

ORDINANCE NO. 10-21

CITY OF HAZEL PARK

COUNTY OF OAKLAND

AN ORDINANCE TO AMEND TITLE 6, CHAPTER 6.04, ANIMALS, AND TO REPLACE ALL SECTIONS AND ARTICLES AND TO SET FORTH PENALTIES FOR VIOLATIONS THEREOF, AS FOLLOWS:

THE CITY OF HAZEL PARK ORDAINS:

PART I: TITLE 6, CHAPTER 6.04, ANIMALS, AND OTHERS, IS REPLACED IN ITS ENTIRETY AS FOLLOWS:

Title 6, Animals, and Others, Chapter 6.04, Article I. Regulations

6.04.001: Definitions.

(1) For the purposes of this chapter:

- (a) "*Adequate care*" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.
- (b) "*Animal*" means a vertebrate other than a human being.
- (c) "*Animal control shelter*" means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to an ordinance of the county, city, village, or township or state law.
- (d) "*Animal protection shelter*" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization, for the care of homeless animals.
- (e) "*Exotic animal*" means those animals that are not domestic or any cross of those animals not domestic to the state of Michigan.
- (f) "*Licensed veterinarian*" means a person licensed or otherwise authorized to practice veterinary medicine under Article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.
- (g) "*Neglect*" means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

- (h) *"Owner or possessor"* means any person who either has a right of property in any animal, or who has an animal in his/her care or custody, or who knowingly permits an animal to remain on or about any premises occupied or controlled by him/her.
- (i) *"Person"* means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity.
- (j) *"Possess or maintain"* means that act or ability of having or exerting control and influence over an animal regulated herein, without regard to ownership.
- (k) *"Running at large"* refers to allowing any animal in a person's possession or control to run at large without reasonable control unless properly leashed, tethered, or confined to an adequately fenced area on private property or within an allowable dog park.
- (l) *"Sanitary conditions"* means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health.
- (m) *"Service animal"*. The City of Hazel Park recognizes "Service Animal" as defined by the Americans with Disabilities Act Amendments Act (ADAA): A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.

Pursuant to that law, a service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this

definition. Service animals are not exempt from city license and tag requirements.

- (n) "*Shelter*" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for a dog, includes one 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 and large enough for a dog to stand, turn around, and lie comfortably. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
 - (iii) A structure, including, but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures.
- (o) "*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, unless the animal is undergoing appropriate treatment.
- (p) "*Tethering*" means the restraint and confinement of a dog by use of a chain, rope, or similar device.
- (q) "*Water*" means potable water that is suitable for the age and species of animal and that is made regularly available unless otherwise directed by a licensed veterinarian.
- (r) "*Wild animal*" means any nondomestic animal or any cross of a nondomestic animal. The maintenance in captivity of one or more generations of an animal does not alter its characterization as a wild animal.

6.04.002: Severability.

The various sections, paragraphs, sentences, clauses and phrases of Chapter 6.04 are declared severable. If a court of competent jurisdiction adjudges any section, paragraph, sentence, clause or phrase unconstitutional or invalid, the remainder of these Ordinances shall not be affected

6.04.002a: Animal Control facilities and Personnel.

- A. The city may provide an animal control shelter and it shall be the duty of the animal control officer or any other authorized person to seize, take up and

place in said control shelter any dog or cat running at large or being kept or harbored in any place in the city contrary to the provisions of this chapter.

- B. No dog or cat shall be released from the animal control shelter unless the owner or person entitled to claim the animal shall pay the fees and charges as set forth by resolution of the city council, for the following:
1. Impounding fees;
 2. Cost of board, vaccination and other care and treatment, if necessary;
 3. Any license fees required.

6.04.002b: Animal Control Officer.

