

**AN ORDINANCE TO AMEND THE BROWN CITY CODE BY
REPEALING SECTION 92.06 AND ADDING A NEW SECTION
92.06 PROHIBITED ANIMALS; GENERAL REGULATIONS.**

THE CITY OF BROWN CITY ORDAINS:

SECTION 92.06 PROHIBITED ANIMALS; GENERAL REGULATIONS.

SECTION 92.06.1 No person shall bring into, keep, maintain, offer for sale, or barter in the City, in a residence, any of the following:

- (A) Any poisonous or venomous biting or injecting species of amphibian, arachnid, or reptile, including snakes;
- (B) Any snake not indigenous to this state;
- (C) Any bees or beehive; any beehive used or occupied by bees is hereby declared to be a nuisance; and it shall be unlawful to keep or maintain any such hive in the City;
- (D) Any domestic, exotic or farm animal, as defined in § 92.02, other than a household pet;
- (E) Any vicious (dangerous) animal;
- (F) Nonhuman primates, which include but are not limited to, animals commonly known as monkeys, chimpanzees, orangutans, gorillas, gibbons, apes, baboons, marmosets, tamarins, lemurs, lorises, and galagos;
- (G) Exceptions; this chapter shall not prohibit a circus or other entertainment organization, an educational, scientific or medical institution, which have obtained any required permits, from keeping the animals where the same are securely and humanely confined.

Section 92.06.2 Violations and Penalties:

- (A) Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor punishable by fines up to \$500 or incarceration up to 93 days or both. Further, a person who violates the provisions of this ordinance in addition to penalties set forth herein shall be presumed to be operating a nuisance *per se* and shall be subject to suit or injunction to enjoin further conduct.

Section 92.06.3 Severability:

- (A) If any portion of this Ordinance or the application thereof to any person is adjudged to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other portion of this Ordinance, or the application to any other portion of this Ordinance to any such person or other persons.

Section 92.06.4 Effective Date of Ordinance:

- (A) This Ordinance shall take effect 30 days after adoption.

INTRODUCTION:

This Ordinance was introduced by Councilmember Dan Loutzenhiser on August 23, 2010 during a Regular Meeting of the Brown City Council. The Public Hearing thereon was held on September 13, 2010

MOTION AND VOTE:

Moved by Councilmember William Walters, seconded by Councilmember Julie Miller, to adopt the amendment to Ordinance Sections 92.06.

Roll Call vote on this Ordinance, five (5) members being present, was as follows:

Yeas: 5 Nays: 0
Abstaining: 0 Absent: 1

CERTIFICATION:

I hereby certify that the foregoing constitutes a true and complete copy of Brown City Code Sections 92.06, adopted as an Ordinance by the Brown City Council at a Regular Meeting of the City Council held at the City Hall on the 13th of September, 2010.

I do hereby further certify that the said Brown City Code Sections 92.06 were published as required by the Brown City Charter in *The Banner*, a newspaper published and circulated in the City of Brown City, County of Sanilac, Michigan, on the 20th of September, 2010.

Witness my official signature this ____ day of September, 2010.

Kelly J. Pavel
City Clerk