

Chapter 4

ANIMALS*

* **Charter References:** General municipal powers, licensing and regulation of dogs and animals, § 2.3(oo).
Cross References: Environment, ch. 10; health and sanitation, ch. 13.
State Law References: Wildlife conservation, MCL 324.40101 et seq.; crimes relating to animals and birds, MCL 750.49 et seq.; authority to adopt animal control and licensing ordinance, MCL 287.240.

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ARTICLE I.
IN GENERAL

Sec. 4-1. Dangerous animals.

(a) *Regulated.* No person shall own, keep or harbor a dangerous animal, or an animal that has been bitten by any animal known to have been afflicted with rabies. Any animal found to be a dangerous animal or afflicted with rabies shall be destroyed unless otherwise disposed of by its owner.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dangerous animal means a dog or other animal that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

- (1) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
- (2) An animal that bites or attacks a person who provokes or torments the animal.
- (3) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.
- (4) Livestock.

Livestock means animals used for human food and fiber or animals used for service to human beings. Livestock includes but is not limited to cattle, swine, sheep, llamas, goats, bison, equine, poultry and rabbits. Livestock does not include animals that are human companions, such as dogs and cats.

Owner includes every person having a right or property in a dog or other animal, and every person who keeps or harbors a dog or other animal or has it in his care, and every person who permits a dog or other animal to remain in or about any premises occupied or owned by such person for a period of five days or more.

Provoke means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.

Serious injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

Torment means an act or omission that causes unjustifiable pain, suffering and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion or punishment that an ordinary and reasonable person would conclude is likely to

precipitate the bite or attack.

(Ord. No. 161, § 4.01, 3-17-1976)

State Law References: Dangerous animals, MCL 287.321 et seq.

Sec. 4.02. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them below:

Animal review board means a board consisting of the city manager, police chief and clerk, or their respective designated deputies or assistants, that shall assemble for purposes of conducting hearings under this article. Although not required, the animal review board may, in the discretion of the city council, also include a licensed veterinarian, American Kennel Club (AKC) certified animal behaviorist and/or AKC certified animal trainer, appointed by city council.

Authorized enforcement officer means a police officer and any officer authorized under section 1-15 of this code to issue appearance tickets in the city.

Dangerous animal means a dog or other animal that bites or attacks a person or causes a serious injury to a person or domestic animal, a dog or other animal that has been designated as a potentially dangerous animal that poses a threat to public safety as described in this article, or a dog or other animal that bites or attacks and causes serious injury or death to another dog or domestic animal while the other dog or domestic animal is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

- (1) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner;
- (2) An animal that bites or attacks a person who provokes or torments the animal; or
- (3) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

On a suitable leash means both:

- (1) That the animal is attached to a leash that is no more than ten (10) feet in length and of such material that the leash is capable of restraining, and does restrain the type and size of animal to which it is attached; and
- (2) That such a leash is continuously held by a person who is reasonably able to and does restrain and prohibit the animal from being out of that person's physical control.

A leashed animal that chases a person or domesticated animal a greater distance than ten (10) feet, or that bites a person or domesticated animal constitutes prima facie evidence that such animal is not kept on a suitable leash.

Exotic animal means, generally, the species of animals which are not native to the state or the United States and/or are introduced from another country.

Hybrid(s) means any animal which is the offspring of two (2) different varieties or species.

Poisonous means a substance which, through its chemical action, usually kills, injures or substantially impairs an organism.

Possess or maintain means the act or ability of having or exerting control and influence over an animal regulated herein, without regard to ownership.

Owner or a landlord that leases to means any person, firm, corporation or organization that owns or harbors a dog or other animal.

Proper enclosure means an enclosure that is constructed and at least six (6') feet high and at all times maintained in such a manner as to effectively prevent the animal from escaping the confines of enclosure. An invisible fence does not constitute a proper enclosure.

Provoke and *provocation* mean to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or other animal.

Potentially dangerous animal means a dog or animal that poses a threat to public safety as demonstrated by any of the following behaviors:

- (1) Causing an injury to a person or domestic animal that is less severe than a serious injury;
- (2) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner; or
- (3) Running at large in violation of Section 4-39 of this code three (3) or more times within any 12-month period.

