

ORDINANCE NO. 80-834

AN ORDINANCE TO AMEND CHAPTER 7 RELATING TO TREATMENT OF ANIMALS.

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 7 of the Code of Ordinances of the City of Warren, Michigan,

IS HEREBY REPEALED AND REPLACED BY THE FOLLOWING:

Chapter 7. ANIMALS.

ARTICLE I. GENERAL PROVISIONS.

Sec. 7-1. Short title.

This ordinance is known and cited as the “animal welfare ordinance”.

Sec. 7-2. Purpose.

The purpose of this Chapter is to promote the health, safety, and welfare of the residents of the City by regulating ownership and mandating humane treatment of animals.

Sec. 7-3. Enforcement.

This chapter may be enforced by a City of Warren Animal Control Officer or Police Officer. Article X relating to Chickens may be enforced by Building and/or Zoning. Unless otherwise noted any violation of this Chapter is a misdemeanor punishable by up to 90 days in jail and up to \$500.00 in fines and costs.

Sec. 7-4. Animal Control Officer.

- (a) The City shall employ at least three full-time animal control officers.
- (b) City Council shall adopt minimum employment standards that include the following requirements:
 - (1) that the animal control officer be either (1) certified by the State of Michigan as an animal control officer or police officer or (2) have worked as an animal control officer for a minimum of three years; and
 - (2) for physical, educational, mental and moral fitness.

State Law reference---- Animal control officer required, MCL 287.270b; minimum employment standards, MCL 287.289c.

Sec. 7-5. Definitions.

Abandon. Intentionally, knowingly, recklessly, or with criminal negligence leaves an animal at a location without providing for the animal's continued minimum care. This does not include leaving an animal during an emergency when human life is at risk.

Animal. A vertebrate other than a human being.

Animal Control Officer. Animal Control Officer shall include all police officers employed by the City.

Community Cat. A community cat is an unowned, free-roaming cat that lives outdoors often in a colony with other cats and may or may not have a caretaker. Otherwise known as "feral cats".

Dangerous Animal. An animal that has been adjudicated "dangerous" pursuant to MCL 287.321 – 287.323 and/or Warren Code of Ordinances 7-90 - 7-95.

Domesticated Animal. Any animal which is accustomed to living in an environment managed by humans and is suitable for the purpose of human companionship or service.

Ear-tipping. The removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to be the universal identification that the community cat is sterilized and lawfully vaccinated for rabies at least once.

Exotic animal. Exotic animal means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property. Dangerous or exotic animals include, but are not limited to:

- (1) reptiles, insects, or arachnids which are venomous, and which are not indigenous to Macomb County; or any reptile not indigenous to Macomb County which weighs forty (40) pounds or more, whether venomous or not.
- (2) non-human primate;
- (3) animals covered under Michigan Wolf-Dog Cross Act as per MCL 287.1001-287.1023.
- (4) animals covered under Michigan Large Carnivore Act as per MLC 287.1101 - 287.1123.

Ferret. A domesticated animal of any age of the *Mustela furo* species.

Inhumanely Transport. Transporting an animal without providing a secure space where the animal may stand, turn around, and lie down during transportation and while

awaiting slaughter. For purposes of this definition, the term “stand” means to have sufficient vertical distance so that its shoulders do not touch the top of secure space.

Large Reptiles: Members of the class reptilian including, but not limited to, monitor lizards, alligators, pythons, boa constrictors, venomous reptiles and constrictor snakes that grow to more than 72 inches long.

Minimum Care. “Minimum care” means care sufficient to preserve the physical and mental health and well-being of an animal and includes, but is not limited to, the following requirements:

- (a) Food of sufficient nutrition, quantity, and quality to allow for normal growth or maintenance of healthy body weight.
- (b) Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal’s needs.
- (c) Shelter sufficient to protect the animal from wind, rain, snow, sun, or other environmental or weather conditions based on the animal’s species, age, or physical condition.
- (d) Veterinary or other care deemed necessary by a reasonably prudent person to prevent or relieve in a timely manner distress from injury, neglect, or physical infirmity.
- (e) Continuous access to an area:
 - 1. With adequate space for exercise, necessary for the physical and mental health and well-being of the animal. Inadequate space may be indicated by evidence of debility, stress, or abnormal behavior patterns.
 - 2. With temperature suitable for the health and well-being of the animal based on the animal’s species, age, or physical condition.
 - 3. With ventilation suitable for the health and well-being of the animal based on the animal’s species, age, or physical condition.
 - 4. With regular diurnal lighting cycles of either natural or artificial light.
 - 5. Kept reasonably clean and free from excess waste, garbage, noxious odors, or other contaminants, objects, or other animals that could cause harm to the animal’s health and well-being.

Neglect. Intentionally, knowingly, recklessly, or with criminal negligence fails to provide minimum care for an animal in the person’s custody, control, or possession or for whom the person is otherwise harboring, exercising control over or residing within a household.

Owner:

- (a) every person having a right of property in an animal;
- (b) an authorized agent of the person having a right of property in an animal;
- (c) every person who keeps or harbors an animal or has it in his or her care, custody or control;

- (d) every person who permits an animal to remain on or about the premises occupied by him or her;
- (e) every person who has the apparent authority to have a right of property in an animal;
- (f) any person having control or purporting to have control over an animal;
- (g) the person named in the licensing records of any animal as the owner;
- (h) 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;
- (i) The parent or guardian of an owner under 18 years of age shall be deemed the owner as defined in this section.
- (j) 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.

Possess an animal. A person who keeps, controls, cares for or acts as a custodian of the animal and every person who permits such animal to remain in or about any premises occupied by such person.

Person means an individual, corporation, trust, partnership, association, or any other legal entity. Corporations and other nonhuman legal entities may be charged for acts in violation of this Chapter committed by their employees or agents when the act is committed in the normal course and scope of the employment or agency.

Physical infirmity includes but is not limited to (1) Starvation; (2) Dehydration; (3) Hypothermia; (4) Hyperthermia; (5) Muscle atrophy; (6) Restriction of blood flow to a limb or organ; (7) Mange or other skin disease; or (8) Parasitic infestation.

Physical injury includes but is not limited to: (1) Substantial physical pain; (2) Fractures; (3) Cuts; (4) Burns; (5) Punctures; (6) Bruises; or (7) Other wounds or illnesses produced by violence or by a thermal or chemical agent.

Running at Large. An animal outside of an enclosure or fenced area that is not properly leashed or under control of the person in possession of the animal.

Sanitary conditions. A space kept reasonably clean and free from excess waste, garbage, noxious odors, or other contaminants, objects, or other animals that could cause harm to the animal's health and well-being.

Serious physical injury or infirmity means physical injury or physical infirmity that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of a limb or bodily organ.

Shelter. Adequate protection from the wind, rain, snow, sun, or other environmental or weather conditions based on the animal's species, age, or physical condition that is

adequate to maintain the animal in a state of good health and well-being. Shelter, for a dog, includes 1 or more of the following:

- (i) the residence of the dog's owner or other individual.
- (ii) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse must have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- (iii) A structure, including 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 subparagraph (ii) that is accessible to the dog.

State of good health. Freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

Suffering means pain, fear, agitation, severe depression or stress, or other forms of severe emotional or mental distress.

Tethering. The practice of securing an unsupervised dog to a stationary object or pulley run by means of a metal chain or coated steel cable for keeping a dog restrained.

