

## CHAPTER 8: ANIMALS

### ARTICLE I. IN GENERAL

#### 8-1. TITLE.

This ordinance shall be known and referred to as the "Animal Regulatory Ordinance."

(1978 Code, § 6-1; Ord. No. 215A, § 1, 12-19-89; Ord. No. 368, § 1, 3-18-03)

#### 8-2. PURPOSE AND APPLICATION.

The purpose of this chapter is to prevent animals from running at large and to prohibit and regulate the keeping of certain animals within residential areas to promote the health, safety, and welfare of the people.

(Ord. No. 368, § 1, 3-18-03)

#### 8-3. DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONMENT**. Leaving an animal unattended for more than 24 hours, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, exercise, shelter, or medical care.

**ADEQUATE CARE**. The provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

**ANIMAL**. Any living organism typically capable of moving about, but not of making its own food by photosynthesis, including any mammal, bird, fish, reptile, ferret, snake, turtle, mollusk, crustacean, or any other vertebrate other than a human being.

**ANIMAL CONTROL OFFICER**. Any person designated by the State of Michigan or other unit of government as a law enforcement officer who is qualified to perform animal control duties under the laws of this state. The minimum employment standards relative to the recruitment, selection, and appointment of animal control officers in this city shall at least equal the minimum standards set forth in M.C.L. § 287.289c.

**ANIMAL SHELTER**. Any facility operated by a humane society, governmental agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

**AT LARGE**. Except when lawfully hunting, an animal which is not on the premises of the owner and not under the control of a person by leash or lead of suitable strength, or an animal which is not confined within a motor vehicle.

**CAT**. Any member of the species "Felis Catus."

**DANGEROUS ANIMAL**.

A dog or other animal:

(1) 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;

(2) Having a propensity, tendency, or disposition to attack, cause injury or otherwise endanger the safety of persons or

domestic animals;

- (3) Which behaves or behaved in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other domestic animals;
- (4) Which has been bitten by any animal known to have been afflicted with rabies; or
- (5) Which has bitten any person.

**DANGEROUS ANIMAL** and **VIOLENT ANIMAL** shall have the same meaning for purposes of this chapter.

**DANGEROUS ANIMAL** does not include 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 an 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 lawful activity or is the subject of an assault or battery, or to protect itself or another animal;
- (4) An exotic animal, as defined in § 8-23.

**DOG** . Any member of the species "Canis Familiaries."

**DOMESTIC ANIMAL** . An animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as a tame household pet, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, cockatiels, cockatoos, canaries, finches, parakeets, parrots, and tropical fish.

**FERRET** . An animal of any age of the species "Mustela Furo."

**HARBORING** or **KEEPING** . The act of any person allowing an animal to remain and be lodged within his or her house, store, building, enclosure, or premises.

**KENNEL** . An establishment on which three or more dogs are kept, for sale, boarding, breeding, or training purposes, for remuneration.

**LAW ENFORCEMENT OFFICER** or **POLICE OFFICER** . Includes animal control officers duly authorized by the city or other governmental agency.

**LEASH** or **LEAD** . A thong, cord, rope, chain, or similar tether which holds an animal in restraint and which is not more than six feet in length.

**LIVESTOCK** . Those species of animals used for human food and fiber or those species used for service to humans.

**LIVESTOCK** includes, but is not limited to cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. **LIVESTOCK** does not include dogs and cats.

**NEGLECT** . To fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

**OWNER** . Every person having a right of property in an animal; an authorized agent of the person having a right of property in an animal; every person who keeps or harbors an animal or has it in his or her care, custody or control; every person who permits an animal to remain on or about the premises occupied by him or her; every person who has the apparent authority to have a right of property in an animal; any person having control or purporting to have control over an animal; the person named in the licensing records of any animal as the owner; the occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing records; any person who feeds, shelters, or otherwise entices any animal to the owner's premises, where such animal is otherwise wild or a stray; or any person in possession of, harboring, or allowing any animal to remain about their premises for a period of three consecutive days or more. The parent or guardian of an owner under 18 years of age shall be deemed the owner as defined in this section. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner, even if the animal was in the possession of or under the control of a keeper at the time of the offense. **OWNER** shall include every person who resides at the same address or permits an animal to remain on the premises in which that person resides, if such person is of legal age and capacity and has knowledge that the animal is a dangerous animal.

**PERSON** . An individual, partnership, corporation, cooperative association, joint venture, or other legal or business entity, including but not limited to, contractual relationships.

**PREMISES** . An area of private property, including grounds, buildings, and appurtenances.

**PROVOKE** . To perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an animal, including, but not limited to, threatening, teasing, or striking an animal, or threatening or striking the animal's owner, either on or off the animal owner's property.

**SANITARY CONDITIONS** . Space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health.

**SHELTER** . Adequate protection from the elements and weather conditions suitable for the ages, species, and physical conditions of the animal so as to maintain the animal in a state of good health. **SHELTER** for a dog shall include one or more of the following:

(1) The residence of a dog's owner or other individual.

(2) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog, with an elevation of no less than four inches. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing. The doghouse shall have an entrance which is either covered by a loose covering designed to insulate the interior from harmful weather conditions, or which is designed in such a way so as to otherwise shield the interior from harmful weather conditions.

(3) A structure, including, but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under (2) above that is accessible to the dog.

**TETHERING** . The restraint and confinement of a dog by the use of a chain, rope, or similar device.

**TORMENT** . An act or omission, including abandonment or neglect, that causes unjustifiable pain, suffering, or distress to an animal, including mental or emotional distress as evidenced by the animal's altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate a bite or attack.

**WATER** . Potable water that is suitable for the age and species of animal, made regularly available unless otherwise directed by a veterinarian licensed to practice veterinary medicine.

**WILD ANIMAL** . Any nondomesticated animal, any cross of a nondomesticated animal, and any animal that has never been harbored, kept, or otherwise possessed by a person.

(1978 Code, § 6-2; Ord. No. 215-A, § 1, 12-19-89; Ord. No. 368, § 1, 3-18-03)

**Statutory reference:**

*Animal Industry Act; definitions, see M.C.L. §§ 287.705, 287.706*

*Animals running at large; definitions, see M.C.L. § 433.11*

*Charge or custody of animal; definitions, see M.C.L. § 750.50(1)*

*Dangerous animals, see M.C.L. § 287.321*

*Kennels, see M.C.L. § 287.270*

*Municipal animal control officer; employment standards, see M.C.L. § 287.289c*

## **8-4. ABUSE PROHIBITED.**

An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

(A) Fail to provide an animal with adequate care;

(B) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten;

(C) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner;

(D) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, STAND means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle;

(E) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, walking, hiking or hunting shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal;

(F) Willfully or negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain;

(G) Tether a dog unless the tether is at least three times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering.

(H) Leave an animal in a yard or outdoor enclosure without someone at home who is monitoring and supervising the animal and who is capable of controlling the animal.

(1978 Code, §§ 6-8, 6-9; Ord. No. 215-A, § 1, 12-19-89; Ord. No. 368, § 1, 3-18-03; Ord. No. 411, § 8, 2-1-11) Penalty, see § 8-5

**Statutory reference:**

*Abuse of animals, see M.C.L. § 750.50(2)*

**8-5. CIVIL ACTIONS FILED BY CITY ATTORNEY; FORFEITURE; PENALTIES.**

(A) If an animal is impounded and is being held by an animal control shelter or its designee or an animal protection shelter or its designee or a licensed veterinarian pending the outcome of a criminal action charging a violation of § 8-4, before final disposition of the criminal charge, the City Attorney may file a civil action in the court that has jurisdiction of the criminal action, requesting that the court issue an order forfeiting the animal to the animal control shelter or animal protection shelter or to a licensed veterinarian before final disposition of the criminal charge. The City Attorney shall serve a true copy of the summons and complaint upon the defendant and upon a person with a known ownership interest or known security interest in the animal or a person who has filed a lien with the secretary of state in an animal involved in the pending action. The forfeiture of an animal under this section encumbered by a security interest is subject to the interest of the holder of the security interest who did not have prior knowledge of, or consent to the commission of the crime.

(B) Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing shall be conducted within 14 days of the filing of the civil action, or as soon as practicable. The hearing shall be before a judge without a jury. At the hearing, the City Attorney has the burden of establishing by a preponderance of the evidence that a violation of § 8-4 occurred. If the court finds that the City Attorney has met this burden, the court shall order immediate forfeiture of the animal to the animal control shelter or animal protection shelter or the licensed veterinarian unless the defendant, within 72 hours of the hearing, submits to the court clerk cash or other form of security in an amount to be determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of initial impoundment to the date of trial. If cash or other security has been submitted, and the trial in the action is continued at a later date, any order of continuance shall require the defendant to submit additional cash or security in an amount determined by the court to be sufficient to repay all additional reasonable costs anticipated to be incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal until the new date of trial. If the defendant submits cash or other security under this section the court may enter an order authorizing the use of that money or other security before final disposition of the criminal charges to pay the reasonable costs incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of impoundment to the date of final disposition of the criminal charges.