It shall be the duty of the animal control officer:

1. To make diligent inquiry as to the dogs or cats owned, harbored, kept in the city and whether such dogs or cats are licensed.
2. To issue ordinance violation tickets to those persons owing or harboring dogs or cats contrary to the provisions of this chapter.
3. To sell or otherwise dispose of a dog or cat from and after five working days of its acquisition. If the dog or cat has a tag, license, microchip or other evidence of ownership, the animal control officer shall notify the owner, in writing, and disposition of the animal shall not be made within seven days from the date of the certified mailing of the notice, unless said animal is sick or injured to the extent that the holding period would cause undue suffering or to animal whose owner's request immediate disposal.
4. To dispose of any dog or cat after five working days, by transferring the animal to another shelter or animal rescue organization for adoption or otherwise.
5. Destroy, in a humane manner, all impounded dogs or cats

6.04.003: Enforcement by municipal animal control officer or police; employment standards.

- (1) Hazel Park police officers and duly authorized municipal animal control officers are designated the enforcing agents under Title 6, Animals, Chapter 6.04.
- (2) The city shall adopt minimum employment standards relative to the recruitment, selection and appointment of animal control officers. The minimum standards shall include:
 - (a) Requirements for physical, education, mental and moral fitness.
 - (b) A minimum course of study of not less than 100 instructional hours as prescribed by the department of agriculture.

- (c) Subdivision (b) shall not apply if the animal control officer is a police officer or has served at least three years as an animal control officer.

6.04.010: Animal cruelty and neglect prohibited.

- (A) An owner, possessor, breeder, or person having the charge or custody of an animal shall not do any of the following:
 - (1) Knowingly kill, torture, mutilate, maim, or disfigure an animal.
 - (2) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured. The cropping of dogs' ears and tails shall be considered mutilation or cruelty unless such cropping is performed by a registered veterinary surgeon while the dog is under an anesthetic.
 - (3) No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird, except for substances used in the customary practice of a commercially licensed pest control business.
 - (4) Fail to provide an animal with adequate care.
 - (5) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.
 - (6) To cause, instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals or humans.
 - (7) Transport, carry, or cause to be carried any live animal:
 - a. Upon the hood, fender, running board, or other external part of any moving vehicle; or
 - b. Within the open bed of any moving motor vehicle, unless the animal is cross-tethered or protected by framework, carrier, or other device sufficient to keep it from falling from the vehicle.
 - (6) 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 an 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.
 - (7) 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, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, "stand" means

sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

- (8) 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 vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.
- (9) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or non-ambulatory to suffer unnecessary neglect, torture, or pain.
- (10) Tether a dog unless the tether is 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. This subdivision does not apply if the tethering of the dog occurs while the dog is being groomed, trained, transported, or used in a hunt or event where a shorter tether is necessary for the safety and well-being of the dog and others.
- (11) Use a tether or any assembly or attachments that weigh more than ten percent of the animal's body weight, or due to weight, inhibits the free movement of the animal
- (12) 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 feet of another tethered dog or a property line.
- (13) Tether a dog without access to adequate shelter, food and water, and done in a manner that would prevent the dog from entangling with or tipping over the shelter, food or water.
- (14) To feed any animal unwholesome or unsuitable food or unclean water to drink or to place same in unclean or unsuitable containers which are likely to cause or produce disease in the animal.
- (15) House or leave a dog of any breed or size unattended outside from 11:00 p.m. to 7:00 a.m.

- (16) House or leave a dog of any breed or size outside when the Michigan Weather Advisory predicts temperatures to drop below 43 degrees Fahrenheit or rise above 82 degrees Fahrenheit.
 - (17) House a dog of any breed or size inside a garage or shed.
 - (18) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition; or as an inducement to enter a place of amusement, or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting a trade.
 - (19) The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal on all public walks, recreation areas, or private property.
- (B) Any person who, as the operator of a motor vehicle, strikes a domesticated animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.
- (C) If an animal control officer or police officer observe a domestic animal that, in the opinion of the animal control officer or police officer, is being cruelly treated or neglected under this provision, they may lawfully seize the animal from its present location and remove it to an adequate shelter to be provided by the city. Before the animal may be returned to its owner, the owner shall pay the cost of sheltering such animal, in addition to any penalties imposed by the court for violation of this section.
- (D) If an animal is impounded and is being held by an animal control shelter or its designee or an animal protection shelter or its designee or a licensed veterinarian, pending the outcome of a criminal action charging a violation of this section, before final disposition of the criminal charge, the prosecuting attorney may file a motion in the criminal action, requesting that the court issue an order forfeiting the animal to the animal control shelter or animal protection shelter or to a licensed veterinarian before final disposition of the criminal charge. The prosecuting attorney shall serve a copy of the motion upon the defendant and upon a person with a known ownership interest. Upon the filing of the motion, the court shall set a hearing on the motion. The hearing shall be conducted within 14 days of the filing of the motion, or as soon as practicable. The hearing shall be before a judge without a jury. At the hearing, the prosecuting attorney has the burden of establishing by a preponderance of the evidence that a violation of this section occurred. If the court finds that the prosecuting attorney has met this