Serious injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

Torment means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

Sec. 4.03. Determination of a dangerous animal or exotic animal.

- (a) An authorized enforcement officer shall have the authority to make a determination that an animal is dangerous, or potentially dangerous, or exotic as defined in this article, upon the complaint of any person that an animal is dangerous or potentially dangerous. When the authorized enforcement officer classifies any animal as a dangerous animal or potentially dangerous animal or an exotic animal under this article, the authorized enforcement officer shall notify the animal's owner of such classification. The notice to the owner shall meet the following:

(1) The notice shall be in writing and mailed by certified mail to the owner's last known address. If an animal has more than one (1) owner, notice to one (1) owner shall be sufficient for purposes of this article.

(2) The notice shall include a summary of the authorized enforcement officer's findings that form the basis for the animal's classification as a dangerous animal or potentially dangerous animal.

(3) The notice shall be dated and shall state that the owner has a right to request a hearing on the classification within fifteen (15) days from the date of the notice.

(4) The notice shall state that the animal review board shall conduct the hearing.

(5) The notice shall state that if the owner does not request such a hearing within fifteen (15) days from the date of the notice, the classification of the animal as a dangerous animal or potentially dangerous animal shall be final and conclusive for all purposes.

(6) The notice shall include the appropriate form to request a review hearing before the animal review board, shall provide notice of the required fee as established by resolution of the City Council, and shall provide specific instructions on mailing or delivering such a request.

(b) When the animal review board receives a request for a hearing from an owner, it shall schedule such a hearing within thirty (30) days of receipt of the request. The city clerk shall notify the owner in writing by certified mail of the date, time and place of the hearing; such notice shall be made to the owner at least five (5) days prior to the date of the hearing. At the hearing, the owner shall be given the opportunity to testify and to present evidence. The animal review board shall also receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination to sustain, modify or overrule the classification of the animal by the authorized enforcement officer. The animal review board shall notify the owner in writing by certified mail of its determination on the matter. If the determination is made that the animal is a dangerous animal or a potentially dangerous animal, or an exotic animal the notice shall specify the date upon which that determination is effective. Unless the board determines that a later date is appropriate in a particular case, the effective date of the determination shall be the date of the authorized enforcement officer's classification.

(c) If the identity of the owner of an animal that the authorized enforcement officer has classified as a dangerous animal or a potentially dangerous animal cannot be determined, the animal shall be immediately confiscated with notice of same and a description of the animal given to the police department and the local humane society. If the animal's owner claims such animal, the animal shall be released to its owner, together with a copy of the notice specified in subsection (a) of this section. If the animal remains unclaimed for seven (7) days, the animal shall be turned over to the local animal welfare society or examined by a veterinarian and/or the local animal welfare society to determine the viability of the animal or appropriate course of destruction of the animal if necessary.

Sec. 4.04. Requirements for possession of a dangerous animal.

(a) Any owner of a dangerous animal shall be jointly and severally responsible with all other owners of such animal for compliance with the requirements of this section. Except where a different date for compliance with a requirement is specifically identified in this Article, the dangerous animal owner's or owners' responsibility for compliance with the requirements of this Article shall commence on the final determinate date.

(b) No person shall own, possess, keep, harbor, or have custody or control of a dangerous animal except in compliance with all of the following requirements:

(1) A dangerous animal shall not be permitted to remain in the city unless it is properly registered as provided in this article, has a microchip inserted, and as otherwise required by law or ordinance within 30 days of the final determination date.

(2) Except under the circumstances otherwise specifically permitted by this article, a dangerous animal shall at all times be maintained inside a proper enclosure.

(3) The premises where a dangerous animal is kept shall be posted with a clearly visible sign warning that there is an animal on the premises that presents a danger to human beings. Such sign shall also include a symbol sufficient to convey without words the message that there is an animal on the premises that presents a danger to human beings.

(4) Within 30 days of the final determination date, the owner of a dangerous animal shall maintain at all times a policy of insurance in a minimum amount of one million dollars (\$1,000,000.00) to cover claims for any personal injuries inflicted by the animal, which policy shall be issued by an insurer, as the case may be, authorized to transact business in the State of Michigan.