(C) The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this subsection does not waive the person's constitutional right against self-incrimination.

(D) An animal seized under this section is not subject to any other civil action pending the final judgment of the forfeiture action under this section.

(E) A person who violates § 8-4 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not

more than \$500 or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution.

(F) If forfeiture is not ordered pursuant to this section, as a part of the sentence for a violation of § 8-4, the court may order the defendant to pay the costs of care, housing, and veterinary medical care for the animal as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this section, or orders only partial payment of these costs, the court shall state on the record the reason for that action.

(G) As part of the sentence for a violation of § 8-4, the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation.

(H) A person who owns or possesses an animal in violation of an order issued under this section is subject to revocation of probation. A person who owns or possesses an animal in violation of an order issued under this section is also subject to the civil and criminal contempt power of the court, and if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days, or by a fine of not more than \$500, or both.

(Ord. No. 368, § 1, 3-18-03)

**Statutory reference:**

*Charge or custody of animals; prohibited conduct, see M.C.L. § 750.50*

**8-6. LAWFUL KILLING.**

The lawful killing or other use of an animal, including, but not limited to the following, is not prohibited:

(A) Fishing;

(B) Hunting, trapping, or wildlife control regulated pursuant to the Natural Resources and Environmental Protection Act, being M.C.L. §§ 324.101 to 324.90106;

(C) Horse racing;

(D) The operation of a zoological park or aquarium;

(E) Pest or rodent control;

(F) Farming or a generally accepted animal husbandry or farming practice involving livestock as permitted under the city's zoning ordinance;

(G) Activities authorized pursuant to rules promulgated under section 9 of the Executive Organization Act of 1965, being M.C.L. § 16.109;

(H) Scientific research pursuant to Use of Dogs and Cats for Research, being M.C.L. §§ 287.381 to 287.395;

(I) Scientific research pursuant to sections 2226, 2671, 2676, and 7333 of the Public Health Code, being M.C.L. §§ 333.2226, 333.2671, 333.2676, and 333.7333.

(Ord. No. 368, § 1, 3-18-03)

**Statutory reference:**

*Lawful killing of animals, see M.C.L. § 750.50(8)*

**8-7. HUMANE TREATMENT REQUIRED.**

No owner shall fail to provide his or her animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(1978 Code, § 6-7; Ord. No. 215A, § 1, 12-19-89; Ord. No. 368, § 1, 3-18-03)

## **8-8. DANGEROUS ANIMALS.**

(A) No person shall own or harbor a vicious or dangerous animal, an animal that has been bitten by any animal known to have been afflicted with rabies, or an animal which has bitten any person.

(B) If an animal previously adjudicated to be a dangerous animal attacks or bites a person and causes an injury that is not a serious injury, the owner of the animal is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not less than \$250 nor more than \$500, or community service work for not less than 240 hours, or any combination of these penalties. The court may order a person convicted under this subsection to pay the costs of the prosecution.

(C) Upon a sworn complaint that an animal is dangerous and the animal has caused serious injury or death to a person or has caused serious injury or death to a domestic animal, a district court magistrate or district court shall issue a summons to the owner ordering him or her to appear and show cause why the animal should not be destroyed.

(D) Upon the filing of a sworn complaint as provided in subsection (C), the court or magistrate shall comply with the requirements of M.C.L. § 287.322.

(Ord. No. 368, § 1, 3-18-03)

***Statutory reference:***

*Dangerous animals, see M.C.L. § 287.322*

*Dangerous animals; penalty, see M.C.L. § 287.323(3)*

## **8-9. CONTROL OF ANIMALS; RUNNING AT LARGE; CLEANUP.**

(A) All animals shall be kept under restraint. It shall be unlawful for any person to cause or permit any animal owned, kept, possessed, or harbored by such person, or under his or her control, to run at large or unattended, upon the public streets, walks, alleys, parks, public places within the city, or upon the premises of another, without express permission of the owner or occupant of the private premises. All female dogs in heat shall be kept inside a building or within a fence or other enclosure which limits the dog to a particular confined area so that the dog cannot come into contact with a male dog except for planned breeding. When allowed outdoors to relieve itself, a dog in heat shall be under restraint and under the observation of its owner.

(B) If an animal trained or used for fighting or an animal that is the first or second generation offspring of a dog trained or used for fighting goes beyond the property limits of its owner without being securely restrained, or is not securely enclosed or restrained on the owner's property, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50 nor more than \$500, or both.

(C) Subsection (B) does not apply to the following:

(1) A dog trained or used for fighting, or the first or second generation offspring of a dog trained or used for fighting, that is used by a law enforcement agency of the state or county, city, village, or township;

(2) A certified leader dog recognized and trained by a national guide dog association for the blind or for persons with disabilities; or

(3) A corporation licensed under the Private Security Guard Act of 1968, being M.C.L. §§ 338.1051 to 338.1085, when a dog trained or used for fighting, or the first or second generation offspring of a dog trained or used for fighting, is used in accordance with the Private Security Guard Act of 1968.

(D) An animal that is involved in a violation of subsection (B) shall be confiscated as contraband by a law enforcement officer and shall not be returned to the owner, trainer, or possessor of the animal. The animal shall be taken to a local humane society or other animal welfare agency. If an animal owner, trainer, or possessor is convicted under subsection (B), the court shall award the animal involved in the violation to the local humane society or other animal welfare agency at the expense of the animal's owner, trainer, or possessor.

(E) This section does not apply to conduct that is permitted by and is in compliance with any of the following:

(1) Part 401 of the Natural Resources and Environmental Protection Act being, M.C.L. §§ 324.40101 to 324.40119;

(2) Part 435 of the Natural Resources and Environmental Protection Act, being M.C.L. §§ 324.43501 to 324.44106;

(3) Part 427 of the Natural Resources and Environmental Protection Act, being M.C.L. §§ 324.42701 to 324.42714;

(4) Part 417 of the Natural Resources and Environmental Protection Act, being M.C.L. §§ 324.41701 to 324.4712.

(5) An agreement between the city and any other governmental agency for the humane treatment and release of stray or feral cats to the area in which they were taken into custody.

(F) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section.

(G) A person who sustains any loss of, or damage to, property by an animal running at large may demand reasonable compensation from the owner of the animal as reparation for the loss or damage as ordered by the court. The demand for compensation shall be in writing and include:

(1) A statement of when, where, what, and how much damage was done.

(2) The identity or description of the animal and, if known, the identity of the owner of the animal.

(3) The demand for compensation shall be verified by the claimant and submitted to the law enforcement agency which has the animal in its custody or possession.

(H) If the owner of an animal that is previously adjudicated to be a dangerous animal allows the animal to run at large, the owner is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not less than \$250 nor more than \$500, or community service work for not less than 240 hours, or any combination of these penalties. The court may order a person convicted under this subsection to pay the costs of the prosecution.

(I) Any person who owns, keeps, possesses, or harbors an animal shall be responsible to ensure that the animal does not defecate on property other than that person's property, or, if the animal does so, to promptly clean up any fecal matter deposited by the animal.

(J) Animals found trespassing on school grounds, whether under restraint or otherwise, shall constitute a nuisance per se, punishable as provided in this chapter.

(K) This section may be construed to permit the use of technological restraints, which include, but are not limited to, invisible fences which emit signals or sounds to discourage an animal from exiting the property; provided, that such technological restraints must be properly installed, set up, operational, and advertised by signage as required by this chapter, and provided the technological restraint keeps the restrained animals at least three feet away from any public ways or property lines. The permission granted by this section to utilize technological restraints for a particular animal shall be automatically revoked upon a second violation by that animal of the restraint requirements of this chapter. In no event shall the use of technological restraints immunize an owner from the criminal and civil responsibilities set forth in this chapter for failure to keep an animal under restraint.

(1978 Code, §§ 6-4, 6-24; Ord. No. 215-A, §§ 1, 2, 12-19-89; Ord. No. 368, § 1, 3-18-03; Ord. No. 447, § 1, 6-21-16) Penalty, see § 1-9

#### ***Statutory reference:***

*Animals running at large, see M.C.L. §§ 433.12, 433.13*

*Animals used for baiting or fighting, see M.C.L. § 750.49*

*Dangerous animals, see M.C.L. §§ 287.322, 287.323*

## **8-10. IMPOUNDMENT.**

(A) A police or animal control officer may seize and take into custody or possession any animal running at large in violation of this chapter, or any animal which is suspected of having rabies or which has bitten a human or harmed another domesticated animal. A person may seize and take into custody or possession any animal found running at large or trespassing upon the premises owned or occupied by that person. A person who takes an animal into custody or possession pursuant to this section, or who has been bitten by an animal, or who owns an animal and knows that a person has been bitten by the animal, shall immediately notify the Police Department or other law enforcement agency. The Police Department or law enforcement agency shall promptly take custody or possession of the animal.

