

## **CHAPTER 9 ANIMALS AND FOWL**

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### **ARTICLE I. IN GENERAL**

#### **Sec. 9-1. Keeping of domestic animals and fowl.**

No person shall keep or house any animals or domestic fowl within the city except dogs, cats, birds or animals commonly classified as pets. (Code 1972, § 9.134)

#### **Sec. 9-2. Keeping or using for fighting prohibited.**

No person shall conduct or attend any cockfight, dogfight or other animal or fowl fight, nor shall any person keep an animal or fowl for such purpose. (Gen. Code 1946, Ch. 4 § 101.1; Code 1972, § 9.172)

State law reference – Keeping or using animals and birds for fighting, MCL § 750.49, MSA§ 28.244.

#### **Sec. 9-3 Permit to keep certain animals – Required**

No person shall harbor or keep any bees, swine, foxes, goats, horses, mules, cattle, poultry, pigeons, rabbits, pigs or mink in the city. (Gen. Code 1946, Ch. 3, § 104.3; Code 1972, § 9.135)

#### **Sec. 9-4 Same-Application; approval; fee (Repealed 5/20/2019)**

#### **Sec. 9-5 Same-Revocation. (Repealed 5/20/2019)**

#### **Sec. 9-6 Cruelty.**

No person shall cruelly treat or abuse any animal or bird. (Gen. Code 1946, Ch. 3, § 104.1; Code 1972§ 9.131)

State law reference – Cruelty to animals, MCL 752.21 et. seq., MSA 28.161 et seq.

#### **Sec. 9-7 Poisoning.**

No person shall throw or deposit any poisonous substance on any exposed public or private place where it may endanger any animal or bird. (Gen. Code 1946, Ch. 3, § 104.2)

State law reference – Poisoning, MCL 750.377, 750.437; MSA 28.609, 28.692.

#### **Sec. 9-8 Maintaining a nuisance.**

No person shall harbor or keep any animal, bird or bee which causes annoyance to the neighborhood either by:

- (1) Barking, howling, braying, crowing or making other sounds common to its species; or
- (2) Failure of the owner, caretaker or custodian to maintain in a clean and sanitary condition, devoid of rodents and vermin, and free from objectionable odor, all structures, pens, coops or yards wherein any animal, fowl or bee is kept; or
- (3) Failure of the owner, caretaker or custodian to keep the animal confined on his own premises; or
- (4) If any doves or pigeons shall congregate in any place within the city, and cause an annoyance to the

public by reason of the noise they make while so congregated, or damage to buildings or property by the filth they may deposit upon any building or place, it shall be the duty of any police officer, upon the complaint of any citizen of the existence of such a public nuisance, to take such action as the chief of police may deem necessary to abate such nuisance, including the shooting or otherwise killing of doves or pigeons. (Gen. Code 1946, Ch. 3, § 104.6; Code 1972, § 9.139)  
Cross reference – Nuisances generally, Ch. 25.

#### **Sec. 9-9 Depositing sick, injured animal.**

No person shall deposit, place or throw any dead or fatally sick or injured animal, or part thereof, in any public or private place, or into any reservoir, or into, or on the banks of any stream, lake, pond, sewer, well or other body of water. (Gen. Code 1946, Ch. 3, § 104.7; Code 1972, § 9.140)

#### **Sec. 9-10 Transporting dead animals.**

No person shall carry or convey any dead animal through or upon any street, alley or public place unless the same is so covered that no part of it is exposed to view and no odors can emanate therefrom. (Gen. Code 1946, Ch. 3, § 104.9; Code 1972, § 9.142)

#### **Sec. 9-11 Disposal of dead animals**

No person shall fail to immediately dispose of any dead animal found upon property under his possession or control either in a manner specified in section 9-12 or by disposal at the city dump or by other suitable means outside the city. (Gen. Code 1946, Ch. 2, § 104.10; Code 1972, § 9.143)

#### **Sec. 9-12 Burial of animals**

No person shall bury any dead or fatally sick or injured animal or part thereof, in the city except that the owner or occupant of any unplatted property may bury thereon any dead animal owned by him, dying on such premises, after having obtained written permit to do so, from the health officer. Such burial shall be made at a distance of not less than two hundred (200) yards from any residence or well, and the carcass shall be placed underground and well covered with at least four (4) feet of earth from the surface of the ground to the upper part of the carcass. (Gen. Code 1946, Ch. 3, § 104.8; Code 1972, § 9.141)  
State law reference – Bodies of dead animals, MCL 287.231 et seq., MSA 12.581 et seq.

