

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #08-2012

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 6, ANIMALS, BY DELETION OF THE CURRENT CHAPTER, ADDING ARTICLE I, DOWNRIVER CENTRAL ANIMAL CONTROL AGENCY, AND ADDING ARTICLE II, MISCELLANEOUS, ALLEN PARK ANIMAL REGULATIONS.

The City of Allen Park Ordains:

SECTION 1. Deletion of Code.

Chapter 6, Animals, as previously adopted, is hereby deleted in its entirety.

SECTION 2. Adoption to Code

Chapter 6, Article I, Downriver Central Animal Control Agency Ordinance, Sections 6-1—6-12, and Article II, Miscellaneous Allen Park Animal Regulations, Sections 6-50—6-66 are hereby adopted as follows:

ARTICLE I. DOWNRIVER CENTRAL ANIMAL CONTROL AGENCY ORDINANCE.

Sec. 6-1. Preamble.

The City, as a member of the Downriver Central Animal Control Agency through adoption of an interlocal agreement, deeming it advisable in the interest of protecting the public health and safety and welfare and to regulate and control the conduct, keeping and care animals, does hereby adopt the following revised animal control ordinance which is to be enforced by the Animal Control Division of the Downriver Central Animal Control Agency, under the direction of the Chief Animal Control Officer. This Ordinance shall be known as the Downriver Central Animal Control Agency Ordinance.

Sec. 6-2. Definitions.

(a) "*Abandonment*" means leaving an animal unattended for more than 24 hours, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, exercise, shelter or medical care.

(b) "*Animal*" means a mammal, bird, fish, reptile, ferret, snake, turtle, horse, mollusk, crustacean, or any other vertebrate other than a human being.

(c) "*Animal Control Officer*" means any person employed by member cities for the purpose of enforcing this Ordinance or state statutes pertaining to animals, and all persons and deputies employed to act in the same or a similar manner.

(d) "*Animal Control Shelter*" means a facility designated or recognized by the Downriver Central Animal Control Agency County or State of Michigan for the purpose of impounding and/or caring for animals, including a contract service provider, such as a local animal protection shelter, which may include a humane society.

(e) "*At Large*" means, except when hunting, an animal which is not on the premises of the owner and not under the control of a person either by leash, cord, chain, or otherwise.

(f) "*Chief Animal Control Officer*" means the person employed by the member cities for the purpose of enforcing this ordinance or state statutes pertaining to animals who is responsible for the supervision of the Animal Control Division and maintaining all required records.

(g) "*Continuous Barking*" means barking, howling, or yelping for a period of time in excess of 10 minutes.

(h) "*Dangerous Animal*" means any animal, which bites or attacks a person or an animal but does not include the following:

- (1) An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner; or
- (2) An animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or receiving cruel treatment by that person or animal; or
- (3) 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 lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or

(i) "*Dog*" means any member of the species "*CanisFamiliaries*."

(j) "*Domesticated Companion Animal*" means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish.

(k) "*Enclosure*" means secure confinement indoors or secure confinement in a locked pen, a structure with secure sides, top and bottom, or a yard which is suitable to prevent the entry of young children, and is designed to prevent the dog from escaping from the owner's property.

(l) "*Hunting*" means allowing a dog to range freely within the sight or sound of its owner while in the course of pursuing legal game.

(m) "*Kennel*" means any establishment, except a pet shop, animal protection shelter, or licensed pound, where animals are kept for sale, boarding, breeding, training, or sporting purposes for remuneration.

(n) "*Member Cities*" means Allen Park, Southgate, Wyandotte and Melvindale.

(o) "*Neglect*" means failure to comply with the minimum requirements for animal care set forth in this Ordinance.

(p) "*Owner*" means any adult person who owns or resides on the property where the animal lives, every person having a right of property in the animal, an authorized agent of the person having a right, every person who has an apparent authority to have a right of property in the animal. Every person who keeps or harbors the animal or has it in his care, custody or control.

(q) "*Person*" means any adult individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other entity.

(r) "*Provoke*" means to perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate a bite or attack by an animal.

(s) "*Quarantine*" means a state of enforced isolation. To detain in or exclude by quarantine, to isolate from normal relations or communication. An animal that has bitten shall be kept in quarantine at the Animal Shelter or can be approved for Home quarantine. Per the decision of the Animal Control Officer.

(t) "*Rabid Suspected Animal*" means any animal which shows symptoms suggestive of rabies.

(u) "*Serious injury*" means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person. Any dog bite requiring stitches to the victim (person or animal) is prima facie evidence of a serious injury.

(v) "*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 livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

(1) The residence of the dog's owner or other individual.

(2) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.

(3) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (b) that is accessible to the dog.

