

**GAINES TOWNSHIP
ORDINANCE NUMBER 96**

An ordinance regulating animals.

THE GAINES TOWNSHIP BOARD HEREBY ORDAINS:

Section 1. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

“Animal” means every non-human species of vertebrate or invertebrate creature, both domestic and wild.

“At-large” means any animal when it is off the property of any person keeping or harboring such animal and not under the control of a competent person.

“Kennel or cattery” means any premises wherein any person engages in the business of boarding, breeding, buying or selling, training for a fee, or letting for hire dogs and cats.

“Person” means any person, group of persons, association, partnership, corporation or other legal entity.

“Pet or companion animal” means an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter; any animal kept for pleasure rather than utility.

“Restraint of animal” means an animal is secured by a leash or lead and under the control of a responsible person; provided that such animal need not be on a leash or lead only if it is on the property of the person keeping or harboring such animal and it is obedient to that person’s commands.

“Vicious animal” means:

- (1) any animal having poisonous bites;
- (2) any animal that has rabies or has been bitten by an animal known to have or suspected of having rabies;
- (3) any warm-blooded, carnivorous or omnivorous, wild or exotic animal, dangerous or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in

the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage (including, but not limited to non-human primates, raccoons, skunks, foxes and wild exotic cats; but excluding fowl, ferrets, and small rodents of varieties used for laboratory purposes);

(4) any animal with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals;

(5) any animal which attacked or bit a human being or other domestic animal previously, other than under the type of circumstances that would be justifiable; or

(6) any animal which behaves in such a manner that the person keeping or harboring such animal knows or should reasonably know that the animal has tendencies to attack or bite human beings or other domestic animals other than under the type of circumstances that would be justifiable.

Section 2. Wild and vicious animals.

(A) No person shall own, possess, keep or harbor any wild animal contrary to state or federal law or regulations or any vicious animal.

(B) No person, while on public property or on river, lake or pond or other similar body of water, shall feed any water fowl.

Section 3. Barking and other loud animal noises prohibition.

No person shall harbor or keep any dog or other animal, which by loud or frequent or habitual barking, yelping, howling, cackling, crowing or other loud noises shall cause a serious annoyance in the neighborhood, or to people passing to and from upon the streets and sidewalks, or public highways.

Section 4. Animal care.

(A) Every person keeping or harboring any animal shall provide such animal with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(B) No person shall beat, ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or animals and humans.

(C) No person keeping or harboring an animal shall abandon such animal.

(D) Every person keeping or harboring any animal shall keep or harbor such animal in a sanitary and clean place that is free from all refuse, obnoxious odors and animal offal, or spoiled food.

(E) No person owning, harboring, keeping, or in charge of any animal shall cause, suffer or allow such animal to soil, defile, defecate or to commit any nuisance on any public thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without permission of the owner of that property unless such person has in his or her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located on property owned or possessed such person. This subsection does not apply to a person who is visually or physically handicapped where such handicap prevents such person from complying with this subsection.

(F) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the person keeping or harboring such animal; in the event the person keeping or harboring such animal cannot be ascertained and located, such operator shall at once report the accident to the Township.

(G) No person shall willfully and maliciously expose any known poisonous substance, whether mixed with food or not, so that it shall be liable to be eaten by any animal, except that it shall not be unlawful to expose on one's own property common rat poison mixed only with vegetable substances.

Section 5. Restraint of animals.

(A) All animals shall be kept under restraint and shall not be permitted to be at-large.

(B) No person shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(C) Every female animal in heat shall be confined in a building or secure enclosure in such a manner that such female animal cannot come into contact with another animal except for planned breeding.

(D) While under restraint, no animal shall be permitted to enter upon private property without the permission of the private property owner.

Section 6. Violations, Penalty or Sanction.

(A) A person who violates any provision of this Ordinance shall be responsible for violation of a municipal civil infraction and subject to the following fines and costs:

- (a) \$100 for the first violation;
- (b) \$250 for any repeat violation, defined as a violation that occurs within six months of the first violation; and
- (c) \$500 for any second, repeat or subsequent repeat offense.

(B) A violation of this ordinance shall also be deemed a public nuisance subject to abatement by the circuit court.

Section 7. Effective Date.

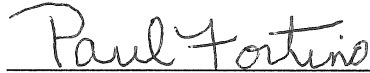
This ordinance shall take effect 30 days after publication.

At a regular meeting of the Board of Trustees for the Township of Gaines held on April 4, 2012, **Diane Hyrman** moved for adoption of the foregoing ordinance and **Chuck Timmons** supported the motion.


Voting for: **Chuck Timmons, Diane Hyrman, Michael Dowler, Lee Purdy, Paul Fortino**

Voting against: **None**

The Supervisor declared the ordinance adopted.



Paul Fortino, Supervisor



Michael Dowler
Township Clerk

Certification

Michael Dowler, Gaines Township Clerk, certifies that the foregoing is a true copy of Ordinance No. 96 which was enacted by the Board of Trustees of Gaines Township at a regular meeting held on April 4, 2012.



Michael Dowler, Township Clerk