

ORDINANCE NO. 2025-001

TOWNSHIP OF CHESANING

SAGINAW COUNTY, MICHIGAN

ADOPTED: February 6, 2025

AMENDED: August 7, 2025

PUBLICATION DATE: February 16, 2025

AMENDMENT: August 17, 2025

EFFECTIVE: February 17, 2025

AMENDMENT: September 17, 2025

An ordinance of the Township of Chesaning, Saginaw County, Michigan, to amend the Township of Chesaning Animal Control Ordinance, to provide definitions, to provide for responsible animal care, to regulate diseased animals, to prohibit cruelty to animals, to prohibit a nuisance(s) relating to animals, to prohibit stray animals, to provide that pending proceedings are not affected, to provide for severability, to repeal all Ordinances or parts of Ordinances in conflict herewith, to provide for an Effective Date and to direct the publication of this Ordinance or a legally-permissible summary.

**THE TOWNSHIP OF CHESANING
SAGINAW COUNTY, MICHIGAN**

ORDAINS:

SECTION I
NAME

This Ordinance shall be known and may be cited as the “Township of Chesaning Animal Control Amending Ordinance.”

SECTION II
DEFINITIONS

1. Undefined words and terms as used in this Ordinance shall be given their plain and ordinary meaning. Words shall be interpreted so as to further the intent of this Ordinance. Every word importing the singular number only may extend to and embrace the plural number, and every word importing the plural number may be applied and limited to the singular number. Every word importing the masculine gender only may extend and be applied to females as well as males. In an effort to ascertain the meaning of any word or term as used in this Ordinance, it shall be appropriate for a reviewing authority to consult the dictionary definition of any word or term that is used in this Ordinance insofar as the aforesaid word or term is not specifically defined by this Ordinance.

2. An “Animal” is any mammal, domestic or wild, other than man, or any reptile which constitutes a living organism that feeds on organic matter, typically having specialized sense organs and a nervous system and is able to respond rapidly to stimuli.

3. An “Animal Nuisance” is created when an animal:

- a. Runs uncontrolled.
- b. Molests or disturbs persons or vehicles by chasing, barking or biting.
- c. Attacks other animals.
- d. Damages property other than that of the owner or harborer.
- e. Barks, whines, howls, honks, brays, cries or makes other noise excessively.
- f. Creates noxious or offensive odors.
- g. Defecates upon any public place or upon premises not owned or controlled by the owner or harborer unless promptly removed by the animal owner or harborer.
- h. Creates an insect breeding and/or attracting sight due to an accumulation of excretion.

4. “Domestic Animal” includes fur, feathered or hoofed animals raised and/or maintained in confinement.

5. “Harborer” is any person who provides food and shelter for any domesticated animal on other than a periodic or temporary basis.

6. “Owner” is any person having right of property to any animal: who keeps an animal; who has an animal in his care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him.

7. “Person” is any individual, firm, corporation, partnership, association, trust, state or other legal entity.

SECTION III **RESPONSIBLE ANIMAL CARE**

It shall be unlawful for any owner or harborer of a domestic animal not to provide for his animal:

1. Sufficient quantity of good and wholesome food and water
2. Proper protection and shelter from the weather.
3. Veterinary care when needed to prevent suffering.
4. Humane treatment.
5. Prompt removal and sanitary disposal of all excretion deposited by his animal anywhere upon a public place.

SECTION IV **DISEASED ANIMALS**

It shall be unlawful for the owner of any domestic animal to knowingly cause or allow

the same to run at large or be exposed in any public place anywhere in the township, or to ship or remove such animal from the owner's premises when same is afflicted with a contagious or infectious disease except under the supervision of a proper government health office.

SECTION V **CRUELTY TO ANIMALS**

It shall be unlawful for any person to:

1. Beat, underfeed, overload, overwork, torment, abandon or otherwise inhumanely treat any domestic animal anywhere in the Township.
2. Sell, offer for sale, barter, or giveaway as a pet or a novelty, any rabbit, hare, baby chick, duckling or other fowl which has been dyed, colored or otherwise treated to impart an official color thereto.
3. Kill or wound, attempt to kill or wound or take the eggs or young of any game or songbird.
4. Knowingly poison or cause to be poisoned any domestic animal.