(w) "*Suitable leash*" means both (1) that the dog is attached to a leash that is not more than ten (10) feet in length (provided the dog has not been determined to be "potentially dangerous") and of such material that the leash is capable of restraining, and does restrain the type and size of dog to which it is attached; and (2) that such a leash is continuously held by a person who is reasonably able to and does restrain and prohibit the dog from being out of the person's physical control. A leashed dog that chases a person or domesticated animal a greater distance than ten (10) feet, or that bites a person or domesticated animal constitutes prima facie evidence that such dog is not kept on a suitable leash.

(x) "*Torment*" means an act or omission that causes unjustifiable pain, suffering, and distress to a dog, or causes mental and emotional anguish in the dog 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.

Sec. 6-3. License required.

It shall be unlawful for any person to own, maintain, keep or harbor any dog or cat over six months of age within the city limits without first obtaining a license for the dog or cat as provided in this chapter.

Sec. 6-4. License application; proof of vaccination; fee; license tag.

(a) Application for a license shall be made to the city clerk and shall state the breed, sex, age, color and markings of the dog or cat, and the name and address (including the e-mail addresses) of the applicant and the last known previous owner. The application shall be accompanied by a certificate of a licensed veterinarian, showing that the dog or cat has been vaccinated against rabies.

(b) Each dog or cat license shall expire on December 31 at the end of the license period for which the license was issued pursuant to this chapter. A license may be purchased and issued for a one-year, two-year or three-year period, which shall coincide with the period remaining on the certificate of vaccination at the time it is presented with the license application. The license fee for each one-year period or multiple periods for each dog or cat shall be as prescribed by council resolution. Upon the granting of the application for the license, the city clerk shall issue a durable metal or plastic tag with the number of the license imprinted upon it, the calendar year, indicating the expiration date and the words, "Allen Park, Michigan."

Sec. 6-5. Dog and Cat Collars Required.

The owner of each dog or cat shall provide each dog or cat with a substantial collar and shall attach the dog or cat license tag issued by the city to the collar. Such collar shall be kept on the dog or cat at all times.

Sec. 6-6. Chief Animal Control Officer Duties, Authority, and Responsibilities.

(a) Requirements: A Chief Animal Control Officer shall be hired by the Downriver Central Animal Control Agency and shall serve as the head of the Animal Control Division; provided, however, that the Chief Animal Control Officer and all Animal Control Officers shall have and meet the minimum requirements contained in MCL 287.289b.

(b) Duties and Authority: The Chief Animal Control Officer and his/her designees shall have the following duties and authority:

(1) The Chief Animal Control Officer is authorized to investigate any complaints of violations of this ordinance or state laws regarding animals.

(2) The Chief Animal Control Officer may promptly seize, take up and place in the animal shelter, or contracted services provider, including a state licensed humane society, animals being kept or harbored or found running at large any place within Downriver Central Animal Control Agency contrary to the provisions of this Ordinance or the statutes of the State.

- (3) The Chief Animal Control Officer and his/her designees shall be properly certified with the State of Michigan as required in Section 29b of 339, P.A. of 1919 as amended (The Dog Law). They shall have the legal authority and duty to issue appearance tickets, citations or summonses to those persons acting contrary to the provisions of this Ordinance or state laws relating to animals.
- (4) The Chief Animal Control Officer or a duly recognized service provider under contract with Downriver Central Animal Control Agency may, under the guidelines for holding periods and notification set forth in state statutes, dispose of impounded animals which are not claimed by the legal owner, by one of the following methods:
 - (i) adoption by an individual person who meets adoption criteria for the animal; or
 - (ii) humane euthanasia under MCL 287.279(a); or
 - (iii) release to a duly recognized service provider to Downriver Central Animal Control Agency such as a licensed humane society, animal protection shelter or an approved 503-C Rescue group. Note: The state guidelines for holding periods do not apply to animals that are sick or injured to the extent that the holding period would cause the animal to suffer. This section also does not apply to any animal that is voluntarily signed over to the Animal Control Shelter by its owner. In both of these cases no minimum holding period is required before disposing of the animal.
- (5) The Chief Animal Control Officer shall maintain a record of when the animal was acquired, under what circumstances, copies of any required notices and the disposition of the animal. Regulations regarding the adoption of animals and boarding and other charges shall be posted in a conspicuous place at the animal control shelter.
- (6) The Chief Animal Control Officer shall dispose of the bodies of all animals destroyed at the animal control shelter or elsewhere in Downriver Central Animal Control Agency in a manner approved by the State of Michigan.
- (7) The Chief Animal Control Officer shall promptly investigate all animal bite cases involving human injury and shall search out and attempt to discover the animal involved. If the Chief Animal Control Officer finds the animal responsible for the bite, he or she shall quarantine the animal for examination for disease in accordance with the applicable provisions of this Ordinance and the statutes of the State. The Chief Animal Control Officer shall also seize and impound any rabies-suspected animal and cause the Animal to be quarantined for examination.
- (8) The Chief Animal Control Officer shall make efforts to locate and determine the number of all unlicensed dogs in the Downriver Central Animal Control Agency.
- (9) The Chief Animal Control Officer shall have the duty to inspect any kennel, a license for which has been issued, and shall have the duty to suspend the license if conditions exist which are unhealthy or inhumane to the animals kept in the kennel, pending correction of such conditions; and further shall have the duty to revoke the license if such conditions are not corrected within a reasonable period of time.
- (10) The Chief Animal Control Officer shall have the duty to investigate complaints of animals alleged to be treated cruelly or kept in violation of this ordinance, and may seek a