(5) Within 30 days of the final determination date the owner of a dangerous animal shall begin attending, and within 75 days after the final determination date, the owner of a dangerous animal shall successfully complete an animal obedience class with the dangerous animal, as offered through a certified program, and shall produce evidence of such attendance and successful completion by the dangerous animal. In the instance of a dog that has been determined to be a dangerous animal, evidence of successful completion of an animal obedience class shall require the production of a canine good citizenship certificate for the dog by a certified tester pursuant to the standards of the American Kennel Club. In the instance of other animals that have been determined to be dangerous animals under this Article, evidence of successful completion of an animal obedience class shall require a certificate from the trainer who performed the training program certifying that the animal satisfied all requirements of the class and that the animal is obedient.

Sec. 4.05. Requirements for possession of a potentially dangerous animal.

(a) Any owner of a potentially dangerous animal shall be jointly and severally responsible with other owners of such animal for compliance with the requirements of this Article. Except where a different date for compliance with a requirement is specifically identified in this Article, the potentially dangerous animal owner's or owners' responsibility for compliance with the requirements of this Article shall commence on the final determination date.

(b) No person shall own, possess, keep, harbor, or have custody of a potentially dangerous animal except in compliance with all of the following requirements:

(1) A potentially dangerous animal shall not be permitted to remain in the city unless it is properly registered as provided in this Article and as otherwise required by law or ordinance, within 30 days of the final determinate date.

(2) Except under the circumstances otherwise specifically permitted by this article, a potentially dangerous animal shall at all times be maintained inside a proper enclosure.

(3) The premises where a potentially dangerous animal is kept shall be posted with a clearly visible sign warning that there is an animal on the premises that is potentially dangerous to human beings. Such sign shall also include a symbol sufficient to convey without words the message that there is an animal on the premises that presents a potential danger to human beings.

(4) Within 30 days of the final determination date, the owner of a potentially dangerous animal shall begin attending, and within 75 days after the final determinate date, the owner of a potentially dangerous animal shall successfully complete an animal obedience class with the animal, as offered through a certified program, and shall produce evidence of such attendance and successful completion by the dangerous animal. In the instance of a dog that has been determined to be a potentially dangerous animal, evidence of successful completion of an animal obedience class shall require the production of a canine good citizenship certificate for the dog by a certified tester pursuant to the standards of the American Kennel Club. In the instance of other animals that have been determined to be potentially dangerous animal under this Article, evidence of successful completion of an animal obedience class shall require a certificate from the trainer who performed the training program certifying that the animal satisfied all requirements of the class and that the animal is obedient.

Sec. 4.06. Registration of dangerous animals and potentially dangerous animals.

(a) No dangerous animal or potentially dangerous animal shall be permitted to remain in the city unless it is registered in accordance with this article. In addition to the annual registration and/or licensing fees otherwise required by law and ordinance, the owner of a dangerous animal or a potentially dangerous animal shall pay a fee of fifty dollars (\$50.00) per year and shall register such owner's animal with the police department as a dangerous animal or a potentially dangerous animal according to the classification and determination previously made under this article. No dangerous animal or potentially dangerous animal shall be registered unless the owner can provide sufficient evidence that all of the provisions in Sections 4.04 and 4.05, as applicable, have been and are being met. An animal that has commenced an animal obedience class in a timely manner under either subsection 4.04(b)(5) or subsection 4.05(b)(4) with its owner may be issued a registration, with registration shall be subject to successful completion of the class in accordance with said subsections.

(b) The registration provided by this section shall be nontransferable. The registration shall be renewed annually or upon the earlier of the transfer of ownership or possession of the animal or a change in the location of the animal's primary habitat. The registration year shall be the period from the date of initial registration to the next

December thirty-first, inclusive, unless otherwise provided. All registrations expire on the thirty-first day of December unless suspended or revoked.

Sec. 4.07. Transfer of ownership or possession.

Upon the transfer of ownership or possession of any dangerous animal or potentially dangerous animal, the transferor shall provide the police chief with the name, address and telephone numbers of the new owner of the animal and the effective date of the transfer. Any transferee of a dangerous animal or potentially dangerous animal shall be presumed to have notice of the animal's classification as such.

