

**STATE OF MICHIGAN
COUNTY OF BERRIEN
VILLAGE OF GRAND BEACH**

**ORDINANCE NUMBER 2017-90
Effective April 2, 2017**

AN ORDINANCE TO REGULATE THE LICENSING, KEEPING, AND OWNER'S CONTROL OVER DOGS AND CATS WITHIN THE VILLAGE OF GRAND BEACH FOR THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC.

The Village of Grand Beach ordains:

Section 1. 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:

On a suitable leash means both: (1) That the dog is attached to a leash that is no more than sixteen (16) feet in length and of such material that the leash is capable of restraining, and does restrain the type and size of dog to which it is attached; and (2) That such a leash is continuously held by a person who is reasonably able to and does restrain and prohibit the dog from being out of that person's physical control. A leashed dog that chases a person or domesticated animal a greater distance than sixteen (16) feet, or that bites a person or other domesticated animal constitutes prima facie evidence that such dog is not kept on a suitable leash.

Owner, when applied to the proprietorship of a dog or cat, means every person having a right of property in such dog or cat, and every person who keeps or harbors such dog or cat or has it in his or her care, and every person who permits such dog or cat to remain in or about any premises occupied by such person.

Reasonable control, as it relates to a dog, means keeping a dog on a suitable leash.

Reasonable control of a cat, recognizing the nature of this animal, requires that the owner take all reasonable efforts to ensure that a cat does not become a nuisance to any other person by a violation of or destruction to any person's private or public property.

Section 2. Yards, exercise runs; sanitation.

Yards and exercise runs shall be kept free of dog and cat droppings and uneaten food and shall be maintained in a sanitary manner so as not to be a nuisance because of odor or attraction for flies and vermin.

Section 3. Licensing, vaccination.

- (a) It shall be unlawful for any person to keep a dog which is six (6) months or older without obtaining a proper license and vaccination as required by the county and state.

- (b) It shall be unlawful for any person to keep a cat which is six (6) months or older without obtaining a certificate of vaccination for rabies and being able to produce such proof of vaccination at the request of an officer of the Village.

Section 4. Confinement, control.

- (a) It shall be unlawful for any dog not to be confined upon the premises of its owner or custodian at all times except when the dog is otherwise under the reasonable control of the owner or custodian, is within a portion of a publicly owned and operated dog park that is designated for dogs without leashes, is confined in a closed automobile or shipping receptacle, or has the express permission of the owner or occupant of the private property.
- (b) It shall be unlawful for any cat not to be under the reasonable control of the owner or custodian at all times.

Section 5. Number of dogs or cats.

It shall be unlawful for any person to own, possess, shelter, keep, harbor or maintain more than three (3) dogs and/or three (3) cats six (6) months of age or older on the premises at any one time; however, this provision does not apply to duly licensed pet shops, veterinarians or veterinarian hospitals.

Section 6. Defecation, etc., Prohibited; Disposal, Owner's Responsibility.

No person owning, harboring, keeping or in charge of any dog or cat shall cause, suffer or allow such dog or cat to soil, defile, defecate or to commit any nuisance on a 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 such property unless:

- (1) The person who so owns, harbors, keeps or is in charge of such dog or cat shall immediately remove all droppings deposited by such dog or cat by any sanitary method. The person shall possess a container of sufficient size to collect and remove above-mentioned droppings and exhibit the container, if requested by any official empowered to enforce this article.
- (2) The droppings removed from the aforementioned areas shall be disposed of by the person owning, harboring, keeping or in charge of such dog or cat in a sanitary method on the property of the person owning, harboring or in charge of such dog or cat.

Section 7. Remedy for damage by cats.

Any owner of a cat who is unable to keep the cat on their own premises due to the nature of the animal shall accept as their full responsibility the cost of any damage to any other person's private or public property.

Section 8. Enforceability.

If any phrase or portion of this Ordinance is found to be unenforceable by a court of competent jurisdiction for any reason, such phrase or portion of the Ordinance shall be declared a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions of this Ordinance.

Section 9. Violation as Civil Infraction.

Any law enforcement officer in the Village of Grand Beach is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has violated any section of this Ordinance. Any person who violates any section of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine in accordance with the Village's Municipal Civil Infraction Fine Schedule.

This Ordinance shall take effect and be in force ten (10) days after the date when notice of the adoption is published in a newspaper of general circulation in the Village.

AYES: James Bracewell, Frank Giglio, Paul Leonard Jr. and Blake O'Halloran

NAYS: Deborah Lindley

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Mary Robertson, Village Clerk

CERTIFICATION

I, MARY ROBERTSON, the duly qualified and acting Clerk of the Village of Grand Beach, Berrien County, Michigan (the "Village") do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council at a meeting held on March 15, 2017, the original of which is on file in the Village Office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.

Mary Robertson, Village Clerk