

CITY OF SYLVAN LAKE
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. 361

**AN ORDINANCE TO AMEND THE CITY OF SYLVAN LAKE
CODE OF ORDINANCES TO AMEND CHAPTER 10,
"ANIMALS," ARTICLE IV, "DANGEROUS ANIMALS, PIT BULL
TERRIERS, AND EXOTIC ANIMALS," IN ORDER TO
ESTABLISH AN ANIMAL REVIEW BOARD TO DETERMINE
WHETHER A DOG IS A DANGEROUS DOG, AND TO
ESTABLISH CRITERIA FOR POSSESSION OF A DANGEROUS
DOG, TO CONFORM THE DESTRUCTION OF DANGEROUS
ANIMALS TO STATE LAW.**

THE CITY OF SYLVAN LAKE ORDAINS:

Section 1. Ordinance Amendment

That the Sylvan Lake Code of Ordinances is hereby amended as follows to amend Chapter 10, "Animals," Article IV, "Dangerous Animals, Pit Bull Terriers, and Exotic Animals," to read as follows:

**ARTICLE IV. DANGEROUS ANIMALS, PIT BULL TERRIERS, AND EXOTIC
ANIMALS**

Sec. 10-80. - Purposes.

The purposes of this article are declared to be as follows:

- (1) To identify and enumerate certain animals which, by their nature, are sufficiently dangerous, undesirable or unsuitable for incorporation into the residential or commercial life of this community.
- (2) To impose prohibitory measures to discourage and ban the possession and maintenance of animals considered exotic and not easily domesticated.
- (3) To describe and classify the breeds of dog generally known as pit bulls or pit bull terriers which are determined to pose an unacceptable risk to the health, safety and welfare of the citizens of this community.
- (4) To provide for restrictions on the care and custody of existing licensed pit bull terrier dogs on the owners or possessors thereof.

(5) To impose a ban on the prospective possession and maintenance of those breeds of pit bull terrier dogs so classified.

(6) To establish guidelines and procedures to be utilized by law enforcement personnel in implementing this article.

(7) To provide for penalties and sanctions for violations hereof.

Sec. 10-81. Definitions.

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

Animal means any one or more of a kingdom of living beings (except humans) differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.

Animal review board means a board consisting of the Chief of Police or his designee, the City Manager or his designee, and, a person with animal control experience, who is selected by the City Manager, which shall assemble for the purpose of conducting hearings under this article.

City means the City of Sylvan Lake and/or its duly elected council.

Dangerous animal means a dog or other animal that bites or attacks a person, or that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

(1) An animal that bites or attacks a person who is knowingly committing or attempting to commit a crime, including trespassing on the property of the animal's owner.

(2) An animal that bites or attacks a person who provokes or torments the animal.

(3) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

(4) A dog that bites or attacks a person while being used by a law enforcement official for a legitimate law enforcement purpose;

- (5) A dog that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

Domesticated animal means any of the various animals (like the horse or sheep) domesticated by humans so as to live and breed in a tame condition.

Exotic animals means, generally, the species of animals which are not native to the state or the United States and/or are introduced from another country.

Hybrid(s) means any animal which is the offspring of two different varieties or species.

On a suitable leash means both that the dog is attached to a leash that is no more than four feet in length and of such material that the leash is capable of and does restrain the type and size of dog to which it is attached; and that such a leash is continuously held by a person who is reasonably able to and does restrain and prohibit the dog from being out of that person's physical control. A leashed dog that chases a person or domesticated animal a greater distance than four feet or that bites a person or domesticated animal constitutes prima facie evidence that such dog is not kept on a suitable leash.

Owner or possessor means any person who either has right of property in any animal, or who has an animal in his care or custody, or who knowingly permits an animal to remain on or about any premises occupied or controlled by him.

Pit bull or pit bull terrier means any dog which exhibits those phenotypical characteristics which:

(1) Substantially conform to the breed standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire Bull Terriers.

(2) Substantially conform to the breed standards established by the United Kennel Club for American Pit Bull Terriers. The standards of the United Kennel Club referred to herein as "Appendix A," shall remain on file with the city clerk. Technical deficiencies in the dog's conformance to the standards of this definition shall not be construed to indicate that the subject dog is not a "pit bull terrier" under this article.