(B) If the Police Department takes custody or possession of an animal under this section, and if the owner of the animal is known,

the Police Department shall return the animal to its owner, unless the owner refuses to make reparation as provided in § 8-9(G). If the owner is not known, the Police Department shall turn the animal over to the county for disposition as appropriate.

(C) The owner of an animal in the custody or possession of the Police Department pursuant to this chapter, at any time prior to the sale or other disposition thereof, may claim and be entitled to the possession of the animal. Upon payment of reasonable compensation to the entity or agency in possession of the animal for care and keeping of the animal, upon satisfactory proof of ownership of the animal, and upon making reparation as provided in § 8-9(G), the animal shall be returned to its owner.

(D) In addition to, or in lieu of impounding an animal found at large, a police or animal control officer or any person appointed by the Council for that purpose may issue to the known owner of such animal a notice of code violation. Such notice shall impose upon the owner a penalty in a dollar amount to be assessed as determined by resolution of City Council, which may, at the discretion of the animal owner, be paid within 72 hours in full satisfaction of the assessed penalty.

(E) If such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a magistrate; and upon conviction of a violation of this article, the owner shall be punished as provided in § 1-9.

(F) The owner of any animal impounded under the provisions of this chapter shall be liable to the city for the expense of impoundment. Failure to make payment in full to the City Treasurer within ten days of receipt of an invoice shall constitute a civil infraction. The city may commence a civil action against a person who is liable for the payment of impoundment expenses to recover the expenses, statutory interest, court costs, and reasonable attorney fees, where the person has failed to make payment in full within ten days of receipt of an invoice from the City Treasurer.

(G) In the event that an owner desires to surrender an animal to the city, whether for purposes of euthanizing the animal or otherwise, the owner shall be required to compensate the city for costs incurred for transport and proper disposal of the animal.

(1978 Code, §§ 6-12, 6-48, 6-49, 6-51, 6-52; Ord. No. 215-A, §§ 1, 4, 12-19-89; Ord. No. 368, § 1, 3-18-03; Ord. No. 411, § 5, 2-1-11) Penalty, see § 1-9

***Statutory reference:***

*Animals running at large, see M.C.L. §§ 433.14 through 433.18*

**8-11. SANITATION.**

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

(B) It shall be unlawful for any person to walk any animal on any property not owned by such person, whether public or private, unless such person has an appropriate device for the collection of fecal matter in his immediate possession and an appropriate depository for the transmission of fecal matter to the premises where the animal is harbored or kept.

(C) Every person lawfully keeping or harboring any animal shall keep or cause to be kept all manure or offal which is deposited by or which accumulates from such animal, securely and closely confined to or buried upon his or her premises and in such manner as will prevent it from being scattered from such place of deposit into or upon any street, sidewalk, alley, or gutter of the city, or into or upon any private property, and shall so cover and care for it as to prevent any malodorous or offensive condition to exist and to prevent any nuisance to arise therefrom. All such deposits shall be promptly removed from the owner's premises and/or otherwise properly disposed of, in no event later than 24 hours after a complaint is received by the city. Failure to comply with this subsection is a misdemeanor.

(1978 Code, § 6-10; Ord. No. 215-A, § 1, 12-19-89; Ord. No. 368, § 1, 3-18-03) Penalty, see § 1-9

**8-12. COMMERCIAL AND FOOD SOURCE PURPOSES PROHIBITED.**

(A) No animals shall be raised, bred, or kept on any premises, except that nonvicious domestic animals may be kept, provided they are not kept, bred, or maintained for any commercial purposes.

(B) All wild animals, including birds, are deemed to be property of the state and may not be harbored, imported, or otherwise kept on any premises, for use as a source of food or for any other purpose, unless otherwise permitted by state law.

**Statutory reference:**

*Trapping of animals, see M.C.L. § 324.43509*

**8-13. DOMESTICATED PIGEONS.**

(A) This chapter shall not be construed to prohibit the orderly keeping of domesticated pigeons. With input and assistance from representatives of a national domesticated pigeon organization, the city has enacted this section in an effort to expand upon antiquated state law allowing the orderly keeping of racing pigeons to also allow the orderly keeping of all domesticated pigeons. In order to ensure that the keeping of domesticated pigeons remains orderly, domesticated pigeons shall only be kept in a loft which has been inspected and approved by the Building Department as being in conformity with all applicable building and zoning codes and regulations; which has been inspected and approved by animal control personnel as being in conformity with administrative standards promulgated by the city manager; and which has been issued a permit from the County Health Department as a proper structure for purposes of keeping domesticated pigeons. A copy of the administrative standards shall be kept in the office of the city clerk and may be obtained by any owner of an existing pigeon loft or any applicant for a pigeon loft permit at no charge. Existing lofts must comply with any new or updated administrative standards unless the city manager deems, upon written request for a waiver, that the public health and welfare purposes behind the administrative standards will not be achieved by requiring an existing loft to meet the new or updated standards.

(B) A "domesticated pigeon" is a pigeon that is seamlessly banded upon the leg with the name of the organization with which the pigeon is registered and with a unique identification or registration number stamped on the band. Acceptable organizations include the National Pigeon Association; the American Racing Pigeon Union; the International Federation of Racing Homers; the National Birmingham Roller Club, the American Tippler Union; or similar organizations recognized as legitimate pigeon fancier organizations by the domesticated pigeon industry.

(C) Officials from the Building Department and Police Department shall have the right, during reasonable hours, to enter upon property and premises for the purpose of randomly inspecting a licensed pigeon loft (or one for which a license is pending) to ensure that the loft is being maintained in conformity with the administrative standards promulgated by the city manager and the standards adopted by the Macomb County Health Department. Revocation of the city's loft inspection approval on file with the Macomb County Health Department may be transmitted by city officials to the county when:

- (1) A licensee or applicant fails the initial inspection and is unable or unwilling to remedy the violation(s) within 72 hours; or
- (2) The licensee or applicant refuses to accommodate all reasonable requests for inspection. Unlicensed lofts are prohibited and, unless a license application is pending, city officials may take immediate action to eliminate such lofts including, but not limited to, issuing citations and seeking abatement of such nuisances through the Board of Ordinance Appeals.

(D) All pigeon and pigeon loft odors shall be minimized so that they do not cross property lines. All pigeon and pigeon loft odor complaints shall be independently verified at the property line and tracked to the loft by animal control personnel before a loft owner may be held responsible under this section for the odor. All lofts must be free from any insect or rodent infestations. All pigeons shall be confined to the loft, except for reasonable but limited periods necessary for exercise, training, and competition. Such exercise, training, and competition periods shall not exceed three hours at any one time. At no time shall pigeons be allowed to perch or linger on the buildings or property of others, except that reasonable exceptions shall be made for short-term training of juvenile pigeons. All domesticated pigeons shall be fed within the confines of their loft.

(E) The owner of every domesticated pigeon shall be responsible for the removal of any excreta deposited by the pigeon on public walks, recreation areas, or private property. Responsibility shall be independently verified by an animal control officer as attributable to the pigeon(s) at issue.

(F) Violation of any provision of this section is punishable as set forth in chapter one of the city code.

(Ord. No. 368, § 1, 3-18-03; Ord. No. 399, § 2, 12-16-08)

**Statutory reference:**

*Definitions, see M.C.L. § 433.351*

*Racing pigeons, see M.C.L. § 433.19*

## **8-14. NUISANCE PER SE.**

Any continuing or repeated violation of this chapter shall constitute a nuisance per se and may be abated by an action in circuit court. In addition, any person who permits or allows a nuisance per se violation of this chapter shall be guilty of a misdemeanor.

(1978 Code, § 6-77; Ord. No. 215-A, § 6, 12-19-89; Ord. No. 368, § 1, 3-18-03)

## **8-15. RESPONSIBILITY FOR DAMAGES.**

Every owner of an animal shall be liable for damages for any and all injuries to persons or property caused by such animal, to be determined and collected in appropriate civil proceedings. Nothing in this chapter shall be construed to impose any liability upon the city, its agents, or its employees for damages caused by such animal.

(Ord. No. 368, § 1, 3-18-03)

## **8-16. BURIAL OF DEAD ANIMALS.**

All animals or parts of an animal, placed into any lake, river, creek, pond, road, street, alley, lane, lot, field, meadow, or common, or in any place within one mile of any residence, shall be buried at least four feet under ground. The owners of any buried animal who knowingly permit the animal to remain in a place to the injury of the health or the annoyance of the citizens of Sterling Heights shall be guilty of a misdemeanor. A new misdemeanor shall be charged for every 24 hours the animal remains buried in violation of this section. The misdemeanor shall be punishable by a fine of not less than \$50 nor more than \$100, or by imprisonment of not less than 30 days nor more than 90 days. This section shall not be applicable in the event that a more restrictive zoning ordinance applies.