burden, the court shall order immediate forfeiture of the animal to the animal control shelter or animal protection shelter or the licensed veterinarian. The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this subsection does not waive the person's constitutional right against self-incrimination. An animal seized under this section is not subject to any other civil action pending the final judgment of the forfeiture action under this subsection.

- (E) The court may order a person convicted of violating this section to be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling. The evaluation and counseling shall be at the defendant's own expense.
- (F) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.
- (H) The court may order a term of incarceration imposed for a violation of this section to be served consecutively to a term of incarceration imposed for any other crime including any other violation of law arising out of the same transaction as the violation of this section.
- (I) As a part of the sentence for a violation of this section, the court may order the defendant to pay the costs of the care, housing, and veterinary medical care for the animal, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reason for that action.
- (J) As a part of the sentence for a violation of this section, the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation or a period as otherwise agreed upon between the prosecutor and the defendant. If a person is convicted of a second or subsequent violation of this section, 6.04.010, the court may order the defendant not to own or possess an animal for any period of time, including permanent relinquishment of animal ownership or a period of time as otherwise agreed upon between the prosecutor and the defendant.
- (K) A person who owns or possesses an animal in violation of an order issued under paragraph (j) above is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under paragraph (j) above is also subject to the civil and criminal contempt power of the court, and if found guilty of criminal contempt,

may be punished by imprisonment for not more than 90 days, or by a fine of not more than \$500.00, or both.

- (L) The court may order a person convicted under this section to pay the costs of the prosecution.
- (M) This section does not prohibit the lawful killing or other use of an animal, including the following:
 - (a) Fishing.
 - (b) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.
 - (c) Horse racing.
 - (d) The operation of a zoological park or aquarium.
 - (e) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324.8336.
 - (f) Farming or a generally accepted animal husbandry or farming practice involving livestock.
 - (g) Activities authorized under rules promulgated under section 9 of the executive organization act of 1965, 1965 PA 380, MCL 16.109.
 - (h) Scientific research under 1969 PA 224, MCL 287.381 to 287.394.
 - (i) Scientific research under sections 2226, 2671, 2676, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.
 - (j) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

6.04.010a: Penalty.

Unless otherwise indicated, a person that violates Chapter 6.04.010 is guilty of a crime as follows:

- (a) If the violation involved 1 animal, the person is guilty of a misdemeanor punishable by one or more of the following and may be ordered to pay the costs of prosecution:
 - (i) Imprisonment for not more than 93 days.
 - (ii) A fine of not more than \$1,000.
 - (iii) Community service for not more than 200 hours.
- (b) If the violation involved 2 or 3 animals or the death of any animal, the person is guilty of a misdemeanor punishable by one or more of the following and may be ordered to pay the costs of prosecution:

- (i) Imprisonment for not more than 1 year.
- (ii) A fine of not more than \$2,000.
- (iii) Community service for not more than 300 hours.

6.04.020: Restrictions on keeping certain animals and invertebrates.