Poisonous means a substance which, through its chemical action, usually kills, injures or substantially impairs an organism.

Possessing or maintaining means the act or ability of having or exerting control and influence over an animal regulated herein, without regard to ownership.

Potentially Dangerous Animal means a dog that poses a threat to public safety as demonstrated by any of the following behavior:

- (1) Causing an injury to another dog or domestic animal that is less severe than a serious injury;
- (2) Without provocation, chasing or menacing a person, another dog or domestic animal in an aggressive manner;
- (3) Running at large and impounded by a police or animal control agency three or more times within any twelve-month period; or
- (4) Acting in an extremely aggressive manner within a fenced yard or Proper enclosure that the animal reasonably appears to be able to jump over or escape.

Proper enclosure means a secure confinement indoors or secure confinement in a locked, fenced pen, yard, or structure measuring at least six feet in width, 12 feet in length, and six feet in height, capped if there is a doghouse inside or if a dog can climb the fence, with secure sides, which provides proper protection from the elements for the dog, prevents the entry of young children, and is designed to prevent the dog from escaping. An invisible fence does not constitute a proper enclosure.

Provoke and provocation means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or other animal.

Responsible person means a person who is familiar with the animal and has the size and experience to be able to keep the animal under complete control at all times.

Serious Injury means permanent, serious disfigurement; serious impairment of health; or serious impairment of a bodily function.

Torment means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

Sec. 10-82. - Legislative classification and findings.

(a) With the predominant residential population density of the city, the residents of the city must be protected from the attack and threat of injury or disease from dangerous and certain exotic animals possessed or maintained as domestic animals.

(b) This article is enacted following the passage of Act 381 of the Public Acts of 1988 (MCL 750.49, MSA 28.244) by the state legislature which provides for substantial penalties to be imposed against persons who promote the possession or use of dogs bred for fighting or baiting.

(c) This article is enacted following the passage of Act 426 of the Public Acts of 1988 (MCL 287.321 et seq., MSA 12.545(21) et seq.) by the Michigan Legislature which provides for additional penalties and procedures for the protection against dangerous animals.

(d) The city staff has collected detailed and reliable data from many sources on the number, nature and severity of attacks by pit bull terriers upon innocent citizens of this community, the Metropolitan-Detroit area, and other communities and urban areas within the state, and the United States of America.

(e) Based upon this data, the city concludes that the existing pit bull terriers within this community constitute an unacceptable risk of harm and fear to the residents hereof and must therefore be closely regulated as provided herein.

(f) The city has further concluded that it is in the interest of public health, safety and welfare that the presence of pit bull terriers be limited in this community to only those existing licensed pit bull terrier dogs in order that the threat of this breed will eventually be removed from this community.

(g) The city finds, from many reliable sources, ample evidence to support the following facts about pit bull terriers:

(1) Pit bull terriers were, for centuries, developed and selectively bred for the express purpose of attacking other dogs or other animals such as bulls, bears or wild hogs.

(2) In developing a dog for this purpose, certain traits were selected and maximized by controlled breeding including extremely powerful jaws, a low sensitivity to pain, extreme aggressiveness towards other animals, and a natural tendency to refuse to terminate an attack once it has begun.

(3) Based on the statistical evidence that pit bull dogs are the leading cause of dog bite related fatalities in the United States, and other evidence in the form of individual experiences, the pit bull is infinitely more dangerous once it does attack.

(4) The pit bull terriers' massive canine jaws can crush a victim with up to 2,000 pounds of pressure per square inch, three times that of a German shepherd or Doberman pinscher, making the pit bull's jaws the strongest of any animal, per pound.

(5) The breeds are almost impossible to confine without resorting to fortress-like measures; pit bull terriers can climb over high chain link fences and trees, tear metal sheeting with its teeth, attack through chain link fencing, tear loose its collars, and dig under fences and walls, requiring the adoption of breed-specific

restrictions on the care and custody of licensed pit bull terriers for the protection of the citizens of this community.

(h) These findings and facts lead the city to conclude that a modified prohibition on the possession, maintenance and harboring of pit bull terriers, as defined herein, is reasonable and necessary for the protection of the public health, safety and welfare. The city council is fully aware that the breed of dog called a "bull terrier," usually considered to be of the same phenotype as the specific breeds banned herein, is not included within the prohibition of this article. The council finds that this breed is not commonly found or bred at this time in the state nor the United States, and therefore does not pose the same risks.

