

CITY OF GAASTRA
ANIMAL CONTROL ORDINANCE NO. 35

THE PEOPLE OF THE CITY OF GAASTRA ORDAIN:

Article I
General Provisions

Section 1. Purpose. The purpose of this chapter is to promote harmonious relationships in the interaction between man and animal by:

- (a) protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;
- (b) delineating the animals' owner's or harborer's responsibility for the acts and behavior of his animal at all times;
- (c) providing security to residents from annoyance intimidation, injury and health hazards by animals;
- (d) encouraging responsible pet ownership; and
- (e) providing standards for any and all persons and agencies, public or private, engaged in confinement, buying, selling, harboring or dealing in animals in any manner whatsoever.

Section 2. Definitions.) As used in this chapter:

- (a) "Animal" is any mammal, domestic or wild, other than man which may be affected by rabies.
- (b) "Animal control officer" is that person educated in the care, seizure, custody and confinement of animals or his agent as appointed by the City Commission.
- (c) "Animal nuisance" is created when an animal:
 - (1) runs uncontrolled;
 - (2) molests or disturbs persons or vehicles by chasing, barking or biting;
 - (3) attacks other animals;
 - (4) damages property other than that of the owner or harborer;
 - (5) creates noxious or offensive odors;
 - (6) defecates upon any public place or upon premises not owned or controlled by the owner or harborer unless promptly removed by the animal owner or harborer;

- (7) creates an insect breeding and/or attraction site due to an accumulation of excreta.
- (d) "Animal shelter" is a licensed facility, public or private, used to confine and house animals seized, lost, abandoned or given over by owners.
 - (e) "Bite" means to be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded or pierced and saliva of the biting animal has contacted the resulting break or abrasion of the skin.
 - (f) "Control" of an animal means that same is on a leash not more than eight feet (8') in length; is under voice control in the presence of a competent person; is on or within a vehicle being driven or parked; or is within the property limits of its owner or harbinger or upon the premises of another person with the consent of that person.
 - (g) "Dog" is any member of the animal species *Canis Familiaris* six (6) months or more in age.
 - (h) "Domestic animal" includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.
 - (i) "Harbinger" is any person who provides food and shelter for any domesticated animal on other than a periodic or temporary basis.
 - (j) "Owner" is any person having right of property in any animal; who keeps an animal; who has an animal in his care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him.
 - (k) "Person" is any individual, firm, corporation, partnership, association, trust, estate or other legal entity.
 - (l) "Vicious (dangerous) animal" is any animal, domestic or wild, known to attack a person where he may lawfully be at any time without provocation, or any animal that bites or otherwise injures a human.

Section 3. Control Officer.)

The Iron County animal control officer is hereby designated and appointed as animal control officer for the City of Gaastera; said Iron County animal control officer shall hold said office of animal control officer for the City of Gaastera at the pleasure of the City Commission; that he shall be paid no salary by the City of Gaastera. The City Commission shall retain the authority to discharge said Iron County animal control officer from his duties as Gaastera City animal control officer, which said person so appointed shall hold office at the pleasure of the City Commission and by paid such salary as shall be determined and fixed by the City Commission. The Iron County

animal control officer or such other person as shall be appointed animal control officer for the City of Gaastra shall hereinafter be referred to as the animal control officer.

Section 4. Responsible animal care. It shall be unlawful for any owner or harborer of a domestic animal not to provide for his animal:

- (a) Sufficient quantity of good and wholesome food and water;
- (b) Proper protection and shelter from the weather;
- (c) Veterinary care when needed to prevent suffering;
- (d) Humane treatment; and
- (e) Prompt removal and sanitary disposal of all excreta deposited by his animal anywhere in the City of Gaastra.

Section 5. Nuisance prohibited.) It shall be unlawful for any owner or harborer of any dog, cat or other domestic animal to cause or permit such animal to perform, create or engage in any nuisance as defined by Section 2. Any animal found acting in any way forbidden by this chapter, in the determination of the animal control officer, shall hereby be declared a nuisance and its owner or harborer shall be subject to citation.

