

**Coldwater Township
Branch County, Michigan
Ordinance No. 16-02
Pet Conduct and Waste Ordinance**

At a meeting of the Township Board of Coldwater Township, Branch County, Michigan, held at the Coldwater Township Hall on July 14, 2016, at 3 .m., Township Board Member Daniels moved to enact the following Ordinance for final adoption, which motion was seconded by Township Board Member Rogers:

An Ordinance to secure the public health, safety and welfare of the residents and property owners of the Township of Coldwater, Branch County, Michigan, regulate pets and pet waste on public property, including Township parks, private property, and along and on improved streets and sidewalks within the Township; to provide penalties for ordinance violations; other matters pertaining thereto; and to repeal all ordinances or parts of ordinances in conflict therewith.

COLDWATER TOWNSHIP, BRANCH COUNTY, MICHIGAN, ORDAINS:

SECTION 1: Definitions.

- A. "Owner/Keeper" shall mean any person who possesses, maintains, houses or harbors any pet or otherwise have custody of any whether or not the owner of such pet.
- B. "Pet" shall mean an animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals.
- C. "Pet Solid Waste" shall mean the waste matter expelled from the bowels of the domesticated animal.
- D. "Proper Disposal" shall mean placement in a designated waste receptacle, or other suitable container, which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

SECTION 2: Animals Prohibited within Any Park or Playground excluding the Creal Soccer Complex. Pets are prohibited within the confines of any park or playground, whether or not the animals are attached to a leash, except as follows.

- A. **Disability Assistance.** Any owner or keeper who requires the use of a service animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

SECTION 3: Required Disposal of Pet Waste. All owners or keepers of pets are required to immediately and properly dispose of their pet's solid waste deposited on any public property, road, sidewalk, or private property, except to the extent a private landowner has consented to permit such disposal on his or her private property.

SECTION 4: Sanctions. In addition to any other civil penalties or remedies provided for in this Ordinance or under Michigan law, any person, firm, association, partnership, corporation or governmental entity who fails or refuses to comply with this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by a civil fine determined in accordance with the following schedule:

| | Fine |
|--|----------|
| 1 st Offense within 3-year period | \$10.00 |
| 2 nd Offense within 3-year period | \$20.00 |
| 3 rd Offense within 3-year period | \$50.00 |
| 4 th Offense with 3-year period | \$150.00 |

The 3-year period shall be determined based on the date of commission of the offense.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Coldwater Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION 5: Severability. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 6: Repeal. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 7: Effective Date. This Ordinance shall take effect thirty (30) days following publication or posting after adoption by the Township Board.

Roll Call:

YEAS: Kellogg, Daniels, Rogers, Morrison

NAYS: None

ABSENT: Sowles



Diane Morrison, Coldwater Township Clerk