- (1) No person shall keep, house, possess, breed, exchange, buy, sell, feed or harbor any animals within the city except domesticated dogs, domesticated cats, domesticated house birds, tank fish, domesticated ferrets, small tank reptiles, or animals otherwise provided for in Title 6. Except as otherwise provided in Chapter 6.04, it shall be unlawful for a person to keep, house, possess, breed, exchange, buy, sell, feed or harbor any other animal, whether domesticated or not, in the city, including, but not limited to, the following:
 - (a) Any poisonous or venomous animals, including amphibians or reptiles;
 - (b) Any poisonous or venomous invertebrates, including spiders or scorpions;
 - (c) Any primates including lemurs, lorises, galagos, tarsiers, monkeys, or apes;
 - (d) Any constrictor snakes; snakes over four feet; snakes must be kept in cages/tanks and not permitted to roam freely;
 - (e) Any feral cats and cats from the wild family, including bobcats, cheetahs, servals, caracals, African golden cats, jungle cats, African wild cats, sand cats, black footed cats, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas or tigers;
 - (f) Any carnivorous animals including hybrid crosses of non-domesticated carnivorous animals, including, raccoons, skunks, wolves, wolf hybrids/hybrids or foxes;
 - (g) Any crocodilians including alligators, crocodiles, gharials or caiman families;
 - (h) Any carnivorous marsupials including opossums, quolls, dunnarts, the numbats or Tasmanian devils;
 - (i) Any swine including pigs, hogs, boars or pot-bellied pigs;
 - (j) Any squirrels, ground squirrels, chipmunks, prairie dogs or woodchucks;
 - (k) Any bovine including, cows, cattle, oxen, or bulls;
 - (l) Any equine including horses, ponies, donkeys, mules, or zorses;
 - (m) Any ruminating mammals including cattle, goats, sheep, giraffes, bison, moose, elk, yaks, water buffalo, deer, camels, alpacas, llamas, antelope, pronghorn, or nilgai.

6.04.030: Reasonable control.

It shall be unlawful for any person having the charge or custody of an animal to do any of the following:

- (1) To allow any animal in his/her possession or control to run at large without reasonable control unless properly leashed, tethered, or confined to an adequately fenced area on private property or within an allowable dog park.
- (2) To leave an animal tethered or confined to an adequately fenced area on private property without having a person at the home who is monitoring and supervising the animal and who is capable of controlling the animal.
- (3) Any dog not on a leash, shall be secured, when outside of the dwelling, by a fence, structure or pen, which shall be secured and maintained in good condition so as to prevent a dog from burrowing under, jumping over, or getting through the fence, structure or pen.

6.04.040: Animals prohibited in front yard.

- (1) No owner of any animal, including, but not limited to, dogs, cats, or other animals shall be allowed to keep, chain, or tether his/her animal in any front yard in a residential zoning district.
- (2) An owner may keep his/her animal in the front yard, not tethered or chained only when the front yard has a fence that has been approved by the city.

6.04.050: Kennels prohibited in residential area.

No license or dog or cat kennels or catteries shall be issued, and the maintenance of any kennel or cattery or the owning, possessing or harboring or boarding of dogs or cats for breeding or commercial purposes in any residential neighborhood is hereby declared to be a nuisance per se which may be abated in any court of competent jurisdiction.

6.04.060: Birds and birds' nests.

No person except a police officer, animal control officer, or someone acting under the direction of the city manager, shall injure, kill or capture any bird or disturb any bird's nest or the contents thereof.

6.04.065: Coloring fowl prohibited.

It shall be unlawful for any person, firm or corporation to artificially color, spray or paint any bird or fowl; or to sell, offer for sale, or otherwise dispose of any such colored bird or fowl.

6.04.070: Harbored bees to be controlled.

It shall be unlawful for any person to harbor bees within the city in a manner so that said bees shall become a nuisance, shall endangered person, or shall cause damage to property within the city.

6.04.080: Disturbing noise prohibited; Nuisance.

1. The keeping of any animal or fowl which, by causing loud, frequent or long-continued noise, that disturbs the comfort or repose of any person is deemed a nuisance per se and is unlawful.
2. Any animal, including dogs, which, by loud or frequent or habitual barking, yelping or howling, or other noises, causes serious annoyance to a neighbor or the neighborhood, or which injures or destroys real or personal property of persons other than its owner, or molests or injures, any person, or causes unsanitary conditions because of droppings, uneaten food or any other thing to cause odor or attraction of flies, rodents or vermin, is deemed in violation of the provisions of this section.
3. The owner of every dog or cat who permits dog or cat droppings to occur on any public street, right-of-way, park or public place, or to occur on the property of others, shall be deemed in violation of this section.

