

ORDINANCE NO. 200

AN ORDINANCE TO CONTROL AND REGULATE ANIMALS

THE VILLAGE OF OTISVILLE ORDAINS THAT:

SECTION 1. PURPOSE

It is deemed by the Village that the ownership of an animal is a privilege which carries with it responsibilities to the Village and its residents with regard to the care and custody of said animal. In interpretation and application, the provisions of this Ordinance shall be construed to impose a primary responsibility for compliance with the provisions of this Ordinance on the owner of said animal.

SECTION 2. DEFINITIONS

Whenever in this chapter the following terms are used they shall have the meanings as described to them in this section, unless it is apparent from the context thereof that some other meaning is intended:

Animal: shall mean dog, cat, bird, reptile, mammal, fish or any other dumb creature.

Animal Control Officer: shall mean the Otisville Police Department or any other officer designated for such by the Village Council.

Owner: when applied to the proprietorship of an animal, means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him. For the purposes of this Ordinance, any person keeping or harboring any animal for seven (7) consecutive days shall be deemed the owner thereof within the meaning of this Ordinance.

Person: includes an individual, partnership, corporation, trust, and any association of persons.

SECTION 3. DOGS.

A. Certain unlawful acts. (from Ord. 131)

It shall be unlawful for any person to own any dog 6 months old or over, unless the dog is licensed, to own any dog 6 months old or over that does not at all times wear a collar with a license as approved by the director or agriculture, attached as prescribed by state law, except when engaged in lawful hunting accompanied by the owner or custodian; or for any owner of any dog to permit the dog to go beyond the premises of such owner, unless the dog is held properly in leash; or for any person except the owner or authorized agent, remove any license tags from such

dog; or for any owner to allow any dog, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.

B. Summons to show cause why a dog should not be killed, complaint, contents. (from Ord. 131)

A district court magistrate or the district court shall issue a summons similar to the summons provided for in Section 20 of the state law to show cause why a dog should not be killed, upon a sworn complaint that any of the following exist:

1. A dog over 6 months old is running at large unaccompanied by its owner or is engaged in unlawful hunting and is not under the reasonable control of its owner without a license attached to the collar of the dog.
2. A dog, licensed or unlicensed, has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner.
3. A dog, licensed or unlicensed, has attacked or bitten a person.
4. A dog has shown viscous habits or has molested a person when the person was lawfully on a public highway, public sidewalk or their own property.
5. A dog duly licensed and wearing a license tags has run at large contrary to this act.

C. Limit on number of dogs.

No owner, as defined in section 2. of this Ordinance, of a dog, nor any person who owns, leases, or is otherwise in control of any premises within the village, shall keep dogs or permit dogs to be kept within the village except in compliance with the following:

1. Not more than two (2) dogs may be kept in or about the premises of a dwelling unit in a duplex, apartment, condominium, or other multifamily dwelling unit.
2. Not more than four (4) dogs may be kept in or about the premises of any single-family dwelling.
3. Dogs born to a female dog kept in compliance with the provisions of this section may be kept on the premises with said female dog for a period of not more than six (6) months following the date of birth notwithstanding the provisions of subsections B1 and B2 above.
4. The provisions of this section shall not be construed to require any person to dispose of a dog or dogs kept prior to the effective date of this Ordinance.

D. Barking dogs.

No person owning or having charge, care, custody or control of a dog shall permit such dog at any time, by loud or frequent or habitual barking, yelping or howling, to cause annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood.

E. Dogs running at large.

No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such dog, within the village, unless such dog is restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.

F. Female dogs in heat.

No person owning or having charge, care, custody or control of an unspayed female dog shall permit such dog to be or to run at large when said dog is in heat as that term is commonly understood unless such dog shall be restrained as provided in subsection D hereof at all times other than when the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.

SECTION 4. CATS

A. Cats running at large.

No person owning or having charge, care, custody or control of any cat shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such cat, within the village, unless such cat is restrained by leash not exceeding six (6) feet in length and is in the charge, care, custody or control of a person with the ability to restrain it.

B. Limit on number of cats.

No person shall possess, harbor, shelter or keep more than four (4) cats other than cats under six (6) months of age born to a female cat under the care, custody or control of such person; provided, that this provision shall not be construed to require any person to dispose of any cat kept by said person on or before effective date of this Ordinance.

