

**CITY OF LUNA PIER
ORDINANCE NO. 191-A**

AN ORDINANCE TO DEFINE AND REGULATE THE CONTROL OF ANIMALS
WITHIN THE BOUNDARIES OF THE CITY OF LUNA PIER; TO PRESCRIBE
PENALTIES; TO AMEND ORDINANCE NO. 191

The City of Luna Pier Ordains:

Section 1 Purpose.

The City of Luna Pier determined that the control of animals within the boundary of the City of Luna Pier is in the interest of the public health, safety and welfare and, therefore, defines the duties and responsibilities of owners of animals within the City of Luna Pier, whether domestic or wild in nature.

Section 2 Definitions.

As used in this Ordinance,

- a) “Animals” include domestic and wild animals.
- b) “Farm Animals” include horse, cow, swine, sheep, goat, chicken, goose and duck.
- c) “Owner” is any person, partnership or corporation owning, keeping or harboring animals.
- d) “Restraint”: An animal shall be deemed to be under restraint if:
 - 1. The animal is on the premises of its owners; or
 - 2. The animal is accompanied by a responsible person and is under the person’s actual control.
- e) “Person”: A person is an individual, a partnership, a corporation or any other legal entity.
- f) “Dogs” typically used as domestic pets.
- g) “Cats” typically used as domestic pets.
- h) “Feral Cat” A feral cat is an unknown domestic cat that lives outdoors and avoids human contact: it does not allow itself to be handled or touched, and usually remains hidden from humans. Feral cats may breed over

dozens of generations and become an aggressive apex predator in urban, savannah and bushland environments.

- i) “Animal attack” an attack upon a person can be described as an animal attack or a biting incident. An animal or dog attack may also be described as vicious dogs that exhibit threatening behavior towards humans or other animals. Threatening behavior can be of a noncontact nature, involving individuals and other animals. Growling, showing of teeth, barking, running towards in an aggressive manner, and chasing can all be considered threatening behavior. Noncontact threatening attacks do not necessarily have to exhibit all of the above.

Section 3 Prohibited and Mandatory Acts

- a) Prohibited animals.
 - 1) No farm animal shall be kept on a lot smaller than 26,000 square feet in the city. No farm animal shall be kept in the City on a lot larger than 26,000 square feet but smaller than 2 acres without obtaining prior written approval from the City Administrator or his/her designee. Approval will be granted if the applicant can demonstrate that the presence of a farm animal will not create a health or safety threat to the applicant’s neighbors. If approval is denied, the applicant may appeal the decision of the City Administrator or his designee to the City Council. Both the City Administrator and the City Council are authorized to place conditions on any approval which is granted; and on a violation of any condition, such approval may be revoked by the City Administrator or his designee, or the City Council.
 - 2) It is a public nuisance for any person to violate the provisions of this section. Any person found guilty of violating any of the provisions of this section shall be guilty of a misdemeanor.
- b) The owner of an animal shall keep the animal under restraint at all times.
- c) The owner of a dog shall keep the dog on a leash or in an enclosure at all times the dog is not on the premises of the owner.
- d) The owner of an animal shall not permit the animal to destroy

property, real or personal, or to trespass on private property.

- e) The owner of an animal shall prevent the animal from becoming a public nuisance.
- f) The owner of an animal shall not permit the barking or howling of any animals that disturb the peace and quiet of the neighborhood, the molesting of passersby, the chasing of vehicles, and the habitual attacking of other domestic animals.
- g) The owner of an animal or farm animal shall not permit an unsanitary condition on the premises where any animal or farm animal is kept so as to create a health hazard or animal odors.
- h) The City of Luna Pier strictly prohibits the feeding of feral cats. No food source of any kind shall be provided to attract or gather feral cats. Should an owner have or own their own domestic cat(s) then alternative feeding practices shall be followed not to attract feral cats, such as indoors.

Section 4 **Dangerous Animals**

(1) Animals deemed dangerous.