Sec. 4.08. Notice to police department.

The owner of a dangerous animal or potentially dangerous animal shall notify the police department in person or by telephone within twenty-four (24) hours of the occurrence of any one (1) of the following events:

- (1) The animal has escaped or has otherwise ceased to be in the custody of the owner for any reason, unless the owner knows such animal to be physically secured and restrained or confined in the custody of another competent adult.
- (2) Such animal has attacked a human being.
- (3) Such animal has been sold, given or otherwise transferred to the ownership or possession of another person.
- (4) The animal has died.
- (5) The animal is leaving the City of Keego Harbor.

Sec. 4.09. Restraints when outside proper enclosure.

It shall be unlawful for the owner of a dangerous animal or a potentially dangerous animal to permit the animal to be outside a proper enclosure unless the animal is properly muzzled, if a dangerous animal, and restrained on a suitable leash and is under the physical restraint of a responsible person at all times.

Sec. 4.10 Prohibited exotic or rare animals.

(a) It shall be unlawful and a violation of this article for any person to possess or maintain within the city the following animals:

- (1) All animals, including snakes and spiders, whose bite or venom is poisonous or deadly to humans.
- (2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
- (3) Baboons (Papoi, Mandrillus).

- (4) Bears (Ursidae).
- (5) Cheetahs (Acinonyx jubatus).
- (6) Crocodilians (Crocodylus), and alligators.
- (7) Constrictor snakes, or other poisonous reptiles.
- (8) Coyotes (Canis latrans).
- (9) Elephants (Elephas and Loxodonta).
- (10) Gamecocks and other fighting birds.
- (11) Hyenas (Hyaenidae).
- (12) Jaguars (Panthera onca).
- (13) Leopards (Panthera pardus).
- (14) Lions (Panthera leo).
- (15) Lynxes (Lynx).
- (16) Ostriches (Struthio).
- (17) Pumas (Felis concolor); also known as cougars, mountain lions, and panthers.
- (18) Wolves (Canis lupus).
- (19) Wolf hybrids.
- (20) Raccoons (Procyon lotor).
- (21) Skunks (Genus Mephitis).
- (22) Tigers (Felis tigris).
- (23) A dangerous animal or animals as defined in section 4-106.

(b) The prohibitions above shall not apply to pet shops licensed by the state department of agriculture, zoological gardens licensed by the U.S. Department of Agriculture, and accredited by the American Association for the accreditation of zoological parks and gardens, and circuses licensed by the U.S. Department of Agriculture if:

(1) Their location conforms to the provisions of the zoning ordinance of the city.

(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.

(3) Animals are maintained in quarters so constructed as to prevent their escape, and so as to humanely provide for their biological and social needs.

(4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

(a) The prohibitions above shall not apply to any person who is in possession of an injured animal listed in this section under a valid caregiver's permit issued by the state department of natural resources.

Sec. 4.11. Confiscation and disposition of animals.

(a) A dangerous animal shall be immediately confiscated by an authorized enforcement officer or a County animal control officer upon a determination by such an officer that one (1) or more of the following circumstances exists:

(1) The owner of the animal does not have the proper liability insurance required by section 4.04.

(2) The animal is not validly and currently registered as is required by section 4.04.

(3) The animal is not maintained in a proper enclosure as is required by section 4.02.

(4) The animal is not under the restraints required by section 4.09, whether or not such animal is then in the custody or possession of its owner.

(5) The owner has failed to attend obedience classes with the animal or the animal has failed to successfully complete such obedience classes, as required by section 4.04.

(b) A potentially dangerous animal shall be confiscated by an authorized enforcement officer or a county animal control officer upon a determination by such an officer that one (1) or more of the following circumstances exists:

(1) The animal is not validly and currently registered as required by section 4.06.

(2) The animal is not maintained in a proper enclosure as is required by section 4.05.

(3) The animal is not under the restraints required by section 4.09, whether or not such animal is then in the custody or possession of its owner.

(4) The owner has failed to take the animal to obedience classes with the animal or the animal has failed to successfully complete such obedience classes, as required by Section 4.05.

