

## ORDINANCE NO. 1754

AN ORDINANCE TO AMEND TITLE IX, POLICE REGULATIONS, CHAPTER 113, ANIMALS, OF THE CODE OF THE CITY OF SOUTHFIELD BY AMENDING SECTION 9.63 DEFINITIONS, SECTION 9.70. HARBORING A DANGEROUS ANIMAL, AND SECTION 9.76, KEEPING OTHER ANIMALS.

THE CITY OF SOUTHFIELD ORDAINS:

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY AMENDING TITLE IX, POLICE REGULATIONS, CHAPTER 113, BY AMENDING SECTION 9.63 DEFINITIONS, SECTION 9.70. HARBORING A DANGEROUS ANIMAL AND SECTION 9.76, KEEPING OTHER ANIMALS, WHICH SHALL READ AS FOLLOWS:

### SECTION 1

#### Sec. 9.63. Definitions.

As used in this chapter:

- (1) *Adequate care* means the provision of sufficient water, food, shelter, sanitary conditions and veterinary medical attention in order to maintain an animal in a state of good health.
- (2) *Animal* means any vertebrate animal other than human beings.
- (3) *Animal control officer* means an animal warden, a peace officer, or any other person designated by the city to enforce and administer the provisions of this chapter.
- (4) *Animal warden* means the person or persons employed by the city for the purpose of enforcement and administration of this chapter.
- (5) *Cat* means an animal of the species *Felix catus*.
- (6) *Dangerous animal* means either of the following:
  - (a) A dog or another animal that bites or attacks a person, or a dog or another animal that bites or attacks and causes serious injury or death to another animal while such animal is on the property or under the control of its owner.

Under this subsection, a dangerous animal does not include:

- (i) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner; or
  - (ii) An animal that bites or attacks a person who knowingly provokes or torments the animals; or
  - (iii) An animal that is responding in a manner that an ordinary and reasonable person would conclude is designed to protect a person if that person is engaged in lawful activity or is the subject of an assault.
- (b) Any wild or exotic animal which is naturally tame or gentle but is of a wild nature of disposition and which, because of its size, vicious nature or other characteristic would constitute a danger to persons or property. The term "exotic animal" also 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, any poisonous animals, reptiles, or insects; alligators; apes, chimpanzees, gibbons, gorillas, orangutans and siamangs, and baboons; bears, bison; buffalo; bobcats; musk ox; cheetahs; crocodilians; coyotes; deer; elephants; foxes; game cocks and other fighting birds; hippopotami; hyenas; jaguars; leopards; lions; lynxes; ostriches; pumas, cougars, mountain lions, and panthers; servals; rhinoceroses; caracal; sharks; snow leopards; tigers; wolves; "wolf hybrids," prairie dogs, and emu.
- (7) *Dog* means an animal of the species *Canis familiaris*.
  - (8) *Dog handler* means a peace officer who successfully completed training in the handling of a police dog pursuant to a policy of the law enforcement agency that employs that peace officer.
  - (11) *Kennel* means any establishment wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding or training purposes for remuneration.
  - (12) *Livestock* means those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock does not include dogs and cats.
  - (13) *Neglect* means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.
  - (14) *Owner* means a person having a right of property ownership in an animal, who keeps or harbors the animal or has the animal in his or her care of custody, or who permits the animal to remain on or about any premises occupied by the person.

- (15) *Person* means an individual, partnership, corporation, cooperative, association, or other legal entity.
- (16) *Police dog* means a dog used by a law enforcement agency that is trained for law enforcement work and subject to the control of a dog handler.
- (17) *Sanitary conditions* mean space free from health hazards including excessive animal wastes, overcrowding of animals, or other conditions that endanger the animal's health.
- (18) *Shelter* means adequate protection from the elements suitable for the age and species of the animal and weather conditions to maintain the animal in a state of good health.
- (19) *Six (6) months old* means a dog or cat with permanent upper canine teeth visibly present unless the owner can document the exact age of the dog or cat.
- (20) *State of good health* means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal.
- (21) *Fierce or vicious animal* means:
  - (a) Is owned, possessed, harbored or trained for the purpose of animal fighting.
  - (b) Has killed a person or caused a person serious bodily injury, including, but not limited to, injuries resulting in hospital confinement or reconstructive surgery and/or has killed or maimed another animal.
- (22) *Water* means potable water that is suitable for the age and species of the animal, made regularly available.