Torture means an action taken with the intent to inflict or prolong pain or suffering.

Wild Animal. Any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, wolf, etc.

Secs. 7-6-7-10 reserved.

ARTICLE II. COLLECTION OF STRAY ANIMALS

Sec. 7-11 Animals Running At Large.

A person who owns or has custody or control of an animal shall prevent the animal from running at large. A person who owns or has custody or control of an animal shall, at any time the animal is off that person's property, restrain the animal with a lead or leash of a length sufficient to maintain effective control of the animal.

Section 7-12. Capture.

Animal Control may capture or take into custody:

- (a) Unlicensed dogs;
- (b) Dogs and other domestic animals that are running at large in violation of municipal (local), County or State laws.
- (c) Stray, abandoned, or abused animals;
- (d) Animals maintained contrary to any city or township ordinance, or State or Federal Law other than an animal control ordinance adopted pursuant to MCL 287.290;
- (e) Any animal that has bitten a person or injured or killed another domestic animal.

Sec. 7-13 Observation and Quarantine.

Animal Control may capture and take into custody, or accept and care for, any animal to be held for observation at the recommendation of a doctor, veterinarian, or the Health Department or after the animal has bitten a person or domestic animal.

Sec. 7-14. Private Property.

Animal Control is authorized to rescue any animal on any property, public or private, in conjunction with the fulfillment of the duties and responsibilities in these Ordinances. No person shall refuse to permit Animal Control, after proper identification, to inspect any premises in accordance with MCL 333.2446 nor shall any person interfere with or resist Animal Control in the discharge of these duties and the protection of the public health.

Sec.7-15. Proof of Animals Licenses or Certificates of Vaccination.

Animal Control may require that a person owning any dog provide proof of the required vaccination certificate, or the current license and license tag for the dog.

Sec. 7-16. Wearing of License Tag.

Dogs must wear valid license tags when they are off their owner's property. An owner whose dog is off his/her property without wearing a valid license tag is in violation of these Ordinances and MCL 287.262.

Sec. 7-17. Failure to Show License.

It is a violation for a person upon whom a demand is made under Section 7.15 to fail or refuse to exhibit the dog certificate of vaccination or its license tag. Violation of this section is a civil infraction punishable by a fine not to exceed \$250.00.

Sec 7-18. Interference with Animal Control.

No person shall interfere with, oppose, or resist an Animal Control Officer while he/she is engaged in the performance of any act authorized by these Ordinances.

Sec. 7-19. Reclamation.

All reclaimed animals must be licensed prior to release and vaccinated within 14 days of release as specified in Article IV.

Sec. 7-20-7-25 reserved.

ARTICLE III - IMPOUNDMENT PROCEDURES

Sec. 7-26. Length of Impoundment.

The length of impoundment shall be computed by excluding the first day the animal is impounded and including the last day of confinement. If the last day is a weekend or a City observed Holiday, the period shall be extended to the next business day. Length of impoundment before the animal becomes City property shall be:

- (a) Unlicensed Animals. Animal Control shall hold all healthy unlicensed animals for four (4) business days.
- (b) Animal control shall hold all healthy, stray animals with current owner information (including but not limited to microchip, dog license and ID tag that leads to the owner). seven (7) business days from the date notice is given.
- (c) Sick or Injured Animals. Any animal that is suffering unduly may be euthanized at the discretion of the City.
- (d) Animals Deemed a Public Health Hazard. Animal Control shall hold any animal deemed to be a public health hazard until such time as a court of competent jurisdiction makes a determination as to the disposition of the animal or the owner consents.
- (e) Animals confiscated for neglect/cruelty, shall be subject to a "Show Cause" hearing. Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing must be conducted within 14 days of the filing of the civil action, or as soon as practicable. The hearing must be before a judge without a jury, as outlined in MCL 750.50 (3).

Sec. 7-27. Records.

Animal Control shall keep a record of each animal impounded, the date of the impounding, the date and manner of its disposition and if redeemed, reclaimed or sold, the name and amount of all fees collected because of the impounding, reclaiming, or purchasing of the animal, together with the number of any license tag or kennel license exhibited or purchased upon the redemption or sale. Animals being impounded by Animal Control must be accompanied by specific information regarding how the animal was obtained, including but not limited to the point of origin and name of persons in possession of the animal.

Sec. 7-28. Compliance.

Animal Control shall not release or sell any animal that has been impounded in accordance with these Ordinances unless the person to whom the animal is released provides satisfactory proof that the animal will be maintained in accordance with these Ordinances and any other relevant ordinance or statute.

Sec. 7-29. Medical Attention.

Animal Control may employ a veterinarian whenever he deems it necessary in a medical emergency to care properly for an impounded animal. The City shall charge a fee for veterinary services and such animal shall not be redeemed without payment of such fee in addition to other impoundment fees and costs.

Sec. 7-30. Payment of Fees.

An owned animal shall not be released unless the fees and charges for animal shelter services in impound and caring for the animal, disposition and redemption, dog licenses and any other services furnished have been paid in full.

Sec. 7-31. Unclaimed Animals.

All animals not reclaimed within a period established for the holding of strays shall become the property of the City of Warren and shall be dispositioned at the discretion of Animal Control.

Sec. 7-32-7.39 reserved.

ARTICLE IV – LICENSING AND VACCINATIONS

Sec. 7-40. License.

- (a) Every dog kept in the City of Warren must be licensed except:
 - 1. A dog under four months of age;
 - 2. A dog licensed by another state in which the dog and owner reside, if the owner will be present in Warren for thirty days or less.
- (b) Applications shall be filed at the City Clerk’s office and shall contain the following information:
 - 1. Age, breed, sex, color and marking of the dog;
 - 2. The owner’s name, address, and signature;
 - 3. The previous owner’s name and address if applicable and known;
 - 4. A certificate from a licensed veterinarian that the dog is vaccinated against rabies or alternative documents described in section 7-41.
 - 5. The licensing fee as established by City Council in Chapter 18 of the Warren Code of Ordinances; and

6. Any other information the clerk's office or Warren Police Department reasonably determine is necessary and relevant to issue the license.
- (c) The Clerk shall issue a dog license and dog tag to the owner upon the completion of the owner's complete application, proper documentation and payment of the license fee. The owner shall ensure that the dog always wears the tag.
- (d) Licenses shall expire on April 30th each year either one year or three years from the date of issue depending on the type of vaccination given.
- (e) A violation of this section shall be as follows:
 1. For a first offense, a municipal civil infraction payable by a fine of \$100.00;
 2. For a second offense, a municipal civil infraction payable by a fine of \$250.00;
 3. For a third offense, a misdemeanor payable by up to 90 days in jail and a fine of \$500.00.

Sec-7-41. Rabies Vaccination.

- (a) The owner of a dog, aged four months or older in the City of Warren shall vaccinate the dog for rabies. On request of an animal control or police officer, the person possessing the dog shall provide documentation of the rabies vaccination.
- (b) The owner is exempted from the rabies vaccination requirement if all the following conditions are met:
 1. A licensed veterinarian has, within the last four months, determined that the dog is allergic to the rabies vaccination and the owner provides written confirmation from the veterinarian of the allergy with his or her application for a dog license;
 2. The owner obtains a dog license as required by Section 7-40;
 3. The owner signs and submits to the clerk's office an affidavit acknowledging the risk of owning an unvaccinated dog;
 4. The owner notifies the clerk's office if the dog is destroyed or moved from the City;
 5. The owner ensures that the dog is muzzled and always restrained while the dog is off the owner's premises.
- (c) A violation of this section shall be as follows:
 1. For a first offense, a municipal civil infraction payable by a fine of \$100.00;
 2. For a second offense, a municipal civil infraction payable by a fine of \$250.00;
 3. For a third offense, a misdemeanor payable by up to 90 days in jail and a fine of \$500.00.