(c) Any animal that is confiscated under either subsection (a) or (b) of this section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of the actual costs of boarding the animal, plus a confiscation fee of fifty dollars (\$50.00) upon the first confiscation of any animal, one hundred dollars (\$100.00) upon the second and two hundred dollars (\$200.00) upon the third or subsequent confiscation. The foregoing shall be in addition to the penalties otherwise provided for under this article.

(d) If the confiscated animal remains unclaimed for a period of four (4) days after written notice of the confiscation to the owner, or if the identity of the owner cannot be determined and four (4) days have passed after a description of the animal has been given to the police department and the animal remains unclaimed, then the animal shall be examined by a veterinarian and/or an authorized representative of the County animal control division to determine the viability of the animal or appropriate course of destruction of the animal if necessary

Sec. 4.12. District court action.

(a) In lieu of the notice and hearing requirements in this article, the authorized enforcement officer may file a sworn complaint in district court that an animal is a dangerous or exotic animal and that the animal has caused serious injury or death to a person or has caused serious injury or death to a dog or other domestic animal, without provocation. The district court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.

(b) Upon the filing of a sworn complaint as provided in subsection (a), the district court shall order the owner to immediately turn the animal over to a proper animal control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person who retains the animal under this section of the complaint and order. The expense of the boarding and retention of the animal is to be borne by the owner.

(c) After a hearing, the district court shall order the destruction of the animal, at the expense of the owner, if the animal is found to be a dangerous animal or exotic animal that caused serious injury or death to a person, dog or other domestic animal. After a hearing, the court may order the destruction of the animal, at the expense of the owner, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is instead a potentially dangerous animal that is likely in the future to cause serious injury or death to a person or in the past has been adjudicated as a dangerous animal.

(d) If the court finds that an animal is a dangerous animal or an exotic animal that has not caused serious injury or death to a person, or is a potentially dangerous animal or an exotic animal, the court shall notify the animal control authority for Oakland County of the finding of the court, the name of the owner of the dangerous animal or potentially dangerous animal or exotic animal, and the address at which the animal is kept. In addition, the court shall order the owner of the animal to do one (1) or more of the following:

(1) Have the animal tattooed or micro chipped in such a manner as to enable the animal to be readily identified as having been determined to be a dangerous or potentially dangerous animal.

(2) Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the animal cannot escape and unauthorized individuals cannot enter the premises.

- (3) Obtain and maintain liability insurance sufficient to protect the public from any damage or harm caused by the animal.
- (4) Take any other action appropriate to protect the public, including order animal obedience classes at a licensed facility.

Sec. 4.13. Removal of potentially dangerous animal classification.

The owner of a dog that has been determined to be a potentially dangerous animal may request that the classification of the dog as a potentially dangerous animal should be reconsidered and removed, which request may be granted by the district court or animal review board, as applicable, if the owner demonstrates that the dog has been incident free for more than eighteen (18) months, the dog and owner have successfully completed obedience training, the dog has been issued and maintained a canine good citizenship certificate by a certified tester pursuant to the standards of the American Kennel Club, and the owner has complied in all respects with the provisions of this chapter of the code and any applicable court orders. A request submitted to the animal review board for removal of a potentially dangerous animal classification under this Section must be made on a form provided by the City Clerk for such purposes and must include a non-refundable administrative and processing fee established by resolution of the City Council and such other information deemed necessary by the City Clerk of purposes of processing this request.

Sec. 4.14. Penalties for violation.

In addition to the penalties set forth elsewhere in this article, and those penalties in MCL 287.321 et seq., the owner of a dangerous animal or a potentially dangerous animal that fails to comply with the provisions of this article shall be guilty of a misdemeanor, punishable in the manner set forth in section 1-13 of this code. (Ord. No. 412, 11-18-2010)

Secs. 4-15--4-35. Reserved.

ARTICLE II.

DOGS*

* **State Law References:** Dog law, MCL 287.261 et seq.

DIVISION 1.

GENERALLY

Sec. 4-36. Number of dogs.

No person or group of persons occupying a single residential unit shall own, harbor or keep at such unit more than three dogs over the age of four months.

(Ord. No. 262, § 1.01, 11-17-1988; Ord. No. 393, § 1, 6-20-2002)

Sec. 4-37. Reserved.

