

HAMILTON TOWNSHIP
CLARE COUNTY, MICHIGAN

HAMILTON TOWNSHIP NUISANCE ANIMAL ORDINANCE

Adopted: October 4, 2012

Amended: February 12, 2019

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**

First Violation is a Municipal Civil Infraction. A violation of this Ordinance, first offense, is a municipal civil infraction. Any property owner or legally responsible party who violates this Ordinance shall, as a first offense, be responsible for a civil infraction, for which the fine shall be \$250.00 plus fines, costs and restitution.

- A. Second Violation (within two years after municipal civil infraction). A second or repeat violation (within two years after a municipal civil infraction) is a misdemeanor. Any property owner or legally responsible party who violates any provision of this Ordinance a second time within 24 months of the date a civil infraction ticket is issued (whether the violation of this Ordinance is for the same offense as a civil infraction or for some other offense under this Ordinance) shall upon conviction and in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of \$500.00 plus court costs and costs of prosecution that may be ordered by the court. For purposes of this Ordinance, each day that a violation occurs shall constitute a separate offense.
- B. Third Violation (within 2 years after municipal civil infraction) Any property owner or legally responsible party who violates any provision of this Ordinance a third time within 24 months of the date of a civil infraction ticket is issued (whether the violation of this Ordinance is for the same offense as a civil infraction or for 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 \$500.00 and/or imprisonment for a period of not more than 93 days, plus court costs and costs of prosecution that may be ordered by the court. For purposes of this Ordinance, each day that a violation occurs shall constitute a separate offense.

- C. Enforcement. Enforcement of the provisions of this Ordinance shall be the Hamilton Township Zoning Ordinance Enforcement Officer (or such other Hamilton Township Official as may be designated by the Hamilton Township Board), the Hamilton Township Zoning Administrator, the Hamilton Township Attorney, the Clare County Sheriff's Department and/or the Michigan State Police.
- D. Continuing Offense. Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.
- E. Remedies Not Exclusive. In addition to any remedies provided for in this Ordinance, any equitable or other remedies available may be sought.
- F. Judge or Magistrate. The Judge or Magistrate shall also be authorized to impose costs, damages, and expenses as provided by law.
- G. Civil Contempt.
 - 1. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the District Court, upon motion of Hamilton Township or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
 - 2. If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
 - 3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for a payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
 - 4. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.

**SECTION 10
EFFECTIVE DATE**

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