

ORDINANCE NO.

BARKING DOGS

AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF POWELL, COUNTY OF MARQUETTE, STATE OF MICHIGAN, BY REGULATION OF BARKING DOGS WITHIN THE TOWNSHIP CAUSING DISTURBANCE OR ANNOYANCE TO RESIDENTS, AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE.

The Township of Powell hereby adopts the following ordinance to be known as the "Barking Dog Ordinance":

Section 1. Definitions.

- a) "Owner" as used in this ordinance shall include every person having a right of property in a dog, and every person who keeps or harbors a dog or has it in his or her care or possession, and every person who permits a dog to remain on or about any premises occupied by such person.
- b) "Out of doors" as used in this ordinance shall mean any place other than within the confines of a home, a residence or a building regularly occupied by people.

Section 2. Prohibited Conduct.

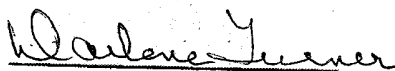
It shall be unlawful for the owner of any dog within the Township of Powell to permit, cause or suffer such dog to remain out of doors when such dog is repeatedly, continuously, or frequently barking, after the Owner has received a complaint or notice from any person that the barking of such dog is causing a disturbance or annoyance; provided, however, that the owner may permit such dog to remain out of doors if the owner shall prevent such barking.

Section 3. Penalty.

- a) Violation of the provisions of this ordinance shall constitute a municipal civil infraction. Any person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine of not more than Five Hundred (\$500.00) Dollars and not less than Nine (\$9.00) Dollars plus costs, and if applicable, damages, expenses and injunction as provided by law. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.
- b) Each twenty-four hour period during which the conduct prohibited under Section 2 above continues shall constitute a separate offense for purposes of imposing the penalty provided hereinabove.

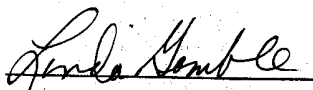
Section 4. Repeal and Effective Date.

This Ordinance shall take effect on the date of first publication. All Ordinances or part of Ordinances in conflict herewith are repealed.



Darlene Turner, Supervisor

Powell Township



Linda Gamble, Clerk

Powell Township

Adopted at a regular Board Meeting of Powell Township on 1/29/2013 ~~2012~~

Publication Dates: ~~10/10~~ 9/8/2013