Editors Note: Ord. No. 393, § 2, adopted June 20, 2002, repealed § 4-37, which pertained to penalties and derived from Ord. No. 262, adopted Nov. 17, 1988.

Sec. 4-38. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control officer means the person employed or designated by the city for the purpose of enforcement and administration of the provisions of this article.

Audibly impaired means audibly impaired as defined in section 1 of Public Act No. 82 of 1981 (MCL 752.61).

Blind person means a blind person as defined in section 1 of Public Act No. 260 of 1978 (MCL 393.351).

Deaf person means a deaf person as defined in section 1 of Public Act No. 82 of 1981 (MCL 752.61).

Dog means any dog, whether male, female or unsexed.

Owner means every person having a right or property in a dog, and every person who keeps or harbors a dog or has it in his care, and every person who permits a dog to remain in or about any premises occupied or owned by such person for a period of five days or more.

Physically limited means physically limited as defined in section 1 of Public Act No. 1 of 1966 (MCL 125.1351).

Reasonable control means the state of a dog held securely in leash by a leash of suitable strength and length, by its owner, possessor or harbinger or any other responsible person of suitable age and strength, in an enclosed vehicle or container or on the owner's occupied property.

(Ord. No. 161, § 1.01, 3-17-1976)

Cross References: Definitions generally, § 1-2.

Sec. 4-39. Reasonable control required.

The owner of a dog shall not permit or allow the dog to not be under reasonable control.
(Ord. No. 161, § 2.01, 3-17-1976)

Sec. 4-40. Barking dogs.

No person shall keep or harbor a dog which by loud, frequent or habitual barking, yelping or howling shall cause a serious annoyance to the neighborhood or to people passing to and fro upon the streets.
(Ord. No. 161, § 3.01, 3-17-1976)

Sec. 4-41. Location and housing.

All dog houses shall be centered in a strategically located place so as to provide adequate shade in the summer months and be constructed or located so as to provide adequate insulation against cold during the winter months and shall be maintained in a clean and sanitary condition, devoid of rodents, vermin, debris and excrement, and free from objectionable odors.

(Ord. No. 161, § 5.01, 3-17-1976)

Sec. 4-42. Fecal matter.

It shall be unlawful for any person to permit a dog owned, harbored or possessed by him to deposit fecal matter in any place other than the premises where the dog is harbored or kept unless such fecal matter is immediately collected and removed to the premises where the dog is harbored or kept.

(Ord. No. 161, § 5.02, 3-17-1976)

Sec. 4-43. Treatment of dogs.

No person owning, possessing or harboring any dog, or any other person shall treat a dog in a cruel or inhumane manner, or willfully or negligently cause or permit a dog to suffer unnecessary torture or pain.

(Ord. No. 161, § 6.01, 3-17-1976)

Sec. 4-44. Dead animals.

The owner of any dead dog or other animal shall promptly dispose of the remains in such manner as not to cause a nuisance.

(Ord. No. 161, § 7.01, 3-17-1976)

Cross References: Solid waste, ch. 18.

Sec. 4-45. Responsibility for damages.

Every owner, possessor or harbinger of a dog shall be liable for damages for any and all injuries to person or property caused by such dog, to be determined and collected in appropriate civil proceedings; and nothing in this article shall be construed to impose any liability upon the city, its officers, agents or employees, for any damages to persons or property caused by any dog or its owner, possessor or harbinger.

(Ord. No. 161, § 16.01, 3-17-1976)

State Law References: Common law liability of owner for damage caused by dog, MCL 287.288.

Sec. 4-46. Dog bitten by another dog.

It shall be the duty of any person owning a dog which has been attacked or bitten by another dog or another animal showing symptoms of rabies to immediately notify the animal control officer that such person has such dog in his possession; and such person shall comply with all lawful orders and requirements of the animal control officer regarding treatment of such dog for rabies.

(Ord. No. 161, § 22.01, 3-17-1976)

Sec. 4-47. Quarantine.

The health officer is authorized to require that any dog be quarantined or that a quarantine be established in the city for a defined period, whenever in his opinion such measures are necessary in order to protect the health, safety and welfare of the people of the city.