Sec. 7-42 Breeding

Breeding animals is not allowed in the City of Warren. Violation of this section shall be

a civil infraction punishable by a fine of \$500.

Sec. 7-43-7-45 reserved.

ARTICLE V. INDOOR ANIMAL BOARDING FACILITIES

Sec. 7-46. Zoning. No person shall own or operate a boarding facility within a residential zone as defined by the zoning code of ordinances (R-1-A, R-1-B, R-1-C, R-1-P, R-2, R-3, R-3-A, R-4, R-5).

(Code 1967, § 4-919(1); Ord. No. 80-738, § 1, 5-10-16)

Sec. 7-47. Definitions.

The following words, terms and phrases when used in this article shall have the meanings indicated:

- (a) *Pet*: Dog (*canis lupus familiaris*) or cat (*felis silvestris catus*).
- (b) *Pet boarding facility (indoor)*: A building or structure located on any lot or parcel which is approved for the use of indoor boarding of dogs and cats pursuant to the requirements of this division. An indoor pet boarding facility may include a pet day care facility.

Sec. 7-48. Purpose and intent.

To regulate the operation of indoor pet boarding facilities for dogs and cats for the public health, safety, and welfare of the city and persons within its jurisdictional boundaries. With each license, the city clerk or their duly authorized representative shall issue the appropriate number of dog tags for the number of dogs authorized to be kept therein as required by Public Act 339 of 1919 (MCL 287.262). Such tag shall be readily distinguishable from the individual license tags issued.

Sec. 7-49. Cleanliness.

It shall be the duty of all licensed indoor pet boarding facilities to keep the pet boarding facility clean and free from any accumulation of dirt, mud, fecal matter or debris. Further, all indoor pet boarding facilities shall daily, unless required more frequently, remove all refuse matter, including fecal matter including inside pens and cages, and dispose of it in an appropriate disposal facility.

Sec. 7-50. Required.

Any person who operates an indoor pet boarding facility shall annually apply to the city clerk for an indoor pet boarding facility license pursuant to Sec. 18-1 and pay a fee set by City Council. The city clerk or their duly authorized representative shall not issue any indoor pet boarding facility license under the provisions of this article unless the applicant demonstrates compliance with this article. This article does not exempt dogs kept in an indoor pet boarding facility from the individual license requirements in this article.

Sec. 7-51. Standards for issuance.

- (a) *Zoning requirements.* No indoor pet boarding facility license shall be issued unless the site is found to be in full compliance with the City zoning ordinance.
- (b) *Michigan Department of Agriculture regulations.* All animals kept in an indoor pet boarding facility shall be kept and maintained as required by Public Act 339 of 1919, Public Act 287 of 1969, Regulation 151 and any rules or regulations promulgated by the Michigan Department of Agriculture in addition to the requirements of this section.
- (c) *Number of animals.* The number of animals shall be based upon the space available to meet each animal's needs, i.e. sanitary, noise, ventilation, feeding, recreation, and temperature, and shall be set by this division.
- (d) *Interior environmental standards.* The interior environmental standards such as ventilation, temperature control, and lighting shall be established and maintained according to the Michigan Building Code.
- (e) *Stand-alone building.* When the boarding facility is in a stand-alone building the noise emitting from the property cannot exceed the noise level as established by the zoning ordinance.
- (f) *Shared common interior walls.* When the facility shares a common interior wall with an adjacent tenant, the area shall have a sound transmission class (STC) of not less than 50 (45 if field tested) for airborne noise when tested in accordance with ASTM E90.
- (g) *Exercise area.* An indoor or outdoor exercise area with a minimum area of 300 square feet shall be available to any dog kept in the facility for longer than 24 hours.

Sec. 7-52. Buildings.

The indoor pet boarding facility shall be located at least 100 feet from any dwelling or building on adjacent property. If a facility is in a multi-tenant building it must meet all building code separation requirements including sound transmission requirements per section 7-51.

Sec. 7-53. Inspections.

An annual certification shall be obtained from animal control that the licensed indoor pet boarding facility has been inspected and found to have adequate construction and comfortable housing for the animals kept therein.

Sec. 7-54. Animal space.

Stall area for each small dog shall be not less than 16 square feet of floor space by four feet high. Stall space for each medium dog shall be not less than 20 square feet of floor space by five feet high. The stall space for each large dog shall not be less than 30 square feet of floor space by six feet high. The stall space requirements listed in this subsection are for single dog runs. If two or more animals are stored in the same stall, the size of the stall spaces shall be adjusted to insure each animal the minimum space required for each. For purposes of this Article, small dogs are 25 pounds or less; medium dogs are 26 to 50 pounds; and large dogs are 51 pounds or larger.

Sec. 7-55. Municipal civil infraction.

(a) Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this article shall be guilty of a municipal civil infraction and shall, upon a finding of responsibility, be punished by paying a fine of \$250.00. For each subsequent violation of this article, the responsible person or entity shall pay a fine of not less than \$500.00.

(b) The city may also seek additional legal and/or equitable relief in the district court or by filing suit in the circuit court. The city may recover its reasonable attorney's fees, court costs and other expenses related to enforcement activities or litigation against the person or entity found to have violated this article.

ARTICLE VI. ABUSE, NEGLECT AND ABANDONMENT.

Sec. 7-56. Animal Abandonment.

- (a) A person commits the crime of animal abandonment if the person intentionally, knowingly, recklessly, or with criminal negligence leaves an animal at a location without providing for the animal's continued minimum care.
- (b) It is no defense to the crime of animal abandonment that the defendant abandoned the animal at or near an animal shelter, veterinary clinic, or other place of shelter if the defendant did not make reasonable arrangements for the animal's continued minimum care.
- (c) Animal Abandonment is a misdemeanor punishable by up to 90 days in jail and/or \$500.00 fines and costs.

Sec. 7-57. Animal Abuse.

- (a) A person commits the crime of animal abuse if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly, or with criminal negligence causes physical injury to an animal.
- (b) Animal Abuse is a misdemeanor punishable by up to 90 days in jail and/or \$500.00 fines and costs.

Sec. 7-58 Animal Neglect.

- (a) A person commits the crime of animal neglect if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly, or with criminal negligence fails to provide minimum care for an animal in the person's custody, control, or possession or for whom the person is otherwise harboring, exercising control over, or residing within a household.
- (b) Animal Neglect is a misdemeanor punishable by up to 90 days in jail and/or \$500.00 fines and costs.