#### **Secs. 9-13-9-23 Reserved.**

## **ARTICLE II. DOGS\***

### **DIVISION 1. GENERALLY**

#### **Sec. 9-24 State law.**

No person shall violate any laws of the state nor any rule or regulation adopted by any duly authorized agency of the state pertaining to dogs. (Gen. Code 1946, Ch. 3, § 105.1; Code 1972, § 9.151; Ord. of 7-25-77 § 9.146)

#### **Sec. 9-25 Animal control officers.**

The minimum employment standards relative to the recruitment, selection and appointment of animal control officers shall at least equal the minimum standards set forth in MCL 287-289b, MSA 12.504(2). (Ord. of 7-25-77, § 9.157)

Cross reference – Administration, Ch. 2.

### **Sec. 9-26 Kennels prohibited.**

No person shall keep, operate or maintain a dog kennel within the city. A dog kennel as used in this section means any establishment or household wherein or whereon more than two (2) dogs are kept, owned or harbored for the purpose of breeding, sale, sporting purposes, or otherwise. (Ord. of 7-25-77, § 9.147)

Cross reference – Zoning, App. A.

### **Sec. 9-27 Disturbance of peace and quiet.**

No owner of a dog in the city shall permit such dog to disturb the peace and quiet of any other family, individual or neighborhood by barking or howling; and if any dog does so disturb the peace and quiet, its owner shall be deemed guilty of a violation of this section, provided that no such owner shall be charged in district court with a violation of this section unless he has received a warning from the city of a previous complaint at least once within the preceding twelve (12) months. (Ord. of 7-25-77, § 9.153)

Cross reference – Offenses against public peace, 26-84 et seq.

### **Sec. 9-28 Running at large.**

It shall be unlawful for any person owning or keeping any dog to allow or permit such dog to run at large in the city beyond the limits of the land of the person owning or keeping such a dog or cat. A dog or cat on a leash or accompanied by the owner or keeper thereof having reasonable control of such dog or cat shall not be deemed to be running at large. (Gen. Code 1946, Ch. 3, § 105.2; Code 1972, § 9.152; Ord. of 7-25-77, § 9.154)

Cross reference – Streets, sidewalks and other public places, Ch. 37.

### **Sec. 9-29 Fierce dogs.**

No person shall own, harbor or keep fierce, vicious or dangerous dogs, nor permit any such dog of which he is the owner, caretaker or custodian to be unconfined, unless securely muzzled, and led by a leash. If any such dog is found running at large within the city, it shall be the duty of the police or dog warden to at once take such dog into custody, using such means as may be necessary so to do and to file a complaint or cause a complaint to be filed in the court having jurisdiction, charging the owner, keeper or harbinger of any such dog with a violation of such provision of this Code as shall apply thereto, and in the event that on the trial of the person, it is found from the evidence that the dog is a fierce, vicious or dangerous dog, the court may order the killing of such dog and the dog shall be disposed of in a humane manner. (Gen. Code 1946, Ch. 3, § 105.5; Code 1972, § 9.155; Ord. of 7-25-77, § 9.158)

### **Sec. 9-30 Female dogs in heat.**

Any female dog in heat that is running at large and is not held on a leash shall be considered a nuisance and may be impounded in the city or county dog pound. (Gen. Code 1946, Ch. 3 § 105.6; Code 1972, § 9.156; Ord. of 7-25-77, § 9.159)

### **Sec. 9-31 Quarantine.**

Whenever notice of a dog quarantine shall be published in a newspaper of general circulation in the city by the health officer, or the mayor, no person shall, during the period of such quarantine, permit any dog, of which he is the owner, caretaker or custodian to be unconfined except under the conditions specified in such notice. (Gen. Code 1946, Ch. 3, § 105.9; Code 1972, 9.159; Ord. of 7-25-77, § 9.162)