(Ord. No. 161, § 23.01, 3-17-1976)

Sec. 4-48. Enforcement.

The city may employ animal control officers to enforce and administer the provisions of this article. The animal control officer shall be invested with such powers of a special police officer by the city clerk as are necessary for the limited purpose of enforcing the provisions of this article. The provisions of this article may be enforced by members of the police department.

(Ord. No. 161, § 24.01, 3-17-1976)

Sec. 4-49. Authority to inquire.

It shall be the duty of the animal control officer to make diligent inquiry as to the dogs owned, harbored or kept within the city and whether such dogs are licensed, and whether such owner, possessor or harbored is in violation of any other provision of this article. Any dog found unlicensed may be seized and impounded by the animal control officer. If the owner, possessor or harbored of such dog is known, the animal control officer may issue a notice of violation to appear at the city clerk's office within 72 hours, not including Saturdays, Sundays or holidays, to procure a license for such dog. Failure of the owner, possessor or harbored to appear and procure such license may result in the issuance of an ordinance violation by the animal control officer for violation of the licensing section of this article, section 4-76.

(Ord. No. 161, § 25.01, 3-17-1976)

Sec. 4-50 Alternatives to impounding.

The animal control officer is authorized, upon the witnessing of a violation of this article where it is impractical or impossible to impound the dog, to issue to the owner, possessor or harbored of such dog a written notice of such violation. The owner, possessor or harbored of such dog may, within 72 hours, excluding Saturdays, Sundays and holidays, of such receipt of written notice present such notice to the city clerk and there pay the fees which would have been imposed had such dog been impounded for one day, release fee and boarding fee. If the owner, possessor or harbored of such dog shall fail to appear within such 72-hour period, the officer issuing such notice of violation shall forthwith issue an ordinance violation to the owner, possessor or harbored of such dog, which shall include the applicable section number of this article for which the owner, possessor or harbored of such dog is in violation.

(Ord. No. 161, § 26.01, 3-17-1976; Ord. No. 393, § 3, 6-20-2002)

Sec. 4-51. Violations.

The animal control officer is authorized in addition to seizing and impounding such dog, to issue to the owner, possessor or harbored of such dog a municipal civil infraction action.

(Ord. No. 161, § 27.01, 3-17-1976; Ord. No. 393, § 4, 6-20-2002)

Sec. 4-52. Exceptions.

Sections 4-39 and 4-42 shall not apply where the violation involves a dog which is used as a guide or leader dog for a blind person, a hearing dog for a deaf or audibly impaired person, or a service dog for a physically limited person. As used in this section:

Audibly impaired means audibly impaired as defined in section 1 of Public Act No. 82 of 1981 (MCL 752.61).

Blind person means a blind person as defined in section 1 of Public Act No. 260 of 1978 (MCL 393.351).

Deaf person means a deaf person as defined in section 1 of Public Act No. 82 of 1981 (MCL 752.61).

Physically limited means physically limited as defined in section 1 of Public Act No. 1 of 1966 (MCL 125.1351).

Sec. 4-53. Penalties.

Violation of any provision of this article is a municipal civil infraction and subjects the violator to the fines and penalties specified in section 1-7 of this Code.

(Ord. No. 161, § 28.01, 3-17-1976; Ord. No. 393, § 5, 6-20-2002)

Secs. 4-54--4-75. Reserved.

DIVISION 2.

LICENSE*

* **State Law References:** Dog licensing, MCL 287.266 et seq.

Sec. 4-76. Required.

It shall be unlawful for any person to own, possess or harbor any dog four months of age or over in the city unless such dog is licensed as provided in this division, or to own, possess or harbor any dog four months of age or over that does not at all times wear a collar or harness with a current metal license tag attached as provided in this division. Such license tag shall be nontransferable to any dog.

(Ord. No. 161, § 8.01, 3-17-1976)

Sec. 4-77. Licensing procedure.

(a) Licenses to own a dog shall be issued by the city clerk or his authorized agent upon application, together with payment of the license fee provided in this division.

