

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