

## ORDINANCE NO. 1575

### AN ORDINANCE TO AMEND TITLE IX, POLICE REGULATIONS, OF THE CODE OF THE CITY OF SOUTHFIELD BY DELETING CHAPTER 113, ANIMALS, AND INSERTING IN LIEU THEREOF A NEW CHAPTER 113, ANIMALS, OF TITLE IX.

THE CITY OF SOUTHFIELD ORDAINS:

#### SECTION 1

The Code of the City of Southfield is hereby amended by deleting Chapter 113, Animals, of Title IX, Police Regulations, and inserting in lieu thereof a new Chapter 113, Animals, of Title IX, Police Regulations, which shall read as follows:

##### **Sec. 9.61 Short title.**

This chapter shall be known as the “City of Southfield Animal Control Ordinance.”

##### **Sec. 9.62 Purpose and intent.**

The purpose of this chapter is to enact an animal control ordinance, as authorized by 1919 PA 339 Section 30, as amended, being MCL 289.290, and 1909 PA 279, as amended, being MCL 117.1 et seq., to provide for the regulation, control, care and humane treatment of animals within the city exclusive of the licensing of dog kennels which shall be governed by 1919 PA 339; to promote the public health, safety, and general welfare of the community through the proper control and care of animals by their owners and others; and to provide for the enforcement of these provisions and create penalties for violations thereof.

##### **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 the City of Southfield Animal Control Ordinance.
- (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 a lawful activity or is the subject of an assault.
- (b) Any wild or exotic animal which is not naturally tame or gentle but is of a wild nature of disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to persons or property.
- (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.
  - (9) *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.
  - (10) *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.
  - (11) *Neglect* means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.
  - (12) *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.
  - (13) *Person* means an individual, partnership, corporation, cooperative, association, or other legal entity.
  - (14) *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.
  - (15) *Sanitary conditions* means space free from health hazards including excessive animal wastes, overcrowding of animals, or other conditions that endanger the animal's health.
  - (16) *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.
  - (17) *Six 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.
  - (18) *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.
  - (19) *Water* means potable water that is suitable for the age and species of the animal, made regularly available.

**Sec. 9.64 Cruelty to animals.**

A person who willfully, maliciously and without just cause or excuse kills, tortures, mutilates, maims, or disfigures an animal or who willfully and maliciously and without just cause or excuse administers poison to an animal, or exposes an animal to any poisonous substance, other than a substance that is used for therapeutic veterinary medical purposes, with the intent that the substance be taken or swallowed by the animal, is guilty of a misdemeanor. As part of a sentence for a violation of this section, the court may order the defendant to pay for the costs of the care, housing, and veterinary medical care for the animal.

**Sec. 9.65 Cruelty to poultry.**

Whoever molests, injures, kills or captures any wild bird, or disturbs the nest of any wild bird, unless otherwise permitted by law, shall be guilty of a misdemeanor and shall be imprisoned for not more than ninety (90) days or fined not more than five hundred dollars (\$500.00) or by both.

**Sec. 9.66 Reserved.**

**Sec. 9.67 Cruelty working, transporting, abandoning animals.**

An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

- (1) Fail to provide an animal with adequate care.
- (2) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.
- (3) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner.
- (4) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation.
- (5) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, or walking, shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.
- (6) Willfully or negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.

A person who violates this section is guilty of a misdemeanor. As part of a sentence for a violation of this section, a defendant may be ordered by the court to pay for the costs of the care, housing, and veterinary medical care for the animal.

#### **Sec. 9.68 Sanitary requirements**

Every person lawfully keeping any animal shall maintain the premises in which it is kept in a sanitary condition and free of insects, vermin or obnoxious odors and to that end shall in any structure housing a horse:

- (1) Construct a ten-inch clay floor;
- (2) Keep manure in a container or trailer not less than one hundred seventy-five (175) feet from any dwelling except that of the owner and dispose thereof at least once each week;
- (3) Treat both the floor and manure accumulation daily with hydrated lime or such other chemical as well prevent odor.

#### **Sec. 9.69 Harboring a barking dog.**

It shall be unlawful to harbor or keep any dog which by loud, frequent or habitual barking, yelping or howling, causes an annoyance to the neighborhood.

#### **Sec. 9.70 Harboring a dangerous animal.**

It shall be unlawful to harbor or keep any of the following:

- (1) A fierce or vicious dog;
- (2) An animal that has rabies or an animal that has been bitten by an animal known to have been afflicted with rabies;
- (3) A dangerous animal.

#### **Sec. 9.71 Impoundment of animals.**

An animal control officer may impound any of the following:

- (1) A dog or cat that is not under reasonable control;
- (2) An unlicensed dog or cat;
- (3) An animal displaying symptoms of rabies or which has been bitten by another animal displaying symptoms of rabies;
- (4) A dog that has attacked or bitten a person;
- (5) Any dangerous animal;
- (6) Any animal which is determined to be in a condition in violation of Section 9.64 or 9.67 of this chapter.

Whoever refuses to surrender any animal in his or her possession upon the demand of an animal control officer who is lawfully impounding such animal is guilty of a misdemeanor.

**Sec. 9.72 Failing to report rabid animal.**

Whoever owns or harbors any animal which is bitten by another animal showing symptoms of rabies who fails to report the incident to the police department or the animal warden shall be guilty of a misdemeanor.

