

## Chapter 5

### ANIMALS\*

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\* **Cross References:** Unlawful noise from animals and birds, § 18-92.

**State Law References:** Authority to adopt animal control ordinance, MCL 287.290, MSA 12.541; crimes relating to animals and birds, MCL 750.49 et seq., MSA 28.244 et seq.

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**Art. I. In General, §§ 5-1--5-25**

**Art. II. Dogs, §§ 5-26--5-32**

#### ARTICLE I.

#### IN GENERAL

##### **Sec. 5-1. Cruelty to animals.**

No person shall cruelly treat or abuse any animal or bird in this city. Cruel and abusive treatment shall include but not be confined to inhumanely beating, not adequately feeding, and adequately watering, abandoning, or confining in an area not sufficient to allow the animal adequate exercise.

(Code 1977, § 9.121)

**State Law References:** Cruelty to animals, MCL 752.21 et seq., MSA 28.161 et seq.

##### **Sec. 5-2. Poisoning animals.**

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.

(Code 1977, § 9.122)

**State Law References:** Malicious poisoning of animals, MCL 750.377, MSA 28.609; exposing poisonous substances where liable to be eaten by animals, MCL 750.437, MSA 28.692.

##### **Sec. 5-3. Birds and birds' nests.**

No person, except a police officer acting in his or her official capacity, shall molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof.

(Code 1977, § 9.123)

**State Law References:** Similar provisions, MCL 312.10, (1)(e), MSA 13.1339, (1)(e).

##### **Sec. 5-4. Domestic animals and fowl.**

No person shall keep or house any animal or domestic fowl within the city except dogs, cats, canaries or other animals commonly classified as pets which are customarily kept or housed inside dwellings as household pets. No person or family or household shall keep more than three (3) adult cats and/or dogs at or in any residence within the city. For purposes of this section a cat or dog is deemed to be an adult upon becoming ten

(10) weeks old.  
(Code 1977, § 9.124)

**Sec. 5-5. Homing pigeons.**

Section 5-4 to the contrary notwithstanding, it shall be lawful for any member of a recognized national pigeon association, which supplies pigeons to the United States Armed Forces in time of emergency to keep, house and allow to fly for exercise within the corporate limits, homing or racing pigeons which are suitable and of the type used as messengers in time of war and in civil defense and which are banded with numbered leg bands showing the same to be registered with such associations, providing such pigeons are not kept so as to constitute a nuisance or create a hazard to public health.

(Code 1977, § 9.125)

**Sec. 5-6. Baby chicks, ducklings, and rabbits.**

It shall be unlawful for any person to sell or offer for sale, barter or give-away baby chicks, rabbits, ducklings, or other fowl as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This section shall not be construed to prohibit the display or sale of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling same to be raised for commercial purposes.

(Code 1977, § 9.126)

**State Law References:** Baby chicks, MCL 287.161 et seq., MSA 12.471 et seq.; sale of dyed baby chicks, rabbits, ducklings, MCL 752.91 et seq., MSA 12.482(1) et seq.

**Secs. 5-7--5-25. Reserved.**

**ARTICLE II.**

**DOGS\***

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\* **State Law References:** Dog law, MCL 287.261 et seq., MSA 12.511 et seq.

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**Sec. 5-26. Definitions.**

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

*Dog pound* or *pound* means any facility used by the county dog warden for the confinement or care of animals within the county.

*Owner*, when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his or her care, and every person who permits such dog to remain in or about any premises occupied by him or her.

*Reasonable control* shall mean keeping the dog on a leash other than while upon owner's property, unless the dog is confined in a closed automobile or shipping receptacle.

(Code 1977, § 9.141)

**Cross References:** Definitions and rules of construction generally, § 1-2.

**Sec. 5-27. Running at large.**

No person owning any dog, four (4) months of age or over, shall permit such dog to be at large at any time in the city in violation of any of the following restrictions:

- (1) No person shall permit any vicious dog of which he or she is the owner to be unconfined unless securely muzzled and led by a leash. Any dog shall be deemed vicious which has bitten a person or domestic animal without molestation, or, which, by its actions gives indication that it is liable to bite any person or domestic animal without molestation.
- (2) No person who is in the ownership of any female dog shall permit or allow such female dog to go beyond the premises of such owner when the dog is in heat.
- (3) No person who is the owner of any dog shall permit it to be unconfined unless under the reasonable control of some person.
- (4) No person who is the owner of any dog shall permit it to be unconfined at any time unless licensed as required by law and unless wearing its license tag and evidence of rabies immunization.

(Code 1977, § 9.142(1--4))

**Cross References:** Streets, sidewalks and other public places, Ch. 29.

**Sec. 5-28. Noise restriction.**

No person shall own any dog which by loud or frequent or habitual barking, yelping or howling, shall unreasonably annoy or disturb the quiet, comfort or repose of persons in the vicinity.

(Code 1977, § 9.142(5); Ord. No. 679, § 1, 9-5-06)

**Cross References:** Noise control generally, § 18-86 et seq.

**Sec. 5-29. Seizure, impoundment.**

Any dog which is in violation of any section of this article may be seized and impounded by the dog warden or any police officer of the city, or authorized city employee.

(Code 1977, § 9.143)

**Sec. 5-30. Rabies control.**

(a) *Surrender for observation.* Any person who shall have in his or her possession a dog which has contracted rabies or which has been subjected to the same or which is suspected of having rabies or which has bitten any person, shall upon demand of the dog warden, the police department or the health officer, produce and surrender up such dog to be held for observation.

(b) *Exposure to rabies; notice.* It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or other animal showing the symptoms of rabies, immediately to notify the police department of his or her possession of such dog.

(c) *Quarantine order.* Any dog that has bitten a person or animal will be quarantined for a period of ten (10) days. The owner, or his or her representative, will receive a quarantine order and such animal will be kept securely confined within a building or enclosure so as to prevent it from coming into contact with any other person or any other animal. It shall not be removed for any reason, during this period, without permission. Failure to comply with this order may result in immediate impoundment at the owner's expense.  
(Code 1977, §§ 9.144--9.146)

**State Law References:** Rules for control of rabies and the disposition of nonhuman agents carrying disease, including rabid animals, MCL 333.5111, MSA 14.15(5111).

#### **Sec. 5-31. Released from pound.**

No dog shall be released from the pound unless the owner or persons entitled to claim the same shall pay the fees established by the county dog department. If the dog was impounded by any police officer or other authorized employee of the city, the owner shall pay the additional sum to the city to reimburse for said expense as prescribed by resolution of the council.

(Code 1977, § 9.147)

#### **Sec. 5-32. Responsibility for animal wastes.**

No person shall keep a dog on leash or maintain a stationary dog house or kennel within sixty (60) feet of a neighboring residence. No person shall allow animal waste to accumulate for more than forty-eight (48) hours on the ground in the open air. No person walking a dog shall knowingly allow it to deposit its feces on property not belonging to that person, and shall clean up after said dog in case such incident does occur.

(Code 1977, § 9.148)