

CHAPTER 10: ANIMALS

Section

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Statutory reference:

Authority to adopt animal control ordinance, see M.C.L.A. § 287.290;

Crimes relating to animals and birds, see M.C.L.A. §§ 750.49 et seq.

§ 10-1 CRUELTY TO ANIMALS.

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

(1993 Code, § 10-1)

Statutory reference:

Cruelty to animals, see M.C.L.A. § 750.55

§ 10-2 POISONING ANIMALS.

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

(1993 Code, § 10-2)

§ 10-3 BIRDS AND BIRDS' NESTS.

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

(1993 Code, § 10-3)

§ 10-4 DOMESTIC ANIMALS AND FOWL.

(A) Except as provided in this section, no person shall keep or house any animals or fowl within the city.

(B) Dogs, cats, birds and animals commonly classified as household pets may be kept within the city.

(C) Ponies, cattle and horses may be kept on premises constituting a farm, as defined in the zoning chapter of this Code.

(D) Persons may keep chickens if done so in conformity with all of the following:

(1) Any person who keeps chickens in the city shall obtain a permit from the city prior to acquiring the chickens. Application shall be made to the City Clerk with a fee as determined by Council resolution;

(2) No more than ten permits may be outstanding at any time;

(3) Permits may be revoked at any time if the applicant fails to comply with all applicable ordinances, rules and regulations;

(4) Permits expire and become invalid two years after the date of issuance. A person who wishes to continue keeping chickens shall obtain a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit;

(5) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved;

(6) A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:

(a) Have been issued the permit required under division (D)(1) of this section;

(b) Keep no more than six chickens;

(c) The principal use of the person's property is for a single-family dwelling;

(d) No person shall keep any rooster;

(e) No person shall slaughter any chickens outdoors;

(f) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times;

(g) A person shall not keep chickens in any location on the property other than in the backyard as defined by the Zoning Code;

(h) All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure;

(i) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them;

(j) The coop and fenced enclosure may not be located nearer than 15 feet to any property line; and

(k) The coop and enclosures must comply with all zoning ordinance requirements for accessory structures and use, including lot coverage requirements.

(7) The city may initiate prosecution for a civil infraction violation for any violation of this section. Each day a violation exists shall constitute a separate offense;

(8) A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer;

(9) This section shall not regulate the keeping of chickens on a farm, as defined at § 82-4 of the City Code, which is located outside the boundaries of either a proprietary or supervisor's plat and having an area of not less than five acres, and where the raising of poultry is a permitted principal use when conducted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices promulgated thereunder; and

(10) The Council may adopt additional rules and regulations as necessary to implement the ordinance codified herein.

(1993 Code, § 10-4) (Ord. 2012-02, passed 5-29-2012; Ord. 2016-04, passed 4-25-2016; Ord. 2020-03, passed 5-11-2020)

§ 10-5 REMOVAL OF DOG AND CAT DROPPINGS.

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

(B) The person who so owns, harbors, keeps, or is in charge of such dog or cat shall:

(1) Immediately remove all droppings deposited by such dog or cat by a sanitary method;

(2) Possess a container of sufficient size to collect and remove above-mentioned dog or cat droppings, and exhibit the container, if requested by any official empowered to enforce this section; and

(3) Remove the droppings from the aforementioned areas, and dispose of them in a sanitary method.

(Ord. passed 7-10-2006(1))

§ 10-6 CONTROL OF DOGS.

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

DOG. All dogs, male, female and unsexed, and with no exception for size or breed.

OWNER. When applied to the proprietorship of a dog, means every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him.

RUNNING AT LARGE. Any dog appearing within the city that is not within an enclosure sufficient to restrain him at all times and/or any dog not accompanied by his owner or custodian under leash.

(B) *Municipal civil infraction.* A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in § 1-17. Repeat offenses under this article shall be subject to increased fines as set forth in § 1-17.

(C) *Common law liability.* Nothing contained in this article shall be construed as limiting the common law liability of the owner of a dog for damages committed by it.

(D) *Confinement required.* Except when the dog is under the reasonable control of its owner or custodian by a leash, every dog shall at all times be confined upon the premises of its owner or custodian or within the passenger compartment of a vehicle while being transported by its owner or custodian.

(E) *Acts prohibited.* The following acts are prohibited:

(1) *Running at large.* No person who is the owner or custodian of a dog shall permit the dog to run at large in the city, nor shall the dog be permitted upon any public street, alley, sidewalk, parking lot or other public place within the city unless leashed in compliance with division (F) of this section and accompanied by the owner or person having custody thereof; and

(2) *Public parks and public places.* No person shall take or permit a dog to remain in any public park in the city, except pursuant to rules adopted by the City Council, unless the dog is leashed in compliance with division (F) of this section. No person shall take or permit a dog to remain in any area of any city park or other public property in which playground equipment is installed or where signs are posted indicating that dogs are prohibited.

(F) *Dogs on leashes.* It shall be unlawful for any person who owns, keeps, or harbors a dog, to walk the dog on any public street, alley, sidewalk, parking lot or other public place unless the dog is restrained by a leash of adequate strength and of limited length.

(1) Leashes of a non-reel-in type shall not be longer than six feet.

(2) Leashes of a reel-in type may be extended temporarily longer than six feet, provided the leash is reeled in to six feet or less whenever other persons or other persons with leashed dogs are approached.

(3) This section shall not apply to dogs which have been specially trained for and are used as guide dogs for the blind while such dogs are being used for such purpose.

(G) *Exemptions for specially trained dogs.* This section shall not apply to dogs trained to assist persons with disabilities when being used by such persons for the purpose for which the dog was trained or to a trained police dog working under direction of a sworn police officer in the performance of duties for which the dog was trained.

(Ord. passed 7-10-2006(2); Ord. 2010-01, passed 1-11-2010)