

**CITY OF CLAWSON
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. _____**

**AN ORDINANCE TO REGULATE THE CONTROL OF ANIMALS
AS DEFINED HEREIN; PROVIDING FOR LICENSING, HOUSING
REQUIREMENTS; REGULATION AND CONTROL OF ANIMAL
WASTE AND DEBRIS; AND PROVIDING SANCTIONS,
INFRACTIONS FOR VIOLATIONS HEREIN**

NOW THEREFORE, THE CITY OF CLAWSON ORDAINS:

Article I through Article III of the existing Code of Ordinances is hereby repealed and replaced by the following language under the heading Domestic Animals Ordinance:

Article I General Provisions:

Section 14-1 Policy and Purpose on Domestic Animals.

For the purpose stated herein, domestic animals shall include dogs, cats and fowl (hereinafter meaning **egg laying hens**) registered and or licensed as set forth herein.

Section 14-2 Public Purpose.

Clawson is principally a single-family residential community having several parks and residential walking areas. The single-family residences are appropriate for housing up to three dogs; three cats; and, domestic fowl not exceeding four; provided living accommodations and land area are appropriate as set forth herein. As a residential area, minimum noise levels involving these animals, will be assumed to be under the responsibility of the owner of the animal or the owner of the residence. The further assumption is that owners of such animals will always have them under control, to not be an annoyance in the residential neighborhood/ area. The goal is to maintain the quietude of the residential and recreational areas. It is to be presumed that the owner of the animal is aware of the significance and appropriate responsibility for the control of such animals to avoid any disturbance of neighbors, or the neighborhood.

At the time of licensure, it shall be presumed that immediately thereafter, that information on the excess number egg laying hens, shall be communicated to Code Enforcement to be licensed and to inform Code Enforcement when that excess number of fowl will be removed from the City. The number of fowl must be reduced to four 4 within six months after the effective date of this ordinance.

Failure to reduce the excess number of fowl, can result in the issuance of a citation as provided in Article 2.

Section 14-3 Restrictions of animals regulated herein.

- a. Dogs shall, always be under control/command of the owner/walker of the animal and responsive to voice control of that person.
- b. Dogs shall have a current license issued by the City of Clawson, which shall be displayed on the animal's collar or leash.
- c. Barking of dogs shall be controlled by the owner/walker.
- d. There shall be no more than 3 licensed dogs over the age of six months at one residence.
- e. Cats shall be licensed and be no more than three at one residence.
- f. There shall be no commercial kennels in any residential area of the City of Clawson.
- g. Fowl shall be confined to residential areas and are limited to four in number at any residence. Outdoor housing and fencing must be in the backyard, located 5 or more feet from the surrounding property line. The Fowl shall be licensed and, at the time of licensure; housing requirements shall be provided to the applicant as approved by the city official responsible for such licensing. Fowl will be confined either in the residence or in the outdoor area.

14-4 Refuse and Detritus Removal.

All waste and detritus of any such animal regulated hereunder, are the sole responsibility of the home or residence owner/ occupant/ animal owner. The yard area shall be clean, and free of all refuse or detritus. Property shall be regularly policed by the owner/occupant to assure such detritus is promptly removed to avoid the infestation of rodents and displeasing odors. Because rodents can be infectious, the presumption will be any evidence of infestation of rodents on the affected property shall immediately be addressed with the owner/occupant of the property. If remedial measures are contested, an appeal can be taken to the Building Director, who can either affirm, reverse, or clarify the action to be taken providing the reasons therefore in any appealed decision. Failure to adhere to the provisions herein, or as ordered by the Building Director, shall authorize the issuance of a citation for noncompliance with this ordinance.

14-5 Wild Bird Feeders.

Wild Bird feeders shall be in the rear (back) yard of a single-family residence. There may be two feeders in the rear yard provided, the owner takes responsibility for maintaining the seed on the ground to avoid the infestation of rodents. Bird feeders shall be at least 56 inches from the ground as measured to the base of the feeder. If on a porch, the feeder shall be at least 48 inches high from the deck.

Bird feed shall not be allowed to accumulate on the ground of the back yard. Complaints about such feeders shall be directed to Code Enforcement division. Under such circumstances, the inspector is authorized to conduct a due diligence review of the complaint before taking any enforcement action. After attempt to inspect and the failure to allow the inspector to view the site about which the complaint has been made; a civil infraction complaint can be sought against the property owner/resident/tenant of the property.

14-6 Infractions.

Failure to comply with any inspection notice hereunder, may result in the issuance of a civil infraction. Frequent infractions in successive time frames, may result in a higher infraction penalty as more fully set forth in Article 2 herein.

Article 2 Nuisances.

Animal nuisances are not readily identifiable, but to some extent have similarities that may interrupt or disturb the peace of a neighborhood, or; cause destruction to property, injury to persons, disruption of quietude, or protracted disruption as examples only. For instance: constant barking of a dog; unsanitary or offensive odor to adjoining property; impediments in public access areas; keeping an animal in an unsafe, unclean or unsanitary area or housing; allowing persistent/constant disruption in a public area. Specific facts shall be provided by the Code Enforcement Officer.

When the Code Enforcement Officer is satisfied that facts or observations determine that a violation of this ordinance has occurred, the officer is authorized to issue a civil infraction with fines up to \$100.; in the first instance and, a civil infraction with fines up to \$250 in the second instance.

For a third violation of this Ordinance, the enforcement officer, under justified and demonstrated circumstances may, alternatively, issue a misdemeanor ticket requiring an appearance in court and upon conviction, resulting punishment up to ninety (90) days in jail and fines up to \$500. In such an instance, specific detail must be provided in the report by the enforcement officer.

DATE OF EFFECT.

The Clawson City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect ten (10) days after the date of publication.

This Ordinance was adopted by the City Council of the City of Clawson at a meeting duly called and held on the 3rd day of September, 2019, and ordered to be published as presented by the law.

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and active City Clerk of the City of Clawson, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Council of said City at a regular meeting held in the Council Chambers, 425 N. Main Street, Michigan, on Tuesday, the 3rd day of September, 2019 at 7:30 p.m., further this Ordinance was duly published in the Sunday, September 8th, 2019 edition of the Daily Tribune, a newspaper of general circulation in the City of Clawson.

Deborah Wooley, Mayor

Victoria Mitchell, City Clerk

Dated

Dated