

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN**

**Ordinance No. 2023-01
ANIMALS**

AMENDING CHAPTER 8, ANIMALS

**AN ORDINANCE AMENDING THE CODIFIED SCIO TOWNSHIP ORDINANCE BY
AMENDING CHAPTER 8, ANIMALS**

Chapter 8 – Animals

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State Law reference—*Wildlife conservation, MCL 324.40101 et seq.; endangered species protection, MCL 324.36501 et seq.; crimes relating to animals and birds, MCL 750.49 et seq.; local authority to adopt animal control ordinance, MCL 287.290.*

THE TOWNSHIP OF SCIO, WASHTENAW COUNTY, MICHIGAN, HEREBY
ORDAINS:

Section 1:

That Chapter 8 of the Township of Scio Code of Ordinances is amended as follows:

ARTICLE I. – IN GENERAL

Secs. 8-1 – 8-18. – Reserved.

Sec. 18-19. Definitions.

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

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

- (i) A dog that bites or attacks a person who is knowingly trespassing on the property of the dog's owner.
- (ii) A dog that bites or attacks a person who provokes or torments the dog.
- (iii) 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.

Dog. Dog means a member of the canine family as recognized by the genus *Canis*.

Immediate. Immediate means that the pet solid waste is removed at once, without delay.

Owner. Owner, when applied to proprietorship of a dog, means every person who has a right of property in a dog, keeps or harbors a dog, has control or custody of a dog, has a dog in one's care, acts as a custodian of a dog, or who knowingly permits a dog to remain on any premises.

Person. Person means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Pet. Pet means a domesticated animal kept for amusement or companionship.

Pet solid waste. Pet solid waste means waste matter expelled from the bowels of this pet; excrement.

Proper disposal. Proper disposal means placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

Provoke. Provoke 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.

Serious Injury. Serious injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person or of a dog.

Torment. 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.

ARTICLE II. DOGS.

Sec. 8-20. – Noise violation by a dog;

- (a) It shall be unlawful for an owner to harbor or keep within the Township a dog which creates such noise that it violates any portion of Chapter 16 Division 2 of this Code.

- (b) An owner shall not cause or permit any dog kept by him to stray or run at large within the Township. A dog which is off the owner's property, whether on public or private property, without being on a leash, shall be deemed to be stray or running at large. It shall be a violation of this section to permit a dog to stray or run at large on the property of another without the permission of the property's owner. However, working dogs such as service dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or authorized agent, and while actively engaged in the activities for which the dogs are trained shall not be deemed stray or running at large.
- (c) A dog shall not be considered stray or at large if the dog is in a fenced area designated as a dog play area.

Sec. 8-21. Enforcement; Violation as municipal civil infraction; penalty.

This Article may be enforced by the Scio Township Ordinance Enforcement Officer and/or the Washtenaw County Sheriff. A violation of this article shall be a municipal civil infraction subject to the penalties established by section 1-8, Municipal Civil Infractions, of the Scio Township Code.

ARTICLE III. PET WASTE

Sec. 8-22. Purpose:

An ordinance to establish requirements for the proper disposal of pet solid waste in Scio Township, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

Sec. 8-23. Requirement for Disposal:

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

Sec. 8-24. Exemptions:

Any owner or keeper who requires the use of a service animal as defined by the ADA is exempt from the provisions of this ordinance while such animal is being used for that purpose.

Sec. 8-25. Enforcement; Violation as municipal civil infraction; penalty

The provisions of this Article may be enforced by the Scio Township Ordinance Enforcement Officer and/or the Washtenaw County Sheriff's Office. A violation of this article shall be a municipal civil infraction subject to the penalties established by section 1-8, Municipal Civil Infractions, of the Scio Township Code.

ARTICLE IV. DANGEROUS DOGS.

Sec. 8-26. Dangerous Dog.

The owner of a dog that meets the definition of a dangerous dog is responsible for violating this Article.

Sec. 8-27. Enforcement; Violation as municipal civil infraction; penalty

The provisions of this Article may be enforced by the Scio Township Ordinance Enforcement Officer and/or the Washtenaw County Sheriff's Office. The owner of a dog that meets the definition of a dangerous dog is responsible for violating this Article. A violation of this article shall be a municipal civil infraction subject to the penalties established by section 1-8., Municipal Civil Infractions, of the Scio Township Code.

Section 2. Repealer

All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, except that terms defined herein for the purpose of interpretation, administration and enforcement of this Ordinance shall not act to modify, repeal or otherwise change the definition of any such term as used in other ordinances or laws.

Section 3. Savings Clause

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

Section 4. Adoption and Effective Date

This Ordinance shall be published in the manner as required by law. Except as otherwise provided by law, this Ordinance shall be effective 30 days after publication.

Jessica M. Flintoft
Township of Scio Clerk

Date: February 14, 2023

First Reading: January 25, 2022
Adoption: February 14, 2023
Ordinance Publication: February 22, 2023
Effective Date: March 25, 2023

CLERK'S CERTIFICATE

I, Jessica M. Flintoft, Clerk of the Township of Scio, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Scio Township Ordinance No. 2023-01, which was duly adopted by the Township Board of Scio Township at a Regular Meeting of said Board, held on February 14, 2023, and published in accordance with MCL 41.184.

I further certify that Clerk Flintoft moved for adoption of said Ordinance, and that Trustee Reiser supported said motion.

I further certify that the following Members voted for adoption of said Ordinance: Hathaway, Palmer, Flintoft, Brazeau, Kerry, Knol, Reiser; and that the following Members voted against adoption of said Ordinance: None, and that the following Members were absent or abstained from voting on the adoption of said Ordinance: None.

I further certify that after its passage the Ordinance was published on February 22, 2023, by the Sun Times, and on February 23, 2023, by the Washtenaw Legal News.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signature of the Clerk.

Jessica M. Flintoft
Township of Scio Clerk

Dated: February 17, 2023