6.04.090: Burial of dead animals.

A person who places a dead animal or part of the carcass of a dead animal into a lake, river, creek, pond, road, street, alley, lane, lot, field, meadow, or common, or in any place within 1 mile of the residence of a person, except the same and every part of the carcass is buried at least 4 feet underground, and the owner or owners thereof who knowingly permits the carcass or part of a carcass to remain in any of those places, to the injury of the health, or to the annoyance of another is guilty of a misdemeanor. Every 24 hours that the owner permits the carcass or part of a carcass to remain after a conviction under this section is an additional offense under this section, a misdemeanor punishable by a fine of not less than \$50.00 or more than \$500.00 or by imprisonment for not more than 90 days.

6.04.100: Proper disposal of manure required; yard cleanliness.

Any excreta deposited by the animal on the owner's property shall be buried upon his or her premises or confined, covered, removed, and cared for in a timely manner to prevent it from being scattered off the premises and to prevent any malodorous or offensive condition to exist and prevent any nuisance to arise there from. Yards and exercise runs shall also be kept free of uneaten food and maintained in a sanitary manner so as not to be a nuisance because of odor or attraction for insects or vermin.

6.04.110: Bond Required for itinerant shows and peddlers who employ animals; bond requisite to business license.

Any peddler, vendor, itinerant show, circus, carnival, baseball game, photographer or other person operating within the city which employs the use of an animal or animals in connection therewith shall, in addition to all other requirements of this chapter, furnish to the Hazel Park Recreation Department or the city, a cash bond of \$100.00 or a surety company bond in the penal amount of \$500.00 to guarantee that the owner or operator of said activity employing the use of animals will present such animal or animals to the chief of police, animal control officer, or someone acting under the direction of the city manager, and the county health department for inspection to determine whether such animal or animals are or are not rabid, and no license to operate such activity within the city shall be granted unless said bond has first been filed.

6.04.120: Inspection by chief of police, animal control officer, or someone acting under the direction of the city manager, and the county health department.

Every licensee who employs animals in his activity shall forthwith present such animals for inspection by the chief of police, animal control officer, or someone acting under the direction of the city manager, and county health department and/or state, or to some person designated by the county health department or state, upon notice to such licensee to do so.

6.04.130 Interference with animal control officer.

It is unlawful for any person to interfere with, hinder, threaten or prevent an animal control officer rightfully engaged with animal control duties. The violator of this section shall be guilty of a misdemeanor and upon conviction shall be imprisoned for not more than ninety (90) days, fined in an amount not to exceed \$1,000.00, and/or required to perform not more than 240 hours of community service.

6.04.140: Ground feeding of stray animals prohibited.

No person shall place any container, food, or nourishment, on or near the ground, which may contain food or nourishment to any stray animal. Stray animal is defined as any animal not belonging to any occupant where such activity as described herein is taking place and licensed by the City of Hazel Park,

6.04.150: Found dogs and cats.

All dogs and cats found in the city of Hazel Park must be reported to the Hazel Park Animal Control or Hazel Park Police Department within forty-eight (48) hours of finding the animal. Any dog or cat found outside the city of Hazel Park but brought into the city of Hazel Park must be reported to the local animal control or police department where the animal was found within forty-eight (48) hours of finding the animal.

Title 6, Animals, Chapter 6.04, Article II. Dangerous Animals

6.04.160: Definitions.

(1) As used in this section:

(a) "*Dangerous animal*" or "*vicious animal*" means:

- (i) A dog or other animal that bites or attacks a person, or a dog or other animal;
- (ii) A dog or other animal that attacks and causes serious injury or death to a person other animal;
- (iii) A dog or other animal which has shown vicious habits or has molested a person when lawfully on its own or public property or under the control of its owner.