court order to seize, take up and impound any animal that has been subject to such cruelty, abandonment or neglect.

(11) The Chief Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the Police may from time to time provide.

(12) Enforcement of Ordinance: The Chief Animal Control Officer in enforcing the provisions of this Ordinance and the statutes of the State pertaining to animals may make complaints to the City Prosecuting Attorney and to the District Court in regard to any violations of this Ordinance. It shall be unlawful for any person to interfere or hinder any animal control officers in the performance of their duties.

(13) Impounding, Redeeming and Adoption of Animals: The Chief Animal Control Officer may humanely seize and impound at the Animal Control Shelter any Domesticated Companion Animal or livestock found running at large. If the animal is non-vicious or non-dangerous and its owner can be ascertained and is available, the Chief Animal Control Officer may return the Animal to its owner, and may cite the owner of the animal for any violation that has occurred. The Chief Animal Control Officer may also seize and impound any Animal that is, within his or her reasonable discretion, subject to abuse, cruelty, abandonment or neglect, by the quickest and most reasonable means available and may cite the owner with a violation of this Ordinance and/or applicable state laws.

(i) Notification of Owner. Immediately after impounding an animal, if the owner of the animal can be identified by collar, license, and tag or by other means, the Chief Animal Control Officer shall notify the owner about the animal's impoundment by first class mail or telephone. The Chief Animal Control Officer shall inform the owner of the steps necessary to regain custody of the animal. The Chief Animal Control Officer or a duly recognized service provider under contract with Downriver Central Animal Control Agency. DCACA may dispose of impounded animals which are not claimed within the state statutory holding periods in a manner set forth by the terms of this ordinance.

(ii) Redeeming Impounded Animals. An owner may redeem an animal from impoundment by executing a sworn statement of ownership, furnishing a license and tag, and paying all expenses associated with the seizure and impoundment of the animal. The Chief Animal Control Officer shall not knowingly release any impounded animal to an owner who has been convicted of animal cruelty, abandonment, neglect or other related criminal violations of State law or of this Ordinance without a Court Order.

(iii) Impoundment by Citizens. Any citizen shall immediately contact Downriver Central Animal Control Agency County Animal Control with a description of the animal and location where found and must turn over the animal to Animal Control. Animal Control may allow the animal to remain with the citizen if an owner is located or known. It shall be unlawful for any person to refuse to deliver any lost/stray animal in their possession to an animal control officer upon request.

(iv) Adoption of Impounded Animals.

(A) A person who wishes to adopt an impounded animal that has not been redeemed by its owner must sign an adoption agreement that contains a sworn statement

that he or she will own and keep the animal in accordance with the terms of this Ordinance and State laws.

(B) If the animal has not been sterilized, the sworn statement must also provide that the adopted animal will be sterilized in accordance with Michigan State law MCL PA 287.

(C) The sworn statement must also provide that the animal will not be used for fighting or other illegal activity and will not be subjected to, sold, or otherwise used for medical or other testing or experimentation.

(D) Any person adopting an impounded animal must pay shelter, boarding and other charges associated with the seizure and impoundment of the animal prior to the release of the animal. Such charges shall be posted conspicuously at the Animal Control Shelter. Any subsequent failure to follow any of the terms of the adoption agreement shall be a violation of this ordinance.

(E) The Chief Animal Control Officer shall not knowingly adopt an animal to a person who has been convicted of animal cruelty, abandonment, neglect or other related criminal violations of state law or of this ordinance without a court order. The Chief Animal Control Officer may decline to adopt an animal if other circumstances exist, which, in the opinion of the Chief Animal Control Officer would endanger the health, safety, or welfare of people or animals.

