

## **Chapter 14 ANIMALS**

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### **ARTICLE I. IN GENERAL**

#### **Sec. 14-1. Prohibited animals.**

No person shall keep or house any animals or domestic fowl within the city except dogs, cats, birds, fowl or animals commonly classed as pets.

## **ARTICLE II. CRUELTY TO ANIMALS AND RELATED OFFENSES**

Sec. 14-31. Cruelty to animals.

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### **Sec. 14-31. Cruelty to animals.**

No person shall cruelly treat or abuse any animal or bird.

### **Sec. 14-32. Poisoning animals.**

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.

*[State Law reference— Exposing poisonous substances where likely to be eaten by animals, MCL 750.437.]*

### **Sec. 14-33. Injuring birds or bird nests.**

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

## ARTICLE III. DOGS AND CATS

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### Sec. 14-61. Definitions.

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

***Dangerous Animal***, means an animal that is determined by a court, animal control officer, or police officer that is a dangerous or vicious animal, and includes the following:

- a) A dog, cat, or animal that bites or attacks a person or another animal; or
- b) A dog, cat, or animal that threatens to attack, or has a disposition or propensity to attack or bite any person or another animal (as evidenced by snarling, snapping, charging, or lunging); or
- c) Is determined to be a ***vicious animal*** meaning any animal which:
  - 1) Has killed a person or another animal; or
  - 2) Has inflicted serious injury to a person or another animal; or
  - 3) Has continued to exhibit the behavior which resulted in a previous finding by a court, animal control officer, or police officer that it is a dangerous or vicious animal, provided that its owner has been given notice of that finding.
- d) However, a dangerous animal does not include any of the following:
  - 1) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
  - 2) An animal that bites or attacks a person who provokes or torments the animal.
  - 3) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

***Owner***, when applied to the proprietorship of any dog, cat or animal, shall include every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in his care, and every person who permits such animal to remain in or about any premises occupied by him, and every person who feeds wild dogs or feral cats.

***Reasonable control for dogs*** means keeping a dog on suitable leash or under the oral control of the owner or custodian or some other person with the permission of the owner or custodian, in all cases other than while upon private property, or unless the dog is confined in a closed automobile or shipping receptacle.

**Reasonable control** for cats means keeping a cat under the physical control of the owner or custodian or some other person with the permission of the owner or custodian, in all cases other than while upon private property, or unless the cat is confined in a closed automobile or shipping receptacle.

**Feed** means to give, place, expose, deposit, distribute, scatter, or otherwise make available any edible material with the intention of feeding or attracting wild dogs or feral cats.

#### **Sec. 14-62. Conflicts with state law.**

Nothing in this article shall be construed as to conflict with any of the provisions of the Dog Law of 1919 (MCL 287.261 et seq.).

#### **Sec. 14-63. Impoundment.**

- (a) **Authorized.** It shall be the duty of the police officers of the city to seize forthwith any dog, whether licensed or otherwise, found running at large, or upon any public street, alley, or other public place within the city contrary to any of the provisions of section 14-64 and to confine such dog in the city dog pound.
- (b) **Disposition of unlicensed dogs.** If it shall not appear from the records in the office of the dog warden of the county that any dog so impounded is licensed under a valid license pursuant to the provisions of the Dog Law of 1919 (MCL 287.261 et seq.), the chief of police shall, at the expiration of 72 hours after impounding such dog, surrender such dog to the sheriff of the county or any member of the state constabulary, for disposition pursuant to the provisions of section 17 of the Dog Law of 1919 (MCL 287.277).
- (c) **Disposition of licensed dogs.** If any person owning or having custody of any dog so impounded which has been licensed pursuant to the Dog Law of 1919 (MCL 287.261 et seq.) under a valid subsisting license shall, within 72 hours after the impounding of such dog, apply to the chief of police for the release of the dog and pay the city treasurer an impounding fee in the amount set forth in the annual fee resolution adopted by the city council, together with the current charges made by the county dog pound for the care of the dog, the chief of police shall authorize the surrender of such dog to such owner or person having custody thereof; otherwise, upon the expiration of such 72 hours, the chief of police shall authorize the surrender of such dog to the sheriff of the county or any member of the state constabulary for disposition pursuant to such law, provided, however, if a complaint shall have been made by any person pursuant to section 26a of the Dog Law of 1919 (MCL 287.286a), and knowledge of such complaint shall be communicated to the chief of police, such dog shall be retained in the county pound until the disposition of such complaint, subject to the orders of the court having jurisdiction of such complaint.
- (d) **Disposition of stray or feral cats.** The City may capture and seize any cat found running at large, or upon any public street, alley, or any public place, or on private property if the cat is not owned by said property owner. The City shall return stray cats with collars, or are micro-chipped, that include appropriate address information to the property owner and may otherwise surrender the cat to an appropriate shelter. The City may participate in Trap-Neuter-Return (TNR) programs for feral cats as public and private resources are available.