Sec. 10-83. - Pit bull terriers prohibited, prospective application.

(a) It shall be unlawful for any person to acquire, possess or maintain, within the city, any pit bull terrier, as defined herein, except as permitted under section 10-84.

(b) Any person who knowingly acquires, keeps, harbors, or maintains a pit bull terrier within the city, after the effectiveness of the ban of the pit bull terriers, shall be guilty of a violation hereof and subject to the penalties and sanctions contained herein, except as provided in section 10-84.

(c) This section shall not be construed to apply to any person who is both within the territorial boundaries of the city and in possession of any dog for the primary purpose of exhibiting or showing said dog at a dog show or similar event sponsored by a nationally recognized kennel club or dog breeders' association, or its local affiliate or chapter.

Sec. 10-84. - Possession of existing licensed pit bull terriers. Possession of service animal for person with a disability.

(a) Any person who, as of the date of adoption of the ordinance from which this article is derived by the city council (September 15, 2010), owns and possesses within the territorial limits of the city a licensed pit bull terrier, shall be excluded from the prohibition contained in section 10-83 as to such existing animal(s) only, subject however, to maintaining such dog under the restrictions and conditions set forth herein. Upon the death, sale or other transfer of ownership, or possession, of such pit bull terrier, this exception to section 10-83 shall terminate and be of no force and effect.

(b) A qualified individual with a disability, as defined under the Americans with Disabilities Act, 42 USC § 12131 (2) is permitted to possess a pit bull terrier within the City after providing information concerning the service animal to the City Manager.

Sec. 10-85. - Restrictions upon the ownership and maintenance of existing licensed pit bull terriers.

(a) Any person who claims an exception to section 10-84 by virtue of preexisting ownership and possession of a licensed pit bull terrier shall comply with the requirements as stated in this section with respect to that ownership and possession.

(b) At all times when such dog is outside of any enclosed structure, fenced yard or fenced dog run, the animal shall:

(1) Be under the control of a person over the age of 18 years.

(2) Be held securely by a leash of adequate strength to restrain the dog.

(3) Have a muzzle over its jaws sufficient to prevent the animal from inflicting any bite upon another person or animal.

(c) All properties where the animal is kept, harbored or possessed shall at all times be insured with public liability insurance for bodily injury and property damage by such animal in an amount no less than \$100,000.00 coverage. Proof of such insurance shall be submitted to the animal welfare officer upon demand.

(d) Pens or structures utilized for harboring or keeping such dog outside of a habitable structure shall have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot.

(e) Any litter of puppies from such existing licensed pit bull terriers shall be removed from the city upon attaining the age of six months, or such puppies shall be subject to all other provisions of this article.

(f) All owners and possessors of existing licensed pit bull terriers shall, within 15 days of adoption of the ordinance from which this article is derived, have an identification number tattooed upon the pit bull, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the animal by the state department of agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939 (MCL 287.301 through 287.308, MSA 12.545(1) through 12.545(8)). The identification number shall be tattooed on the upper inner left rear thigh of the pit bull terrier by means of indelible or permanent ink. The tattoo shall be no less than one inch long and not less than one-quarter inch high.

(g) Any such existing licensed pit bull terrier who is determined by a district judge or magistrate to have exhibited behavior so as to fall within the definition of a dangerous

animal under section 10-82 of this chapter, shall lose its exemption herein, and shall forthwith be removed from the city or be destroyed, in the discretion of the court pursuant to section 10-87 of this chapter.

Sec. 10-86. - Prohibited exotic, rare or dangerous animals.

(a) It shall be unlawful and a violation of this article for any person to possess or maintain within the city the following animals:

- (1) All animals, including snakes and spiders, whose bite or venom is poisonous or deadly to humans.
- (2) Apes: chimpanzees (pan); gibbons (hylobates); gorillas (gorilla); orangutans (pongo); and siamangs (symphalangus).
- (3) Baboons (papai, mandrillus).
- (4) Bears (ursidae).
- (5) Cheetahs (acinonyx jubatus).
- (6) Crocodilians (crocodilus), and alligators.
- (7) Constrictor snakes, or other poisonous reptiles.
- (8) Coyotes (canis latrans).
- (9) Elephants (elephas and loxondonta).
- (10) Gamecocks and other fighting birds.
- (11) Hyenas (hyaenidae).
- (12) Jaguars (panthera onca).
- (13) Leopards (panthera pardus).
- (14) Lions (panthera leo).
- (15) Lynxes (lynx).
- (16) Ostriches (sruthio).
- (17) Pumas (felis concolor); also known as cougars, mountain lions, and panthers.

