

ORDINANCE NO. 2017-1
Replaces
1995-1A-2001 Ordinance April 17, 2017

AN ORDINANCE REGULATING PRIVATE PLACES, ACTIVITIES AND
CONDUCT IN RESIDENTIAL AREAS ON KEEPING OF AND LICENSING
OF ANIMALS

ARTICLE I
REQUIREMENTS FOR ANIMALS

SECTION 1.1 No Village residences may be in possession of any more than 3 adult dogs, nor may any residence be in possession of any more than 3 dogs of any age 1 month past weaning. It is prohibited for residential zoned property to raise or breed any animal for sale or profit.

SECTION 1.2 LICENSING

All animals legally possessed must have and wear a current valid license when required by Berrien County Ordinance or State of Michigan statute or regulation, and must have had all shots and inoculations required by County Ordinance or State statute or regulation. Evidence of all shots or inoculations shall be shown upon request to any enforcement officer.

SECTION 1.3 KENNELS

Kennels used as commercial boarding or breeding of animals for sale or profit are prohibited in areas zoned as residential in the Village proper. Kennels in areas zoned as commercial require a "Special" use permit in accordance with the Zoning Ordinance.

SECTION 1.4 LEASH REQUIREMENTS

It shall be unlawful for any owner, keeper or person in charge of any dog or animal to permit or allow any such dog or animal to stray or go beyond the premises of its owner, keeper or custodian, unless such dog or cat or animal is held properly in leash. The maximum leash length shall be five (5) feet in length.

SECTION 1.5 NOISY DOGS/PETS

It shall be unlawful to permit any dog or any other pet or animal owned or possessed to make continuous or intermittent barking, yelping, growling or other loud or disturbing noises which cause annoyance to neighbors or third parties.

SECTION 1.6 LIVESTOCK, HORSES AND FOWL

It shall be unlawful to stable or keep, unless the property is zoned agricultural, except temporarily during parades or festival periods, when the same will be ridden, driven or shown

with the Village of Eau Claire, any horses, ponies, mules, donkeys, calves, cows, steers, bulls, pigs, shoats, sheep, goats, chickens (see Chicken Licensing & Ordinance 2009-2), turkeys, geese, ducks, or any other domestic livestock.

SECTION 1.7 DEFECATION DISPOSALS

No owner, keeper, caretaker or attendant of a dog, cat or animal shall allow that animal to defecate on Public or Private Property other than their own. If such dog, cat or animal does defecate upon such public or private property, the owner, keeper, caretaker or attendant shall immediately clean the fecal material from such public or private property. Public property shall include any park, school ground, street or sidewalk in the Village.

SECTION 1.8 ENFORCEMENT/PENALTIES

A. Any person, firm, partnership, corporation, association or any other party found guilty of violating the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$100.00 or imprisoned in the County Jail not more than ninety (90) days or both. Further, the Village may enforce the provisions of this article in any manner permissible by law; including seeking injunctive remedies.

B. Impoundment: The Village of Eau Claire may impound an animal that is required to be licensed or is prohibited under this Ordinance. The impoundment may be at the Village of Eau Claire or the Berrien County Animal Control facility. The animal shall be impounded and shall not be released until:

1. The cost of impoundment has been paid.
2. Satisfactory arrangements have been made to comply with this Article.

SECTION 1.8 DESTRUCTION OF THE ANIMAL

In addition to all other remedies provided by this Article, any animal that has been impounded for 20 days or more and the requirements for release of impoundment are not satisfied or any dog living within the Village as described in Section 1.1 may be destroyed at the direction of the Village of Eau Claire.

SECTION 2.0 Grandfather Clause – Village residents in possession of more than 3 dogs at the time of adoption of this Ordinance are allowed to keep their animals until death or other means of permanent removal from premises. But in no case shall any other dogs be added to the residence to raise the total amount over 3.

SECTION 2.1 All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

This Ordinance shall be effective thirty (30) days after legal publication and in accordance with provisions of the Act governing same.

Proposed by Council Member: _____

Supported by Council Member: _____

Roll Call: Ayes:
 Nays:
 Absent:

Ordinance declared enacted on April 17, 2017.

Attest:

Village President

Village Clerk

CERTIFICATION: I hereby certify that the above is a true and accurate copy of the Ordinance adopted by the Eau Claire Village Council at their regular meeting held on April 17, 2017.

Village Clerk

Publication: _____

THIS ORDINANCE BECOMES EFFECTIVE 30 DAYS AFTER PUBLICATION.

Σ Section 1.1 Added new Section 1.1 “No Village residence may be in possession of any more than 3 adult dogs, nor may any residence be in possession of any more than 3 dogs of any age 1 month past weaning. It is prohibited for residential zoned property to raise or breed an animal for sale or profit”.

Σ Section 1.4 Added “Kennels used as commercial boarding or breeding for sale or fight of animals are prohibited from all areas zoned as residential in the Village proper. Kennels in areas zoned as commercial require a “special use permit in accordance with the Zoning Ordinance”.

Σ Section 2.0 Added “Grandfather clause – Village residences in possession of more than 3 dogs at the time of adoption or this Ordinance are allowed to keep their animals until death or other means of permanent removal from premises. But in no case shall any other dogs be added to the residence to raise the total amount over 3”.

Σ Section 1.2 Pit Bull Dogs Amended – The wording/language has been removed 04/17/2017.

Σ Section 1.7 Defecation Disposals Added 04/17/2017 No Owner, keeper, caretaker, or attendant of a dog, cat or other animal shall allow that animal to defecate on public or private property other than their own. If such dog, cat or other animal does defecate upon such public or private property, the owner, keeper, caretaker or attendant shall immediately clean the fecal material from such public or private property. Public property shall include any park, school ground, street or sidewalk.