

Chapter 6

ANIMAL ORDINANCE

- Art. I** **In General, §§6.1-6.30**
Art. II. **Dogs and Cats, §§ 6.31-6.38**

ARTICLE I. IN GENERAL

Sec. 6-1. Cruelty to animals.

No person shall cruelly treat or abuse any animal or bird.

(Code 1981, § 42.010)

State law references: Cruelty to animals, MCL 752.21 et seq., MSA 28.161 et seq.

Sec. 6-2. Poisoning animals.

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.

(Code 1981, § 42.020)

State law references: Poisoning of animals, MCL 750.377, 750.437; MSA 28.609, 28.692.

Sec. 6-3. Birds, birds' nests.

No person, except an authorized officer acting in his official capacity, shall molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof.

(Code 1981, § 42.030)

Sec. 6-4. Keeping animals other than pets; proximity to other dwellings; running at large.

(a) It shall be unlawful for any person to keep any animal or fowl within one hundred seventy-five (175) feet of any dwelling other than dwelling of the owner. It shall further be unlawful for any person to permit any animal or fowl owned by him or in his possession or control to run at large in any street, alley or public place, or upon the premises of another without express permission of the owner or occupant thereof. This section shall not apply to such animals or fowl as are commonly housed in a human dwelling as household pets.

(b) (1) A person who cannot reasonably comply with the requirement that no person shall keep any animal or fowl within one hundred seventy-five (175) feet of any dwelling other than the dwelling of the owner may file an appeal to the zoning board of appeals clearly outlining the relief sought and his or her reasons why the variance and/or modification should be granted. The applicant shall pay the appeal fees as established by the city council and shall file the application on the form provided by the city.

(2) The zoning board of appeals shall consider these appeals at its regular hearing dates. A written notice of the time and place of such hearing shall be mailed by first class mail, postage prepaid, at least fifteen (15) days prior to the date of the hearing to all owners of record of all lots or parcels of land lying within five hundred (500) feet of the property on which the animals and/or fowl would be located. Property owners of record shall be those names that appear in the assessor's records. The applicant shall be responsible for paying the zoning board of appeals application fee as established by the city council plus any additional mailing fees.

(3) The zoning board of appeals shall grant no variance and/or modification from the requirements of this section until it has received and reviewed a report from the planning and community development department concerning the specific request under consideration. Further, the zoning board of appeals shall grant no variance and/or modification in any particular case unless it finds all of the following facts and conditions to exist:

- a. That the granting of such variance and/or modification will not be detrimental to the public health, safety and welfare;
 - b. That the granting of such variance and/or modification will not be injurious to the property or improvements in this area;
 - c. That the granting of such variance and/or modification will not violate the overall intent and purposes of this article.
 - d. The concurring vote of two-thirds of the members of the zoning board of appeals shall be necessary in order to grant any variance from or modification to the requirements of this section.
- (Code 1981, § 42.040; Ord. No. C-13-96, § 1, 8-19-96)

Sec. 6-5. Noisy animals.

No person shall keep or harbor any animal, including but not limited to any dog, cat, bird or other animal which emits loud or shrill noises, which by loud or frequent or habitual barking, howling, yelping or calling shall cause serious annoyance to the neighborhood or to persons passing by upon the streets.

(Code 1981, § 42.120)

Secs. 6-6--6-9. Reserved.

Sec. 6-10. Feeding of pigeons, gulls and Canada geese--Prohibited.

(a) The congregation of pigeons, gulls and Canada geese poses a health and safety hazard and offends human senses and may cause adverse environmental effects through bird contamination by excrement, insect infestation and dropped feathers. The encouragement of pigeon, gull or Canada geese congregation is declared to be a public nuisance.

(b) Congregation is defined as the intermittent or periodic presence of six (6) or more of such birds at one location, encouraged by persons putting out food consisting of corn, breadstuffs, nuts and/or other animal feed.

(c) It shall be unlawful for any person to feed a congregation or to, by feeding, create a congregation of pigeons, gulls and Canada geese in the city.

(1) This prohibition shall not apply to pigeons kept in cages and lofts as allowed by law.

(2) This prohibition shall not apply to bird feeders designed to attract and feed songbirds which may also, incidentally, be a resort of pigeons, gulls or Canada geese.

(d) Prior to the issuance of a complaint or citation for violation of this section, the city shall issue a warning letter giving notice of the maximum penalty that could be imposed if the violator fails to cease and desist from violating this section.

(Ord. No. C-1-00, § 1, 1-10-00)

Secs. 6-11--6-30. Reserved

ARTICLE II. DOGS AND CATS*

***Editor's note:** Ord. No. C-16-91, § 1, adopted Sept. 16, 1991, amended Ch. 6, Art. II, in its entirety to read as herein set out. Prior to amendment by Ord. No. C-16-91, Art. II pertained to similar subject matter and was derived from Code 1981, §§ 42.110, 42.130--42.160.

State law references: Dog law, MCL 287.261 et seq., MSA 12.511, et seq.