(18) Wolves (*canis lupus*).

(19) Wolf hybrids.

(20) Raccoons (*procyon lotor*).

(21) Skunks (genus *mephitis*).

(22) Tigers (*felis tigris*).

(23) A dangerous animal or animals as defined in section 10-81, unless the dangerous animal is a dog and is permitted by the Animal Review Board to remain in the City and must follow the requirements in Section 10-88.

(b) The prohibitions above shall not apply to pet shops licensed by the state department of agriculture, zoological gardens licensed by the U.S. Department of Agriculture, and accredited by the American Association for the accreditation of zoological parks and gardens, and circuses licensed by the U.S. Department of Agriculture if:

(1) Their location conforms to the provisions of the zoning ordinance of the city.

(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.

(3) Animals are maintained in quarters so constructed as to prevent their escape, and so as to humanely provide for their biological and social needs.

(4) No person lives or resides within 100 feet of the quarters in which the animals are kept.

(c) The prohibitions above shall not apply to any person who is in possession of an injured animal listed in this section under a valid caregiver's permit issued by the state department of natural resources.

Sec. 10-87. Determination of dangerous animal

(a) A police officer shall have the authority to make a determination that an animal is dangerous or potentially dangerous animal, as defined in this article, upon the complaint of any person that an animal is dangerous or potentially dangerous. When a police officer classifies any animal as a dangerous or potentially dangerous animal under this article, the police officer shall notify the animal's owner of such classification as follows:

(1) The notice shall be in writing and mailed by certified mail to the owner's last known address. If an animal has more than one owner, notice to any one owner shall be sufficient.

(2) The notice shall include a summary of the findings that form the basis for the animal's classification as dangerous or potentially dangerous.

(3) The notice shall be dated and shall state that the owner has a right to request a hearing on the classification within 15 days from the date of the notice.

(4) The notice shall state that if a hearing is requested on the classification, the Animal Review Board shall conduct the hearing.

(b) When the Animal Review Board receives a request for a hearing from an owner, a hearing shall be scheduled within 30 days of receipt of the request. At least five days prior to the hearing, the owner shall be provided with written notice of the date, time and place of the hearing. At the hearing, the owner shall be given the opportunity to testify and to present evidence. The Animal Review Board shall also receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination to sustain, modify or overrule the classification of the animal by the police officer. The Animal Review Board shall notify the owner in writing by certified mail of its determination on the matter. If the determination is made that the animal is a dangerous animal or a potentially dangerous animal, the notice shall specify the date upon which that determination is effective.

(c) If the identity of the owner of the animal that the police officer has classified as a dangerous animal or a potentially dangerous animal cannot be determined, the animal shall be immediately confiscated, with notice of same and a description of the animal given to the police department and to the Oakland County Animal Shelter. If the animal's owner claims such animal, the animal shall be released to its owner, together with a copy of the notice specified in subsection a of this section. If the animal remains unclaimed for seven days, the animal shall be turned over to a local animal welfare organization or examined by a veterinarian and/or a local animal welfare organization to determine the viability of the animal or appropriate course of destruction of the animal, if necessary.

Sec. 10-88.- Requirements for possession of dangerous dog

(a) Any owner of a dangerous animal that is a dog shall be jointly and severally responsible with all other owners of such dog for compliance with the requirements of this section.

(b) No person shall own, possess, keep, harbor, or have custody or control of a dangerous dog, except in compliance with all of the following requirements:

(1) A dangerous dog shall not be permitted to remain in the City unless it is properly registered as provided in this article and as otherwise required by law or ordinance.

(2) Except under the circumstances otherwise specifically permitted by this article, a dangerous dog shall at all times be maintained inside a proper enclosure.

(3) The premises where a dangerous dog is kept shall be posted with a clearly visible sign warning that there is a dog on the premises that presents a danger to human beings. Such sign shall also include a symbol sufficient to convey without words the message that there is a dog on the premises that presents a danger to human beings.