- a) Through complaints or otherwise, animals may be deemed dangerous within the City of Luna Pier. Once a complaint has been investigated regarding an alleged dangerous animal the owner of said animal will be notified. A committee through the City of Luna Pier will consist of not more than three people, one of those individuals being the Chief of Police, with two others appointed by Mayor and Council. This committee will oversee and convene when complaints of dangerous animals occur.
- b) Once an owner of an animal has been notified of a complaint and once an investigation into the allegations have been completed, the owner of the animal in question will have (10) days to appeal to the committee. At this point the animal owner can point out why he / she believe their animal is not a risk of injuring, maiming, or attacking other animals and or people. The owner must show reasonable means by which their animal will be kept under control at all times.
- c) Once an appeal has been forwarded and a request has been made within (10) days to appeal findings of an investigation ,the committee may respond immediately or will have no more than five days to decide if any violations have occurred by said owner. The animal in question if deemed dangerous, may be turned over to Monroe County Animal Control, may be transferred to other locations outside of the City of Luna Pier, or restrictions set in place to ensure the public's safety. These restrictions could include kennels, outside buildings, or fenced in areas.

- d) The officer investigating the incident, or officer who has been assigned to investigate a dangerous animal complaint, shall make a formal written complaint concerning the incident and the animal, and will forward his/her findings to Luna Pier Dangerous Animal Committee for determination. The officer's report should be based on facts of each individual case. The investigating officer can also rely on other previous factual investigations pertaining to the animals (dogs) in question. When an animal is deemed dangerous, the committee shall instruct the owner of the dangerous animal, not to move, or harbor the animal at another location, excepting transport to a licensed veterinary facility for purposes of a rabies quarantine, or have its ownership transferred, pending the outcome of the investigation or any hearings related to the determination of whether the animal is a dangerous animal under this section.
- e) The dangerous animal committee shall review the recommendation contained in the dangerous animal investigation, and after such review, shall have the authority to issue a dangerous animal determination concerning the subject dog or animal.
- f) Upon a dangerous animal determination, the Luna Pier Police Department will provide the owner of the animal a written notification of the determination by first class mail. Within ten days from the date of the receipt of the mailing, the owner of the animal may file a written request for a hearing to review the determination at the First District Court of Monroe County. Pending any hearing or resolution of the dangerous animal determination, the animal shall be confined in accordance with the requirements imposed by the committee, pursuant to Section 4 of this ordinance, including confinement in a securely fenced or enclosed area. Where the owner fails to request a hearing within the ten day period after receipt of the notice, the dangerous animal determination made by the committee shall become final and the animal shall be issued a dangerous animal determination under this section.
- g) Where the committee or the committee's designee makes a dangerous animal determination under section (4) of this section and the animal has caused severe injury or death to any person or animal, the committee or the committee's designee may seek an order from the First Dist. Court of Monroe to euthanize the animal. The committee or its designee shall take into consideration the severity and the total circumstances of injury to any person or to any animal prior to seeking review and shall abide by the procedures and judgment of the First Dist. Court if an order to euthanize the animal is sought.
- h) Whenever an animal is seized or brought to the Animal Control Division of Monroe County for having attacked or bitten a person or other animal, the Animal Control Division shall hold and care for the animal during the pendency of a dangerous animal determination. The animal shall not be released unless:
 - 1) The owner enters into an agreement with the committee or the committee's designee on securing the animal in question.
 - 2) An order from the First District Court of Monroe compels release of the animal to the owner.

- 3) No animal held by the Monroe County Animal Control shall be euthanized prior to receipt of an order from the First Dist. Court of Monroe.

Section 4 Penalties

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$500.00.

Section 5 Notice to be published.

The City of Luna Pier clerk shall publish this Ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships and Villages and the fact that a complete copy of the code is available to the public at the office of the Clerk for inspection.

Section 6 Severability.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7 Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 8 Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 9 Effective Date.

This Ordinance shall become effective twenty (20) days after final passage and publication.

I, Jolene Upchurch do hereby certify that this Ordinance was passed at a regular meeting of the City Council of the City of Luna Pier, Luna Pier, Michigan held on the 14th day of January, 2021.

Date: 1-19-2021

Jolene Upchurch, Deputy Clerk

ATTEST: _____
James Gardner, Mayor

Approved: 1-14-2021

Published: 2-2-2021

Effective Date: 2-22-2021