Sec. 7-59. Protection Orders

- (a) The court may enter a restraining order against any person charged with a violation of this Chapter.
- (b) The order may remain in effect from the time that the defendant is advised of his or her rights at arraignment or the defendant's first appearance before the court and informed of such order, until final disposition of the action.
- (c) The order may restrain the defendant from contacting, harassing, molesting, intimidating, retaliating against, or tampering with:
 - (i) Any animal(s) victimized by the acts charged;
 - (ii) Any guardian, other than the defendant, of such animal(s);
 - (iii) Any witness to the acts charged.
- (d) An actual threat to the protected party need not be shown. A charge for a violation of this Section is sufficient basis for a protection order under this subsection.
- (e) Any restraining order issued pursuant to this section shall be on a standardized form prescribed by the judicial department.
- (f) A copy of the restraining order shall be provided to the protected human parties.
- (g) A court may include an animal in any protective order authorized by this Section.

Sec. 7-60. Tethering.

Tethering. It shall be unlawful for any person to attach chains or tethers, restraints or implements directly to a dog without the proper use of a collar, harness or other device designed for that purpose and made from a material that prevents injury to the animal. In addition, no person shall:

- (a) Tether a dog without the continuous presence of an adult on the premises at all times that the dog is restrained; or
- (b) Leave a dog outdoors without the continuous presence of an adult on the premises at all times; or
- (c) Tether a dog unless the tether is a coated steel cable specifically designed for restraining dogs and 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 non-choke collar specifically designed for tethering, with a swivel attached to both ends, done in such a manner as to not cause injury, strangulation or entanglement of the dog on fences, trees, another tethered dog, or any other manmade or natural objects; or
- (d) Tether more than one dog to a single tether or tether one dog to a single tether that would allow the dog to come within three (3) feet of another tethered dog or a property line; or
- (e) Continuously tether a dog for more than two continuous hours, except that tethering of the same dog may resume after a hiatus of three continuous hours, for up to three hours total time on tether per day; or

- (f) Use a tether or any assembly or attachments thereto to tether a dog that shall weigh more than one-eighth of the animal's body weight, or due to weight, inhibit the free movement for the animal within the area tethered; or
- (g) Tether a dog on a choke chain or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other man made or natural obstacles; or
- (h) Tether a dog without access to shade when sunlight is likely to cause overheating; or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether a dog without securing its water supply so that it cannot be tipped over by the tether; or
- (i) Tether a dog in an open area where it can be teased by persons or an open area that does not provide the dog protection from attack by other animals; or
- (j) Tether an animal in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation

A violation of this section is a misdemeanor punishable by up to 90 days in jail and/or \$500 fines and costs.

Sec. 7-61. Severe Weather Conditions.

It shall be unlawful for any person to leave any dog outside and unattended during any period in which any severe weather warning has been issued for Macomb County, Michigan by the National or Local Weather Service for a unreasonable amount of time, if the temperature during such period remains entirely either below 32° F. or above 90° F. "Outside," for purposes of this section, shall mean any dog that is outdoors subject to the weather and elements, which expressly includes, but is not limited to, a dog in a securely fenced-in yard, a dog in a carrier, or a dog tethered. The dog shall be considered "outside" regardless of access to an outdoor doghouse or similar structure, unless such structure is a properly functioning climate-controlled and weather-resistant structure. A Violation of this section is a is a misdemeanor punishable by up to 90 days in jail and/or \$500.00 fines and costs.

Sec. 7-62. Failure of a motorist to report an injured animal.

- (a) A person commits the crime of failure of a motorist to report an injured animal if the person, while operating a motor vehicle, knowingly injures an animal with the motor vehicle and fails to immediately report the injury to the owner of the animal if the identity of the owner is known or discovered; or if unable to contact the owner of the animal, immediately notify a peace officer or animal care agency, and provide the location of the injured animal, the motor vehicle operator's name, address, operator's license.
- (b) Failure of a motorist to report an injured animal is a civil infraction punishable by a \$500.00 fine.

Sec. 7-63. Animals left unattended in motor vehicles; Ability to rescue

It shall be unlawful for an animal to be left unattended in a motor vehicle. Any person violating this section shall be guilty of a misdemeanor, punishable by up to 90 days in jail and/or \$500.00 fines and costs.

- (a) As used in this section, "motor vehicle" has the meaning given that term in the Michigan Motor Vehicle Code.
- (b) A person who enters a motor vehicle by force or otherwise, to remove an animal left unattended in the motor vehicle is not subject to criminal or civil liability if the person:
 - (1) Before entering the motor vehicle, determines that the motor vehicle is locked or there is no reasonable method for the animal to exit the motor vehicle without assistance;
 - (2) Has a good faith and reasonable belief, based upon the circumstances, that entry into the motor vehicle is necessary because the animal is in imminent danger of suffering harm;
 - (3) Before or as soon as is reasonably practicable after entering the motor vehicle, notifies law enforcement, or emergency services;
 - (4) Uses no more force than is necessary to enter the motor vehicle and remove the animal; and
 - (5) Remains with the animal in a safe location, in reasonable proximity to the motor vehicle, until law enforcement or emergency services arrives.
- (c) This section does not limit the liability of a person for gross negligence or for reckless, wanton, or intentional misconduct.

Sec. 7-64. Good Samaritan Law; Providing Care in Emergencies

- (a) Any person, including a licensed veterinarian, who gratuitously and in good faith renders care or treatment at the scene of an emergency on or adjacent to a roadway shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.
- (b) For purposes of this section, an "emergency" shall include a fire, flood, storm, or other natural disaster, hazardous chemical or substance incident, vehicular collision with an animal, or other transportation accident in which an animal is injured or in need of assistance to protect its health or life.

Sec. 7-65-7-69 reserved.

ARTICLE VII - ANIMAL BEHAVIOR

Sec. 7-70. General.

A person possessing an animal shall comply with Chapter 21 of the Warren Code of Ordinances, including but not limited to sections prohibiting depositing unwholesome substances, littering, rubbish removal, rodent infestation and nuisance odors.

Sec. 7-71 Quarantine.

Every animal that has bitten a person or domestic animal shall be quarantined for a period of not less than 10 days. Such quarantine shall be at a veterinary office, or a place designated by Animal Control. The owner shall surrender the dog to Animal Control. Should the owner refuse to cooperate, Animal Control may seek a court order or warrant to enforce the quarantine in accordance with Sections 2241 and 2242 of the Public Health Code.

Sec. 7-72. Public Health Hazard.

Animal Control may declare any animal that is known to have bitten a person or domestic animal or be infected with/exposed to a zoonotic disease, a public health hazard. At their discretion, Animal Control may require that the animal be removed from the community, quarantined or confined in a manner specified by Animal Control. Should the owner refuse to cooperate, Animal Control may seek a court order or warrant to enforce the removal, quarantine, or confinement in accordance with Sections 2241 and 2242 of the Public Health Code. Animal Control shall give written notice to the owner of their intent to petition a court of competent jurisdiction for authorization to euthanize or otherwise dispose of the animal. The owner shall then have 48 hours to respond before the petition is filed.

Sec. 7-73. Defecation.

A person who owns or has custody or control of an animal shall prevent the animal from defecating on any public or private property other than their own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his property.

Sec. 7-74. Barking and Howling Dogs.

No person shall harbor or keep a dog which, by loud and frequent yelping or habitual barking or howling, causes a serious annoyance to other persons in the neighborhood. Evidence that the dog(s) has/have barked or howled for an aggregate period of twenty (20) minutes out of one hour shall be sufficient for conviction. If the nuisance barking or howling complaint is determined to be provoked by any other animal or nearby pedestrian(s), it may be excluded from the aggregate time if the owner:

- (a) provides documentation that the provocation exists and cannot be avoided;
- and

- (b) . takes remedial steps to change the environment of the dog(s) and abate the nuisance within a three-month period from the date of the complaint.