SECTION VI **NUISANCE PROHIBITED**

It shall be unlawful for the owner or harbinger of any dog, cat, or other domestic animal to cause or permit such animal to perform, create or engage in any nuisance as defined by Section 2 or any other nuisance of any cause or nature.

SECTION VII **STRAY ANIMALS**

It shall be unlawful for the owner or harbinger of any domestic animal to cause or allow the same to run at large in the Township or to be picketed or tied in any public place for the purpose of grazing or feeding. It shall be unlawful for the owner or harbinger of any domestic animal to allow either through intent or through negligence the domestic animal to enter onto any other real property without the express permission of the owner of the aforesaid real property.

SECTION VIII **RATIFICATION**

All provisions of the Township of Chesaning Animal Control Ordinance, except as specifically stated herein, are hereby confirmed and ratified in their entirety.

SECTION IX

NOTICE

(a) A violation of the provisions of this Ordinance shall be a Municipal Civil Infraction for the first violation and may be a Misdemeanor for any subsequent violation. If, upon inspection, The Township enforcement Officer, or any authorized person appointed by the Township, finds that any owner/occupant within the Township is in violation of this Ordinance, the owner and/or occupant shall be notified of such violation which may be given by first class mail to the owner or occupant of the subject property as it appears on the tax rolls of the Township of Chesaning or by service upon any owner or occupant personally by a process server, court officer or official or personnel member of the Township of Chesaning or as the Township Board shall otherwise provide.

However, said notice as described in this Section, shall only be required for an Owner/Occupant's first violation of this Ordinance. For any subsequent violation of this Ordinance by an Owner/Occupant, the Township shall not be obligated to provide the notice described herein and, instead, may proceed directly to a court action to obtain compliance with this Ordinance. The aforesaid notice shall provide that the violation must be abated by repair or removal within ten (10) days (or other shorter or longer time as the Township Enforcement Officer and/or Board deem appropriate). If, in the sole judgment of the Township, the violation represents a public-health emergency or other serious condition, which must be immediately abated, the ten (10) day abatement period may be waived by the Township, and the Township may proceed immediately with legal action to abate the violation and to obtain such other relief as available or permitted at law.

(b) If the owner and/or occupant who is in violation of this ordinance does not cause the violation to be abated within the time prescribed in the notice, The Township may proceed to secure compliance with this ordinance in any manner permitted by law. Further, the Township may institute an appropriate court action seeking an injunction, mandamus, abatement or other appropriate writ, order or proceeding to prevent, enjoin, or abate any violation(s) of this Ordinance.

SECTION X

PENALTY AND RESPONSIBILITY FOR ABATEMENT FEES & COSTS

If the owner and/or occupant of the property/premises at which the violation has occurred/is occurring fails to eliminate or abate or correct the violation within 10 days of the mailing of the notice described in this Ordinance (or sooner based on a finding of emergency or other serious situation contemplated herein), then the Township may initiate a court action seeking authorization to abate the violation by eliminating, or correcting it. The owner and/or occupant shall be liable for the entire cost of the Township's elimination/abatement efforts, including any attorney's fee or court costs that the Township incurs related to the violation. Further, when the Township is forced to eliminate/abate the violation, the owner and/or occupant shall be billed for the actual cost of the work plus an administrative fee of twenty percent (20%) of the actual cost. The cost and the fee shall be in addition to fines and costs assessed upon a finding of responsibility for a municipal civil infraction or misdemeanor.

When the Township has taken action pursuant to this Ordinance to eliminate or abate the violation, the actual cost thereof (plus the administrative fee), as well as the entirety of the costs and attorney's fees incurred by the Township in connection with the violation, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Township, and said charge shall be due and payable by said owner at the time of receipt of such bill.

Where the full amount due to the Township is not paid by such owner within sixty (60) days after the date of billing as provided for in the preceding paragraphs, then the Township shall cause to be recorded in the appropriate Register of Deeds Office, a sworn statement showing the total costs and fees incurred by the Township to eliminate or abate the violation, the date any work was done, and the location of the property. The sworn statement shall constitute a lien on the subject property which shall remain in full force and effect for the amount due in principal and interest, plus any court costs for collection, until final payment has been made. The Township may also take action to obtain a lien on any other real or personal property located in the State of Michigan, in which the owner of the violative property has an interest. Said lien(s), costs, fees and expenses shall be collected in the manner fixed by law for the collection of general property taxes. The Township may also commence a civil action against the property owner/occupant for seeking to collect any monies owed. In the civil action contemplated in the preceding sentence, the property owner/occupant shall be liable for the entirety of the attorney's fees and costs incurred by the Township, regardless of the result of the civil action. Any lien described herein shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act 206 of the Michigan Public Acts of 1983, as amended, being Section 211.1 *et seq.*, of the Michigan Compiled Laws.

