

**ORDINANCE NO.**

**DOG CONTROL ORDINANCE**

**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 REGULATING DOGS OFF PREMISES OR RUNNING AT LARGE WITHOUT OWNER CONTROL IN RESIDENTIAL DISTRICTS, AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE.**

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

1. **DEFINITIONS.** As used in this Ordinance, the following words and phrases shall have the following meaning:

- (a) "Township" shall mean the Township of Powell;
- (b) "Residential District" shall mean all land within the Township zoned and classified under the Township Zoning Ordinance as residential, i.e., R, RR1, RR2, RR5, LS/R, RS10, MH, PUD, TD;
- (c) A dog shall be deemed to be under "reasonable control" when such dog is on the premises of its owner, or when such dog, not being on the premises of his owner, is controlled by a competent person and obedient to that person's verbal commands or restrained by leash, or within a vehicle being driven or parked on the streets;
- (d) "Own" shall mean to have the right of property in a dog; to keep or harbor a dog or to have a dog in one's care or possession; or to permit a dog to remain in or about any premises of a person for a period of five (5) days or more;
- (e) "Restrained" shall mean an animal on the premises of its owner or if off the premises of the owner is under control by leash or verbal command;
- (f) "Person" shall mean an individual, partnership, company or corporation.

2. **MANAGEMENT AND RESTRAINT OF DOGS.** It shall be unlawful for any person owning, possessing or having charge of any dog, within any residential district of the Township to violate any of the following restrictions:

- (a) To allow such dog to stray beyond the premises of the owner unless it shall be under reasonable control by leash or verbal command;
- (b) To permit any vicious dog to be off the premises of an owner unless securely muzzled and restrained by leash. Any dog shall be deemed vicious which has bitten a person or domestic animal without provocation, or, which, by its actions gives indication that it is liable to bite any person or domestic animal without provocation;
- (d) To own, harbor, or keep any dog, either licensed or unlicensed, that, by the destruction of property or trespass on the property of others, becomes a nuisance in the vicinity where kept.

3. **HEARING ON CAUSE FOR IMPOUNDMENT.** On sworn complaint by either the Township Constable or any person within the residential district to the District Court for the County

Of Marquette that any one or more of the following facts exist, such Court shall issue a summons to Show cause why such dog should not be impounded if:

- (a) Any dog required to be licensed is unlicensed and running at large and is Unaccompanied or attended by its owner.
  - (b) Any dog at any time. Licensed or unlicensed, has destroyed property or habitually Trespasses upon the property of persons other than its owner.
  - (c) Any dog, licensed or unlicensed, which has attacked or bitten any person;
  - (d) Any dog showing vicious habit or history of unprovoked molestation, or molesting passerby when lawfully on the public right-of-way;
  - (e) Any dog, licensed and wearing the license required, which is running at large contrary to the provisions of this Ordinance or the provisions of the laws of the State of Michigan.
4. **PENALTIES.** Any person or persons who shall violate any of the provision of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than Five Hundred (\$500.00) Dollars and not less than Nine Hundred (\$900.00) Dollars plus cost, and if applicable, damages, expenses and injunction as provided by law. A municipal civil infraction action brought for amended, and a defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.
5. **POLICE EFFECT.** This Ordinance is declared to be necessary for the protection of the public health, safety, welfare and peace of the people of the Township of Powell, and is not to be construed as a substitute for the provision of the state dog Law, but shall be considered to be supplementary thereto.
6. **REPEAL AND EFFECTIVE DATE.** This Ordinance shall take effect on the date of first publication. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Darlene Turner

Darlene Turner, Supervisor  
Powell Township

Linda Gamble

Linda Gamble, Clerk  
Powell Township

Adopted at a regular Board meeting of Powell township on 1/29/2013

Publication Dates : ~~7/2/10~~ 9/15/2013

AKJ