

**ORDINANCE NO. 09-01**

**CITY OF WHITEHALL  
COUNTY OF MUSKEGON  
STATE OF MICHIGAN**

**AN ORDINANCE TO AMEND TITLE I, CHAPTER 10.99; TITLE IX, CHAPTER 91; AND TO REPEAL ZONING ORDINANCE §15-20-25.**

**THE CITY OF WHITEHALL ORDAINS:**

***CHAPTER 91: ANIMALS***

Section

- 91.01 Purpose
- 91.02 Definitions
- 91.03 Running at Large of Dogs
- 91.04 Keeping of Animals
- 91.05 Barking Dog
- 91.06 Animal Waste
- 91.07 Dog to be Licensed and Inoculated
- 91.08 Dangerous, Vicious, or Grievously Injured Animals
- 91.09 Seizure and Confinement
- 91.10 Impoundment
- 91.11 Claiming impounded dogs
- 91.12 Provisions and Regulation of State Dog Law

***§91.01 PURPOSE***

It is the intent of this section to ensure that the keeping of animals within the city does not pose a threat to the health, safety, and welfare of the residents of the city, to protect against the occurrence of offensive odors, noise, accumulation of animal wastes and unsanitary conditions in the city. The provisions of this section are also calculated to maintain the value of residential properties in the City of Whitehall.

***§91.02 DEFINITIONS***

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) "Dangerous Animal" means any animal that bites or attacks and causes serious injury or death to a person or another animal. A dangerous animal does not include any of the following:

- (1) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
- (2) An animal that bites or attacks a person who provokes or torments the animal.
- (3) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.
- (4) Livestock.
- (5) An animal that bites or attacks a wild animal while on the property or under the control of its owner.

(B) "Domestic Pet" includes any animal including but not limited to dogs, cats, and caged birds which a law enforcement officer determines is not likely to bite without provocation nor cause death, maiming, or illness of a human. The term "domestic pets" does not include livestock, nor does it include exotic or wild animals, the keeping of which is prohibited.

(C) "Exotic Animal" means an animal which is not indigenous to the lower peninsula of Michigan. Exotic does not include certain domesticated varieties of birds and small (less than 24" long), non poisonous snakes and lizards which are caged or otherwise contained within a building.

(D) "Livestock" means animals used for human food and fiber or for service to humans. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Livestock does not include animals that are human companions, such as dogs and cats.

(E) "Owner" means a person who owns or harbors an animal.

(F) "Provoke" means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary animal.

(G) "Running at large" means any animal not on the property of its owner and not restrained by a leash.

(H) "Serious injury" means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

(I) "Torment" means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

(J) "Wild Animal" means any undomesticated animal which is indigenous to the lower peninsula of Michigan, including bear, deer, squirrels, skunks, opossums, woodchucks, and raccoons.

### **91.03 RUNNING AT LARGE**

It shall be unlawful for any owner of any animal to permit the animal to go beyond the property of the owner unless restrained by a chain or leash and under the reasonable control of some person. Penalty, see §10.99

### **§91.04 KEEPING OF ANIMALS**

(A) The owning of domestic pets is permitted in all zoning districts, provided that doing so is not in violation of any other local, state, or federal regulations.

(B) In all residential zoning districts, the keeping of more than four adult domestic pets, in any combination, shall be prohibited. Domestic pets born on the premises to a legally confined pet may remain thereon until six (6) months of age, after which they shall be considered adult domestic pets.

### **§91.05 BARKING DOGS**

It shall be unlawful for any person to own a dog in the city which by loud and frequent barking, howling, yelping, growling or any other noise causes serious annoyance or nuisance to any of the people of the city.

### **§91.06 ANIMAL WASTE**

It shall be unlawful for any person in control of an animal traveling outside of the owner's property to fail to pick up, remove and properly dispose of from any other property any of the animal's feces, manure, or solid waste.

### **§91.07 DOG TO BE LICENSED AND INOCULATED**

All dogs shall be licensed and inoculated pursuant to the Animal and Vector Control Ordinance of Muskegon County.

**§91.08 DANGEROUS ANIMALS**

(A) The owner of a dangerous animal that bites or attacks and causes serious injury or death to a person shall be subject to fines. Penalty, see §10.99.

(B) The regulation of any other dangerous or grievously injured animals, along with the seizure, confinement, impoundment, and claiming of impounded animals will be regulated pursuant to the Animal and Vector Control Ordinance of Muskegon County.

**§91.09 PROVISIONS AND REGULATIONS OF STATE DOG LAW**

The provisions and regulations of the State Dog Law, Public Act 339 of 1919, as amended, being MCL 287.26 et seq., not in conflict with this ordinance are adopted and declared to be a part of this article and may be enforced in a like manner as any other provision.

**CHAPTER 10: GENERAL PROVISIONS**

Any person violating 91.03 through 91.06 shall be responsible for a civil infraction for the first three (3) violations. A fourth violation and a person violating Section 91.08 (Dangerous Animals) shall be guilty of a misdemeanor. All fines are set forth below.

**Amend Section §10.99**

<u>VIOLATIONS</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
§91.03 Running at Large	\$50.00	\$100.00	\$200.00
§91.04 Keeping of Animals	\$50.00	\$100.00	\$200.00
§91.05 Barking Dogs	\$100.00	\$200.00	\$300.00
§91.06 Animal Waste	\$50.00	\$100.00	\$200.00

**ZONING ORDINANCE**  
**ARTICLE XX      SPECIAL PROVISIONS**

**Repeal      15-20-25      KEEPING OF ANIMALS**

**REPEALER**

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**SEVERABILITY**

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

**CERTIFICATE**

The foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Whitehall at a regular meeting held on August 16, 2008. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be made available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

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Mayor Pro Tem Stephen H. Sikkenga

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Karen Helmlinger, City Clerk

Adopted:                      March 24, 2009

Published:                    March 29, 2009

Effective:                    April 9, 2009