



NOTICE OF PUBLIC HEARING

REGULATING THE POSSESSION AND BEHAVIOR OF ANIMALS

**May 6th, 2019
7:00 PM**

NOTICE is hereby given that the Village of Decatur will hold a Public Hearing to consider the passage of an ordinance regulating the possession and behavior of animals within the Village limits on Monday, May 6th, 2019 at 7:00PM in the Decatur Village Hall located at 114 N Phelps Street, Decatur MI 49045. Following the Public Hearing, the Village Council will vote on the passage of the ordinance.

A copy of the proposed ordinance is available for public inspection at the Village of Decatur office during regular business hours, Monday-Friday, 9:00AM to 5:00PM.

- This notice is in compliance with PA 267 of 1976 as amended (Open Meetings Act).
- In accordance with The Americans with Disabilities Act, the Village of Decatur will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the Village Clerk at (269) 423-6114 at least 48 hours in advance.

VILLAGE OF DECATUR

ORDINANCE NO. 206

AN ORDINANCE REGULATING THE POSSESSION AND BEHAVIOR OF ANIMALS WITHIN THE VILLAGE OF DECATUR, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

SECTION 1. FARM ANIMALS AND FOWL

It shall be unlawful to keep, possess, harbor, shelter, or have custody of any farm animals or fowl within the corporate limits of the Village of Decatur, Michigan, including any horses, ponies, mules, donkeys, calves, cows, steers, bulls, pigs, shoats, sheep, goats, turkeys, geese, ducks, chickens, roosters, or any other farm domestic livestock or fowl, except that same may be kept temporarily during parade or festival periods, when they will be ridden, driven or shown.

SECTION 2. WILD OR UNDOMESTICATED ANIMALS / REPTILES

It shall be unlawful to keep, possess, harbor, shelter, or have custody of any wild or undomesticated animals (mammal, reptile, amphibian or bird) within the corporate limits of the Village of Decatur, Michigan, including any lion, cougar, jaguar, puma, wildcat lynx, tiger cheetah, bear, swine, monkey or other non-human primate, alligator, crocodile, poisonous snake, constrictor snake, or any other wild or undomesticated animal that otherwise presents a risk of serious physical harm or death to human beings as a result of their nature, and any other related species of those listed above, except temporarily by a duly authorized and licensed circus or an educational institution.

SECTION 3. COMPLIANCE WITH STATE AND COUNTY LICENSE REQUIREMENTS

All animals legally possessed must have a current valid license (where applicable) when required by Van Buren County, Michigan Ordinance or State of Michigan Statute or Regulation, and must have all shots and inoculations required by Van Buren County Ordinance or State Statute or Regulation. Evidence of all shots or inoculations shall be shown upon request of any enforcement officer.

SECTION 4. ANIMAL NUISANCES

It shall be unlawful for any owner, keeper, or person in charge of any dog, cat, or any other pet, to cause or permit such animal to perform, create, or engage in any animal nuisance, hereinafter defined as follows:

1. To permit or allow such animal to run at large, stray, or go beyond the premises of its owner, keeper or custodian, unless such animal is held properly on a leash and under the owner's (custodian) immediate control. Dog enclosures, including, but not limited to: fencing, chains, pens, shall be able to control said dog(s) at all times when said animal is confined to said enclosure or restraint.
2. To permit or allow such animal to molest or disturb persons or vehicles by chasing or biting.
3. To permit or allow such animal to attack other animals.
4. To permit or allow such animal to engage in any continuous or intermittent barking, yelping, growling, whining, howling, mewling, or any other loud or disturbing noises, which shall cause annoyance to neighbors or the public in general.
5. To permit or allow such animal to be kept in unsanitary conditions which create noxious or offensive odors due to an excessive accumulation of excreta to the annoyance of neighbors or public in general.
6. To permit or allow such animal to defecate upon any public place or premises not owned or controlled by the owner, keeper or custodian unless the feces is promptly removed.
7. To permit or allow such animal to go upon any private lands or premises without the permission of the owner of the premises and bruises, breaks, tears up, crushes, or injures any lawn, flower bed, plant, shrub, tree, garden, or any improvement to real property or any personal property.

8. To permit or allow the operation of a dog kennel; the licensing of dog kennels shall be as provided in the Dog Law of 1919 (MCL 287.261 et seq.). No person shall operate a kennel without a valid license and also must comply with local ordinances and applicable statutes. State Law reference Kennel Licenses – MCL 287.270.
9. It shall be unlawful for any person to own or harbor any vicious or dangerous animal as defined in MCL 287.321.

SECTION 5. ENFORCEMENT AND IMPOUNDMENT

Any member or the Village of Decatur Police Department, any Animal Control Officer of Van Buren County, Michigan, or any certified police officer with proper jurisdiction shall have the power to seize, hold and impound any animal or fowl in violation of this Ordinance. The authority to seize and hold such animal or fowl shall include, but is not limited to, the pursuit of such animal or fowl onto private property for the purpose of capture. All animals and fowl seized and held under this Section shall be held and disposed of by the Van Buren County, Michigan, Animal Control Department following their policies and procedures.

SECTION 6. PENALTIES

Any person, firm or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a Municipal Civil Infraction and shall, upon conviction thereof, be subject to a fine and assessable court costs. The fine schedule for violations of this ordinance is set in the following schedule:

\$100 ticket for the first citation (per specified address)

\$250 ticket for the second citation (per specified address)

\$500 ticket for the third citation (per specified address)

Any additional citations may result in a Show Cause Hearing. The Village of Decatur reserves the right to request reimbursement as it pertains to applicable Village Attorney fees.

SECTION 7. REPEAL

Ordinance #197, any amendments to Ordinance #197, and any Ordinance in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 9. EFFECTIVE DATE

The Village Clerk of the Village of Decatur, Van Buren County, Michigan, shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect on the ____ of June, 2019.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan, on this ____ day of May, 2019.

Ali Elwaer, Village President

Kim Babcock, Village Clerk & Treasurer

CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a Regular Village Council meeting duly held on the 6th day of May 2019, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of _____, 2019.

Kimberly Babcock, Village Clerk & Treasurer

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