(14) Quarantine of Animal

(i) The owner of any Domesticated Companion Animal that bites a person or other animal shall immediately quarantine the biting animal for a minimum of ten (10) days at the Downriver Central Animal Shelter or may be approved for Home Quarantine which is at the sole discretion of the Animal Control Officer. If the Owner of the biting Animal fails to surrender the animal, or if the Owner of the biting Animal cannot be identified or found, and then the Chief Animal Control Officer may take possession of the Domesticated Companion Animal and quarantine it at the Animal Control Shelter or Animal Protection Shelter until the expiration of the ten (10) day period. The Owner shall be responsible for all expenses incurred for the quarantine. At the expiration of the ten (10) day period, if the Owner shows satisfactory evidence that the Domesticated Companion Animal is not suffering from rabies, and pays the requisite expenses, the Chief Animal Control Officer shall release the Domesticated Companion Animal to its Owner. Any violation of the Home Quarantine agreement or failure to bring the animal to the Animal Shelter or Veterinarian in the required time is in violation of this ordinance. The Chief Animal Control Officer may immediately humanely destroy the Domesticated Companion Animal that has bitten if the Animal is determined by a veterinarian to be suffering from rabies or upon request of the owner. In such cases, following the humane destruction of the Domesticated Companion Animal, the Chief Animal Control Officer shall immediately send a sample specimen to the Michigan Department of Public Virology Laboratory in Lansing, Michigan.

(ii) Animals That Are Not Domesticated. If an animal that is not domesticated bites a person or other animal, and there is no identifiable owner, then the Chief Animal Control Officer shall if possible, humanely confine for quarantine and/or destroy the animal and immediately send the animal or sample specimen to the Michigan Department of Public Health Virology Laboratory in Lansing, Michigan.

Sec. 6-7. Dead Animals.

It shall be unlawful for an owner or caregiver, or person possessing an animal to do any of the following:

- (1) To allow the carcass of a dead animal to be left unattended and not properly disposed of.
- (2) To put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, roadway, street, alley, lane, or lot.

Sec. 6-8. Animal Care.

(a) Adequate Care. Every owner or caregiver of an animal shall be required to provide the animal with the minimum standard of care set forth in this Ordinance, which 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) Food and Water. Every owner or caregiver of an animal shall provide, on a daily basis, the animal with sufficient good and wholesome food and (potable) water.

(c) Cleanliness. Every owner or caregiver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.

(d) Shelter. Every owner or caregiver of animals shall provide all animals with a proper shelter.

(e) Veterinary Care. The owner or caregiver of a diseased or injured animal shall provide the animal with appropriate veterinary (medical) care and shall segregate the diseased animal from other animals to prevent transmittal of disease.

(f) Abuse. No person shall beat, cruelly treat, improperly tether, torment, overload, overwork or otherwise abuse an animal.

(g) Abandonment and Neglect. No owner or caregiver of an animal shall abandon or neglect any animal. An animal is deemed abandoned and/or neglected if the owner or caregiver fails to properly maintain the animal.

(h) Poison. No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her property common rat poison mixed only with vegetable substances.

(i) Disfigurement. No person, except a licensed veterinarian, shall crop an animal's ears or dock an animal's tail.

(j) Housing Conditions for Multi-Animal Housing.

(A) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from illness or injury, to contain the animals, and to restrict the entrance of other animals.

(B) Every building or enclosure where animals are maintained shall be constructed of material that can be easily cleaned and shall be kept in a clean and sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals and sanitation.

(C) All animal rooms, cages, kennels, and runs shall be of sufficient size to provide all animals with adequate room for exercise and general proper accommodations.

(D) All animal rooms, cages, kennels, and runs shall provide all animals with proper shelter and protection from the weather at all times, including, but not limited to, a minimum of a roofed, three-sided structure of suitable size. All animals must be provided with an area protected from the elements so as to provide a dry, clean area for the animals to rest.

(E) No person shall fail to provide an animal with adequate shelter.

(k) Other Conditions. No animal shall be left without proper attention and care for more than 24 consecutive hours.

Sec. 6-9. Additional Violations.

(a) Animals at Large: It shall be unlawful for the owner, or any other person having the possession, care, custody or control thereof, to permit any animal to run at large upon the public streets, walks, parks, or other public places within the city, unless such animal is attached to a leash of sufficient strength to restrain such animal in such manner as to be kept under the control of the person accompanying it. It shall further be unlawful for the owner, or any other person having the possession, care, custody or control thereof, to permit any animal to go upon any private property within the city, without the permission of the owner or occupant of such private property.

(b) Bite (1) If an animal bites a person or another animal that was not provoked, the bite will be assessed to determine severity. If it is a minor bite: single, shallow puncture wound or a single wound plus scrapes and bruises, requiring minimal or no doctor's treatment, the owner shall pay a fine of one hundred dollars (\$100.00). If it is a moderate bite: single deep puncture wound, multiple shallow puncture wounds, requiring medical care, the owner shall pay a fine of two hundred and fifty dollars (\$250.00). If it is a serious bite: multiple deep puncture wounds, or requiring stitches, or loss of tissue or facial bites or requiring hospitalization, the owner shall pay a fine of five hundred dollars (\$500.00).

