

ORDINANCE NO. 2023-Xa
AN ORDINANCE TO AMEND CHAPTER 111 ANIMALS OF THE VILLAGE CODE FOR THE VILLAGE OF BLISSFIELD.

WHEREAS, the Village Council has established council goals and objectives with one of them being to update ordinances; and

WHEREAS, the following ordinance amendments would clean up the ordinances; and

WHEREAS, staff and council want the ordinances to be understood by the general public; and

WHEREAS, the following ordinance amendments would place like codes within one chapter making it easier to follow for both staff and the general public; and

NOW, THEREFORE, be it ordained by the governing body of the Village of Blissfield, Michigan that Chapter 111 be adopted following passage and publication to adopt hereinafter specified:

111.000 ANIMALS

ARTICLE I- IN GENERAL

111.001 Presumption of Ownership.

Sec. 1. Ownership, when applied to the proprietor of any animal, licensed or unlicensed, pedigreed or not, means every person having a right of property in that animal, an authorized agent or representative of its owner, and every person who keeps or harbors the animal or has it in his care, custody or control or every person who permits the animal to remain, for a period in excess of 48 hours, on or about the premises, leased or occupied by himself shall be deemed to be the owner of such animal for the purpose of this chapter.

111.001~~2~~ Cruelty to Animals.

Sec. 2. ~~No person shall cruelly treat or abuse any animal or bird.~~

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

- a. "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.**
- b. "Animal" means any vertebrate other than a human being.**
- c. "Animal control shelter" means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the village or state law.**
- d. "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization, for the care of homeless animals.**
- e. "Fowl" means any bird that is used for food (i.e. to produce meat or eggs).**
- f. "Licensed veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, Public Act No. 368 of 1978 (MCL 333.16101 et seq.).**

- g. "Livestock" means that term as defined in the animal industry act of 1987, Public Act No. 466 of 1988 (MCL 287.701 et seq.).
 - h. "Neglect" means to fail to care for an animal sufficiently and properly to the extent that the animal's health is jeopardized.
 - i. "Sanitary conditions" means an adequate space free from health hazards, including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. The term "sanitary conditions" does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
 - j. "Shelter" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. The term "shelter," for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes one or more of the following:
 - i. The residence of the dog's owner or other individual.
 - ii. A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
 - iii. A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subsection ii of this definition that is accessible to the dog.
 - k. "State of good health" means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.
 - l. "Tethering" means the restraint and confinement of a dog by use of a chain, rope, or similar device.
 - m. "Water" means potable water that is suitable for the age and species of animal that is made regularly available, unless otherwise directed by a licensed veterinarian.
2. An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:
- a. Fail to provide an animal with adequate care.
 - b. Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.
 - c. Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which all animals may stand, turn around, and lie down during transportation.
 - d. Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this subsection when the owner or custodian has made a reasonable effort to locate the animal.
 - e. Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or non-ambulatory, to suffer unnecessary neglect, torture, or pain.
3. This section does not prohibit the lawful killing or other use of an animal, including the following:
- a. Fishing.
 - b. Wildlife damage and nuisance control regulated under the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.101 et seq.).

- c. *Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.8301 et seq.).*
- d. *This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, Public Act No. 368 of 1978 (MCL 333.18801 et seq.).*

111.0023 Poisoning Animals.

Sec. 23. 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.

111.0034 Birds and Birds' Nests.

Sec. 34. No person, except a police 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.

111.005 Animals Running at Large or Trespassing on Private Property.

It shall be unlawful for the owner or custodian of any animal to allow the animal to run at large on any public or private property in the village, except, however, a dog within the fenced dog park.

1. The term "run at large" means the presence of an animal at any place except upon the premises of the owner or custodian; provided, however, an animal shall not be considered to be running at large if it is on a leash and under the control of a person physically able to control it or in an enclosed vehicle.

111.006 Other Animals.

Sec. 96. *No person owning, possessing, or having charge of any animal other than a dog shall permit such animal to be an annoyance or nuisance in the vicinity where kept because of loud or frequent or habitual barking, yelping, howling, meowing or by reason of damaging or trespassing on the property of others.*

111.0047 Farm, Wild, Dangerous or Exotic Animals. **Prohibited Animals.**

Sec. 47.

1. No person, corporation or organization shall keep, house, harbor or maintain, in any dwelling or building, or upon any lot located within the Village of Blissfield, any farm, wild, dangerous or exotic animal.
2. Farm, wild, dangerous or exotic animals include, but are not limited to the following:
 - a. Any poisonous animals, fish, reptiles or insects
 - b. Alligators
 - c. Apes, chimpanzees, gibbons, gorillas, orangutans and siamangs
 - d. Baboons
 - e. Bears
 - f. Bisons
 - g. Bobcats
 - h. Cheetahs
 - i. Crocodilian
 - j. Constriction snakes
 - k. Coyotes
 - l. Deer
 - m. Elephants
 - n. Foxes

