or harbor any dog over the age of six (6) months within the City unless such dog is licensed as provided for in the Ordinance. License with Dickinson County
- (b) *Application.* Application for such license shall be made by the owner within ten (10) days after acquiring any dog over six (6) months, or within ten (10) days after a dog becomes six (6) months of age.
- (c) *Proof of rabies vaccination required.* All owners applying for a license must show to the satisfaction of the licensing authority that the animal for which a license is being obtained has a valid rabies inoculation.
- (d) *Proof of sterilization.* Any owner claiming that his dog or cat has been spayed or neutered must show to the satisfaction of the licensing authority that such an operation has been performed.
- (e) *Payment of fees.* A license fee shall be paid at the time of making application. The license fee for dogs, together with the fees for impounding and boarding, shall be established by the Norway City Council and incorporated in the current Norway City Fee Schedule.
- (f) *License Tags; Identification.* Upon the payment and acceptance of the license fee, the licensing authority shall issue a durable license tag and an identification number for the animal for which a license has been obtained. Every dog for which the owner is required to obtain a license must wear a valid license tag at all times.
- (g) *Adoption and incorporation of County Ordinance.* The City of Norway adopts by reference and incorporates those provisions of the Dickinson County Animal control Ordinance, as amended in this ordinance as if it were more fully set forth herein as it applies to the licensing of domestic animals or pets.

Section 6. Sanitation.

- (a) No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or private property other than that of the owner, unless such owner or custodian shall immediately remove and dispose of all feces deposited by such animal in any manner permitted by law.
- (b) All persons having in their custody or control a dog in any public park, grounds, school grounds, public street, alley, sidewalk or any other public grounds, or any private property within the city other than the premises of the owner or person having custody of such dog or other dog, shall have in their immediate possession the means for picking up the defecation of a dog.
- (c) No person owning, harboring or keeping an animal within the City shall permit any waste matter from the animal to collect or remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property owners.

Section 7. Cruelty to Animals.

- (a) It shall be unlawful for any person to intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals.
- (b) No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal.

Section 8. Restraint and Confinement.

- (a) It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large. It is the owner's responsibility to ensure that any animal is physically restrained on their property.
- (b) Any animal, not on the premises of its owner, shall be properly restrained by a leash or chain of sufficient tensile strength to restrain the particular animal, or carried in an appropriate container designed for transporting animals of the size and type being transported.
- (c) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

Section 9. Nuisance Animal.

It shall be unlawful for any person to keep any animal on any property located within the City of Norway when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

Section 10. Impoundment and Disposition.

Any Norway City Police officer, or any other person authorized by the Chief of Police, may seize, impound and humanely confine to an animal shelter or appropriate facility any of the following animals:

- 1) Any dog without a valid license tag;
- 2) Any animal at large;
- 3) Any animal constituting a public nuisance or considered a danger to the public;
- 4) Any unattended animal that is ill, injured or otherwise in need of care;
- 5) Any animal that is reasonably believed to have been abused or neglected;
- 6) Any animal that is reasonably suspected of having rabies;
- 7) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

Section 11. Return of Animal to Owner.

If the name of the owner or custodian of an animal found at large is known or can be obtained within reasonable dispatch, the officer shall return the animal to the residential address of the

owner. If there is no one present, the officer shall leave written notice of whom the owner must contact to reclaim the animal. The officer shall then remove the animal to the nearest shelter or facility that will accept the animal.

Section 12. Enforcement.

The Norway City Police officers, or others specifically designated by the Chief of Police, shall be enforcement officials for this Ordinance.

Section 13. Penalties.

Any person who violates the Chapter shall be guilty of a civil infraction.

Section 14. Severability.

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

Section 15. Effective Date.

This ordinance will be in effect to this local authority fifteen (15) days after the passage of this ordinance, and publication as provided by City Charter.

Adopted Date: _____

Effective Date: _____

George Bal
Mayor

Trisha Plante
City Clerk

I, Trisha Plante, City Clerk of the City of Norway do hereby certify that the above Ordinance was published in the Norway Current, Norway, Michigan, on the ____ day of _____, AD, 2010.

Trisha Plante
City Clerk