(c) Living on property. It shall be unlawful for the owner of a dog to permit said animal to be restrained on property where no responsible person is residing. The exception to this section is when a dog is being used as a guard dog at a facility that is occupied during normal business hours.

(d) Vehicles. No person shall transport or leave any animal in a vehicle in such a way as to endanger the animal's health, safety or welfare, including but not limited to dangerous temperatures, lack of air, food, water, or proper care.

(e) Barking Dog. No owner of a dog shall permit continuous barking which disturbs another person.

(f) Leash law. No dog, cat or other pets shall be permitted in any public park or land without said animal being restrained on a suitable leash. A waste bag must be on said person to pick up deposited animal waste and deposit it immediately in a trash receptacle.

(g) Disposal of Animal Waste.

(1) Any person owning or having charge, control, care and/or custody of any animal shall maintain in a sanitary manner the structure or enclosure within which such animal is kept. Excreta shall be removed from the structure or enclosure on a daily basis and deposited in a sanitary manner into a proper receptacle.

(2) Any person running or walking or having charge, control and/or custody of any animal shall immediately remove and dispose of, in a sanitary manner, any excreta deposited by said animal on the private property of another or on any public walk, street, grassy area, recreational area or other Municipally-owned or controlled property.

(3) No person owning or having control of property within the City shall accumulate excreta or permit excreta to lie on said property for any reason, regardless of its source.

(h) Health Hazard or nuisance created by animal

It shall be unlawful for the owner, or any other person having the possession, care, custody or control of any animal to own, possess, harbor, shelter or keep any kind of animal that unreasonably annoys humans, endangers the life or health of another animals or person, substantially interfered with the rights of citizens, other than their owners, to enjoyment of life or property or that creates a public nuisance. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

(1) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

(2) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or

(3) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained?

Sec. 6-10. Dangerous Dogs and Potentially Dangerous Dogs.

(a) Purpose and intent. It is the intent of the City to protect the health and safety of the public against the risks that dangerous and potentially dangerous dogs pose to persons and other animals in the city. Further, it is the intent of the City to afford dog owners due process when the owner's animal is classified as a dangerous or potentially dangerous dog.

(b) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them below:

Dangerous dog means a dog that bites or attacks a person or causes a serious injury to a person or domestic animal, or a dog that bites or attacks and causes serious injury or death to another dog or domestic animal while the other dog or domestic animal is on the property or under the control of its owner. However, a dangerous dog does not include any of the following:

(1) A dog that bites or attacks a person who is knowingly trespassing on the property of the dog's owner;

(2) A dog that bites or attacks a person who provokes or torments the dog; or

(3) A dog 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.

Potentially dangerous dog means a dog that poses a threat to public safety as demonstrated by any of the following behaviors:

- (1) Causing an injury to a person or domestic animal that is less severe than a serious injury;
- (2) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner; or
- (3) Running at large and picked up or impounded by an animal control agency three (3) or more times within any twelve-month period.

(c) Determination of a potentially dangerous dog.

(1) Upon receipt of a complaint and after conducting an investigation, the animal control officer is authorized to make a determination whether a dog is a potentially dangerous based upon the factors listed in subsection (b) [under the definition of "potentially dangerous dog"] and shall present findings and a recommendation to the prosecuting attorney for the city requesting issuance of a summons and complaint if he determines the dog to be potentially dangerous.

(2) Upon a sworn complaint that a dog is potentially dangerous and the dog has met any of the behavioral criteria listed in subsection (b), a district court shall issue a summons to the owner ordering him or her to appear to show cause why the owner should not be required to comply with the following:

- (A) Register the dog with DCACA as a potentially dangerous dog and pay a registration fee of seventy-five dollars (\$75.00) annually.
- (B) Maintain the dog at all times in a proper enclosure.
- (C) Post the premises where the dog is kept with a clearly visible sign warning that the dog on the premises is potentially dangerous to others. The lettering on the sign shall be visible for a distance of forty (40) feet or more.
- (D) Must have affixed on collar at all times on animal a Dangerous Dog Tag obtained at the DCACA Animal Shelter.

(3) Upon the filing of a sworn complaint, the court or magistrate shall order the owner to immediately turn the dog over to the DCACA, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the dog. The owner shall notify the person who retains the dog under this section of the complaint and order. The expense of the boarding and retention of the dog is to be borne by the owner. The dog may not be returned to the owner until it has a current rabies vaccination, a license as required by ordinance, and upon order of the court that the dog should be returned.