#### **Sec. 14-64. Dangerous animals, confinement and handling; number.**

- (a) All dangerous animals shall be especially confined and treated as follows:
  - 1) **Leash and muzzle.** No person shall permit a dangerous animal to go outside a securely enclosed fenced yard, kennel, or pen unless it is securely leashed with a leash no longer than four feet in length. No such animal shall be kept on a chain, rope or other type of leash

outside its kennel or pen unless a person is in physical control of the leash. Such animals may not be leashed or tied to inanimate objects. Any such animal on a leash outside its securely enclosed fenced yard, kennel, or pen must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

- 2) **Confinement.** All dangerous animals shall be securely confined indoors or in a securely enclosed fenced yard, locked kennel, or locked pen, except when leashed, muzzled and controlled as provided in subsection (a)(1) of this section. Such fenced yard, kennel, or pen must have secured sides and must be locked with a key or combination lock when such animals are within the structure. The structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the fenced yard or kennel must be embedded in the ground no less than two feet from the grade. All such structures must be adequately maintained, lighted and ventilated, and kept in a clean and sanitary condition.
- 3) **Confinement indoors.** No dangerous animals may be kept on a porch, patio, or any part of a house or structure that would allow the animal to exit such a building. No such animal may be kept in a vacant house or structure.
- 4) **Signs.** All owners or handlers of dangerous animals within the city shall display in a prominent place on the premises and on the pen or kennel a sign stating the words "Beware of Dog" or "Beware of Dangerous Animal." The letters shall be at least three inches in height.
- 5) **Insurance.** All owners or handlers of dangerous animals must obtain public liability insurance in a single incident amount of at least \$50,000.00 for bodily injury, death or property damage resulting from the ownership, keeping or maintenance of such animal.
- 6) **Number.** No more than one animal of the description determined by this chapter to be dangerous shall be kept on any premises in the city.

(b) Violations of the requirements of this section shall be guilty of a civil infraction in accordance with Chapter 2 – Administration, Article VIII. Civil Infractions. Nothing in this section shall prohibit the city from citing violations of a dangerous animal as a misdemeanor under any of the provisions of the Dog Law of 1919 (MCL 287.261 et seq.). All persons found in violation shall be subject to further injunctive or other equitable relief as the city may determine to pursue, including destruction of the animal in question.

(c) An owner of every animal shall be held responsible for every behavior of such animal under this Article.

#### **Sec. 14-65. Dogs Running at large.**

No person owning any dog four months of age or over shall permit such dog to be at large at any time in the city in violation of any of the following restrictions:

- (a) No person who is the owner of any female dog shall permit or allow such female dog to go beyond the premises of such owner when the dog is in heat.
- (b) No person who is the owner of any dog shall permit it to be unconfined unless under the reasonable control of some person.

- (c) No person who is the owner of any dog shall permit it to be unconfined at any time unless licensed as required by law and unless wearing its license tag and evidence of rabies immunization.