(Ord. No. 368, § 1, 3-18-03)

### *Statutory reference:*

*Burial of dead animals, see M.C.L. § 750.57*

## **8-17. VIOLATIONS.**

(A) Violations of this chapter are misdemeanors punishable as set forth in § 8-55 unless otherwise specified in § 1-9(C) or unless a different penalty is set forth in this chapter.

(B) Violation of this chapter may result in impoundment and/or abatement of a nuisance.

(Ord. No. 368, § 1, 3-18-03)

## **8-18. ZONING ORDINANCE.**

No person shall establish or maintain a regulated use in violation of the Zoning Ordinance.

(Ord. No. 368, § 1, 3-18-03)

## **8-19. TECHNOLOGICAL RESTRAINT; POSTING REQUIRED.**

In the event that permissible technological restraint mechanisms are utilized as set forth in this chapter, all such mechanisms shall be publicized by means of posting notice of the use of such mechanism or by such means as will be open and obvious to law enforcement officers and passersby.

(Ord. No. 368, § 1, 3-18-03)

## **8-20. REPORTING OF ANIMALS HIT BY MOTOR VEHICLE.**

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the Police Department.

(1978 Code, § 6-11; Ord. No. 215-A, § 1, 12-19-89; Ord. No. 368, § 1, 3-18-03) Penalty, see § 1-9

## **8-21. SALE OF RABBITS, CHICKS, DUCKLINGS PROHIBITED.**

It shall be unlawful for any person, firm or corporation to sell, or offer for sale, any baby chicks, rabbits two months old or younger, ducklings, or other fowl or game as pets or novelties whether or not dyed or otherwise artificially colored or treated. This section shall not be construed to prohibit the display or sale of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling the same to be raised for commercial purposes.

(1978 Code, § 6-5; Ord. No. 215-A, § 1, 12-19-89; Ord. No. 368, § 1, 3-18-03)

### ***Statutory reference:***

*Sale of baby chicks, rabbits, ducklings, or other fowl or game, see M.C.L. § 752.91*

## **8-22. EXPOSURE OF POISON PROHIBITED.**

No person shall expose any known poisonous substance, whether mixed with meat or other food or not, so that the same is liable to be eaten by any animal; provided, that it shall not be unlawful to expose on one's own premises common rat poisons mixed only with vegetable substances.

(1978 Code, § 6-6; Ord. No. 215-A, § 1, 12-19-89; Ord. No. 368, § 1, 3-18-03)

### ***Statutory reference:***

*Exposing poisonous substances, see M.C.L. § 750.437*

## **8-23. ANIMALS EXCLUDED.**

(A) **EXOTIC ANIMAL** means those animals that are not domestic or any cross of those animals not domestic to North America. Except as otherwise provided in this chapter, it shall be unlawful for a person to possess, breed, exchange, buy or sell, or attempt any of those actions, or harbor the following exotic or wild animals:

- (1) Apes, monkeys, and related forms, excepting monkeys used to assist disabled persons;
- (2) Poisonous reptiles and other animals, spiders, and insects;
- (3) All species and sizes of constrictor snakes;
- (4) Cats from the wild family, including, but not limited to, bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas, tigers;
- (5) Nondomesticated carnivorous animals, including hybrid crosses of nondomesticated carnivorous animals, including, but not limited to, raccoons, skunks, foxes, wolves, etc.;
- (6) All known species of crocodilia, including, but not limited to, crocodiles and alligators;
- (7) Piranha fish;
- (8) All known species of chondrichthyes, including, but not limited to, sharks;
- (9) All known species of struthio, including, but not limited to, ostriches, emus, and other ratites;
- (10) Elephants;
- (11) Perissodactyla, including, but not limited to, rhinoceros and other animals with an odd number of toes, except as provided in

subsection (C);

- (12) Artiodactyla, including, but not limited to, camels and other hooved mammals with an even number of toes;
- (13) Iguanas, lizards, geckos, newts, and other members of the class reptilia;
- (14) Hedgehogs.

(B) A person who owns or keeps an exotic or wild animal listed in this section on the effective date of this chapter shall, within 30 days of the effective date of this chapter, remove the animal from the city.

(C) This section shall not apply to the following:

- (1) Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums;
- (2) Wildlife sanctuaries and nature preserves;
- (3) Circuses;
- (4) Bona fide scientific, medical, or educational research facilities; or
- (5) Properly licensed stables.

(1978 Code, § 6-13; Ord. No. 215-A, § 1, 12-19-89; Ord. No. 368, § 1, 3-18-03)

#### **8-24. RESERVED.**

## **ARTICLE II. DOGS AND CATS**

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### **DIVISION 1. IN GENERAL**

#### **8-25. VIOLATION NOTICES, FEE.**

The Police Department, and any other persons authorized to enforce this article, upon witnessing violations of this article under circumstances where it is not practical, possible, or desirable in their judgment to impound the dog or cat, may issue to the owner of the dog or cat a notice of such violation, pursuant to which the owner shall pay to the Police Department within ten days a service fee in an amount equal to the impounding fee which would have been imposed under § 8-10 had the dog or cat been impounded at the time of the violation.

(Ord. No. 368, § 1, 3-18-03)

#### **8-26. CONFINEMENT; DISEASE OR CONTAMINATION.**

(A) It shall be unlawful for any owner to allow any dog or cat to leave the owner's premises under any conditions, unless such dog or cat has been immunized against rabies, provided nothing in this section shall be interpreted to prevent an owner from taking his dog or cat to the offices of a veterinarian, for purposes of having such dog or cat immunized.

(B) A person who discovers, suspects, or has reason to believe that an animal is either affected by a reportable disease or contaminated with a toxic substance shall immediately report that fact, suspicion, or belief to the Director of the Department of Agriculture or the Police Department.

(C) A person who knowingly possesses or harbors affected or suspect animals shall not expose other animals to the affected or suspect animals or otherwise move the affected or suspect animals or animals under quarantine, except with permission from the Director of the Department of Agriculture.

(D) A person shall not remove or alter the official identification of an animal. A person shall not misrepresent an animal's identity or

the ownership of an animal. A person shall not misrepresent the animal's health status to a potential buyer.

(E) A violation of this section is punishable as set forth in § 1-9, except that a person who violates subsection (C) is guilty of a misdemeanor, punishable by a fine of not less than \$300 or imprisonment of not less than 30 days, or both.

(Ord. No. 368, § 1, 3-18-03) Penalty, see § 1-9

**Statutory reference:**

*Animals affected with reportable disease or contaminated with toxic substance, see M.C.L. § 287.709*

## **8-27. CONTROL OF CATS.**

It shall be unlawful for any person in the city to have possession or custody of any cat without having it under control or confined to his or her premises at all times.

(1978 Code, § 6-37; Ord. No. 215-A, § 3, 12-19-89; Ord. No. 368, § 1, 3-18-03) Penalty, see § 8-55

## **8-28. POTENTIALLY DANGEROUS DOGS.**

The purpose of this section is to establish a procedure for identifying dogs that pose a potential or significant threat to the safety of people, animals, or property, to impose precautionary restrictions on such dogs in an effort to prevent a serious injury from occurring, and to promote responsible ownership of all dogs within the city.

(A) Determination of a potentially dangerous dog. The determination that a dog is potentially dangerous shall be based on the following specific behaviors exhibited by the dog:

(1) Menaces, chases, displays threatening or aggressive behavior toward, or otherwise threatens or endangers the safety of a person or domestic animal.

(2) Causes injury to a person or domestic animal that is less than a severe injury. For purposes of this section, the term "severe" injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function.

(3) Aggressively bites a person or domestic animal. For purposes of this section, the term "aggressively bites" means the dog physically bit the person or animal in a manner not normally associated with playfulness or accidental behavior while exhibiting objective signs of aggression, attack behavior, or intent to harm. The damage inflicted by a bite, or lack thereof, may also be used by animal control officials as a factor in determining whether a bite was aggressive.

(4) Any of the behaviors listed above exhibited in another community and documented in an official report of any law enforcement or animal control agency.

(B) Notice of determination and right of appeal. An animal control officer shall have the authority to make a determination that a dog is potentially dangerous if the animal control officer concludes the dog has exhibited the behaviors specified in this section. The owner or keeper of a dog determined to be potentially dangerous shall be provided with a notice containing the following information:

(1) A summary of the findings that form the basis for the determination that the dog is potentially dangerous.

(2) Notice of requirements necessary to possess a potentially dangerous dog in the city.