**Sec. 9.73 Failing to produce a license.**

It shall be unlawful to own or harbor a dog or cat more than six (6) months of age and fail to produce a valid license upon the request of any person authorized to enforce this chapter .

**Sec. 9.74 Failing to keep license or collar on dog or cat.**

It shall be unlawful to own or harbor a dog or cat more than six (6) months of age and fail to affix a valid license to a substantial collar, except with regard to cats, a breakaway collar shall be permissible, which shall at all times be kept on the dog or cat for which the license is issued.

**Sec. 9.75 Goats and swine prohibited.**

It shall be unlawful for any person to keep live goats or swine on any premises within the city except in slaughterhouses or yards adjacent thereto.

**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.

**Sec. 9.77 Employment standards.**

The minimum employment standards relative to the recruitment, selection and appointment of animal wardens shall be those established by 1972 PA 349, being MCL 287.289c.

**Sec. 9.78 Reserved.**

**Sec. 9.79 Issuance of kennel licenses.**

The licensing of dog kennels shall be as provided in 1972 PA 349, as amended, being MCL 287.270. No person shall operate a kennel without a valid kennel license.

**Sec. 9.80 Dog kennels.**

- (1) Any person who keeps or operates a kennel shall have each dog confined therein licenses as required by sections 9.62, 9.73, and 9.74 of this chapter, or in lieu thereof, a kennel license entitling him to keep or operate a kennel issued by the county treasurer as provided by public Act 349 of 1972, as it may be hereafter amended [MCL 287.270].
- (2) The licensee of a kennel shall, at all times, keep one (1) of the kennel tags issued pursuant to Public Act 349 of 1972, as it may be hereafter amended, attached to a collar on each dog four (4) months old or over kept by him under a kennel license. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel. This section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show [MCL 287.271].

**Sec. 9.81 Number of dogs permitted; exceptions.**

- (1) It shall be unlawful to own, harbor, possess or keep more than three (3) dogs, six months old or older, upon a person's premises. . For purposes of this section, where more than one (1) owner or person shall reside at any one address or premises, it shall be unlawful for such owners or persons to have more than three (3) dogs at any such address or premises.
- (2) The provisions of this section shall not apply to kennels operating in conformance with Section 9.79 of this chapter.

**Sec. 9.82 Permitting dogs or cats to stray.**

An owner, or other person having possession, care, custody or control of a dog or cat, shall keep such animal under reasonable control or confined to his or her property. For purposes of this section, reasonable control means controlled or restrained in such a manner that the animal cannot run at large. .

**Sec. 9.83 Issuance of dog and cat licenses**

- (1) It shall be unlawful for any person to own, harbor or possess a dog or cat six (6) months of age or more without having obtained a valid license for it.
- (2) All applications for a dog or cat license shall be filed with the police department on such forms as may be provided by the department. The applicant shall give his or her full name, address, and phone number as well as the name, age, sex, color and breed of the animal.
- (3) An application for a dog or cat license must be accompanied by a certificate of vaccination for rabies signed by an accredited veterinarian, stating the date of vaccination and the expiration of immunity.

- (4) The fees to be charged and collected for the issuance of a dog or cat license shall be as determined by city council by resolution.
- (5) The police department shall issue a dog or cat license to an applicant who files an application in accordance with this section and upon payment of a license fee. The license shall be a metal tag which bears a serial number, the year for which it was issued, together with the words, "City of Southfield". A license issued under this section shall be valid for one (1) year or three (3) years and shall expire on the thirty-first day of December of the year for which it was issued.

#### **Sec. 9.84 Neighborhood sanitation**

Any person owning, harboring, keeping, possessing or in charge of a dog or cat shall immediately collect and dispose of in a sanitary manner all excrement or droppings left by such dog or cat on any public property and on any private property not owned or lawfully occupied by such person.

#### **Sec. 9.85 Police dogs.**

No person shall intentionally cause physical harm to a police dog, nor shall a person intentionally harass or interfere with a police dog lawfully performing its duties.

#### **Sec. 9.86 Obstructing an animal control officer.**

Whoever shall willfully obstruct, resist, oppose or interfere with an animal control officer in the lawful performance of his or her duties of enforcing and administering the provisions of this chapter shall be guilty of a misdemeanor.

#### **Sec. 9.87 Impoundment and release procedures.**

- (1) Animals impounded pursuant to this chapter shall be confined at the city pound or at an animal shelter designated by the city. An animal that has been impounded because it attacked or bit a person; because it is suspected of having rabies; or because it is a dangerous animal shall be confined for ten (10) days.
- (2) No impounded animal shall be released from the city pound or shelter to its owner or his or her authorized agent until:
  - (a) Any required confinement period has expired;
  - (b) All pick-up, impoundment, veterinary medical, and boarding fees have been paid.
  - (c) The animal has been vaccinated and issued a valid license as required by this chapter; and
  - (d) All licensing and vaccination fees have been paid.
- (3) Fees to be charged and collected for the picking-up, impoundment, and boarding of an animal at the city pound or shelter shall be as determined by city council by resolution.

**Sec. 9.88 Penalties**

Unless expressly provided otherwise, all violations of any section of this chapter shall constitute a municipal civil infraction and shall subject the violator to the civil fines and penalties as provided in Section 1.703 of Chapter 15 of the city code.

**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 become effective upon passage and publication.

BRENDA L. LAWRENCE, Mayor

NANCY L.M. BANKS, City Clerk

Introduced: 03/22/2010

Enacted: 04/12/2010

Published: 05/02/2010