(4) The owner of a dangerous dog shall, at the owner's option and expense, by or under the supervision of a licensed veterinarian, have an identification number tattooed upon the animal or have a microchip injected under the animal's skin. An identification number shall be tattooed on the upper inner left rear thigh of the dog by means of indelible or permanent ink.

(5) The owner of a dangerous dog shall at all times maintain a policy of insurance in a minimum amount of \$1,000,000 to cover claims for any personal injuries inflicted by the dog, which policy shall be issued by an insurer authorized to transact business in the State of Michigan.

(6) Within 30 days after the final determination date, the owner of a dangerous dog and the dangerous dog shall begin attending, and within 90 days after the final determination date, successfully complete an animal obedience class approved by the Animal Review Board and produce evidence of such attendance and successful completion.

Sec. 10-89.- Requirements for possession of potentially dangerous dog

(a) Any owner of a potentially dangerous dog shall be jointly and severally responsible with other owners of such dog for compliance with the requirements of this section.

(b) No person shall own, possess, keep, harbor, or have custody of a potentially dangerous dog except in compliance with all of the following requirements:

(1) A potentially dangerous dog shall not be permitted to remain in the City unless it is properly registered as provided in this article and as otherwise required by law or ordinance.

(2) Except under the circumstances otherwise specifically permitted by this Article, a potentially dangerous dog shall at all times be maintained inside a proper enclosure unless the dog is muzzled and restrained as provided in Section 10-93.

(3) The owner of a dangerous dog shall at all times maintain a policy of insurance in a minimum amount of \$1,000,000 to cover claims for any personal injuries inflicted by the dog, which policy shall be issued by an insurer authorized to transact business in the State of Michigan.

- (4) Within 30 days after the final determination date, the owner of a potentially dangerous dog and the potentially dangerous dog shall begin attending, and within 90 days after the final determination date, successfully complete an animal behavior class approved by the Animal Review Board and produce evidence of such attendance and successful completion.

Sec. 10-90 Registration of dangerous dogs and potentially dangerous dogs

(a) No dangerous dog or potentially dangerous dog shall be permitted to remain in the city unless it is registered in accordance with this article. In addition to the annual registration and/or licensing fees otherwise required by law and ordinance, the owner of a dangerous dog or a potentially dangerous dog shall pay an annual registration fee to be set by resolution of the city council and shall register the dog with the Police Department as a dangerous dog or a potentially dangerous dog, according to the classification and determination previously made under this article. No dangerous dog or potentially dangerous dog shall be registered unless the owner can provide sufficient evidence that all of the provisions in Sec. 10-88 and 10-89, as applicable, have been and are being met.

(b) The registration provided by this section shall be nontransferable. The registration shall be renewed annually or upon the earlier of the transfer of ownership or possession of the dog or a change in the location of the dog's primary habitat.

Sec. 10-91. Transfer of ownership or possession

Upon the transfer of ownership or possession of any dangerous dog or potentially dangerous dog, the transferor shall provide the Police Department with the name, address and telephone numbers of the new owner of the dog and the effective date of the transfer. Any transferee of a dangerous dog or potentially dangerous dog shall be presumed to have notice of the dog's classification as such.

Sec. 10-92. Notice to Police Department

The owner of a dangerous dog or potentially dangerous dog shall notify the Police Department in person or by telephone within 24 hours of the occurrence of any of the following events:

- (a) The dog has escaped or has otherwise ceased to be in the custody of the owner for any reason, unless the owner knows such dog to be physically secure and restrained or confined in the custody of another competent adult.
- (b) The dog has attacked a human being.
- (c) The dog has been sold, given or otherwise transferred to the ownership or possession of another person.
- (d) The dog has died.

(e) The dog is no longer living in the City of Sylvan Lake.

Sec. 10-93. Restraints when outside proper enclosure

It shall be unlawful for the owner of a dangerous dog or a potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is properly muzzled, restrained on a suitable leash, and under the physical restraint of a responsible person 18 years old or older at all times. If muzzled, the muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent the dog from biting any person or animal.

Sec. 10-94. Removal of prohibited animals.

Illegally possessed and/or maintained animals, as defined by section 10-81 of this chapter, are subject to immediate seizure or pickup under this article, or for just cause under this section. The impounded animal shall be held at a facility designated by the police officer, at the owner's expense. The complaining witness shall promptly comply with the complaint requirements of subsections (a) and (b) of this section.

