

HAMILTON TOWNSHIP  
CLARE COUNTY, MICHIGAN

# **HAMILTON TOWNSHIP NUISANCE ANIMAL ORDINANCE**

**Adopted:**  
**October 4, 2012**

An ordinance to preserve the peace of persons in Hamilton Township, defining and regulating nuisance animal situations within Hamilton Township, Clare County, Michigan.

The Township of Hamilton  
Clare County, Michigan

## **ORDAINS:**

### **SECTION 1 TITLE**

This Ordinance shall be known and cited as the Hamilton Township Nuisance Animal Ordinance

### **SECTION 2 PURPOSE**

The purpose of this Ordinance is to secure the public health, safety and general welfare of the residents and property owners of Hamilton Township, Clare County, Michigan, by the regulation of nuisance animals and to prevent or reduce excessive noises and nuisances from animals within Hamilton Township.

### **SECTION 3 DEFINITIONS**

**Animals:** means any mammal or bird kept under the ownership, supervision and/or control of anyone in Hamilton Township. This definition includes pets (indoor and outdoor), and any animal kenneled, penned, or otherwise maintained on a Township property.

**Noise:** means any sound which annoys or disturbs humans or which causes or tends to cause substantial annoyance or an adverse psychological or physiological effect on humans.

**Person:** means any individual, firm, association, partnership, joint venture, limited liability company or corporation.

**Responsible Party:** means any individual firm, association, partnership, joint venture, limited liability company or corporation who is responsible for enforcing, supervising or controlling the actions of customers, employees or business invitees who may be in violation of the terms of this ordinance and also means the parent, parents or legal guardian of an unemancipated minor, living with his or her parents, parent or legal guardian who may be in violation of this ordinance.

**Township:** means the Township of Hamilton, Clare County, Michigan.

**Unreasonable Annoyance:** means repeated, excessive or very loud noises or other sounds, including but not limited to repetitive barking, squealing, or howling which may be heard beyond the boundaries of a property in Hamilton Township so as to impact neighboring residents.

#### **SECTION 4 GENERAL PROHIBITIONS**

- (a) No person shall maintain an animal in Hamilton Township that makes, continues to make or causes to be made continual noise and/or unreasonable annoyance and no responsible party shall allow an individual and/or a minor over whom the responsible party has authority shall maintain an animal in Hamilton Township to make, continue to make or cause to be made:
1. Any unreasonable loud or raucous noise; or
  2. Any unreasonable repetitive noise including but not limited to barking, squealing, and howling; or
  3. Any animal noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the Township; or
  4. Any animal noise which is harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said animal noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests or owners and/or operators in places of businesses, so as to detrimentally or adversely affect such residences or places of business.

**SECTION 5  
VIOLATIONS**

Animal noises as set forth previously in this ordinance are declared to be a violation of this ordinance and a nuisance.

**SECTION 6  
SEVERABILITY**

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

**SECTION 7  
REPEAL**

All Ordinances or parts of ordinances in conflict herein, including but not limited to the previous Hamilton Township Nuisance Animal Ordinance, are hereby repealed.

**SECTION 8  
ENFORCEMENT**

The Hamilton Township Board authorizes the following to enforce the provisions of this Ordinance; Hamilton Township Zoning Administrator, Hamilton Township Attorney, Clare County Sheriff's Department and the Michigan State Police.

**SECTION 9  
PENALTIES**

- A. First Offense: Any person, responsible party or other entity who violates this ordinance shall, as a first offense, be responsible for a civil infraction with a penalty of \$100.00 together with any costs assessed by the court.
  
- B. Subsequent Offenses: Any person, responsible party or entity who violates any provision of this Ordinance a second time within twelve months of receiving a civil infraction ticket (whether the violation is for the same offense of the civil infraction or some other offense under this ordinance) shall upon conviction in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of not more than \$500.00 and imprisonment for a period of not more than 93 days, or

both, plus court costs and costs of prosecution.

- C. Additional Remedies: In addition to the foregoing provisions relating to penalties, Hamilton Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate legal or equitable remedy to abate all said violations and the nuisances thereby created and to compel compliance with this ordinance. Each day that a violation continues shall constitute a separate offense.

**SECTION 10**  
**EFFECTIVE DATE**

The Ordinance shall become effective immediately upon publication as required by law following adoption by the township board.