Upon evaluation of the report, if in the opinion of the animal control officer the dog is creating a nuisance by barking or howling incessantly or continuously, the animal control officer shall issue a citation to the owner of said animal for a violation of this section. Such violation shall be a civil infraction punishable by a fine not to exceed \$500.00.

Sec. 7-75. Number of Animals.

- (a) With the exception of chickens, a person shall not possess more than a total of five animals on his/her premises.
- (b) In addition to the limits described in subsection (a) above, a person shall not possess more than three cats over the age of six (6) months.
- (c) In addition to the limits described in subsection (a) above, a person shall not possess more than three dogs over the age of six months.
- (d) Exception. Licensed kennels, veterinary clinics, animal protection shelters, and pet shops are not subject to limits described in subsection (a), (b) or (c).
- (e) A violation of this section shall be a misdemeanor punishable by up to 90 days in jail and/or fine and costs not to exceed \$500.00.
- (f) A person found in violation of this section shall have 30 days to remove any animals exceeding the limits set forth herein.

Sec. 7-76. Sufficient supervision/control.

An animal's owner shall provide sufficient supervision of and have sufficient control of his/her animal, including female animals in heat, to prevent the animal from running-at-large, fighting, fornicating, making noise, or causing other nuisances that would disturb a reasonable person's peace or injuring a person, another animal or itself.

Sec. 7-77. Running at Large.

It shall be unlawful for any dog not to be confined upon the premises of its owner or custodian at all times except when the dog is otherwise under the reasonable control of the owner or custodian, is within a portion of a publicly owned and operated dog park that is designated for dogs without leashes, is confined in a closed automobile or dog crate, or has the express permission of the owner or occupant of the private property. Penalties for violating this section are as follows:

- a. A first offense shall be a misdemeanor punishable by up to 15 days and jail and a fine of \$250.00.
- b. A second offense shall be a misdemeanor punishable by up to 30 days in jail and a fine of \$500.00.

- c. A third offense shall be a misdemeanor punishable by up to 60 days in jail and a fine of \$750.00.
- d. A fourth offense shall be a misdemeanor punishable by up to 90 days in jail and a fine of \$1,000.00. A violation of this section is a misdemeanor punishable by up to 90 days in jail and/or fine s/costs not to exceed \$500.00 and forfeiture of the animal.
- e. As a condition of sentencing for any level offense, the court shall order the owner to install, repair or maintain secure fencing at their home to insure the animal is confined to the premises.

Sec. 7-78. Disposing of dead or injured animals.

A person shall not place a dead or injured animal on public property. A person shall not place a dead or injured animal on private property without permission from the property owner. A violation of this section is a misdemeanor punishable by up to 90 days in jail and/or fines/costs not to exceed \$500.00.

Sec. 7-79. Dangerous or Exotic Animals.

No person shall own, possess, breed, exchange, buy, sell or harbor any dangerous or exotic animals.

Exceptions: Exotic animals shall be permitted to organizations and/or entities that are accredited by the American Association of Zoological Parks and Aquariums (AZA).

Sec. 7-80. Wild Animals.

Wild animals are not allowed to be confined on any premises in any zoning district.

Exceptions. The provisions of this section shall not apply to:

- (1) Wild animals shall be permitted to organizations and/or entities that are accredited by the American Association of Zoological Parks and Aquariums (AZA).
- (2) Pursuant to a possession permit issued by the state department of natural resources as defined in the Wildlife Conservation Order, in good standing, authorizing temporary noncommercial shelter and/or treatment for an injured or abandoned wild animal until the animal can feasibly be released from captivity.

Sec. 7-81. Feeding of Wild Animals

- (a) It shall be unlawful for any person to feed any wild animal in any area in the city. Wild animals shall include all raccoons, skunks, rodents, rabbits, crows, including without limitation, pigeons, doves, and seagulls, mice, fowl, waterfowl, gophers, groundhogs, moles, opossums, squirrels, and every other wild animal.

- (b) All ground feeding is prohibited. The scattering of food or food scraps on the ground by an individual shall be prima facie evidence that the individual intended to provide the food or food scraps for ground feeding. This section is not intended to prohibit the feeding of community cats pursuant to Sec. 7-105.
- (c) (c) This prohibition shall not apply to the feeding of wild birds or squirrels provided that such feeding is done only from containers and supports which prohibit access by other rodents and/or wild animals, and are elevated at least 48 inches above ground level. Every household shall be limited to two (2) birdfeeders.

Sec. 7-82-7-89 Reserved.

ARTICLE VIII. POTENTIALLY DANGEROUS AND DANGEROUS DOGS

Sec. 7-90. Purpose.

The purpose of this Article 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.

Sec. 7-91. Definitions.

Potentially Dangerous Dog. A dog that exhibits any of the following specific behaviors:

- (a) Menaces, chases, or approaches a person, including on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, and displays threatening or aggressive behavior toward, or otherwise threatens or endangers the safety of a person or domestic animal.
- (b) 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.
- (c) 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 officers as a factor in determining whether a bite was aggressive.
- (d) Any of the behaviors listed above exhibited in another community and documented in an official report of any law enforcement or animal control agency.

Dangerous Dog. A dog that exhibits any of the following specific behaviors:

- (a) Exhibits aggressive behaviors that result in further incidents or complaints after

- having been determined to be a potentially dangerous dog.
- (b) 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.
 - (c) Kills a person or domestic animal.
 - (d) Is used in the commission of a crime, including but not limited to dog fighting and guarding of illegal operations.

Sec. 7-92. Notice of Determination / Judicial Process.

- a. **Determination.** If an animal control officer or law enforcement officer has investigated and concludes a dog is potentially dangerous or dangerous because it has exhibited any of the behaviors specified in Sec. 7-91 the animal control officer may issue a citation to the owner or keeper of the dog. The owner or keeper of a dog shall be provided with a citation containing the findings that form a basis of the determination that the dog is either potentially dangerous or dangerous.
- b. **Mitigating Circumstances.** An animal control officer shall have discretion to refrain from issuing a citation for a potentially dangerous or 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, involved accidental or instinctive behavior while playing, did not involve a significant injury, or other similar mitigating or extenuating circumstances.
- c. **Judicial Process and impoundment.** The 37th District Court shall schedule a hearing forthwith. At the first hearing the Court shall make a determination as to whether the dog should be impounded pending the outcome of the case. The Court shall weigh factors including but not limited to: the severeness of the conduct of the dog; whether an injury or severe injury was inflicted to a person or domestic animal; the potential threat to the safety and welfare of the public if the dog is not impounded and the ability of the owner or keeper to comply with Sec. 7-93 during the pendency of the case. The owner and/or keeper will be allowed to present evidence to contradict the potentially dangerous or dangerous determination. A jury shall not be available. After a hearing, if the Court finds by a preponderance of the evidence that the dog is potentially dangerous, the Court shall advise the owner and/or keeper of the requirements for possessing a potentially dangerous dog in the City. If the dog was impounded, the dog shall not be returned to the owner until the requirements of Sec. 7- 93 are met. If the Court finds by a preponderance of the evidence that the dog is dangerous the Court shall advise the owner and/or keeper of the prohibitions contained in Sec. 7-94 and that the dog is subject to forfeiture and euthanasia.