Sec. 10-95. - Pit bull terrier determination guidelines.

The following procedures and standards shall be used by all patrol division officers in determining whether a particular animal is subject to the requirements of this article.

(1) All officers will initially determine why the dog is being considered for possible inclusion within this article. Factors to be considered include, but are not limited to the following or a combination of the following:

- (a) Registration of the animal as a pit bull terrier, as defined.
- (b) Identification of the animal as a pit bull terrier, as defined, by the owner, keeper, or harbinger of the dog.
- (c) Positive identification of the animal as a pit bull terrier by an officer of the department pursuant to the procedures set forth in this section.
- (d) Identification by a lay witness who has personal knowledge that the dog is a pit bull terrier (Examples: Owner has referred to dog as pit bull in witness's presence).
- (e) Positive identification of dog as pit bull terrier by licensed veterinarian.

(2) Positive identification of an animal as a pit bull by an officer shall include any or all of the following:

(a) Verification of inclusion by comparison of the physical characteristics of the subject dog with the breed standards used by the United Kennel Club.

(b) Personal and professional experience of the officer in having observed pit bull terriers in the past.

(c) Identification of animal as a pit bull terrier by owner, keeper, or harborer.

(3) If an owner, keeper, or harborer of an animal denies it is subject to the ordinance, an officer shall not consider the animal within the parameters of the ordinance unless the following conditions are met:

(a) The officer believes the animal is a pit bull terrier after comparing the physical characteristics of the animal with the identification material set forth herein.

(b) The officer identification of the animal as a pit bull terrier is verified by an police officer after comparing the animal to the United Kennel Club breed standards, provided that any animal identified as a pit bull terrier by a department officer whose owner, keeper, or harborer continues to deny the animal's identification as a pit bull terrier shall be afforded the immediate opportunity to be brought before a licensed veterinarian approved by the city for identification purposes. The officer shall accept the breed identification of the veterinarian. If an officer cannot determine the predominate breed of the animal in question as pit bull terrier, the animal shall not be subject to the provisions of this article unless the animal is later positively identified as a pit bull terrier by a licensed veterinarian approved by the city.

(4) All police officers shall be familiar with and consult the United Kennel Club breed identification standards and shall become familiar with the pit bull terrier, as defined, by reference to photographs, physiological diagrams and breed behavior patterns.

(5) An officer shall refer statements by an owner that a pit bull is a service animal trained to assist a person with a qualifying disability under the Americans with Disabilities Act, to the City Manager for review.

Sec. 10-96. - Penalties and sanctions.

Any person who violates any provision of this article shall be responsible for a civil infraction and shall pay a fine of not less than \$100.00 nor more than \$500.00 plus costs of litigation, including attorney fees. The animal owner shall also be responsible for the payment of all costs of pickup, removal, boarding, examination, and other related expenses.

Section 2. Repealer.

Any and all Ordinances and resolutions heretofore adopted inconsistent herewith are hereby repealed to the extent that the provisions thereof are inconsistent with the provisions hereof.

Section 3. Severability.

If anyone (1) or more provisions of this Ordinance shall ever be held by any Court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions hereof shall nevertheless be continued in full force and effect, it being expressly recited and declared that such remaining provisions would have been enacted despite the invalidity of such provision or provisions so held to be invalid.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

Section 5. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect ten (10) days after adoption by the Sylvan Lake City Council.

Section 6. Enactment.

This Ordinance is declared to have been enacted by the City Council of the City of Sylvan Lake at its meeting duly called and held on the 28th day of June, 2023, and shall be given publication in accordance with applicable law.

Ayes: Segal, Zubrzycki, Buchanan, Clarke
Nayes: None
Abstentions: None
Absent: Cowper

Adopted: June 28, 2023
Published: July 12, 2023
Effective: July 12, 2023
Posted: June 29, 2023

I, Dennise Dryden, City Clerk for the City of Sylvan Lake, Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Sylvan

Lake City Council of the City of Sylvan Lake at a Regular City Council Meeting, held on June 28, 2023, the original of which is on file in my office.

I have hereunto affixed my official signature this 29th day of June, 2023.

Dennise Dryden, City Clerk
City of Sylvan Lake