

## Chapter 10 - ANIMALS

## FOOTNOTE(S):

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**Cross reference**— Environment, ch. 18.

**State Law reference**— Authority to adopt animal control ordinances, MCL 287.290; crimes relating to animals and bird, MCL 750.49 et seq.

## ARTICLE I. - KEEPING OF ANIMALS

## Sec. 10-1. - Municipal civil infraction.

Any person who violates any provision of this article shall be responsible for a civil infraction, subject to payment of a civil fine as set forth in section 22-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 22-38.

*(Ord. No. 2010-04, 10-11-2010)*

## Sec. 10-2. - Domestic animals and fowl.

- (a) No person shall keep or house any animals or domestic fowl within the village limits except dogs, cats, rabbits, canaries or small animals commonly classified as pets which are customarily housed inside dwellings as household pets.
- (b) Subsection (a) shall not apply to animals or fowl that are kept or housed at village parks facilities for exhibition.

*(Ord. No. 2010-04, 10-11-2010)*

## Sec. 10-3. - Other.

*Bees.* Beekeeping, bee hives or apiaries are prohibited in the village limits.

*(Ord. No. 2010-04, 10-11-2010)*

## Sec. 10-4. - Nuisance action.

Nothing in this article shall prohibit the village or a third party from bringing a nuisance action based on the keeping of animals.

*(Ord. No. 2010-04, 10-11-2010)*

Secs. 10-5—10-30. - Reserved.

## ARTICLE II. - DOGS

## FOOTNOTE(S):

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**Editor's note**— Ord. No. 2010-04, adopted Oct. 11, 2010, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 10-31—10-36, pertained to similar subject matter and derived from Ord. of 3-20-1995(1), §§ 21.010(A), 21.011—21.015, 21.017; Ord. of 7-3-2002(1), § 2.

**Cross reference**— Regulations pertaining to dogs, MCL 287.261 et seq.

## Sec. 10-31. - Municipal civil infraction.

Any person who violates any provision of this article shall be responsible for a civil infraction, subject to payment of a civil fine as set forth in section 22-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 22-38.

(Ord. No. 2010-04, 10-11-2010)

## Sec. 10-32. - Definitions.

For the purpose of this chapter, the following terms shall have the following meanings respectively designated for each:

*Animal control officer* means any police officer or county designate provided that such persons meet the qualifications specified by Act 339, Public Acts of 1919, as amended.

*Dangerous animal* means an animal which has bitten a person so as to draw blood or caused a person broken bones or which has repeatedly attacked, chased or menaced any person or damaged the property (including animals) of persons other than the owner. An animal shall not be considered dangerous solely because it has bitten or attacked a person or any animal attacking its owner or its owner's family nor shall an animal be considered dangerous if it bites or injures a person who has, without justification, provoked it by attacking it or its young.

*Own* means to have possession or a right of property in an animal or to permit a dog or cat to remain on or about one's premises ten days or more.

*Under reasonable control* means a dog which is:

- (1) Secured by a leash held by the owner or the owner's agent;
- (2) Secured by a leash which is attached to a stationary object and attended by the owner or the owner's agent; or
- (3) On the premises of the owner or confined in a vehicle.

*Vicious animal* means an animal which:

- (1) Has killed a person or caused a person serious bodily injury, including, but not limited to, injuries resulting in hospital confinement or reconstructive surgery.
- (2) Is owned, possessed, harbored or trained for the purpose of animal fighting.
- (3) Repeatedly bites or in any way injures people.

(Ord. No. 2010-04, 10-11-2010)

## Sec. 10-33. - License, tag required for dogs six months old.

No person shall own any dog six months old or over, unless the dog is licensed pursuant to Public Act No. 339 of 1919 (MCL 287.261 et seq.) or own any dog six months old or over, that does not at all times wear a collar with a tag approved by the director of agriculture, attached as provided in Public Act No. 339 of 1919 (MCL 287.267), except when such dog is engaged in lawful hunting accompanied by its lawful owner or custodian; or for any person except the owner or authorized agent, to remove any license tag from a dog.

*(Ord. No. 2010-04, 10-11-2010)*

**State law reference**— Dog license required, MCL 287.262; dog license tag kept on dog, MCL 287.267.

Sec. 10-34. - Female dogs in heat; straying dogs prohibited.

It shall be a violation for any owner:

- (1) Of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash;
- (2) Of any dog, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his authorized agent, while actively engaged in activities for which such dogs are trained, to stray, unless held properly in leash.

*(Ord. No. 2010-04, 10-11-2010)*

**State law reference**— Similar provisions, MCL 287.262.

Sec. 10-35. - Impoundment.