(3) Notice of the right to submit a written appeal of the determination that the dog is potentially dangerous to the Board of Ordinance Appeals within ten calendar days from the date of the notice. The notice shall:

(a) Provide instructions for taking an appeal;

(b) Indicate that the appeal will be considered at the next regular meeting of the Board of Ordinance Appeals to be held at least three calendar days from the date of the notice, unless an earlier meeting is scheduled and the owner requests in writing for the appeal to be heard at that meeting;

(c) Indicate that the determination that the dog is potentially dangerous is final and conclusive if an appeal is not taken; and

(d) Indicate that ownership of the dog will be deemed forfeited to the city if any of the following occur:

a. An appeal is not taken and the owner has not secured permanent relocation of the dog or satisfied all of the requirements set forth below for possession of a potentially dangerous dog within 14 calendar days from the date of the notice.

b. The Board of Ordinance Appeals upholds the determination that the dog is potentially dangerous and the owner or keeper has not secured permanent relocation of the dog or satisfied all of the conditions set forth in this section, and any other conditions established by the Board, for possessing the potentially dangerous dog within 14 days of the appeal hearing.

c. Animal control and the Board of Ordinance Appeals shall have the authority, but no obligation, to extend any of the deadlines set forth in this division for demonstrable good faith progress toward relocation of the dog or toward satisfaction of the possession requirements.

(4) Notice of the right to request removal of the potentially dangerous classification after the dog has resided and been licensed within the city for a minimum of three full years following the date the dog is licensed with the city as a potentially dangerous dog without any violations of the conditions required for keeping the potentially dangerous dog and without any new incidents involving behavior by the dog that would qualify for a potentially dangerous determination pursuant to this section. The removal request shall be sent in writing to animal control. The decision to remove the potentially dangerous classification shall be made in the first instance by animal control upon a review of the history of the dog and its residence for the three years preceding the date of the removal request, including a premises inspection and an inspection of the dog to ensure that the conditions set forth in this section have been followed. If the request is denied, the owner may appeal the denial to the Board of Ordinance Appeals within ten calendar days. Owners shall only be permitted one request and one appeal during any 12-month period.

(C) Mitigating circumstances. An animal control officer shall have discretion to refrain from making a potentially dangerous determination if the animal control officer determines that the behavior was the result of the victim abusing or tormenting the dog, was directed toward a trespasser or person committing or attempting to commit a crime, involved accidental or instinctive behavior while playing, did not involve a significant injury, or other similar mitigating or extenuating circumstances.

(D) Impoundment. A dog that is determined to be potentially dangerous shall be removed from the city and placed with the Macomb County Animal Shelter or, in the discretion of Animal Control, the owner may authorize placement of the dog at a residential home outside of the city, or with a qualified rescue organization or qualified dog lodging business, during any quarantine period and until the owner has either confirmed a new place of residence for the dog outside of the city or has exhausted any appeals permitted by this section. If the dog is not being housed at the shelter, it must first be microchipped with all information required by animal control. All impoundment, lodging, and microchipping costs are the sole responsibility of the dog's owner.

(E) Requirements for possession of a potentially dangerous dog. If the owner of the dog requests that the dog be permitted to return to the city, its return shall not be permitted until the following requirements have been satisfied:

(1) Animal control shall confirm the following:

(a) The owner or keeper shall install secure fencing at the property where the dog will reside which is maintained in good repair with self-locking ingress or egress gates. The fencing may be any combination of chain link fencing and/or privacy fencing, shall only be installed upon obtaining all required fence permits from the city, and shall pass all required inspections prior to the dog's return to the property,

(b) When removed from the property of the owner or keeper, a potentially dangerous dog shall always be restrained by a secure leash of no more than four feet in length and under the control of a capable person.

(c) A potentially dangerous dog shall have a microchip implanted by a licensed veterinarian. The microchip shall contain the name and approximate age of the dog, its classification as potentially dangerous, and the name, address, and telephone number of the registered owner.

(d) The owner shall obtain and maintain public liability insurance with policy coverage in the minimum amount of \$250,000.

(e) Two recent color photographs of the dog, which clearly show the color and approximate size of the animal, shall be provided to animal control.

(f) The potentially dangerous dog shall meet the requirements of the AKC's Canine Good Citizen Program, or its equivalent, to the satisfaction of animal control. Dogs that are under one year of age are ineligible for the AKC Canine Good Citizen Program, so such dogs must be enrolled in or have completed the AKC START Program or an equivalent approved by animal control. The dog may not return to its city residence until these requirements have been met, but it may be kept at a qualified rescue or dog housing business until proof of successful completion of the program is submitted to, and acknowledged by, animal control and the City Clerk. For every future violation of this chapter for which a dog may be determined to be potentially dangerous which occurs after the dog has completed the requirements of this subsection and been properly registered under this section, additional training or testing,

including but not limited to renewing the dog's compliance with this division, may be imposed by animal control as a condition of continuing to keep the dog within the city unless the dog's status is changed to dangerous due to the nature or frequency of the new violation(s).

(g) The potentially dangerous dog, if over 12 weeks old, has been spayed or neutered.

(h) All impoundment and lodging costs have been paid by the owner.

(2) Before the dog returns to any property within the city other than a qualified rescue organization or a boarding business, the owner of a potentially dangerous dog shall ensure that the dog's license is current and shall register the dog with the City Clerk as a potentially dangerous dog with all information required by the City Clerk's potentially dangerous dog registration form, as well as the following:

(a) Proof of animal control's certification that the required fence, self-locking gate, and leash have all been procured for the dog.

(b) Proof of microchipping and the information contained on the microchip. The owner shall ensure that the microchip information provided to the city is kept up to date.

(c) Proof of the required insurance policy.

(d) Proof of the successful completion of the required training and temperament testing.

(e) Two recent color photographs of the dog, which clearly show the color and approximate size of the animal.

(3) The owner or keeper of a potentially dangerous dog must, within ten business days, report to the City Clerk if the dog has been permanently removed from the city, has died, or has relocated within the city. The new address of a relocated potentially dangerous dog shall be provided as part of the report to the City Clerk.

(4) After its initial registration, a potentially dangerous dog shall be registered with the City Clerk annually and its owner or keeper shall pay a registration fee established by the city's annual appropriations ordinance. This registration and fee shall be in addition to any other requirements for annual licensing of an animal.

(E) Visiting Dogs. Any dog that does not reside within the city and is licensed by another community but which is determined to be a potentially dangerous dog pursuant to this section shall not be subject to the conditions for possessing a potentially dangerous dog within the city, except that the dog shall be microchipped before its release, all impound and microchipping costs shall be paid by the owner, and its owner and keeper shall be advised by animal control that the dog is not to return unless all of the conditions for possessing a potentially dangerous dog are first satisfied. In the event the dog is subsequently in the city without full compliance with the requirements for possessing a potentially dangerous dog, the person harboring or possessing the dog shall be subject to the penalties set forth in division (F).

(F) Penalties.

(1) Except as provided in division (F)(2), any person who owns, harbors, keeps, or possesses a potentially dangerous dog in violation of any of the requirements of this section for possessing a potentially dangerous dog, or who in any way aids or abets such ownership, harboring, keeping, or possession, shall be responsible for a municipal civil infraction. The fine for a first violation shall be \$500; for a second violation, \$750; and for all subsequent violations, \$1,000 per violation. The court may only waive or reduce these fines in cases of financial hardship, upon good cause shown, if the offender forfeits all ownership and possessory rights to the offending dog and forfeits future dog ownership and possessory rights until the offender has successfully completed animal ownership educational training satisfactory to the city's animal control officers and for a period of time determined appropriate by the court.

(2) In addition to the civil penalties set forth in division (F)(1), a potentially dangerous dog shall be subject to immediate impoundment by an animal control officer if it is determined that the dog is owned, possessed, harbored or maintained in violation of this section. The animal control officer shall issue a notice to the owner or keeper of the potentially dangerous dog which indicates the hearing date at which the city's Board of Ordinance Appeals will address the violations. The city shall provide notice of the hearing to any victim and/or any owner of an animal victimized by the potentially dangerous dog.

(3) Any hearing scheduled for consideration by the Board of Ordinance Appeals shall be administratively canceled if the owner or keeper withdraws the requested appeal, corrects all correctable violations to the satisfaction of animal control, satisfies the conditions for possessing a potentially dangerous dog, permanently relocates the dog to the satisfaction of animal control, or forfeits ownership rights to the potentially dangerous dog prior to the scheduled Board hearing. The owner or keeper shall be responsible for all impound fees and costs, regardless of whether the hearing is held or canceled. If a hearing is held, the Board shall:

(a) Determine whether the status of the dog as potentially dangerous shall be upheld and, if so, the conditions applicable for return of the potentially dangerous dog to the owner or keeper, including but not limited to deadlines for correcting any uncorrected violations and random inspections of the premises and the potentially dangerous dog by an animal control officer, with the owner or keeper responsible for payment of inspection fees established by the city's annual appropriations ordinance. In the event of noncompliance, the Board may impose conditions on removal from the city that are rationally related to the public interest in protecting others from any potential future harm that could be caused by the potentially dangerous dog. Failure to comply or remove the dog in accordance with the decision of the Board within the timeframe established by the Board shall result in forfeiture of ownership rights to the dog in favor of the city, in which event animal control shall determine the final placement or disposition of the dog.