### **Sec. 9-32 Fecal Matter**

No person shall permit a dog owned, harbored or possessed by that person to deposit fecal matter in any place other than the premises where the dog is harbored and kept, unless such fecal matter is immediately collected and removed to the premises where the dog is harbored or kept. Any person in violation of this section shall be in violation of a civil infraction and subject to a fine of \$500.00 (five-hundred dollars); and

**Secs. 9-33 – 9-42 Reserved.**

**Sec. 9-43 Required**

- (a) The owner of any dog over six (6) months of age within the city shall secure a license for such dog from the county clerk, within thirty (30) days after such dog reaches six (6) months of age or within thirty (30) days after such dog is brought into the city.
- (b) Any dog subject to license which is not licensed shall be considered a nuisance. Any such unlicensed dog may be impounded in the city or county dog pound.
- (c) The provisions of this article regarding licensing of dogs shall not apply to any dog brought into the city by a nonresident for no longer than thirty (30) days. Except for the foregoing exception, this article shall apply to all dogs within the city regardless of the place of residence of the owner of such dog. (Gen. Code 1946, Ch. 3, § 105.3; Code 1972, § 9.153; Ord. of 7-25-77, §§ 9.148, 9.155, 9.163)

**Sec. 9-44 Rabies vaccination**

All dogs within the city over the age of six (6) months of age shall be vaccinated by a licensed veterinarian with a vaccine licensed by the United States Department of Agriculture. A valid certificate of vaccination for rabies, signed by an accredited veterinarian shall be required to obtain a license. No such vaccination more than one (1) year old shall be valid unless approved by an accredited veterinarian. (Ord. of 7-25-77, § 9.152)

**Sec. 9-45 Fee**

- (a) There is required a five dollar (\$5.00) license fee to be paid to the city for each and every dog license. This fee is required in addition to any state or county fees charged.
- (b) Notwithstanding any other provisions to the contrary, a dog which is used as a leader dog for a blind person shall not be subject to any fee for licensing. (Ord. of 7-25-77, §§9.149, 9.165; Ord. of 9-25-78; Ord. No. 552-87, 5-26-87)

**Sec. 9-46 Tag.**

The owner of every dog in the city shall provide each such dog with a collar or harness to which the tag shall be securely affixed. All dogs within the city shall at all times wear such collar or harness, with the current license tag for such dog securely affixed thereto. (Ord. of 7-25-77, § 9.150)

**Sec. 9-47 Proof of licensure.**

Any person who owns or harbors a dog in the city shall produce proof of a valid dog license upon request of a person authorized to enforce this article or the laws of the state pertaining thereto. (Ord. of 7-25-77, § 9.151)

**Sec. 9-48 Expiration.**

Each license shall expire January first of each year. Dog licenses may be purchased from the city clerk between

the first day of December and the last day of February without penalty. (Ord. of 7-25-77, § 9.148)

**Secs. 9-49 – 9-54 Reserved.**

### **DIVISION 3. IMPOUNDMENT**

#### **Sec. 9-55 Pound**

The city shall provide a suitable pound or designate a county pound in which to keep all dogs so impounded and the city manager may appoint some suitable person who shall have the power of a special policeman to enforce the provisions of this article and to be in control of and operate any city pound. The county dog warden is also authorized to enforce the provisions of this article. The officer in charge of such pound shall carefully keep a record of a description of every dog impounded together with the date and hour of impounding and all fees received upon redemption or sale. The city commission shall have power to adopt rules and regulations governing the operation of the pound. (Gen. Code 1946, Ch. 3, § 105.4; Code 1972, § 9.154; Ord. of 7-25-77, § 9.156)

#### **Sec. 9.56 Disposition**

Any dog taken to the city or county dog pound shall, at the expiration of five (5) days and unless properly redeemed, be destroyed unless in the opinion of the pound master the dog is valuable; in which case, the dog may be sold to the highest bidder at an auction held at noon after the sixth day. (Gen. Code 1946, Ch. 3, § 105.7; Code 1972, § 9.157; Ord. of 7-25-77, § 9.160)

#### **Sec. 9-57 Reserved**

Editor's note – Ord. No. 553-87, adopted May 26, 1987, repealed 9-57, which pertained to redemption of impounded dogs by owners and derived from Ch. 3, 105.8 of the city's 1946 Gen. Code; 9.158 of the city's 1972 Code and 9.161 of an ordinance adopted July 25, 1977.