Sec. 6-31. 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:

On a suitable leash means both: (1) That the dog is attached to a leash that is no more than fifteen (15) feet in length and of such material that the leash is capable of restraining, and does restrain the type and size of dog 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 dog from being out of that person's physical control. A leashed dog that chases a person or domesticated animal a greater distance than fifteen (15) feet, or that bites a person or domesticated animal constitutes prima facie evidence that such dog is not kept on a suitable leash.

Owner, when applied to the proprietorship of a dog or cat, means every person having a right of property in such dog or cat, and every person who keeps or harbors such dog or cat or has it in his or her care, and every person who permits such dog or cat to remain in or about any premises occupied by such person.

Reasonable control means keeping a dog on a suitable leash or under the oral control of the owner or custodian in all cases other than on the owner's or custodian's private property unless the dog is confined in a closed automobile or shipping receptacle.

Reasonable control of a cat, recognizing the nature of this animal, requires that the owner take all reasonable efforts to ensure that a cat does not become a nuisance to any other person by a violation of or destruction to any person's private or public property.

Under the oral control means both: (1) That the dog is trained to and does immediately obey oral or non-verbal commands of the person in custody of the dog at the time, which oral commands effectively restrain and prevent the dog from running away, biting persons or domesticated animals, or otherwise being or acting out of the control of such person; and (2) That the dog is at all times within fifteen (15) feet of such person. An unleashed dog that is more than fifteen (15) feet away from the person in custody of the dog or that chases or bites a person or domesticated animal constitutes prima facie evidence that such dog is not under the oral control of the custodian or owner.

(Ord. No. C-16-91, § 1, 9-16-91; Ord. No. C-8-02, § 1, 11-18-02)

Cross references: Definitions and rules of construction, § 1-2.

Sec. 6-32. Yards, exercise runs; sanitation.

Yards and exercise runs shall be kept free of dog and cat droppings and uneaten food and shall be maintained in a sanitary manner so as not to be a nuisance because of odor or attraction for flies and vermin.

(Ord. No. C-16-91, § 1, 9-16-91)

Sec. 6-33. Licensing, vaccination.

(a) It shall be unlawful for any persons to keep a dog which is six (6) months or older without obtaining a proper licenses and vaccination as required by the county and state.

(b) It shall be unlawful for any person to keep a cat which is six (6) months or older without obtaining a certificate of vaccination for rabies and being able to produce such proof of vaccination at the request of an officer of the city.

(Ord. No. C-16-91, § 1, 9-16-91)

State law references: Dog license, MCL 287.266 et seq., MSA 12.516 et seq.

Sec. 6-34. Confinement, control.

(a) It shall be unlawful for any dog not to be confined upon the premises of its owner or custodian at all times except when the dog is otherwise under the reasonable control of the owner or custodian, or has the express permission of the owner or occupant of the private property.

(b) It shall be unlawful for any cat not to be under the reasonable control of the owner or custodian at all times.

(Ord. No. C-16-91, § 1, 9-16-91)

Sec. 6-35. Kennel license.

No person shall own or operate any dog kennel in the city without having first secured a license therefor pursuant to chapter 8. For purposes of this section, any person who possesses, keeps or houses more than three (3) dogs six (6) months old or over on any one property in the city shall be deemed to be operating a dog kennel. No dog kennel shall be operated or maintained except in such districts as are permitted by the zoning ordinance of the city for commercial kennels.

(Ord. No. C-16-91, § 1, 9-16-91)

Cross references: Kennel defined, § 34-3.

State law references: Authority to provide for kennel licenses, MCL 287.270b, MSA 12.520(2).

Sec. 6-36. Number of dogs or cats.

It shall be unlawful for any person to own, possess, shelter, keep, harbor or maintain more than three (3) dogs and/or three (3) cats six (6) months of age or older on the premises at any one time; however, this provision does not apply to duly licensed pet shops, kennels (section 6-35), veterinarians or veterinarian hospitals.

(Ord. No. C-16-91, § 1, 9-16-91)

Sec. 6-37. Defecation, etc., prohibited; disposal, owner's responsibility.

No person owning, harboring, keeping or in charge of any dog or cat shall cause, suffer or allow such dog or cat to soil, defile, defecate or to commit any nuisance on a public thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without permission of the owner of such property unless:

(1) The person who so owns, harbors, keeps or is in charge of such dog or cat shall immediately remove all droppings deposited by such dog or cat by any sanitary method. The person shall possess a container of sufficient size to collect and remove above-mentioned droppings and exhibit the container, if requested by any official empowered to enforce this article.

(2) The droppings removed from the aforementioned areas shall be disposed of by the person owning, harboring, keeping or in charge of such dog or cat in a sanitary method on the property of the person owning, harboring or in charge of such dog or cat.
(Ord. No. C-16-91, § 1, 9-16-91)

Sec. 6-38. Remedy for damage by cats.

Any owner of a cat who is unable to keep the cat on their own premises due to the nature of the animal shall accept as their full responsibility the cost of any damage to any other person's private or public property.

(Ord. No. C-16-91, § 1, 9-16-91)