

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

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. 119

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.

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.

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.

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 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 11th day of May, 2006.

P. Michelle Cureton, City Clerk

Published: May 29, 2006

Effective Date: June 19, 2006