C. Nuisance.

A person having custody of a cat shall not permit such cat to create a by way of noise, odor or in any other manner.

SECTION 5. CONDITIONS GOVERNING ANIMALS AND THEIR CARE

- A. No person shall allow any animal to constitute or cause a hazard or be a menace to the health, peace or safety of the community.
- B. No person owning or having in his possession a female dog or cat in heat shall permit said animal to be contained in such a fashion that stray animals have access to the dog or cat, or that permits the dog or cat to escape.
- C. A person having custody of any animal shall not permit, either willfully or through failure to exercise due care or control, such animal to commit any nuisance by defecating or urinating upon the sidewalk of any public highway or upon any building, fence or wall immediately abutting on a public sidewalk, or without the consent of the owner or person in lawful occupation thereof, any lawn, yard, or any other private property whatever, which is either improved or occupied.

SECTION 6. VICIOUS ANIMALS

A. Definition.

Any animal which has attacked or bitten a person or domestic animal molestation, or which by its actions gives indications that it is likely to attack or bite any person or domestic animal without molestation, shall be deemed a vicious animal.

B. Muzzling or restraint required.

A person owning or having charge, care, custody or of a vicious animal shall at all times when said animal is not securely confined, keep said animal securely muzzled and led or restrained by a leash.

C. Bites or attacks.

No person owning or having charge, care, custody or control of any animal shall permit or allow, by failure to exercise due control, the animal to bite or attack, or threaten to bite or attack, a person or domestic animal except in the defense of itself or in defense of a person during the commission of a crime by another.

D. Quarantine of animals.

Every animal which has bitten a person shall be quarantined for a period of ten (10) days for the purpose of determining whether said animal is diseased. Such quarantine may be at the animal shelter, a veterinary office, or such other place as may be designated by the village. Quarantine shall mean isolating the animal from people and from other animals. The owner of such animal shall surrender such animal to an animal control officer upon request.

SECTION 7. PROHIBITED ANIMALS

No farm animal, wild animal or non domestic animal, such as a horse, cow, swine, sheep, goat, chicken, goose, duck, or snake, shall be kept in any dwelling or on the same lot or premises of any dwelling without obtaining prior written approval from the Otisville Police Chief or his designee. If approval is denied, the applicant may appeal the decision to the village council. Both the Police Chief and the Village Council are authorized to place conditions on any approval which is granted. No animal shall be kept in the Village of Otisville in violation of the Village Zoning Ordinance.

SECTION 8. ENFORCEMENT

The responsibility for enforcement of this Ordinance shall be vested in the Otisville Police Chief, his agents and employees.

SECTION 9. PENALTIES FOR VIOLATIONS

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding One Hundred (\$100.00) Dollars plus the cost of prosecution, or imprisonment in the Genesee County jail for a period not exceeding ninety (90) days, or both. Cost shall include all expenses, direct and indirect, to which the Village has been put in connection with the misdemeanor violation.

SECTION 10. SEVERABILITY

This Ordinance is deemed to be severable and if any part shall be declared invalid by any court, such judgment or decree shall affect only that part directly involved in the controversy.

SECTION 11. REPEAL OF PREVIOUS ORDINANCE

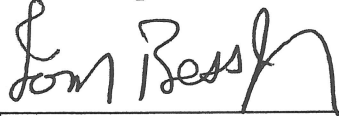
This Ordinance shall replace and repeal Ordinances No. 124 and 131 in their entirety.

SECTION 12. EFFECTIVE DATE

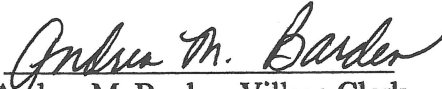
This Ordinance shall take effect and be in full force and effect on the 10th day of November, 2008, which shall be subject to its passage by the Village of Otisville Council.

SECTION 13. POSTING OF ORDINANCE

This Ordinance was approved by a vote of the Village of Otisville Council; a quorum being present on the 20th day of October, 2008 and ordered published in five (5) public places in the Village within ten (10) days after its adoption.



Tom Bess Jr., Village President



Andrea M. Barden, Village Clerk

I, Andrea M. Barden, do hereby certify that the foregoing Ordinance No. 200 was duly adopted at a regular meeting of the Otisville Village Council held on the 20th day of October, 2008, and posted in five (5) public places in the village.



Andrea M. Barden, Village Clerk