- (a) If it is brought to the attention of the village or the law enforcement officer that a dog has strayed in violation of this section, the law enforcement officer shall issue a violation notice to the owner of any such dog and impound such dog.
- (b) If it is necessary to impound a dog, it shall be taken to the Humane Society of Huron Valley.
- (c) If a village law enforcement officer, pursuant to this section impounds a stray dog or an unlicensed dog, the owner or authorized agent of such dog shall be so informed. Such owner or authorized agent shall be required to pay the fees of impounding such dog, which fees shall include, but not be limited to, the actual expense of taking the dog into custody, transporting the dog to the location of impoundment, feeding, and caring for the dog during the period of confinement.
- (d) The payment of impoundment and confinement costs shall not constitute a fine nor penalty but shall be in addition to any fine or penalty prescribed by law.

*(Ord. No. 2010-04, 10-11-2010)*

**State law reference**— Authority to impound animals at large, MCL 67.3.

Sec. 10-36. - Noisy dogs.

It shall be a violation for an owner to harbor or keep within the village a dog which by loud and frequent barking, yelping, growling or other noise causes material disturbance, or discomfort to persons in their reasonable use and enjoyment of premises thereabout. After 10:00 p.m. and before 7:00 a.m., animal noises audible beyond the property line of the property where the animal is located are presumed to be an annoyance and disturbance and are presumed to constitute a noise nuisance.

*(Ord. No. 2010-04, 10-11-2010)*

**Cross reference**— Public nuisances, § 18-31 et seq.; noise, § 18-61 et seq.

Sec. 10-37. - Dog waste.

The owner of a dog shall not permit or enable his dog to discharge its feces on property other than that of its owner unless the dog owner removes and disposes of such feces immediately. In addition to any other available enforcement or abatement mechanism provided by state or local law, violation of this section is a civil infraction and carries a maximum fine of \$50.00.

*(Ord. No. 2010-04, 10-11-2010)*

**Sec. 10-38. - Pet ownership.**

- (a) Pet ownership of certain animals expressly owned by any residents shall be permitted in residential districts and shall include:
- (1) Small animals (legal, nonprotected species) confined solely within the dwelling proper (e.g., rodents, birds and reptiles);
  - (2) Marine (fish) species except those prohibited by protective law;
  - (3) Domesticated dogs and household cats as single pets providing they are in compliance with the ordinance.
- (b) Keeping, possession, or harboring of live hogs, cows, sheep, goats, or any species of equines is prohibited.
- (c) Keeping, possession, or harboring of protected species, except as federally approved, is prohibited. Keeping, possession, or harboring undomesticated animals of a wild or feral nature, or larger than a house cat, is prohibited.
- (d) Any resident who keeps four or more dogs and/or cats shall be required to first obtain a special use permit from the village council after a public hearing held in the manner required for special use permits under the provisions of the zoning ordinance of the village.

Any resident who keeps four or more dogs and/or cats shall annually, on or before the first day of January, apply for and obtain from the village zoning official a zoning compliance permit, which application shall certify under oath that the applicant is in full compliance with all the provisions of this article and all other ordinances pertaining to the keeping of dogs and cats in the village. The fee for such permit shall be as established by resolution of the village council.

*(Ord. No. 2010-04, 10-11-2010)*

**Sec. 10-39. - Violations.**

The owner of any dog or other animal shall be guilty of a violation of the chapter if:

- (1) The dog is at any time not under reasonable control;
- (2) The animal causes a noise nuisance;
- (3) The animal causes a sanitation nuisance;
- (4) The dog is over six months old and is not currently licensed or is not wearing a license tag issued pursuant to this chapter;
- (5) The dog (except leader dogs for the blind) discharges its feces on property other than that of its owner and the owner does not immediately remove such feces;
- (6) The animal is vicious;
- (7) The animal has symptoms of rabies or has bitten or been bitten by another animal showing symptoms of rabies and the owner fails to notify an animal control officer of that fact;
- (8) The owner of a cat older than six months fails to have it at all times immunized against rabies;
- (9) The owner fails to provide the animal with proper food, drink or shelter from the weather;
- (10) The owner fails to provide the animal with medical attention necessary to prevent the animal from suffering;
- (11) The owner confines or leaves the animal in a vehicle or other enclosure without adequate ventilation to prevent the animal from suffering;
- (12)

A dangerous dog, when kept out of doors, is not in a pen or kennel sufficient to restrain the dog and surrounded by a perimeter fence not sharing common fencing with the pen or kennel;

- (13) The animal, other than a dog, is dangerous and is not kept indoors;
- (14) The person is convicted of owning a vicious dog and then acquires another dog within two years of the date of the conviction.

*(Ord. No. 2010-04, 10-11-2010)*