(Ord. No. 411, § 2, 2-1-11; Ord. No. 449, § 1, 8-16-16)

***Statutory reference:***

*Dangerous animals, see M.C.L. § 287.321 et seq.*

**8-28A. DANGEROUS DOG.**

(A) Determination of a dangerous dog. The determination that a dog is dangerous shall be based on the following specific behaviors exhibited by the dog:

- (1) Exhibits aggressive behaviors that result in further incidents or complaints after having been determined to be a potentially dangerous dog.
- (2) Causes severe injury to a person or domestic animal. For purposes of this section, the term "severe" injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function.
- (3) Kills a person or domestic animal.
- (4) Its use in the commission of a crime, including but not limited to dog fighting and guarding of illegal operations.

(B) Notice of determination. The definition of "dangerous animal" in § 8-3 shall continue for purposes of issuing violations for harboring a dangerous or vicious animal pursuant to § 8-8. An animal control officer shall have the additional authority to make a determination that a dog is to be classified as dangerous under this article if the animal control officer concludes the dog has exhibited the behaviors specified in this section. The owner or keeper of a dog determined to be dangerous shall be provided with a notice containing the following information:

- (1) A summary of the findings that form the basis for the determination that the dog is dangerous.
- (2) Notice of the prohibition of dangerous dogs within the city.
- (3) Notice of the right to appeal, as set forth below.

(C) Mitigating circumstances. An animal control officer shall have discretion to refrain from making a determination of a dangerous dog if the animal control officer determines that the behavior was the result of the victim abusing or tormenting the dog, was directed toward a trespasser or person committing or attempting to commit a crime, or other similar mitigating or extenuating circumstances. The animal control officer retains discretion, however, to classify the dog as potentially dangerous if the mitigating circumstances do not completely dispel concern about the dog's future behaviors.

(D) Impoundment and euthanization. A dangerous dog is not permitted within the city, shall be immediately impounded, and shall be euthanized not less than ten calendar days after a determination is made by an animal control officer.

(E) Right of appeal. The animal control officer shall issue a notice to the owner or keeper of the right to appeal the determination that a dog is dangerous to the Board of Ordinance Appeals within ten calendar days from the date of the notice. The notice shall provide instructions for taking an appeal and indicate that the determination is final and conclusive if an appeal is not taken. The city shall provide notice of the hearing to any victim and/or any owner of an animal victimized by the dangerous dog. If the owner forfeits ownership rights to the dangerous dog or obtains written permission to relocate the dog to another municipality from that municipality's chief administrative officer or chief animal control official prior to the scheduled Board hearing, the matter shall be administratively withdrawn from the agenda. If relocation permission is obtained, the dog shall first be microchipped at the owner's expense with all information required by animal control, including the dog's designation as dangerous in Sterling Heights and information referencing the city's incident report(s). The owner or keeper shall be responsible for all impound fees and costs, regardless of whether the dog is forfeited, removed from the city, or a hearing is held. If a hearing is held, the Board shall determine whether the dog is dangerous and

subject to forfeiture and euthanization.

(Ord. No. 411, § 3, 2-1-11; Ord. No. 449, § 2, 8-16-16)

## **8-29. RABIES; QUARANTINE; DESTRUCTION OF DANGEROUS DOGS AND CATS.**

(A) Any dog or cat which is suspected of having rabies or any dog or cat which has bitten a human shall be confined, quarantined, and observed for a period of ten days by one of the following methods:

(1) Quarantine at the Macomb County Animal Shelter or another animal control facility for all incidents involving harm to a human or death to another domesticated animal; or

(2) For all other incidents, if authorized by an animal control officer of the city, the confinement may be at a hospital or kennel under the supervision of a veterinarian of the owner's choice, or at the owner's residence in a fenced-in yard or pen, in the owner's home, or on a chain of sufficient strength to contain the animal. In no event shall the owner permit a quarantined animal to leave the owner's residence or to have contact with animals or persons outside the owner's family.

(B) If an animal other than a dog or cat is suspected of having rabies or has bitten a human, the procedures set forth in subsection (A) shall be followed, except that the confinement and quarantine period shall be as designated by an animal control officer of the city.

(C) Any confinement under this section, wherever located, shall be at the owner's expense. Any expenses for laboratory analysis of an animal confined and quarantined under this section are the responsibility of the owner. If legal action is initiated to recover monies due under this section for confinement expenses, the court may award reasonable attorney fees and costs incurred to the animal control facility or other place of confinement.

(D) The ten-day confinement period may be extended by an animal control officer of the city if warranted by circumstances involving harm caused to a person or to a domesticated animal, and no animal shall be released until the permission of the Police Department is obtained. In such cases, the animal control officer who issued a criminal citation shall advise the court that an expedited hearing date is requested due to the continuing impoundment of the animal. During the confinement period, no rabies vaccination shall be administered.

(E) Whenever a dog or cat is brought to the animal shelter for having bitten a person, the Police Department may, if deemed necessary and advisable, and after holding such dog or cat a sufficient length of time to meet the requirements of subsection (A) and of the health department for investigation, cause such dog or cat to be destroyed as a dangerous or vicious animal. Unless waived in writing, notice of intent to destroy such dog or cat shall be given to the owner if known. The owner shall have seven days from mailing of such notice in which to seek a review by the district court for the 41-A Judicial District of the order of the Police Department for the destruction of such dog or cat.

(F) Failure of any resident or owner to comply and cooperate with the requirements of this section shall constitute a misdemeanor. Failure to comply with confinement and quarantine requirements shall also result in confiscation of the animal and confinement at the Macomb County Animal Shelter or other animal control facility.

(G) For purposes of this section, **RABIES CONFINEMENT AT THE OWNER'S RESIDENCE** shall mean that the animal is kept inside a secure building or otherwise confined so that no contact with animals or persons outside the owner's family can occur for the confinement period. During such period of confinement, the animal must not be let out to relieve itself without being on a leash or lead and handled by a person capable of physically restraining the animal.

(1978 Code, § 6-50; Ord. No. 215-A, § 4, 12-19-89; Ord. No. 368, § 1, 3-18-03; Ord. No. 411, §§ 6,7, 2-1-11)

## **8-30. UNLAWFUL NOISE.**

No person shall harbor or keep any dog or cat which by loud, frequent, or habitual barking, whining, yelping, howling, crying, or by any other noise shall disturb the peace and quiet of any person or cause an annoyance or disturbance to the neighborhood, or to people passing upon the streets of the city.

(1978 Code, § 6-25; Ord. No. 215-A, § 2, 12-19-89; Ord. No. 368, § 1, 3-18-03)

## **8-31. NUMBER OF ANIMALS PERMITTED.**

(A) Notwithstanding any other ordinance to the contrary, it shall be unlawful for any person or owner to keep or harbor more than four animals older than four months of age at any one address or premises.

(B) The provisions of this section shall not apply to:

- (1) Puppies and kittens not exceeding four months of age;
- (2) The business premises of a licensed veterinarian; or
- (3) Kennels operating in conformance with state law and applicable zoning provisions.

(1978 Code, § 6-3; Ord. No. 215-A, § 1, 12-19-89; Ord. No. 368, § 1, 3-18-03)

## **8-32. DISPLAY OF DOGS AND CATS TO AUTHORITY.**

(A) It shall be unlawful for any person to refuse to show or exhibit, at any reasonable time, any dog or cat in his or her possession or custody to any licensed inspector, police officer, animal control officer, or health official of the city or county.

(B) Each owner or keeper of a cat within the city shall produce, upon request of a law enforcement officer, a certificate of vaccination for such cat.

(1978 Code, § 6-37; Ord. No. 215-A, § 3, 12-19-89; Ord. No. 368, § 1, 3-18-03) Penalty, see § 1-9

## **8-33. PARENTAL LIABILITY.**

The parent or guardian of any minor claiming ownership of any dog, cat, or other animal subject to this chapter, shall be deemed to be the owner of such animal and shall be charged for all penalties and fees imposed under this chapter.

(Ord. No. 368, § 1, 3-18-03)

## **8-34. CONDUCT DIRECTED TOWARD DOGS ASSISTING OR SERVING THE BLIND.**

(A) An individual shall not do either of the following:

(1) Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass, or injure a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a service dog for a physically limited individual.

(2) Willfully and maliciously impede or interfere with, or attempt to impede or interfere with duties performed by a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a service dog for a physically limited individual.

(B) In a prosecution for a violation of subsection (A), evidence that the defendant initiated or continued conduct directed toward a dog described in subsection (A)(1) after being requested to avoid or discontinue that conduct or similar conduct by a blind, deaf, audibly impaired, or physically limited individual being served or assisted by the dog shall give rise to a rebuttable presumption that the conduct was initiated or continued maliciously.

(C) The terms used in this section shall have the meaning assigned to them by M.C.L. § 750.50a.