(2) A dangerous animal or vicious animal does not include any of the following:

- (i) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
 - (ii) An animal that bites or attacks a person who provokes or torments the animal.
 - (iii) 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.
- (b) "*Livestock*" means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Livestock does not include animals that are human companions, such as dogs or cats.
- (c) "*Owner*" means a person who owns or harbors a dog or other animal.
- (d) "*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 or animal.
- (e) "*Serious injury*" means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.
- (f) "*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.

6.04.170: Complaint; retention; court order; destruction.

- (1) Upon a sworn complaint that an animal is a dangerous animal and the animal has caused serious injury or death to a person or has caused serious injury or death to another animal, a district court magistrate, district court, or a municipal court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.
- (2) Upon the filing of a sworn complaint as provided in subsection (1) of this section, the court or magistrate shall order the owner to immediately turn the animal over to a proper animal control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option and expense, or as ordered by the court, to be retained by them until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person who retains the animal under this section of the complaint and order. The animal shall not be returned to the owner until it has a current rabies vaccination and a license as required by law and further order of the court.
- (3) After a hearing, the magistrate or court shall order the destruction of the animal, at the expense of the owner, if the animal is found to be a dangerous animal that caused serious injury or death to a person or another animal. After a hearing, the court may order the destruction of the animal, at the expense of the owner, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal.
- (4) If the court or magistrate finds that an animal is a dangerous animal but has not caused serious injury or death to a person or another animal, the court or magistrate shall notify the animal control authority for the city or county in which the complaint was filed of the finding of the court, the name of the owner of the dangerous animal, and the address at which the animal was kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of that animal to do one or more of the following:
 - (a) Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the animal cannot escape or non-authorized individuals cannot enter the premises.
 - (b) Have the animal sterilized.
 - (c) Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the animal.
 - (d) Take any other action appropriate to protect the public.
- (5) The court may order a person under this section to pay the costs of the prosecution.

Title 6, Animals, Chapter 6.04, Article III. Dogs and Cats

Section 6.04.180: Licensing and regulations

- (1) It shall be unlawful for any person to:
 - (a) Own any dog or cat six months old or over, unless the dog or cat is licensed, as hereinafter provided.
 - (b) Own any dog or cat six months old or over that does not at all times wear a collar with a tag approved by the city clerk.
 - (c) Permit a female dog or cat to go beyond the premises of such owner when she is in heat, unless the female dog or cat is held properly leashed.
 - (d) To remove any license tag from a dog or cat.
 - (e) To allow any dog or cat, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his or her authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly on leash, tether or confined to an adequately fenced area on private property. For purposes of this section, adequately fenced area on private property shall not include a fenced park or other public area, except that the city or county may designate a public fenced area as a dog park where a leash or tether is not required, provided that the person responsible with the custody of the dog shall maintain reasonable control of the dog while in the dog park.
 - (f) Own or keep more than a total of three dogs, cats, or a combination of three thereof, of the age of six months or older, in any dwelling unit. Dwelling unit means a building or portion thereof designed for occupancy by one family for residential purposes.
- (2) If a dog or cat is required to be licensed under this section but is unlicensed, the dog or cat is a nuisance per se.

Section 6.04.185: Licenses, applications, vaccinations

- (1) The owner of a dog or cat that is six or more months old shall apply to the city clerk's office for a license for each dog or cat owned or kept by him or her.
- (2) The owner shall provide on the application the breed, sex, age, and color of the dog or cat, and the name, address and telephone number of the owner, and photocopy of a valid Michigan Driver License or Michigan Identification Card.

- (3) The application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian. The certificate for vaccination for rabies shall state the month and year of expiration for the rabies vaccination.
- (4) When applying for a license, the owner shall pay the license fee provided for by resolution of city council.

6.04.190: Dog or cat license; unlicensed and young dogs or cats; application; fee after certain date.

A person who becomes owner of a dog or cat that is six or more months old and that is not already licensed shall apply for a license within 30 days. A person who owns a dog or cat that will become six months old and that is not already licensed shall apply for a license within 30 days after the dog or cat becomes six months old. The owner of a dog or cat that is required to be licensed under this section shall keep the dog or cat currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the United States department of agriculture.