**Sec. 14-66. Feeding of wild dogs and feral cats.**

No person shall feed any wild dog or feral cat within the City of Montague on either public land or private land; unless performed by a city official, or an individual participating in the TNR program, or contractor specifically authorized by the City, for the purposes of capturing a wild dog or feral cat.

**Sec. 14-67. Veterinary care.**

No owner of any dog or cat shall neglect to provide such dog or cat with appropriate veterinary care, including without limitation vaccinations for rabies, distemper, feline leukemia, and parvovirus. Exceptions to specific vaccinations for any dog or cat may be acceptable with written veterinary authorization, and if permissible by state or county licensing laws.

Every person owning, harboring, keeping, or in charge of any dog or cat shall immediately notify the police department when such animal bites or scratches any person. Notification shall occur regardless of occurrence on public or private property, and for the purposes of department verifying veterinary care, assessing possible disease transmission from animal to human, and / or evaluating viciousness of animal.

**Sec. 14-68. Number of cats and dogs per household.**

No person shall have more than four dogs, or four cats, or any combination of dogs and cats exceeding four, in a household, building, structure, or land, that are over six months of age.

**Sec. 14-69. Sanitary Conditions.**

No person owning, harboring, keeping, or in charge of any dog or cat shall cause, or allow such animal to soil, defecate, or to commit any nuisance on any public property, including but not limited to right-of-ways, parks, play areas, beaches, or any place where people congregate or walk, or upon any private property without permission of the owner of said property unless:

- (a) The person who so owns, harbors, keeps, or is in charge of such animal shall immediately remove and dispose of all material by a sanitary method.
- (b) Individuals owning a dog may allow dog to utilize their own private property, including within an outdoor kennel, as long as materials are not allowed to collect in quantities or manner which may be deemed as unsanitary.
- (c) Individuals owning a cat may allow cat to utilize a litter box, within their principal residence, as long as materials are not allowed to collect in quantities or manner which may be deemed as unsanitary.

## ARTICLE IV. FOWL

Sec. 14-101. Definitions.

Sec. 14-102. General Regulations.

Sec. 14-103. Coop / Enclosure Requirements.

Sec. 14-104. Non-domesticated Fowl.

### Sec. 14-101. Definitions.

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

**Coop** means an accessory building for the purpose of sheltering fowl which shall meet the City of Montague's Zoning Ordinances for accessory buildings; including but not limited to location and setbacks. If more stringent conditions are established within Section 14-103, then those conditions shall prevail.

**Fowl** means a domesticated bird belonging to one of two biological orders Galliformes (gamefowl) and Anseriformes (waterfowl) raised and kept for the specific purpose of raising eggs or as a pet; including chickens and ducks. Fowl shall not mean non-domesticated Galliformes such as turkey, nor Anseriformes such as wild duck, geese, and swans.

### Sec. 14-102. General Regulations.

Fowl shall only be allowed within R-1A and R-1B single family residential parcel, and are only permitted in connection with, incidental to, and on the same lot with a principal building that is the person's principal residence as a single-family dwelling; if the following conditions are met:

- (a) No chickens at multi-family residential units, and no person shall keep a rooster, regardless of zoning district.
- (b) The maximum number of fowl allowed on any parcel in a single family residential parcel shall not exceed the numbers contained in the chart below:

Parcel Size	Maximum Number: Chickens (Ducks)*
Parcel less than 15,000 square feet	4 chickens (or 2 ducks)
Parcel equal to or greater than 15,000 square feet	8 chickens (or 4 ducks)

\*Fowl less than six (6) months of age do not count against total count limitations.

- (c) All fowl shall be provided adequate food, water, and shelter (coop / enclosure), as well as outdoor space, to meet basic animal health and welfare needs and guidelines established herein. Adequate food and water shall be defined as continuous access.
- (d) All fowl shall be kept at all times in covered enclosure, fenced and secured outdoor area, or within the property boundaries of the property.
- (e) Any person who keeps fowl shall register with the City, every three years, and pay applicable permit fee as set by the City Council. Upon approval of registration, City shall issue a permit and

have the right to inspect the property, during the permit period, to ensure compliance with this Article.