- (A) After a hearing, the magistrate or court shall order compliance with the following provisions:

(B) Register the dog with DCACA as a potentially dangerous dog and pay a registration fee of seventy-five dollars (\$75.00) annually.

(C) Maintain the dog at all times in a proper enclosure.

(D) Post the premises where the dog is kept with a clearly visible sign warning that the dog on the premises is potentially dangerous to others. The lettering on the sign shall be visible for a distance of forty (40) feet or more.

(E) Must wear a dangerous dog tag, available at the DCACA Shelter, on collar at all times.

(4) Responsibilities of owner. If the dog is found to be a potentially dangerous dog, it shall be a violation to:

(A) Keep a potentially dangerous dog without a valid certificate of registration required by this section.

(B) Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible person and restrained by a chain or leash, not exceeding four (4) feet in length.

(C) Fail to notify the animal control officer or police department immediately if the potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being, has died, has been sold, or has been given away. If the potentially dangerous dog has been sold or given away, the owner shall also provide the animal control officer with the name, address, and telephone number of the new owner of the potentially dangerous dog.

(D) Fail to surrender the potentially dangerous dog to the animal control officer for safe confinement pending a disposition of the case when there is a reason to believe that the potentially dangerous dog possess a threat to public safety; or failure to comply with any special security or care requirements for a potentially dangerous dog that the animal control officer may determine is necessary for public safety.

(d) Determination of a dangerous dog.

(1) Upon receipt of a complaint and after conducting an investigation, the animal control officer is authorized to make a determination whether a dog is dangerous based upon the factors listed in subsection (b) [under the definition of "dangerous dog"] and shall present findings and a recommendation to the prosecuting attorney for the city requesting issuance of a summons and complaint if he determines the dog to be dangerous.

(2) Upon a sworn complaint that a dog is dangerous and the dog has caused serious injury or death to a person or has caused serious injury or death to an animal, a district court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.

(3) Upon the filing of a sworn complaint as provided in subsection (b), the court or magistrate shall order the owner to immediately turn the dog over to the DCACA, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the dog. The owner shall notify the person who retains the dog under this section of the complaint and order. The expense of the boarding and retention of the dog is to be borne by the owner. The

dog may not be returned to the owner until it has a current rabies vaccination, a license as required by ordinance, and upon order of the court that the dog should be returned.

(4) After a hearing, the magistrate or court shall order the destruction of the dog at the expense of the owner, if the dog is found to be a dangerous dog that caused serious injury or death to a person or animal. After a hearing, the court may order the destruction of the dog, at the expense of the owner, if the court finds the dog 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 dog.

(5) If the court or magistrate finds that a dog is a dangerous dog but has not caused serious injury or death to a person or animal, the court or magistrate shall order the owner of that dog to do one (1) or more of the following:

(A) If the dog that has been found to be dangerous dog is of the canis familiaris species, have an identification number tattooed upon the animal or inject a microchip, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the dog by the Michigan Department of Agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939, being MCL §§ 287.301 to 287.308. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink.

(B) 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.

(C) Have the animal sterilized.

(D) Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the dog.

(E) Take any other action appropriate to protect the public.

(F) Must have affixed on dogs collar at all times a dangerous dog tag obtained at the DCACA Animal Shelter.

(6) If the court after a hearing determines the dog is not dangerous, but determines the dog is a potentially dangerous dog, then the provisions of this section concerning a potentially dangerous dog shall apply.

(e) Transfer of ownership or possession. Upon the transfer of ownership or possession of any dangerous dog or potentially dangerous dog, the transferor shall immediately provide DCACA and the police chief with the name, address and telephone numbers of the new owner of the dog and the effective date of the transfer. Any transferee of a dangerous dog or potentially dangerous dog shall be presumed to have notice of the dog's classifications as such.

(f) Removal of potentially dangerous dog classification. The owner of a dog that has been determined to be a potentially dangerous dog shall be given the opportunity to request that the classification of the dog as a potentially dangerous dog should be reconsidered and removed, which request may be granted by the district court or animal control officer, as applicable, if the owner demonstrates that the dog has been incident free for two (2) years, the dog and owner have successfully completed obedience training, the dog has been issued and maintained a canine good citizenship certificate by a certified tester pursuant to the standards of the American Kennel Club, and the owner has complied in all respects with the provisions of this chapter of the code and any applicable court orders.

Sec. 6-11. Penalties.

- (1) A responsible party's first or second violation of any of this chapter is a municipal civil infraction and subjects the responsible party to a civil fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) and all other sanctions permitted by law for a municipal civil infraction. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (2) An individual's subsequent violation of the same section shall be a misdemeanor subject to the penalties in section 1-14(a) and shall be assessed the full cost to the city to prosecute the matter, including trapping and/or impoundment fees, ordinance warden/chief animal control officer fees and attorney fees.