Sec. 7-93. Requirements for possession of a potentially dangerous dog.

(a) A potentially dangerous dog shall not be returned to the owner or keeper of the dog until the following requirements have been satisfied:

(1) 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. A visible "Warning Dangerous Dog" Sign must be affixed to the fence in a location clearly visible to the public.

(2) 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 adult person.

(3) 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.

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

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

(6) 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).

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

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

- (b) 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:
- (1) Proof of animal control's certification that the required fence, self-locking gate, and leash have all been procured for the dog.
 - (2) 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.
 - (3) Proof of the required insurance policy.
 - (4) Proof of the successful completion of the required training and temperament testing.
 - (5) Two recent color photographs of the dog, which clearly show the color and approximate size of the animal.
- (c) 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.
- (d) 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 City Council. This registration and fee shall be in addition to any other requirements for annual licensing of an animal.
- (e) After a dog has been licensed for three full years as a potentially dangerous dog, the owner has the right to request removal of the potentially dangerous classification if during that three year time period there have not been 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 made to animal control and animal control shall conduct a review of the dog's behavior and inspect the premises to ensure that the conditions set forth in this section have been followed.
- (f) **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 (g).

(g) Penalties.

(1) Except as provided in division (g)(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 guilty of a misdemeanor punishable by up to 90 days in jail and/or fines and costs up to \$500.00. 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.

Sec. 7-94. Prohibition of Dangerous Dogs in the City.

Impoundment and euthanization. A dangerous dog is not permitted within the city of Warren. It shall be immediately impounded and shall be euthanized not less than ten calendar days after a determination is upheld by the 37th District Court pursuant to section 7-92(d) and all appeal rights have been exhausted. Alternatively, the Court may permit the owner and/or keeper of the dog to relocate the dog to another municipality if they obtain written permission from that municipality's chief administrative officer or chief animal control officer.

Sec. 7-95. Savings Clause.

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application and to this end, the provisions of this chapter are severable.

Sec. 7-96-7-98 reserved.

ARTICLE IX. CATS AND COMMUNITY CATS

Sec. 7-99. Running at large prohibited.

It shall be unlawful for any person in the city to have possession or custody of any cat

without having it under control and/or confined to his or her premises at all times; provided, that the provisions of this section shall not apply to possession or custody of any cat less than four (4) months of age, when proof of age can be and on request is submitted to a police officer or animal control.

(Code 1967, § 4-920)

Cross reference(s)—Streets, sidewalks and other public places, Ch. 34.

Sec. 7-100. Exhibiting to authorized personnel.

It shall be unlawful for any person to refuse to show or exhibit, at any reasonable time, any cat in his or her possession or custody to any licensed inspector, police officer or animal control officer.

(Code 1967, § 4-921)

Sec. 7-101. Number of cats harbored restricted; nuisance.

It shall be unlawful for any owner or tenant to possess, harbor, shelter or keep more than three (3) adult cats, at any residential dwelling unit or commercial or industrial premises, excepting kennels, veterinary hospitals and pet shops. For the purpose of this section, an adult cat shall be deemed to be any cat six (6) months or older. It shall also be unlawful to maintain any cat or cats so as to create a nuisance by way of noise, odor or otherwise.

(Code 1967, § 4-922(1); Ord. No. 80-340, § 11, 6-9-87)

Sec. 7-102. Report of cat bites.

If any person is bitten by a cat, it shall be the duty of that person, or the owner or custodian of the cat having knowledge of same, to report same to the police department within twelve (12) hours thereafter. If the owner or custodian of any cat has any reason to believe or suspect that such cat has become infected with rabies, it shall be the duty of that person to report same to the police department immediately.

(Code 1967, § 4-924)

State law reference(s) Rules for control of rabies and the disposition of nonhuman agents carrying disease, including rabid animals, MCL 333.5111.

Sec. 7-103. Agreements with animal hospitals authorized.

The city may enter into necessary agreements with animal hospital owners and/or managers to carry out the terms of this article.

(Code 1967, § 4-926)

Sec. 7-104. Disposition.

- (a) Any impounded cat shall not be sold or otherwise disposed of within four (4) days after its acquisition.
- (b) If the cat has a collar, tag/license or other evidence of ownership, the owner and/or manager of the animal hospital or shelter shall notify the owner in writing and disposition of the animal shall not be made within seven (7) days from the date of mailing the notice.
- (c) The process of disposition shall be in such a manner as previously agreed upon between the city and owner and/or manager of an animal hospital or shelter. Each owner and/or manager of an animal hospital or shelter shall be required to maintain a record of each identifiable cat acquired, indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date of notice sent to the owner of an animal and subsequent disposition. The owner and/or manager of the hospital or shelter is made an agent of the city for this purpose, and his or her actions in this regard are declared to be for a governmental purpose. A minimum daily charge of ten dollars (\$10.00) shall be made for feeding and shelter of each cat so impounded.
- (d) This section does not apply to cats which are sick or injured to the extent that the holding period would cause undue suffering, or to cats whose owners request immediate disposal.

(Code 1967, § 4-925)

Sec. 7-105. Community Cat Policy.

The City of Warren declares that the preferred method for controlling the community cat population is through Trap-Neuter-Return (“TNR”). TNR is a method for humanely and effectively managing cat colonies and reducing free-roaming cat populations. The process involves trapping the cats in a colony, having them spayed\neutered, ear-tipped for identification, vaccinating against rabies, then releasing them back into their original territory.

- (a) All community cats shall be sterilized, ear tipped and vaccinated in accordance with the Trap-Neuter-Return process
- (b) All community cats living in colonies shall be cared for on the private property of the community cat caregiver or with the permission of the property owner or property manager.
- (c) All community cats may be managed and maintained by a community cat caregiver under the following requirements:

- (1) Food shall be provided in the proper quantity for the number of cats

being managed and is to be supplied no more than once per day, for only 30 minutes each feeding time between the hours of 5 and 10 AM.

- (2) Food must be placed in feeding containers that are maintained and secure.
 - (3) All feeding stations shall be kept in a clean, sanitary manner.
 - (4) Water. Supplied water must be clean, potable, and free from debris and algae.
 - (5) Shelter. If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the cat(s).
- (d) Trapping of community cats is permitted only for the purpose of Trap-Neuter-Return unless the community cat is injured and veterinary care is required.
- (e) An ear tipped cat received by Animal Control shall be returned to the location where it was trapped with no hold periods, unless veterinary care is required.

Sec. 7-106-7-110 reserved.

ARTICLE X. CHICKENS

Sec. 7.111. License required. It shall be unlawful for any person to keep any hen within the corporate limits of the city without first obtaining a license, in accordance with this section, and as required by section 18-1.

Sec. 7-112. Permit required. Any person who desires to keep not more than four (4) hens in the city, for personal use only and not for any business or commercial purpose, must obtain a building permit for the construction of a detached accessory building, in accordance with sections 22.02, and as defined in section 4-20, of the Zoning Ordinance of the City of Warren (the "Ordinance"), except that the structure need not comply with section 2.52 of the Ordinance and may be elevated eighteen (18) to thirty-six (36) inches off the ground.