- o. Game cocks and other fighting birds
- p. Hippopotami
- q. Hyenas
- r. Jaguars
- s. Leopards
- t. Lions
- u. Lynxes
- v. Ostriches
- w. Piranha fish
- x. Skunks
- y. Raccoons
- z. Pumas, a/k/a cougars, mountain lions and panthers
- aa. Reptiles
- bb. Rhinoceroses
- cc. Sharks
- dd. Spiders
- ee. Snow leopards
- ff. Tigers
- gg. Wolves
- hh. Horses
- ii. Cows
- jj. Pigs
- kk. Swine
- ll. Sheep
- mm. Geese
- nn. Ducks
- oo. Chickens
- pp. Llamas
- qq. Goats
- rr. Any other traditional farm animals
- ss. Zebras

3. Exemptions. This section does not apply to:

- a. Any person while transporting any animal, fish, fowl or reptile through the Village, provided that such animal, fish, fowl, or reptile is adequately restrained to avoid injury to persons or damage property;
- b. The keeping of such animals in a bona fide licensed veterinary hospital for treatment;
- c. The keeping of such animals in a bona fide educational or medical institution, museum or other place where they are kept as live specimens for public view or for the purpose of instruction or study;
- d. Dangerous or poisonous reptiles maintained by bona fide educational or medical institutions for the purpose of instruction or study, provided such reptiles are securely confined.

~~4. Penalty. Any person, corporation or organization who/which violates the provisions of this Ordinance shall be guilty of a misdemeanor and may be punished by imprisonment in the County jail for not more than 90 days, or a fine or not more than \$500.00 or both. Each day any animal is housed, harbored, maintained shall constitute a separate violation.~~

~~This Amendment to Part III of the Village of Blissfield Compilation of Ordinance takes effect 20 days after its publication.~~

111.008 Violation of Chapter; Municipal Civil Infraction.

Sec. 8. A person who violates any provision of Article I or Article II of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine as adopted within the fee schedule, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as adopted within the fee schedule.

ARTICLE II- DOGS

111.201 Restrictions.

Sec. 1. No person owning, possessing, or having charge of any dog, four months of age or over, shall permit such dog:

1. To be unconfined unless in the custody of some person;
2. If vicious, to be unconfined at any time unless securely muzzled and led by a leash and any dog shall be deemed vicious which has bitten a person or domestic animal without molestation, or which, by its actions, gives indication that it is liable to bite any person or domestic animal;
3. To be unconfined at any time unless vaccinated against rabies within the past year and unless such dog shall have a tag on its collar showing such current vaccination; provided, this subsection shall apply only to dogs six months of age or older;
4. If a female dog, to be unconfined when said dog is in heat;
5. To be an annoyance or nuisance in the vicinity where kept because of loud or frequent or habitual barking, yelping, or howling, or by reason of damaging or trespassing on the property of others.

111.202 Seizure and Impounding of Dogs.

Sec. 2. Any dog found at large in the Village, which is doing any of the acts enumerated in, or at large under circumstances prohibited by section 1, or which is suspected of having rabies or of having bitten any person or animal, may be seized, and impounded by any police officer of the Village or any other law enforcement officer, deputy, or agent, whose assistance is requested by the Blissfield officer.

111.203 Dogs—Rabies Prevention.

Sec. 3. Any person who shall have in their possession a dog which has contracted rabies, or which has been subjected to the same or which has bitten any person, shall upon demand of any police officer or the Health Officer, produce and surrender up such dog to be held for observation as hereinafter provided.

111.204 Exposure to Rabies—Notice.

Sec. 4. It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or other animal showing the symptoms of rabies, immediately to notify the Police Department of their possession of such dog.

111.205 Impounding and Release.

Sec. 5. Any dog impounded for observation for rabies shall be held until released by the Chief of Police or otherwise disposed of. Any dog impounded for having bitten any person shall be held for not less than five (5) days and in case any complaint shall have been made before any court having jurisdiction of such cases shall be filed, whereby an order that said dog be killed or confined is sought, then such further time until said case is finally disposed of. All other dogs which may be impounded under the provisions of this Chapter shall be held for not less than five (5) days and shall be released to their respective owners upon payment of such reasonable fee as the Chief of Police may establish, with the approval of the Village Council.

111.206 Notice to Owner.

Sec. 6. It shall be the duty of the Police Department to notify the owner of every dog which shall be impounded, if the owner of such dog can be ascertained, as soon as possible after said dog has been impounded.

111.207 Disposition of Dogs.

Sec. 7. After a dog has been kept for five (5) full days and has not been redeemed by his owner, any dog may be destroyed in a humane manner if diseased, injured or of little value or any such dog may, in the discretion of the Chief of Police, be sold or given away to any person whom the Chief of Police believes will keep and care for said dog in a proper and humane manner.

Yeas:

Nays:

Absent:

PASSED, APPROVED AND ADOPTED this 8th day of January, 2024.

Council Public Hearing Publication: December 20, 2023

Council Public Hearing: January 8, 2024

Ordinance Adoption Publication: January 17, 2024