Any violation of this Ordinance or any failure to comply with the provisions of this Ordinance on the first offense shall be deemed a municipal civil infraction punishable by a fine of \$50. Any violation of this Ordinance or any failure to comply with the provisions of this Ordinance on the second offense shall be deemed a municipal civil infraction punishable by a fine of \$100. In addition to the civil fine provided in this ordinance, the Township shall also recover the entirety of its costs, including all direct and indirect expenses to which the Township has incurred in connection with the violation, including but not limited to all costs and attorney's fees incurred by the Township in connection with the Ordinance violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

Any subsequent violation of, or any failure to comply with the provisions of, this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500 or by imprisonment not to exceed 90 days or both. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable, upon conviction, in the manner prescribed in this section; provided, no person shall be imprisoned for a single, but continuing violation of this Ordinance for a period of longer than 90 days. In addition to the civil fine provided in this ordinance, the Township shall also recover the entirety of its costs, including all direct and indirect expenses to which the Township has incurred in connection with the violation, including but not limited to all costs and attorney's fees incurred by the Township in connection with the Ordinance violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

The Township Board shall be vested with discretion to determine a greater or lesser fee that may be applicable to a given violation(s).

SECTION XI

SEPARATE VIOLATION

Each day that a violation under this Ordinance continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.

SECTION XII

THREAT TO HEALTH, SAFETY, OR WELFARE OF THE COMMUNITY

If the Township Code Enforcement officer determines that a situation causes or will cause an immediate, imminent and/or impending threat to the health, safety and welfare of the community, or if the condition which causes the violation of this ordinance is not corrected within 90 days of the first notice of violation, then the Township may proceed to abate, remediate or otherwise eliminate the offending condition and may assess all costs incurred by the Township, including attorney's fees and other costs, against the real property (and any other real property in the State of Michigan owned by the subject property owner). The Township shall have a lien for the costs which it incurs against the real property on which the offending condition existed, as described herein. This lien for costs shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act 206 of the Michigan Public Acts of 1983, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.

SECTION XIII

PENDING PROCEEDINGS NOT AFFECTED.

Nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION XIV

SEVERABILITY

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid. The Township of Chesaning Board of Trustees hereby declares that it would have enacted this Ordinance even without whatever provision may be declared invalid by a court of competent jurisdiction.

SECTION XV
REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION XVI
EFFECTIVE DATE

This Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect on the day following publication as required by law following adoption by the Township Board.

SECTION XVII
TOWNSHIP PUBLICATION

The Township Clerk is hereby ordered and directed to cause this Ordinance to be published, either in full or in the form of a legally-permitted summary, in a newspaper of general circulation within the Township of Chesaning.

This Ordinance is hereby declared to have been adopted by the Township of Chesaning Board of Trustees, County of Saginaw, State of Michigan, at a regular meeting held on the 6th day of February 2025 and ordered to be given publication in the manner prescribed by law.

This Ordinance is hereby declared to have been AMENDED by the Township of Chesaning Board of Trustees, County of Saginaw, State of Michigan, at a regular meeting held on the 7th day of August 2025 and ordered to be given publication in the manner prescribed by law.

Joe Ruthig, Supervisor

Daniel Himstedt, Clerk

Date of Publication: February 16, 2025

Date of Amended Publication: August 17, 2025

Newspaper: Tri-County Citizen

CERTIFICATION

AMENDED on AUGUST 7, 2025

YEAS: Gross, Hornak, Mrdeza, Tomac, Ruthig

NAYS: None

ABSTAIN: None

State of Michigan, County of Saginaw,

I the undersigned Township Clerk for the Township of Chesaning, Saginaw County, Michigan, certify that the above Ordinance No. 2025-001 **AMENDED** by the Township of Chesaning Board of Trustees on the 7th day of August 2025, was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

Dated: **August 7, 2025**

Daniel Himstedt, Clerk