(b) It shall be the duty of any person owning a dog, on or before January 1 of any year, or on or after any dog's becoming four months of age, or forthwith upon becoming a resident of the city, or becoming an owner of such dog, to make application to the city clerk or his authorized agent, giving the full name and residence of the applicant and presentation of a valid certificate of vaccination for rabies, with a vaccine licensed by the United

States Department of Agriculture, signed by an accredited veterinarian. The expiration date of the certificate of vaccination shall not be earlier than December 31 of the year for which the dog license is issued. Upon payment of the license fee, the city clerk or his authorized agent shall issue to each applicant a license to own or harbor a dog for the term commencing at the date of such license and terminating December 31 following. Such application shall state the breed, sex, age, color and markings of such dog. For each license the city clerk or his authorized agent shall, at the time and before issuing the license and for each renewal of the license, collect from each applicant a license fee set by the city council by resolution or the city's authorized agent, from time to time, for each dog four months of age or over.
(Ord. No. 161, § 9.01, 3-17-1976)

Sec. 4-78. Term of license.

All licenses issued under the provisions of this division shall be valid and operative for a term beginning January 1 in the calendar year for which such license is issued and terminating on December 31 of that year.
(Ord. No. 161, § 11.01, 3-17-1976)

Secs. 4-79--4-100. Reserved.

DIVISION 3.

IMPOUNDING AND DISPOSITION

Sec. 4-101. Dog pound.

The city may establish a dog pound, such pound to be located in suitable quarters at such place and location as shall be selected by the city council, or may contract with a person or corporation.
(Ord. No. 161, § 17.01, 3-17-1976)

State Law References: Dog pounds and animal shelters, MCL 287.331 et seq.

Sec. 4-102. Impounding of dogs.

It shall be the duty of the animal control officer to take up, seize and place in the dog pound all dogs that may be found running at large or being kept or harbored in any place within the city contrary to the provisions of this article.
(Ord. No. 161, § 18.01, 3-17-1976)

Sec. 4-103. Release of dogs.

Dogs shall be released from impoundment or disposed of in accordance with the policies and procedures of the county animal control office.
(Ord. No. 161, §§ 19.01, 20.01, 3-17-1976)

Sec. 4-104. Confining dog for observation.

Any person who shall own a dog which has contracted rabies, or which has been subjected to rabies, or which is suspected of having rabies, or which has bitten any person shall upon demand of the animal control officer produce and surrender up such dog to the animal control officer to be held at a licensed veterinarian for

treatment and observation for whatever period is necessary to ascertain the extent of rabies. Such confinement shall be at the sole expense of the owner of the dog and without expense or risk on the part of the city. In lieu of such delivering up of such dog, such person shall have the option of delivering such dog to an approved veterinarian for treatment and observation for rabies and shall furnish to the animal control officer written evidence that such dog has been so delivered, and such confinement shall be at the sole expense of the owner of the dog.

(Ord. No. 161, § 21.01, 3-17-1976)

State Law References: Rules for control of rabies and the disposition of nonhuman agents carrying diseases, MCL 333.5111.

Secs. 4-105--4-135. Reserved.

ARTICLE III.

CATS

Sec. 4-136. License required.

It shall be unlawful for any person to own, possess or harbor any domestic household cat four months old or over in the city unless such cat is licensed as provided in this article.

(Ord. No. 267, § 1.01, 9-21-1989)

Sec. 4-137. Issuance of license.

Upon application filed with the city clerk, giving the full name and residence of the applicant, and upon the payment of the license fee, the city clerk shall issue to each applicant a license to own or harbor a cat for the term commencing at the date of such license and terminating January 1 following. Such application shall state the sex, age, color and markings of such cat; and such cat shall have been immunized against rabies. For each license, the city clerk shall at the time, and before issuing the license, and for each renewal of a license, collect of each applicant a license fee set from time to time for each male cat or unsexed cat and for each female cat.

(Ord. No. 267, § 2.01, 9-21-1989)

Sec. 4-138. Proof of rabies immunization required.

The owner of every cat within the city shall produce to the city clerk a certificate that such cat has been immunized against rabies.

(Ord. No. 267, § 3.01, 9-21-1989)

Sec. 4-139. Violation; penalty.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction be subject to punishment as prescribed in section 1-7.

(Ord. No. 267, § 4.01, 9-21-1989)