(Ord. No. 368, § 1, 3-18-03) Penalty, see § 8-55

### ***Statutory reference:***

*Guide or leader dog, see M.C.L. § 750.50a*

## **8-35. ANIMALS USED IN LAW ENFORCEMENT.**

(A) As used in this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**DOG HANDLER** . A peace officer who has successfully completed training in the handling of a police dog pursuant to a policy of the law enforcement agency that employs that peace officer.

**PHYSICAL HARM** . Any injury to a dog's or horse's physical condition.

**POLICE DOG** . A dog used by a law enforcement agency of this state or of a local unit of government of this state that is trained for law enforcement work and subject to the control of a dog handler.

**POLICE HORSE** . A horse used by a law enforcement agency of this state or of a local unit of government of this state for law enforcement work.

**SERIOUS PHYSICAL HARM** . Any injury to a dog's or horse's physical condition or welfare that is not necessarily permanent but that constitutes substantial body disfigurement, or that seriously impairs the function of a body organ or limb.

- (B) A person shall not intentionally cause physical harm to a police dog or police horse.
- (C) A person shall not intentionally harass or interfere with a police dog or police horse lawfully performing its duties.
- (D) Except as provided by state law, a person who violates subsection (B) or (C) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.
- (E) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law committed by that individual while violating this section.

(Ord. No. 368, § 1, 3-18-03)

**Statutory reference:**

*Police dog or horse, see M.C.L. § 750.50c*

## **8-36. ELECTRONIC VACCINATION REPORTING.**

(A) Beginning January 1, 2014, every veterinarian shall transmit to the city's designee the certificate of vaccination for every dog that resides or is kept within the city and that is vaccinated by the veterinarian. Certificates may be transmitted no later than the fifteenth day of the month following the month in which the rabies vaccination was administered by the veterinarian. The certificate shall be in a form or format required by the City Clerk and shall include all information required by the City Clerk for licensing purposes and by Animal Control for public safety purposes, including but not limited to all of the information included on the standard rabies vaccination certificates used by the veterinarian in the ordinary course of business.

(B) The City Clerk may waive the vaccination reporting requirement set forth in this section for one-year intervals if the veterinarian or owner produces a written statement from the veterinarian each year indicating that the dog should not be vaccinated because vaccination will have an adverse health impact on the dog. In such instances, the owner must include with the dog license application a signed affidavit affirming "As the owner of an unvaccinated dog, I am aware of and assume all of the potential liability and risk and I recognize the potential for court-ordered euthanasia and/or quarantine of the dog should it bite a person or animal or otherwise expose a human to rabies. Under penalty of forfeiture of the dog without court proceedings, I agree to keep the unvaccinated dog muzzled and properly under control while it is on a public sidewalk or in any place open to the public."

(C) For purposes of this section, the term "veterinarian" shall include, but not be limited to, any veterinarian, veterinary doctor, individual acting under the direction or supervision of a veterinarian or veterinary doctor, animal hospital, veterinary clinic, veterinary facility, or any individual who administers a dog's rabies vaccination within the City.

(D) A failure to comply with the requirements of this section shall be deemed a municipal civil infraction, punishable as provided in Chapter 1 of the City Code.

(Ord. No. 431, § 1, 10-1-13)

## **8-37-8-40. RESERVED.**

## **8-41. LICENSE REQUIRED.**

(A) Any person owning, keeping, possessing, harboring, or having custody within the city of any dog six months old or older must obtain a license for such dog, pursuant to state law, from the City Clerk for a fee to be determined by the county. No person shall keep, possess, harbor, or have custody of an unlicensed dog which is required to be licensed under this section.

(B) The following shall be unlawful:

(1) For any person to own any dog six months old or older that does not at all times wear a collar with a tag approved by the Director of Agriculture, attached as provided in this chapter; or

(2) For any person, except the owner or authorized agent, to remove any license tag from a dog.

(C) A person who owns or harbors a dog shall produce proof of a valid dog license upon request of a person who is authorized to enforce this chapter.

(D) The owner of a dog that is four or more months old shall apply, within 30 days, to the City Clerk or the Clerk's authorized agent for a license for each dog owned or kept by him or her. This subsection will not apply to a nonresident keeping a dog within the city for no longer than 30 days.

(E) The licensing period shall begin April 1. Licensing periods of 1, 2, and 3 years shall be available as options to applicants, except that no license shall be issued for a duration longer than the time during which the dog's rabies vaccination certificate is valid plus 90 days. All licenses shall expire at the end of March 31 during whichever licensing period was issued to the applicant.

(F) Written application for licenses shall be made to the City Clerk. The license application shall state the breed, sex, age, color, and markings of the dog, and the name and address of the current and last previous owner. The application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian who directly supervised the vaccination. The certificate for vaccination for rabies shall state the month and year of expiration for the rabies vaccination, in the veterinarian's opinion. When applying for a license, the owner shall pay the required license fee.

(G) The owner of a dog that is required to be licensed under this section shall keep the dog currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the United States Department of Agriculture.

(H) A person who becomes owner of a dog that is four or more months old and that is not already licensed shall apply for a license within 30 days. A person who owns a dog that will become four months old and that is not already licensed shall apply for a license within 30 days after the dog becomes four months old.

(I) No license or license tag issued for one animal shall be transferable to another animal. No person shall use any license for any animal other than the animal for which the license was issued.

(J) If a dog license is lost or destroyed, the license holder shall obtain a duplicate license from the city upon payment of the prescribed replacement license fee.

(K) The City Clerk shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public during business hours. These records will be kept for a period of three years.

(1978 Code, § 6-23; Ord. No. 215-A, § 2, 12-19-89; Ord. No. 368, § 1, 3-18-03; Ord. No. 431, § 2, 10-1-13) Penalty, see § 1-9

### ***Statutory reference:***

*Dog law, see M.C.L. §§ 287.261 et seq.*

## **8-42. LICENSE FEES.**

License fees shall be established by the annual appropriations ordinance.

(Ord. No. 368, § 1, 3-18-03; Ord. No. 388, § 3, 1-3-07)

### ***Statutory reference:***

*Dog licenses, see M.C.L. § 287.266*

## **8-43. LICENSE FEE EXEMPTIONS.**

(A) A dog which is an authorized law enforcement dog, or which is used as a guide or leader dog for a blind person, a hearing dog for a deaf or audibly impaired person, a service dog for a physically limited person, or a dog owned by a person over the age of 60, is not subject to any fee for licensing.

(B) The terms used in this section shall have the meanings assigned to them by M.C.L. § 287.291.

(Ord. No. 368, § 1, 3-18-03)

### ***Statutory reference:***

*Dogs not subject to license fees, see M.C.L. § 287.291*

## **8-44. IDENTIFICATION TAGS.**

(A) Upon acceptance of the license application and fee, the City Clerk shall issue a durable identification tag or collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

(B) Dogs must wear identification tags affixed to substantial collars at all times. Every dog and cat that is not required to be licensed shall bear an identification tag setting forth the name and address of its owner or keeper.

(1978 Code, § 6-23; Ord. No. 215-A, § 2, 12-19-89; Ord. No. 368, § 1, 3-18-03) Penalty, see § 1-9

### ***Statutory reference:***

*Dog license tags, see M.C.L. § 287.267*

## **8-45. PENALTY FOR STEALING OR CONFINING LICENSED DOG.**

Any person who shall steal, or confine and secret any dog licensed under this chapter or kept under a kennel license, unless legally authorized to do so, or unless such confining is justifiable for the protection of person, property, or game, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than \$50 nor more than \$100, or imprisonment in the County Jail for not less than 60 nor more than 90 days, or both in the discretion of the court.

(Ord. No. 368, § 1, 3-18-03)

### ***Statutory reference:***

*Penalty for stealing or confining licensed dog, see M.C.L. § 287.286b*

## **8-46. PUBLIC NUISANCES.**

(A) It is unlawful for any owner or keeper of an animal to fail to exercise proper care and control of the animal so as to have it become a public nuisance. For purposes of this section, a public nuisance includes:

(1) An animal which is a safety or health hazard, which damages or destroys the property of another (including garden and flower beds and trees), which creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home, or which urinates or defecates upon private property not owned or exclusively occupied by the owner or keeper or upon public property if the feces deposited by the animal are not immediately removed by the owner.

(2) An animal at large that jumps on, or attempts to herd a person or persons, or that runs after and vocalizes at horses, joggers, pedestrians, bicyclists, or any vehicle being ridden or driven upon the roads or any public grounds or place within the city.

(3) An animal that exhibits exuberant greeting behavior while not on its owner's property and without the intent to harm, including but not restricted to jumping up, chasing, and excessive mouthing.

(4) An animal that chases or attacks wildlife (including birds) or livestock on property not owned or exclusively occupied by the

owner, whether or not the animal injures or destroys the wildlife or livestock.

(5) An animal that is required to be licensed under this chapter but is unlicensed.