- (f) Notwithstanding the issuance of a permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

#### **Sec. 14-103. Coop / Enclosure Requirements.**

All fowl shall be provided with a covered enclosure and must be kept in the covered enclosure, the adjoining fenced enclosure, or within the property boundary of the owner at all times, and with the following standards:

- (a) All coops /covered enclosures, and associated fencing, shall be located at least 10 feet from the property line and at least 25 feet from a dwelling on a neighboring property, and otherwise shall meet the zoning requirements for accessory buildings.
- (b) All fenced outdoor enclosures shall be secure and provide a minimum of ten (10) square feet of fenced enclosure space per fowl. Electrical fences are prohibited.
- (c) All coops / covered enclosures shall provide:
  - (1) a minimum of two (2) square feet of floor space per individual fowl;
  - (2) a minimum of one (1) nesting box for each three (3) fowl;
  - (3) a minimum roosting bar length of eight (8) inches per fowl;
  - (4) continuous ventilation; and
  - (5) a source of natural and artificial light to allow fowl to find food and water, and permit for daily inspection.
- (d) All coops and enclosures for keeping fowl shall be so constructed and maintained as to prevent rats, mice, or other rodents, from being harbored underneath, within, or within the walls of the enclosure. The enclosure shall be kept clean with no accumulation of feces or odor.
- (e) All feed and other items associated with the keeping of fowl shall be kept within the enclosure, another accessory structure, or within the primary structure on the property.
- (f) All coops and appurtenant parts thereof shall be maintained in good repair (as defined in the City's Property Maintenance Code).
- (g) Once the keeping of chickens ceases on a parcel all associated fencing, chicken wire, and / or poultry netting must be removed within thirty (30) days.

#### **Sec. 14-104. Non-domesticated Fowl.**

No person shall intentionally feed, cause to be fed, provide for, or make available food or other substances for the consumption by non-domesticated fowl within the City, either on private or public property; including but not limited to public parks, beaches, or natural areas.



## **ARTICLE V. DEER**

Sec. 14-201. Feeding.

Sec. 14-202. Bow Hunting.

### **Sec. 14-201. Feeding.**

The City shall control the feeding of deer within the City as the practice may cause unsustainable growth, intensify deer population densities, decrease the overall health of the herd, increase the probability and occurrence of transferable diseases to humans within the area (e.g., Lyme disease), and actively encourages the presence of an urban deer population that aggravates other property impacts. No person shall intentionally feed, cause to be fed, provide for, or make available food or other substances for the consumption by deer within the City, either on private or public property. This section shall not apply to:

- (a) Naturally growing vegetation or their seed, planted vegetation growing in yards or flower beds for landscaping, or planted vegetation for human consumption in gardens.
- (b) Bird seed, grain, or corn; if contained in an elevated bird feeder and not purposely deposited on the ground or in a feeder trough.
- (c) Public employees acting within the scope of their authority for purposes of public health or safety or wildlife management purposes.
- (d) Baiting for the purposes of hunting, if allowable and meeting the regulations of the State of Michigan, and within areas of the City that are designated as legal hunting zones, and by persons holding a valid Michigan hunting license and permit issued by the City.

### **Sec. 14-202. Bow Hunting.**

The City may allow limited and controlled bow (bow / archery / cross-bow) hunting within the boundaries of the City for the purposes of limiting the urban deer population that may cause a threat to the safety of vehicular travel, damage public and private landscaping, impact the health and regeneration of native vegetation, decrease the overall health of the deer population, and increase the risks of cervid disease transmission.