Sec. 6-12. Downriver Central Animal Control Agency Miscellaneous Ordinances.

(a) Rules of Construction

When not inconsistent with the context, words used in the present tense include the future and past tenses. Words in the singular include the plural and words in the plural include the singular. Masculine includes the feminine and neuter. Words or terms not defined in this Ordinance shall be interpreted in accordance with their common meaning. The words "shall" and "will" are mandatory and not merely directive. Headings are inserted for convenience and shall not limit or increase the scope of any provision or Section of this Ordinance.

(b) Severability

If any part of this Ordinance shall be held unconstitutional or void, such part shall be deemed severable and its invalidity shall not affect the remaining parts of this Ordinance.

(c) Repeal and Savings Clause

All Ordinances or parts of Ordinances inconsistent with this Ordinance are repealed to the extent they are in conflict with this Ordinance. However, any and all civil and criminal actions arising out of any Ordinance repealed by this Ordinance which are pending in a court of this State, or otherwise vested on the effective date of this Ordinance shall not abate and shall be saved and may proceed to conclusion pursuant to the terms of the repealed Ordinance.

Sec. 6-13—6-49. Reserved.

ARTICLE II. ALLEN PARK MISCELLANEOUS ANIMAL REGULATIONS.

Sec. 6-50. Restrictions on keeping non-common pets or wildlife.

- (a) It shall be unlawful for any person to keep, harbor or raise any non-common pet or wildlife including but not limited to any of the following:
 - (1) Bear;
 - (2) Canine, except and not including any member of the dog family customarily domesticated by man;

- (3) Exotic bees;
- (4) Feline, except and not including any member of the cat family not customarily domesticated by man;
- (5) Hoofed animal, including potbellied pigs;
- (6) Marsupial;
- (7) Primate;
- (8) Raptor; and
- (9) Reptile, except and not including any non-venomous member of the order Crocodylia under six inches in length.
- (10) Fowl, except and not including any member of the bird family not customarily domesticated by man that is housed in a cage in a family residence and whose wings have been clipped to prevent flight.

(b) The provisions of this section shall not apply to a legally operated zoo, circus or properly licensed and registered business, operated in a nonresidential zoning district, which either sells animals and pets or uses the animals in conjunction with the business being conducted on the premises. In no case, shall any restricted animal be used to protect or guard persons or property.

Sec. 6-51. Restrictions on domestic honey beekeeping.

It shall be lawful to keep domestic honey bees only if all of the following conditions are met:

- (1) Domestic honey bees shall only be kept on property zoned as regional shopping-Fairlane Green (C-6A) district or industrial (M-1 or M-2) district;
- (2) No more than two hives or colonies per site address;
- (3) Only standard moveable frame hives shall be used;
- (4) The hives shall be no closer than:
 - a. Ten feet from any property line;
 - b. 20 feet from any abutting residential dwelling;
 - c. 25 feet from any public sidewalk, street, alley or other public place;
- (5) There shall be an adequate and appropriate source of water on the same property as the hive;
- (6) All hives shall be screened by a three-foot-high solid fence located within three feet of the hive so screened;
- (7) All bee equipment hives and screening fence shall be kept in good shape and repair;
- (8) The name and an emergency telephone number shall be posted in a conspicuous location on each hive and in one location on the screening fence;
- (9) All swarms shall be controlled immediately and the swarm shall be contained to the hive property. Should a swarm leave the hive property, it shall be considered to be a public nuisance and a danger to the public and shall be either captured or destroyed as necessary;
- (10) Unused hives shall be removed immediately;
- (11) The hives shall be registered, annually on or before December 31 each year, with the city and shall include the following information:
 - a. The name and the address (including e-mail address) of the beekeeper or person responsible for the bees;

- b. An emergency contact telephone number for the beekeeper or person responsible;
- c. The number of hives on the property and the estimated number of bees present; and
- d. A diagram with dimensions, showing the location of the hives on the property, the distances to the property lines, abutting residential dwellings and public places.

Sec. 6-52. Disturbing animals or fowl.

It shall be unlawful for any person to willfully injure, molest or disturb, in any way, any animal or fowl or the nest, eggs, young or brood of any animal or fowl, except that this provision shall not apply to any animals or fowl declared by any law or ordinance to be pests.

Sec. 6-53. Dyeing animals or fowl.

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

Sec. 6-54. Prohibited sale of baby chicks, rabbits, ducklings; seizure.