**Sec. 9.70. Harboring a dangerous or exotic animal**

- (1) It shall be unlawful to harbor or keep any of the following:
  - (a) A fierce or vicious dog.
  - (b) An animal that has rabies or an animal that has been bitten by an animal known to have been afflicted with rabies.
  - (c) A dangerous animal.
  - (d) An exotic, wild or otherwise dangerous animal as defined in Section 9.63, including animals not native to the State of Michigan, or that irrespective of the geographic region, is of a wild or predatory nature, or that because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life, property, and other domestic animals.

A violation of this section shall constitute a misdemeanor subject to not more than ninety (90) days in jail or a fine not more than five hundred dollars (\$500.00) or both.

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**Sec. 9.76. Keeping other animals.**

It shall be unlawful for any person to keep any animal or fowl within one hundred seventy-five (175) feet of any dwelling other than the dwelling of the owner, or to permit any animal or any fowl owned by him or in his possession or control, to run at large in any street, alley or public place, or upon the premises of another without the express permission of the owner or occupant thereof, except such animals as are commonly housed in a human dwelling as household pets.

It shall be unlawful for any person to own, possess, or harbor any horse, mule, ass, sheep, cow, or other farm animal unless the same is kept pursuant to the provisions of this chapter, Chapter 45 of the City Zoning Ordinance, and any other applicable state laws.

## **SECTION 2.**

Should any section, subsection, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part so declared to be invalid.

## **SECTION 3.**

All ordinances, parts of ordinances, or codes in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

## **SECTION 4.**

This ordinance shall be effective upon passage and publication.

KENSON J. SIVER, Mayor

SHERIKIA L HAWKINS, City Clerk

*Introduced:* 6/27/2022  
*Enacted:* 7/11/2022  
*Published:* 8/25/2022

**CITY OF SOUTHFIELD**  
**SUMMARY OF ORDINANCE NO. 1754**

**NOTICE**

The City of Southfield has amended Chapter 113, Animals, of Title IX, Police Regulations, by amending Section 9.63 Definitions, Section 9.70. Harboring a Dangerous Animal, and Section 9.76, Keeping Other Animals. A true copy of Ordinance No. 1754 in its complete content, may be inspected and obtained at the Southfield City Clerk's Office, 26000 Evergreen Road, Southfield, MI 48076.

*A summary of Ordinance No. 1754 is as follows:*

The Code of The City of Southfield Is Hereby Amended by Amending Title IX Police Regulations, Chapter 113 Animals, By Amending Section 9.63 Definitions, Section 9.70. Harboring A Dangerous Animal and Section 9.76, Keeping Other Animals, Which Shall Read as Follows:

**SECTION 1.**

Sec. 9.63. Definitions.

As used in this chapter:

(6) *Dangerous animal* will include the following:

(b) Any wild or exotic animal which is naturally tame or gentle but is of a wild nature of disposition and which, because of its size, vicious nature or other characteristic would constitute a danger to persons or property. The term "exotic animal" also 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, any poisonous animals, reptiles, or insects; alligators; apes, chimpanzees, gibbons, gorillas, orangutans and siamangs, and baboons; bears, bison; buffalo; bobcats; musk ox; cheetahs; crocodilians; coyotes; deer; elephants; foxes; game cocks and other fighting birds; hippopotami; hyenas; jaguars; leopards; lions; lynxes; ostriches; pumas, cougars, mountain lions, and panthers; servals; rhinoceroses; caracal; sharks; snow leopards; tigers; wolves; "wolf hybrids," prairie dogs, and emu..

Sec. 9.70. Harboring a Dangerous Animal will be amended to state Harboring a Dangerous or Exotic including the following definition:

(d) An exotic, wild or otherwise dangerous animal as defined in Section 9.63, including animals not native to the State of Michigan, or that irrespective of the geographic region, is of a wild or predatory nature, or that because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life, property, and other domestic animals.

A violation of this section shall constitute a misdemeanor subject to not more than ninety (90) days in jail or a fine not more than five hundred dollars (\$500.00) or both.

Sec. 9.76. Keeping other animals – additional requirement, it shall be unlawful for any person to own, possess, or harbor any horse, mule, ass, sheep, cow, or other farm animal unless the same is kept pursuant to the provisions of this chapter, Chapter 45 of the City Zoning Ordinance, and any other applicable state laws.

## **SECTION 2.**

Should any section, subsection, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part so declared to be invalid.

## **SECTION 3.**

All ordinances, parts of ordinances, or codes in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

## **SECTION 4.**

This ordinance shall be effective upon passage and publication.

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This summary is provided, pursuant to Section 311 §(k) of the Home Rule Cities Act, 1909 PA279, as amended [MCL117.3(k)].

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**Sherikia L Hawkins, City Clerk**

*Introduced:* 6/27/2022  
*Enacted:* 7/11/2022  
*Published:* 8/25/2022