

ORDINANCE NO. 10-100

AN ORDINANCE RELATIVE TO THE OWNING AND KEEPING OF DOGS AND CATS WITHIN THE CITY OF ISHPEMING, PROHIBITING THE RUNNING AT LARGE OF DOGS OR CATS, PROVIDING FOR THE IMPOUNDING OF DOGS AND CATS, PROVIDING FOR THE DISPOSAL OF DOGS AND CATS, REQUIRING OWNERS TO CLEAN UP ANIMAL EXCREMENT, AND PROVIDING FOR THE VIOLATION HEREOF

THE CITY OF ISHPEMING ORDAINS:

Section 10-101. It shall be unlawful for any person to keep animals within the City, except for domestic pets. It shall be unlawful for anyone to own or harbor any exotic animal.

Section 10-102. Domestic pet includes dogs, cats, or animals customarily kept or housed inside dwellings as household pets.

Section 10-103. Exotic animal means any live monkey, alligator, crocodile, 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.

Section 10-104. It shall be unlawful for any person, firm or corporation to own, keep, possess, harbor or have the care or charge of any dog, male or female, or unsexed, of the age of six (6) months or over within the City of Ishpeming unless the dog shall wear a collar to which is attached the license tag provided for by the laws of the State of Michigan.

Section 10-105.

- (a) It shall be unlawful for any person, firm or corporation owning, possessing or having charge of any dog or cat, whether licensed or unlicensed, to permit or suffer such animal to stray or leave the premises of the owner or person in charge of such animal, unless such animal is kept on leash at all times. Notwithstanding the foregoing, under no circumstances shall any dog or cat be brought into the Ishpeming Cemetery unless said animal is at all times kept inside a motor vehicle.
- (b) It shall be unlawful for any person, firm or corporation owning, possessing, or having charge of any dog or cat, whether licensed or unlicensed under the laws of the State of Michigan, to permit said dog or cat to eliminate any excrement or fecal matter upon the property of any other person or upon any public sidewalk, street, alley, park, parking lot, way, or other public property, and to fail to pick up and dispose of such excrement in a garbage can or designated trash receptacle.
- (c) It shall be unlawful for any person walking or riding a horse or mule or operating any wagon or carriage being pulled by a horse or mule, and for the owner of a horse or mule, to permit such animal to eliminate any excrement or fecal matter upon the property of any other person or upon any public sidewalk, street, alley, park, parking lot, way, or any other publicly owned property and to fail to pick up and dispose of such excrement in a garbage can, in a designated trash receptacle, or upon the property of the owner of the animal. This subsection shall not apply to any horse or mule being used in any parade

authorized by the City of Ishpeming.

Section 10-106. Any dog or cat which has strayed or left the premises of the owner or person in charge thereof, and which is not kept on leash at all times, is hereby declared to be a nuisance, and may be impounded by any member of the Ishpeming Police Department.

Section 10-107. The City Manager shall arrange for suitable shelter for the keeping of any dogs or cats impounded with Ishpeming Township Pound or UPAWS.

Section 10-108.

- (a) Any dog or cat impounded under and by virtue of the terms of this ordinance shall be kept for a period of seven (7) days, unless said dog or cat is under observation for rabies, when said dog or cat shall be kept for a sufficient length of time to satisfy the requirements for observation by the Health Department of Marquette County. The owner or person in charge of said dog or cat may recover possession of said dog or cat from the Police Department, or the person or agency in charge of said dog or cat while impounded by paying the rate as set in the Annual Fee Schedule adopted by the Ishpeming City Council. Dogs or cats not claimed by their owner or person in charge within the seven (7) days, will be transferred from the Ishpeming Township Pound to UPAWS. The rates for transfer are set in the City Annual Fee Schedule. Any money collected for the impounding, care and keeping of said dog or cat shall be paid by the person collecting the same to the City Treasurer at least monthly.
- (b) Any dog or cat that has bitten any person shall be seized by the Ishpeming Police Department and placed under the observation of a veterinarian for a ten (10) day observation period. After the ten (10) day observation period, if the dog or cat so impounded shows signs of or is suspected of being infected with rabies, the dog or cat shall be destroyed in a humane manner, and the head of the animal shall be removed and forwarded as provided by health authorities to the State laboratory in Lansing for further analysis. If said animal is not infected with rabies, it shall be returned to the owner. All costs connected with impoundment and veterinarian fees for services to the animal shall be paid by the owner of the animal.
- (c) When there are reasonable grounds to believe that a dog or cat has bitten any person, and the owner or person in charge thereof refuses to deliver said animal to the Ishpeming Police Department for purposes of impoundment, after due demand therefore has been made, any member of the Ishpeming Police Department having knowledge of such refusal, may sign a Complaint against said owner or person in charge, in the manner provided by law, for a violation of this Ordinance.

If a Complaint is signed for refusal of the owner or person in charge of the dog or cat to deliver said animal to the officer making demand therefore, and the court having jurisdiction over such matter is satisfied that there is probable cause to believe that such animal has bitten or may have bitten any person, the Court shall be authorized to issue a search warrant empowering the Ishpeming Police Department to search the property, or home, building, outbuilding or other place where such animal may be kept, and to seize such animal for purposes of delivering it to a veterinarian for purposes of observation as set forth in subsection (b) above. The procedure for the

issuance of such a search warrant shall be governed by the provisions of Act No. 189 of the Public Acts of 1966, as amended, being Michigan Statutes Ann. (28.1259 (1) et. seq. (M.C.L.A.) 780.651 et. seq.)

Section 10-109. Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine, see Annual Fee Schedule. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

Section 10-110. This ordinance is declared to be necessary for the protection of the public health, safety, welfare, and peace of the people of the City of Ishpeming, and is not to be construed as a substitute for the provisions of the State Dog Law, but shall be considered to be supplementary thereto.

Section 10-111. This ordinance shall become effective upon legal publication.

Adopted: September 4, 1974
Amended: October 5, 1977
Amended: June 17, 1987
Amended: August 9, 1989
Amended: June 8, 1994
Amended: February 19, 1997
Amended: July 9, 2008
Amended: October 7, 2009
Amended: May 8, 2013
Amended: July 11, 2018