



An ordinance to secure the public health, safety and general welfare of the residents and Property Owners of the Village of Freeport, Michigan, by the regulation of Dog Control within the Village.

THE VILLAGE OF FREEPORT, STATE OF MICHIGAN ORDAINS;

Section 1: Short Title

This section shall be known and may be cited as "The Dog Control Ordinance."

Section 2: DEFINITIONS

For purposes of this section, the following terms shall have the following meanings respectively designated for each.~ The word 'person' shall include state and local officers or employees, individual, corporations, co-partnerships and associations .

The word 'owner, when applied to the proprietorship of a dog, shall include every person having a right of property in such dog and every person who permits such dog to remain on or about any premise occupied by him or her. The term 'police officer' shall include any Village Constable, either elected or appointed fulfill the duties of said office. The term 'Dog warden' and/or his or her agent shall mean the facilities provided by the County of Barry. Tt1i~; sectiofl i5~

Section 3: Enabling Authority

This section is adopted pursuant to adopted Act 339 of the Public Acts of 1919, as amended.

Section 4: LICENSE REQUIRED

No person shall own, maintain, keep *or* harbor any dog within the Village without first obtaining a license therefore as provided for by the Dog Law of 1919 of the State of Michigan and the regulations or orders of the Board of Supervisors of Barry County.

Section 5: DOGS RUNNING ON PUBLIC PROPERTY

No owner or other person having the possession, care, custody or control of a dog shall permit such dog to run at large upon public streets, walks, park or other public places within the Village unless such dog shall attached to a leash of sufficient strength to retain such dog in such a manner as to be kept under the control of the person accompanying it.

Section 6: DOGS RUNNING LOOSE ON PROPERTY OF PERSONS OTHER THAN THE OWNER

No owner or other person having the possession, care, custody or control of a dog shall permit such dog to stray beyond his or her premises unless such dog is under reasonable control of same person.

Section 7- VICIOUS DOG

No person shall suffer or permit a vicious, fierce or dangerous dog to go unconfined and unrestricted on such person's premises or to run at large.

Section 8 FEMALE DOGS IN HEAT

No owner or custodian of any female dog shall permit such dog to be off the premises of the owner or custodian while in heat unless the dog is under control and attached to a leash.

Section 9 PAYMENT OF CLAIMS; DAMAGE TO LIVESTOCK AND POULTRY

The determination and payment of damages done by dogs to livestock and poultry shall remain as provided by the Dog Law of 1919 of the State of Michigan and the regulations or orders of the Board of Supervisors of Barry County.

Section 10, ENFORCEMENT; IMPOUNDING AND DISPOSITION OF DOGS

It shall be the duty of the Dog Warden or any police officer to seize and impound any dog anywhere on the Village contrary to the provisions of this section. Any dog seized by a person other than the said Dog Warden shall forthwith be delivered to him or her for disposition. No dog so impounded shall be released to its owner or other authorized person without payment of the fee as provided for its care and maintenance and without procuring a license as herein provided. The Dog Warden may, within seventy-two hours after impounding any dog, destroy such animal, or if it is deemed valuable, sell it to the highest bidder at public auction to be held at 12:00 noon next succeeding the said seventy-two hour period.

Section 11. ENFORCEMENT; SWORN COMPLAINT; HEARING

Any person who has knowledge of facts that constitute a violation of this section may, upon sworn complaint to any District Judge or Magistrate, request that a summons be issued to show cause why such dog should not be confined to the premises of the owner or killed. Said Justice may, upon such hearing order the dog to either be killed or confined to the premises of the owner. If the owner disobeys such an order, he or she will be subject to penalty.

Section 12 PARENTAL RESPONSIBILITY

No parent, guardian or other person having charge, guardianship, custody or control of any minor under the age of seventeen (17) years shall encourage knowingly, permit or by inefficient control allow the minor to violate a provision of this ordinance. Proof that the minor was convicted of violating this ordinance shall be prima facie evidence that the minor's parent or guardian allowed or encouraged the minor to violate such section.

Section 13. PENALTIES AND REMEDIES FOR VIOLATIONS

Except for violation of Section 12, any person violating a provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for a period not exceeding ninety (90) days, or fined in an amount not to exceed five hundred

dollars (\$500.00) plus the cost of prosecution or both. Each day such violation is committed or permitted to continue shall be a separate offense and shall be punishable as such.

Any person violating Section 12 (Parental Responsibility) shall be deemed responsible for a civil infraction and shall be fined up to one hundred dollars (\$100.00) plus the cost of prosecution.

In addition, any violation of this ordinance shall be deemed a nuisance per se, permitting the Village of Freeport Council, its Officers, agents or any private citizen to take such action in a court of competent jurisdiction to cause the abatement of such nuisance including injunctive relief.

Section 14: Severability

If any section, paragraph, clause, phrase or part of this ordinance is held invalid by any court of competent jurisdiction or by any agency, department or commission empowered by statute for any purpose, such decision shall not affect the validity of the remaining provision of this ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

Section 15: Effective Date

This ordinance shall become effective twenty (20) days after its passage.

Passed and adopted by the Freeport Village Council, Barry County, Michigan on the 6th day of November, 1995

Joni Morey, Clerk

Charles Blough, President