Section 6. Removal of excrement.) No person shall appear with an animal upon the public ways, within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement; nor, shall any person fail to remove any excrement deposited by such animal. This section shall not apply to a blind person while walking his or her guide dog.

Section 7. Wild creatures.) It shall be unlawful for any person to keep, permit or have custody of anywhere in the City of Gaastra:

- (a) Any wild creature contrary to federal, state or local laws or regulations, except that such a creature too young to survive without the presence of specie adults native to the area may be temporarily kept, cared for and protected in the same manner as domestic animals; or
- (b) An imported creature as is subject to special permit and licensing by the State Department of Agriculture.

Article II

DOG OWNERSHIP

Section 1. License.)

It shall be unlawful for any person to keep, harbor or have the care or charge of any dog, male or female, of the age of three (3) months or over within the City of Gaastra unless such dog shall wear a collar to which is attached the license tag provided for by the laws of the State of Michigan.

Section 2. Ownership,)

Every person in possession of any dog who shall suffer such dog to remain about his premises for a space of five (5) days shall be deemed the owner thereof.

Section 3. Impoundment.)

All unlicensed dogs and any licensed dog not under the reasonable control of the owner thereof, as defined by this ordinance, are hereby declared to be public nuisances and shall be impounded by the animal control officer, who shall carefully keep a record of the breed, sex, color and markings of every dog impounded, together with the date and hour of such impounding.

Section 4. Notification.)

It shall be the duty of the said animal control officer as soon as any dog may be received by him under the provisions of this ordinance, to serve notice upon the owner or owners of such dog, if such owner or owners be known; and further that it shall be the duty of the said animal control officer to reasonably ascertain who the said owner or owners are.

Section 5. Redemption.)

Owners of all dogs impounded under the provisions of this ordinance may claim the same by properly identifying themselves as the owner of said animal and by paying the daily care fee charged by the animal control officer for each day or part of each day such dog is in the custody of the animal control officer; and shall pay in addition thereto the impounding fee established by the animal control officer; provided, however, that a proper license is produced for such dog in the event that such dog is not already properly licensed. It shall be unlawful for any person to claim or attempt to claim any dog under the provisions of this ordinance when such person is not the legal owner of such dog.

Section 6. Retention Period.)

All dogs placed under the custody of the animal control officer under this ordinance shall be kept by the animal control officer for at least five (5) days, and if the owner or owners cannot then be ascertained, the dog shall be disposed of in the following manner: If the dog is of mixed breed, it may be held for sale for a period of five (5) days and if not sold at the expiration of the said (5) days, be killed in a humane manner. If the dog appears to be a thoroughbred dog, it may be held for a period of one (1) month and if not sold within one (1) month, it shall be killed in a humane manner.

Article III

SOUND NUISANCE

Section 1. Defined.)

Sound nuisance as used in this Article is defined as barking, whines, howls, cries or other excessive sounds.

Section 2. Prevention.)

It shall be unlawful for any owner to fail to exercise proper care and control of his dog from creating a sound nuisance as defined above.

Section 3. Enforcement.)

No proceeding shall be instituted to enforce this Article unless the complaint shall be signed by at least two (2) adult persons and investigated by a Blight/Control person vested with jurisdiction in the City of Gaastra.

Article IV

PENALTIES

Section 1. Fines.)

Any person violating any provisions of this ordinance upon conviction thereof, shall be punished by a fine not exceeding One Hundred (\$100.00) Dollars, or by imprisonment in the Iron County Jail for a period not to exceed 90 days or by both such fine and imprisonment plus all costs of prosecution.

Article V

REPEAL

Section 1.)

As of the effective date of this ordinance, any ordinance or parts of ordinance contravening the provisions of this ordinance, are hereby expressly repealed.

Article VI

EFFECT

Section 1.)

This ordinance shall become effective thirty (30) days after its adoption and approval by the Gaastra City Commission.

Date of Adoption and Approval December 11, 1990