- (a) Henhouse and pen. The detached accessory building shall include:
- (1) A minimum of one (1) square foot per hen, four (4) insulated walls, a ventilated roof, a human access door to provide food and water, collect eggs, and allow for cleaning, a chicken door with a secured latch, and, if elevated off the ground, a floor and a sturdy ramp (collectively, the "henhouse"); and
 - (2) A fence securely constructed with ½" galvanized hardware cloth on all four (4) sides and overhead, which includes a secure gate to remove hens, is attached to the henhouse, and is located on the permanent foundation required by section 4.20 (a) (2) of the Ordinance (the "pen").
- (d) Application for hen license. Any person who desires to keep hens under this chapter must complete, and submit to the office of the city clerk, an application

for a hen license on the form provided. No application will be accepted unless the following is provided:

1. Proof of final inspection of the henhouse and pen by the Building Division.
 2. Full name, address, phone number, and email of the applicant.
 3. The annual license fee which shall be determined by city council resolution.
 4. The written consent of the property owner, if the applicant is not the fee owner of the property upon which the hens will be kept.
 5. If the property upon which the hens will be kept is a two-family dwelling, the written consent of the occupant of the two-family dwelling who is not the applicant.
- (e) Issuance and expiration. The office of the city clerk will issue a hen license where the application complies with all the requirements of this section and Ordinances of the city. Only one hen license may be issued per lot, as defined in the Ordinance. A hen license is valid for one (1) year after the date issued, notwithstanding anything to the contrary in section 18, is non-transferable, is site-specific, and does not run with the land.
- (f) Denial. The issuance of a license applied for under this section may be denied by the city clerk, and a license may be revoked or suspended as set forth in section 18-12, in which case the process set forth therein shall govern.
- (g) Renewal. Unless otherwise provided below, an application for license renewal shall be considered in the same manner as an original application.
- (1) Application. Any person who desires to keep hens under this section must complete and submit to the office of city clerk an application for hen license on the form provided, twenty (20) calendar days prior to its expiration. No application will be accepted unless the information required by section 7-11 (d) (2) – (5) is provided.
 - (2) Review. Prior to renewal of a hen license, the city clerk must distribute the application to the animal control officer to review the application for compliance with this section, recommend approval or disapproval, and return the application to the office of city clerk office within twenty (20) calendar days. A recommendation of disapproval must state a reason.
- (h) Private restrictions control. Private restrictions on the use of property shall remain enforceable and take precedence over a hen license. Private restrictions include but are not limited to deed restrictions, neighborhood association by-laws, condominium master deed restrictions, and covenant deeds. A hen license issued to a person whose property is subject to private restrictions that prohibit the keeping of hens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

Sec. 7-113. Requirements. A person who owns hens and possesses a hen license must comply with the requirements of this chapter and all the following:

- (a) The owner must keep no more than four (4) hens, and no roosters, male chickens, or any other type of fowl.
- (b) The property on which the hens will be kept must have a use, as defined in the Ordinance, of one-family or two-family dwelling.
- (c) No hen may be slaughtered at the property.
- (d) All hens must be kept in the henhouse or pen at all times, in sanitary condition and a state of good health, and be secured in the henhouse from dusk to dawn.
- (e) The henhouse and pen must be located at least ten (10) feet from all adjacent property.
- (f) The henhouse and pen must be constructed and maintained to prevent
 - (i) rats, mice, or other rodents or vermin from being harbored underneath or within its walls;
 - (ii) entry by predators; and
 - (iii) the escape of hens.
- (g) All feed and other items associated with the keeping of hens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
- (h) The owner must feed and water the hens daily.
- (i) The hen eggs must not be sold.
- (j) The owner must submit the hen license for examination upon demand by any police officer, code enforcement officer, or animal control officer.
- (k) If the requirements of this chapter are not complied with, the city may revoke the hen license and/or initiate prosecution of a civil infraction.

Sec. 7-114. Retroactive Application.

Current license holders will be required to comply with this section when they renew their annual license, or within 365 days from the date this ordinance takes effect, whichever is greater.

(Ord. No. 80-766, § 1, 9-11-18)

ARTICLE XI. SERVICE DOGS AND SERVICE ANIMALS

Sec. 7-115. Definition

- (a) "Service dog" or "service animal" means a dog or animal that is twelve (12) months of age or older and is utilized to assist a person with the following disabilities:
 - 1. "Audibly impaired", as defined in MCL 752.61;

2. "Blind person", as defined in MCL 393.351;
3. "Deaf person", as defined in MCL 752.61; and
4. "Physically limited", as defined in MCL 125.1351.
5. Epilepsy;
6. Diabetes;

Sec. 7-116 General.

- (a) Notwithstanding any other article, a trained service dog or other service animal shall be granted access to all city facilities where the public is allowed so long as it is accompanied by its owner.
- (b) Notwithstanding any other article, a dog or other animal undergoing training to be a service dog or service animal, shall be granted access to all city facilities where the public is allowed so long as accompanied by a trainer meeting the requirements of sections (c) and (d) below.
- (c) A service dog or service animal, either trained or in training, must be wearing a harness, hearing dog cape or service dog backpack.
- (d) A trainer of service dog or service animal, while training on city property, must have in his or her possession a picture identification and identification stating that he or she is a representative or employee of an organization or trainee, or is a trainer, included on the Michigan Department of Labor's list of organizations or trainers that train service dogs.

ARTICLE XII. COST RECOVERY AND IMPOUNDMENT

Sec. 7-117 Cost Recovery. If a violation of this Chapter causes property, financial or personal injury, the owner is liable for the resulting damages. This includes, but is not limited to, damages associated with the emergency response, impoundment, veterinary and medical expenses, boarding costs and prosecution. The Court may order a Defendant to post a cost recovery bond at arraignment.

Sec. 7-118. Impoundment

- (a) If an animal control or police officer has reasonable belief that a person has violated a section of this ordinance and that violation places people or animals in danger of future harm, the officer of police officer may seize the animal for safekeeping, adoption, or destruction.
- (b) If an animal control or police officer finds a domesticated animal running at large, he/she may seize the animal for the purposes of returning the animal to the owner;
- (c) The animal control or police officer shall make reasonable efforts to determine the owner(s) of a domesticated impounded animal and provide written notice to at least one of the owners that the animal was impounded, the impoundment date, the reason for the impoundment and if applicable, the right to a hearing for return of property as provided in subsection (e) below.

- (d) If the animal control of police officer seizes a domesticated animal pursuant to subsection (a) above and the owner files a petition for return of property in the district court within three days of the notice of seizure, the court shall schedule a hearing within 14 days to determine whether, by a preponderance of the evidence, returning the animal to the owner, places people, the animal or other animals in danger of harm.
 - (1) if the court determines that returning the animal places people, the animal, or other animals in danger of harm, the district court may order the animal to continue to be kept in the care of the City or Macomb County, be adopted out, be destroyed, or any other relief the Court deems just.
 - (2) if the court determines that returning the animal no longer places people, the animal or other animals in danger of harm, upon proof of ownership and payment of all costs associated with the seizure, the officer shall return the animal to the owner.

ARTICLE XIII. SENTENCING PROVISIONS

Sec. 7-119. Community Service. In addition to any other sentence it may impose, a court may order the defendant to participate in community service. If the court does order community service participation, no such participation shall occur at any humane society, animal shelter, or other facility where the defendant will have unsupervised access to animals. This does not prohibit ordering to participate in a humane education class, where the defendant will have access to animals when closely monitored by a trained and qualified instructor.