(B) The Police Department or the City Attorney may initiate proceedings for elimination of the nuisance.

(Ord. No. 368, § 1, 3-18-03)

**Statutory reference:**

*Unlicensed animal, see M.C.L. § 287.277*

**8-47. PENALTIES FOR CERTAIN VIOLATIONS.**

Unless designated as a municipal civil infraction in § 1-9(C) or a specific penalty is otherwise set forth, any person violating or failing or refusing to comply with any of the provisions of this division shall be guilty of a misdemeanor and upon conviction shall pay a fine not less than \$10 nor more than \$100, or shall be imprisoned in the County Jail for not exceeding 90 days, or be subject to both such fine and imprisonment. Any person presenting a false claim, knowing it to be false, or receiving any money on such false claim, shall be guilty of a misdemeanor and upon conviction, shall pay a fine of not less than \$10 nor more than \$100, or shall be imprisoned in the county jail for not exceeding 90 days, or both such fine and imprisonment.

(Ord. No. 368, § 1, 3-18-03)

**Statutory reference:**

*Penalties; disposition of fines, see M.C.L. § 287.286*

**8-48. EXCEPTIONS.**

None of the provisions of this chapter shall be construed to require the licensing of any dog imported into this city, for a period not exceeding 30 days, for show, trial, breeding, or hunting purposes.

(Ord. No. 368, § 1, 3-18-03)

**Statutory reference:**

*Dogs imported temporarily, see M.C.L. § 287.289*

**8-49. REVIEW OF LICENSE OF REPEAT OFFENDERS.**

The City Clerk shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a 12-month period. Licenses may be revoked by the City Clerk after notice and an opportunity for a hearing are afforded to the owner.

(1978 Code, § 6-53; Ord. No. 215-A, § 4, 12-19-89; Ord. No. 368, § 1, 3-18-03)

**8-50. RESERVED.**

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**ARTICLE III. FERRETS**

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**8-51. RABIES; VACCINATIONS; INCIDENT REPORTS; HANDLING GUIDELINES; CERTIFICATES.**

(A) A person shall not own or harbor a ferret over 12 weeks of age unless the ferret has a current vaccination against rabies with an approved rabies vaccine administered by a veterinarian, unless otherwise exempt from this requirement under state law.

(B) A person who owns or harbors a ferret that has bitten, scratched, caused abrasions, or contaminated with saliva or other infectious material an open wound or mucous membrane of a human being shall report the incident within 48 hours to the county public health department.

(C) A person who owns or harbors a ferret that has potentially exposed a person or other animal to rabies by biting, scratching, causing abrasions, or contaminating open wounds or mucous membranes with saliva or other infectious material shall handle the ferret in accordance with current published guidelines of the centers of disease control and prevention.

(D) A person who owns or harbors a ferret shall produce proof of a valid rabies certificate signed by a veterinarian for the ferret upon request of a law enforcement officer.

(Ord. No. 368, § 1, 3-18-03) Penalty, see § 8-55

**Statutory reference:**

*Ferrets; vaccination required, see M.C.L. § 287.892*

**8-52. CONFINEMENT.**

(A) An owner shall prevent a ferret from leaving the owner's property unless the ferret is confined or leashed and under the direct control of the owner or a responsible person designated by the owner.

(B) A person shall not release a ferret into the wild or abandon a ferret.

(Ord. No. 368, § 1, 3-18-03) Penalty, see § 8-55

**Statutory reference:**

*Ferrets; confinement, see M.C.L. § 287.894*

**8-53. HOBBY BREEDERS.**

Hobby breeders shall be regulated in accordance with the provisions of state law. A person who violates the state law hobby breeder regulations is guilty of a misdemeanor.

(Ord. No. 368, § 1, 3-18-03) Penalty, see § 8-55

**Statutory reference:**

*Ferrets; breeding of, see M.C.L. § 287.893*

**8-54. RESERVED.**

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**ARTICLE IV. VIOLATIONS AND PENALTIES**

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**8-55. VIOLATIONS, PENALTIES.**

(A) A person who violates this chapter is guilty of a misdemeanor unless otherwise specified in § 1-9(C) or elsewhere, and shall pay the costs of the prosecution. In addition, the violation is punishable by one or more of the following unless a contrary provision is otherwise set forth:

- (1) Imprisonment for not more than 90 days.
- (2) A fine of not less than \$500.
- (3) Community service work of not more than 120 hours.

(4) Relinquishment of the privilege of animal ownership, either permanently or for a defined period of time set by the court.

(5) Regardless of whether relinquishment is ordered, the court may order the defendant to pay the costs of care, housing, and veterinary medical care for the animal as applicable.

(6) Private or group obedience classes, evaluation by a behavior specialist, and/or completion of a responsible ownership course.

(B) A person who violates § 8-52(A) is guilty of a misdemeanor punishable by a fine of not more than \$100, and shall pay the costs of the prosecution.

(C) A person who violates § 8-41(A) is responsible for a municipal civil infraction punishable by a fine as set forth in § 1-26(B) of the city code, except that the court shall instead assess a fine in accordance with the schedule set forth in § 1-26(A) upon receipt of certification by the city clerk and/or an animal control officer of the city that the person, before the appearance date on the citation, properly licensed and registered the dog as required by this chapter, including payment of all licensing, registration, and late fees.

(D) A law enforcement officer may issue an appearance ticket for any misdemeanor violation of this article as described in subsection (A).

(E) In addition to any other action authorized by this article and by state law, a law enforcement officer may bring an action to do one or more of the following:

(1) Obtain a declaratory judgment that a method, act, or practice is a violation of this article.

(2) Obtain an injunction against a person who is engaging, or about to engage, in a method, act, or practice that violates this article.

(F) Any person who owns or harbors an animal after a court has ordered relinquishment of animal ownership rights is guilty of a misdemeanor, punishable as provided in this section.

(Ord. No. 368, § 1, 3-18-03; Ord. No. 411, §§ 4, 9, 2-1-11)

***Statutory reference:***

*Ferrets; violations, see M.C.L. § 287.899*

**8-56-8-60. RESERVED.**

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**ARTICLE V. ENFORCEMENT**

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**8-61. ENFORCEMENT PERSONNEL.**

(A) Whenever a law enforcement officer has probable cause to believe that a violation of this chapter has occurred, the officer may issue a citation to the violator, stating the nature of the violation with sufficient particularity to give notice of the charge to the violator. Police and animal control officers shall enforce all of the provisions of this chapter.

(B) No person shall knowingly interfere with, impede, or obstruct any police or animal control officer who is attempting to discharge or is in the course of discharging an official duty or fail to obey the lawful order of a police or animal control officer.

(1978 Code, § 6-80; Ord. No. 215-A, § 7, 12-19-89; Ord. No. 368, § 1, 3-18-03)

**8-62. RIGHT OF ENTRY GRANTED.**

Police, animal control, and code enforcement officers are hereby authorized to enter upon any premises in the city for the purposes of responding to and investigating complaints relating to a violation of this chapter, where the officer has reasonable cause to believe that an immediate response is required to ensure the health, safety, and welfare of a person or an animal, or where the animal in question is mobile and its capture would be hindered by the delay necessitated in obtaining a search warrant. If entry onto the premises is denied, the officer may issue an appropriate citation and/or seek a search warrant.

**8-63-8-70. RESERVED.**

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**ARTICLE VI. HUNTING AND TRAPPING**

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**8-71. PROHIBITIONS.**

In the interest of public health and safety and the general welfare of the citizens of the city, it shall be unlawful for any person, unless exempted by § 8-72:

- (A) To hunt or pursue any animal or wildlife at any time within the limits of the city by means of a firearm, either handgun or rifle, or by any weapon or explosive device, including air rifles, spring guns, bow and arrow, slingshot, or by any other instrument potentially dangerous to human safety.
- (B) To trap or snare any animal or wildlife at any time within the limits of the city by means of a steel leg trap, wire snare, pit, net, baited hook, weighted log, wire cage, or any other kind of trapping device.
- (C) To use poison or a chemical by itself or in bait or feed to attract and kill wildlife.

(1978 Code, § 6-64; Ord. No. 215-A, § 5, 12-19-89; Ord. No. 368, § 1, 3-18-03) Penalty, see § 8-55

**8-72. EXCEPTIONS.**

Any prohibitions against hunting or trapping made under this article shall not apply to:

- (A) State or local law enforcement officers in the discharge of their official duties.
- (B) Any governmental official or local law enforcement official, when such hunting or trapping is necessary or incident to a scientific or biological survey or when related to any aspect of wildlife management and control.
- (C) Any property owner or his or her designated agent who hunts or traps on his or her own private property to destroy or control animals causing damage to the property; the use of a lawful exterminator is also permitted as required. For purposes of this section, only live traps may be utilized. **LIVE TRAPS** shall mean such traps which capture, but do not harm or kill, the trapped animal.

(1978 Code, § 6-65; Ord. No. 368, § 1, 3-18-03)