6.04.195: Dog or cat license; tag kept on dog or cat; duration.

- (1) Upon the issuance of an individual dog or cat license, the city clerk shall deliver to the applicant a tag which shall bear a serial number, together with the words "Hazel Park, Michigan," and such serial number shall be inscribed upon the license so issued. Such tag shall be attached to the licensed dog or cat by means of a substantial collar or harness and no person shall remove any license tag from any dog or cat without the consent of the owner or the person to whom the license is issued. No tag shall be used on the collar or harness of any dog or cat other than that for which the tag was issued.
- (2) The license shall be valid for a period not longer than the expiration of the current rabies vaccination.

6.04.200: Lost tags.

If any dog or cat tag is lost, the city clerk, upon application by the owner of the dog or cat, shall replace it with proof of current vaccination, and upon payment of the cost of a replacement tag as requested by the city clerk.

6.04.210: Transferability of license or tag.

No license or tag shall be transferable to another dog or cat or owner.

6.04.215: Production of proof of license.

A person who owns or harbors a dog or cat shall produce proof of a valid dog or cat license upon request of a person who is authorized to enforce this ordinance.

6.04.220: Number of dogs or cats permitted.

Dogs or cats permitted under this title are limited to not more than three in number per residence or business except puppies or kittens under six months of age or as otherwise set out in this title.

6.04.225: Sworn complaint; contents; issuance of summons; hearing; order; penalty for disobedience; costs; audit and payment of claims.

- (1) A district court magistrate or the district court shall issue a summons similar to the summons provided for in section 6.04.170 to show cause why a dog or cat should not be euthanized, upon a sworn complaint that any of the following exist:
 - (a) A dog or cat over six months old is running at large unaccompanied by its owner and is not under the reasonable control of its owner without a license attached to the collar of the dog or cat.
 - (b) A dog or cat, licensed or unlicensed, has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner.
 - (c) A dog or cat, licensed or unlicensed, has attacked or bitten a person.
 - (d) A dog or cat has shown vicious habits or has molested a person when lawfully on public property.
 - (e) A dog or cat duly licensed and wearing a license tag has run at large contrary to this act.
- (2) After a hearing the district court magistrate or the district court may either order the dog or cat euthanized, or confined to the premises of the owner. If the owner disobeys this order the owner may be punished under section 5-41. Costs as in a civil case shall be taxed against the owner of the dog or cat, and collected by the city.

Title 6, Animals, Chapter 6.04, Article IV. Penalty

6.04.230: Penalty.

- (1) Unless otherwise indicated, any person who violates any part of this chapter shall be responsible for a civil infraction and shall be fined five hundred dollars (\$500.00) plus costs for a first offense and one thousand dollars (\$1,000.00) plus costs for a second or subsequent offense. Each day a violation exists shall be considered a separate violation.
- (2) In addition to any fine or penalty imposed for a violation of any provision of Chapter 6.04, the court may order the defendant not to own or possess an animal for a period of time. If a person is found responsible for a second or


subsequent offense, the court may order the defendant not to own or possess an animal for any period of time, including relinquishment of animal ownership.

PART II. EFFECTIVE DATE; PUBLICATION

The provisions of this ordinance shall become effective ten days after its adoption and shall be published within ten days of its adoption by publication of a brief notice in the newspaper circulated in the city stating the date of the enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance and such other facts as the Clerk deems pertinent, and that a copy of the ordinance is available for purchase and/or inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HAZEL PARK, OAKLAND COUNTY, MICHIGAN ON THE 12th DAY OF October, 2021.


MICHAEL WEBB, MAYOR


JAMES FINKLEY, CITY CLERK

Date of Adoption: 10/12/2021

Date of Publication: 10/27/2021

Effective date: 11/5/2021

CERTIFICATE OF ADOPTION

It is hereby certified that the foregoing is a true and complete copy of an Ordinance passed at a meeting of the City Council of the City of Hazel Park, held on the 12th day of October, 2021.


JAMES FINKLEY, CITY CLERK