Sec. 7-120. Evaluation and Treatment

- (a) In addition to any other sentence it may impose, a court shall order the defendant to undergo a psychiatric, psychological, or mental health evaluation, and if warranted by the condition of the defendant, shall order the defendant to undergo appropriate treatment.
- (b) Treatment may include, but is not limited to, counseling, anger management classes, and/or humane education classes.
- (c) Treatment may be conducted in-person or online.
- (d) All costs of the evaluation and treatment shall be borne by the defendant.

Sec. 7-121. Forfeiture

- (a) In addition to any other sentence it may impose, a court shall require a defendant convicted under any provision of Article VI, to forfeit all legal interest in all animals in whom the defendant has a legal interest, including any unborn animals. When determining who receives the forfeited legal interest, the court shall consider:
 - (1) The best interests of the animal's health, safety, and wellbeing;

- (2) Whether there are any co-owners of the animal who do not reside in the same household as the defendant, and who did not contribute to the cruelty; and
- (3) Any liens on the animal held by the caregiving agency.

Sec. 7-122. Possession and ownership ban

- (a) In addition to any other penalty imposed by law, a person convicted of a misdemeanor violation of the animal welfare ordinances, shall not own, possess, reside with, have custody of, or control any animal for a minimum period of five years on a first offense; and for a minimum period of fifteen years on a second or subsequent offense.
- (b) A violation of this section is a misdemeanor, punishable by up to 90 days in jail and a fine of \$500.00 plus costs. A conviction of this section shall result in the forfeiture of the offender's interest in the animal.
- (c) Notwithstanding any other provision, a peace officer or animal control officer may immediately seize any animal found to be kept in violation of this section.
- (d) A person may petition the court to reduce the duration of the mandatory ownership prohibition. Upon receipt of a petition from the defendant, the court shall set the matter for hearing. The petitioner shall serve a copy of the petition on the city attorney at least 10 days prior to the hearing. At the hearing the petitioner shall have the burden of establishing by a preponderance of evidence all of the following:
 - (1) The petitioner does not present a danger to animals.
 - (2) The petitioner has the ability to properly care for all animals in their possession.
 - (3) The petitioner has successfully completed all classes or counseling ordered by the court.
- (e) If the petitioner has met their burden, the court may reduce the mandatory ownership prohibition and may order that the defendant comply with reasonable and unannounced inspections by animal control agencies or law enforcement.

Sec. 7-123. Reimbursement of Costs to Caregiving Agency. In addition to any other sentence it may impose, a court shall require a defendant convicted under any animal welfare ordinance to repay all reasonable costs incurred by any person or organization prior to judgment in impounding and providing minimum care for each animal subjected to mistreatment in violation of the animal welfare ordinance. This section shall apply regardless of whether the caregiving agency has received directed donations by third parties to provide care for the animal.

Sec. 7-124. Restitution to Owner. In addition to any other sentence it may impose, a court shall order that restitution be made by the defendant to the owner of the animal subject to mistreatment by the defendant in violation of any animal welfare ordinance. The measure of restitution shall be the actual pecuniary value of such loss, including but not limited to, the actual veterinary expenses, special supplies and other costs

incurred by the animal's owner in treating the animal and in attempting to restore the animal to good health or to otherwise ameliorate the effects of the criminal violation. This subsection shall not apply if the defendant was the animal's owner at the time of the offense.

Sec. 7-125-7-130 reserved.

ARTICLE XIV. ANIMAL RESCUE/SANCTUARY REGISTRATION

Sec. 7-131. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Animal Rescue. Any organization that acquires animals through owner surrender, transfer, adoption, or any other means for the purpose of finding permanent adoptive homes for companion animals and that does not maintain an animal shelter, but rather houses the animals in a residential dwelling or uses a system of housing animals in foster homes or boarding establishments.

Animal Sanctuary.

Any organization providing temporary or permanent safe haven to animals and accredited by the Global Federation of Animal Sanctuaries (GFAS).

Foster Care Provider. Foster care provider shall mean any individual who provides care or rehabilitation for animals in a housing facility that would not require licensing or registration by the Michigan Department of Agriculture and Rural Development (MDARD), through a contractual affiliation with an animal shelter or rescue.

Foster Homes. Private residential dwelling and its surrounding grounds, or any other facility, at which site, through an affiliation with an animal rescue, care or rehabilitation is provided to an animal.

Rescue Manager/Director.

Rescue manager shall mean an individual designated by an animal rescue or sanctuary to be responsible for:

- (a) obtaining all required licensing from local, county or state agencies;
- (b) intake of all animals in the care of the animal rescue organization;
- (c) arranging for the spay or neuter of each animal;
- (d) maintaining, on that person's premises, all documentation including records pertaining to the adoption, placement, or other disposition of each animal receiving temporary care from the animal organization; and

- (e) ensuring compliance with local, county and state laws and regulations by each animal foster home in affiliation to the animal rescue organization.

Section 7-132. Requirements

All rescues and sanctuaries operating within the City of Warren must adhere to the following requirements:

- (a) All animal rescue/sanctuary organizations must have a relationship with at least one veterinarian or clinic.
- (b) Proper medical protocol shall be followed as advised by a licensed veterinarian.
- (c) Age and species appropriate vaccinations and preventative care shall be provided under the supervision/direction of a licensed veterinarian.
- (d) Animal rescue/sanctuary organization shall maintain verifiable records that include, but are not limited to, name and address of any person from whom the animal is acquired, point of origin, and the date the animal was acquired, along with the disposition information. Records shall be held for a period of at least two years.
- (e) Organizations utilizing foster homes must maintain a current roster containing the name, location and contact information for each place or premises at which animals are housed.
- (f) Records must be maintained for the name, breed/species, physical description, age, gender and foster home or premises for each animal.
- (g) Medical records are to be provided at time of adoption or transfer of ownership.
- (h) Contracts:
 - (1) Adoption contracts shall contain terms that prohibit the reselling, rehoming and future sterilization requirements (if applicable), as well as define the transfer of ownership from rescue/sanctuary to adopter.
 - (2) Foster contracts shall clearly define legal custody and ownership, as well as responsibility held by the animal rescue/sanctuary and the expectations of the foster care provider.
- (i) Animals being imported must have a valid Certificate of Veterinary Inspection (CVI) from the place of origin as required by the Michigan Department of Agriculture and Rural Development (MDARD).
- (j) Emergency Preparedness Plan shall be constructed and communicated in the event of an unfortunate impediment, or any natural or manmade disaster.

Sec. 7-133. Rescue Registration

Any rescue or sanctuary operating within the City of Warren must abide by these ordinances and register their organization with the City.

- i. Non-profit/tax-exempt status must be obtained and in good standing.
- ii. Microchip all animals prior to transfer of ownership.
- iii. Spay and neuter, unless not advised by a veterinarian in writing.
- iv. Animal rescue/sanctuary may not breed animals or be housed on the premises

of a breeder or broker or obtain animals from a breeder or broker for compensation.

- v. Rescue/Sanctuary organizations shall contribute data to Shelter Animals Count database.
- vi. Rescue/Sanctuary organizations shall assure proper capacity for minimum care.

This Ordinance shall take effect on July 14, 2025.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-834 was adopted by the Council of the City of Warren at its meeting held on June 24, 2025.

SONJA BUFFA
City Clerk

Published: July 9, 2025

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