- (a) 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 customarily engaged in the business of selling of such animals.
- (b) In the case of any violation of this section, it shall be the duty of any peace officer or ordinance warden to seize such fowl or pets and provide the necessary care and attention, and such fowl or pets shall not be returned until all expenses for such care and attention shall have been paid.

Sec. 6-55. Unlawful disposition of sick or dead animals

It shall be unlawful for any person to deposit, throw or place any dead or fatally sick or injured animal, or part thereof, on any public or private place, or into or on the banks of any stream, lake, pond, sewer, or other body of water.

Sec. 6-56. Animal fights.

No person shall arrange for, promote, attend or participate in any way, an animal fight or train any animals for such event.

Sec. 6-57. Vicious animals or fowl prohibited.

- (a) It shall be unlawful for any person to harbor, keep or possess a vicious or dangerous animal or fowl.
- (b) Any animal or fowl that has attacked or bitten any person on private or public property shall be presumed to be vicious.
- (c) If the person charged with a violation of this section is the owner or custodian of the victim animal, pending resolution of the violation, the court may order the animal be kept in some other person's custody and that the accused have no contact with the animal.
- (d) In addition to the penalties provided in section 1-14
 - (1) The ordinance warden shall request the district court magistrate or district court to issue a sworn complaint and summons against the owner of the vicious animal or fowl commanding the owner or individual having the care and control to appear and show cause why the animal or fowl should not be destroyed.
 - (2) The summons shall be made returnable not less than two nor more than six days from the date therein and shall be served at least two days before the scheduled time of appearance.
 - (3) Immediately upon the filing of the sworn complaint, the district court magistrate or district court judge shall order the owner or custodian of the animal to immediately turn the animal over to the ordinance warden, a proper animal control authority, Humane Society Inc., a licensed veterinarian or boarding kennel, at the owner's or custodian's option and expense, to be held pending the hearing and decision on the complaint.
- (e) After conducting a full hearing, the district court magistrate or district court judge may order the animal or fowl destroyed, removed from the city or confined to the premises of the owner or person having the care and control of the animal. The court shall also assess and tax costs as in a civil case against the owner or individual having the care and control of the animal.
- (f) This section shall not supersede any federal or state law or regulations concerning the preservation of wildlife.

Sec. 6-58. Hunting prohibited.

No unauthorized person shall hunt, trap or pursue any animal or wildlife at any time within the city.

Sec. 6-59. Stealing or holding in possession another person's animal.

No person shall take, steal, carry away, or hide or keep in their possession or control, another person's animal without the owner's or custodian's consent. This section shall not prohibit a person from temporarily holding an animal for impoundment pursuant to section 6-6.

Sec. 6-60. Possessing an animal during a period of disqualification.

It shall be unlawful for any person to possess an animal when that person has been ordered by a court or Downriver Central Animal Control officer, pursuant to 6-6(13) 6-10(4) not to possess an animal.

Sec. 6-61. Feeding of pigeons and sea gulls prohibited.

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- (a) It shall be unlawful to knowingly place any food or food scraps for the purpose of feeding any pigeon or sea gull.
- (b) The scattering of food or food scraps on the ground by an individual shall be prima facie evidence that the individual intended to provide the food or food scraps to pigeons or sea gulls
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Sec. 6-62. Removal of collar or license tag.

No person, except the owner or custodian of the dog or cat, shall remove any collar or license tag from any dog or cat wearing such collar or license tag.

Sec. 6-63. Mutilation or alteration of license tag or serial number.

No person shall mutilate or alter either the license tag issued pursuant to this chapter or a serial number tattooed by an authorized agent of the commission of agriculture on a dog or cat.

Sec. 6-64. More than three dogs and/or cats total per premises prohibited.

It shall be unlawful for any person or family to keep more than three dogs or cats, or combination thereof, over the age of six months on one premises, except for a licensed kennel pursuant to MCL 287.270.

Sec. 6-65. Female dogs or cats in heat to be kept under control.

It shall be unlawful for the owner or custodian of any female dog or cat to permit such dog or cat, when in heat, off the premises of the owner or custodian unless the dog or cat is under control and attached to a leash.

Sec. 6-66. Persons bitten, report to police department.

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- (1) If any person is bitten by a dog, cat, or domesticated animal it shall be the duty of that person, or the owner or custodian of the dog, cat or domesticated animal having knowledge of it, to report it to the police department or Downriver Central Animal Control Authority within 12 hours thereafter.
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- (2) If the owner or custodian of any animal has any reason to believe or suspect that such animal has become infected with rabies, it shall be the duty of that person to report it to the police department or Downriver Animal Control Authority within 12 hours thereafter.

Secs. 6-67—6-86. Reserved.

SECTION 3. Repeal. All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 6. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 7. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **11th day of December, 2012.**

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park