- (a) An area of public or private land(s), designated and authorized annually by the City Council, consisting of at least six (6) contiguous acres, located within the City of Montague, where limited deer hunting may occur. City staff shall make recommendations regarding appropriate areas, the number of hunters per area, and coordinate with private land owners as applicable. Two (2) adjacent landowners may jointly apply for a DMA together where one or both parcels alone do not meet the minimum acreage.
- (b) Licensed Hunting. Licensed bow / archery hunters, meeting the requirements established by the State of Michigan Department of Natural Resources (DNR), may hunt antlerless deer within those parcels of land designated as Deer Management Areas within the City of Montague, under all the following conditions:

- (1) Hunters must obtain a permit issued by the City, and with the consent of City Council, for a duration not to exceed two (2) weeks. The permit application process shall include submission of fees established by the City Council, the DMA requested, applicable personal information, and consent to a background check. The Chief of Police shall make final recommendations to the City Council. Hunters requesting a DMA, which encompasses private property, will also require the landowner's consent, to be obtained by the City, prior to issuance of a permit. The City Council, or the Chief of Police in consultation with the City Manager, shall at all times have the right to amend or revoke the permit granted.
  - (2) Hunting may occur only on dates designated by the DNR as bow / archery hunting season by persons who are at least 18 years of age and licensed for such hunting, and this license must be carried on his or her person. All hunters shall observe all DNR hunting regulations and requirements, including all safety considerations. Hunters shall not hunt within a distance of one hundred and fifty (150) feet from any building, public street, or from the perimeter line of the DMA. No person shall hunt within one hundred and fifty (150) feet from any building without written approval of the applicable owner.
  - (3) Hunters cannot carry an uncased bow within 100 feet of any residence, road, or building. Hunters must take all shots from a temporary elevated stand and shoot no further than 50 yards. Hunters shall receive approval of hunt location(s) and shooting direction / shooting lanes on each DMA through an on-site inspection to ensure public safety.
  - (4) Upon completion of the hunting season, hunters shall submit to the City the total number of deer taken, the dates hunted, and estimated number (and gender) of deer observed during the season on the DMA.
  - (5)\* Hunters may be issued a second permit to hunt a buck on designated DMAs within the City of Montague by providing evidence (on-site verification) of the taking of an antlerless deer under issuance of the first permit. Hunters must meet and abide by all the requirements established by the State of Michigan Department of Natural Resources (DNR) regarding Antler Point Restriction requirements. Issuance of a second permit is at the discretion of the Chief of Police and City Manager; dependent on the overall number of permit requests and compliance with this Article.
- (c) Proviso. The City reserves the right to amend the hunter registration and selection process at any time; including but not limited to, number of hunters per parcel, residency, hunter competency, selection through a random process, or other criteria as deemed in the best interest of the City.

## ARTICLE VI. VIOLATIONS

### Sec. 14.251. Violations

- (a) Any person, firm, corporation, trust, partnership, or other legal entity which violates or refuses to comply with any provision of this Chapter shall be responsible for a municipal civil infraction and shall be subject to fines, costs, and other relief as provided for in the City of Montague's Code of Ordinances. In addition to law enforcement, the City's Zoning Administrator and City Manager may act as the authorized city official, for enforcement purposes of this article, and may issue municipal civil infraction citations.
- (b) In addition to any other penalties or remedies available, the City is authorized and empowered to direct the property owner to remove or otherwise abate the nuisance. If such notice is given, it shall be in writing, addressed to the property owners as it appears on the latest ad valorem property tax assessment roll.
- (c) Upon failure, neglect or refusal of any property owner to comply with the provisions of this article, the City or its authorized contractor, or other designee, is authorized and empowered to enter the property owner's property to abate the nuisance, or to provide and to make payment for the abatement of the nuisance maintained.

When the City abates a nuisance as provided herein, the cost of any abatement, including legal expenses and the authorized administrative fee will be billed to the property owner. The cost and fee will be a debt of the property owner of the City, which may be assessed as a single lot assessment in accordance with the City of Montague's Code of Ordinances, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.