

ORDINANCE NO. _____

An Ordinance to amend the Highland Park Administrative Code, by replacing Section 608.

NOW THEREFORE, The City of Highland Park ordains:

SECTION 608 ANIMAL ORDINANCE.

608.01 KEEPING ANIMALS IN THE CITY.

No person shall keep any cattle, sheep, goats, hogs, chickens or pigeons in the City, except with the permission of Council upon a proper showing that the keeping of the same will not create a nuisance. Permission so given shall be revocable at the will of Council.

(Ord. 337; 1959 Code Sec. 4-210)

608.02 KILLING ANIMALS.

No person, except the duly constituted authorities of the City, shall kill any cattle, sheep, hogs or other animals in the City without first obtaining permission to do so from Council.

(Ord. 337; 1959 Code Sec. 4-211)

608.03 DISPOSITION OF DEAD ANIMALS.

When an animal dies within the City, the owner or the person in possession of such animal shall, within twelve hours thereafter, cause the same to be removed from the City or disposed of in a manner approved by State Law.

(Ord. 337; 1959 Code Sec. 4-205)

The Chief of Police shall report to Council any violation of Section 608.01, 608.02 or 608.03.

(Ord. 337; 1959 Code Sec. 4-213)

608.04 ADEQUATE CARE.

No person having charge or custody of any animal, bird or fowl either as owner or otherwise shall fail to provide sufficient food, water, shelter, sanitary conditions and medical attention in order to maintain an animal in a state of good health.

608.05 CRUELTY TO ANIMALS.

No person having the charge or custody of any animal, bird or fowl, either as owner or otherwise, shall abandon, neglect or intentionally deprive of necessary sustenance, place in a life-threatening situation, torture, torment, cruelly beat, mutilate or cruelly kill such animal, bird or fowl, or inflict upon any such animal, bird or fowl unnecessary cruelty.

(Ord. 1076. Passed 6-19-78.)

608.06 NUMBER OF DOGS LIMITED.

No person shall own, harbor or keep more than three dogs over four months of age at any one time in a residential building, a garage, a residential building and garage or in any other building, or on a residential, business or other lot, in the City, whether or not the dogs have been licensed as provided in this chapter. If a residential building contains more than one dwelling unit, no person shall own, harbor or keep more than three dogs over four months of age in such dwelling unit.

This section does not apply to a veterinary hospital, an established commercial pet shop or any other institution that might be carrying on experiments with dogs in the interest of public health or any other proper use to which live dogs might be put for experimental purposes.

(Ord. 821; Ord. 957; 1959 Code Sec. 4-406)

608.07 LICENSING OF DOGS.

(a) Required. No person shall own, harbor or keep a dog four months of age or over in the City without first having obtained a license from the City Clerk, as provided in this section. (Ord. 821; Ord. 957; 1959 Code Sec. 4-406)

(b) License Application; Issuance; Fees; Rabies Vaccination. Upon application made to the City Clerk, giving the full name and residence of the applicant, and upon furnishing a certificate to the Clerk that the dog to be licensed has been vaccinated with a vaccine licensed by the United States Department of Agriculture and signed by an accredited veterinarian, the expiration of which is not earlier than December 31 of the year for which the license is to be issued, the Clerk shall issue to such applicant a license, together with a tag of white metal which tag shall contain the number of the license duly stamped or engraved thereon and the year when issued together with the words "Dog License, Highland Park, Michigan" and the word "Vaccinated." However, before the Clerk delivers such license and tag as above provided, the applicant therefor shall pay the City Treasurer twenty dollars (\$20.00) for each dog.

(c) Such license shall entitle the applicant to keep or harbor the dog for the term commencing from the date of such license and terminating on the April 30 following, except as provided in subsection (a) hereof. When issued for a period of less than six months, the City Treasurer shall collect only fifteen dollars (\$15.00) for such license fee. The shape and style of the tag shall be changed each year on May 1. A license issued under this section shall expire on the April 30 following its issuance. The Clerk shall replace any lost tag for a charge of fifteen dollars (\$15.00). Before issuing a license, the Clerk shall inquire of the applicant if the dog has been immunized against rabies. If the dog has been immunized against rabies, the Clerk shall require the applicant to produce a certificate from a veterinarian. Such certificate shall be filed with the Clerk.

(Ord. 1021. Passed 10-7-74.)

(d) Collars; Duplicate Tags; Misuse of Tags. Each person who owns, possesses or harbors a dog six months of age or over shall provide the same with a substantial collar of durable material to

which shall be securely attached the license tag required in this section. Duplicate tags, in case of loss, may be issued by the City Clerk at the expense of the applicant upon the filing of an affidavit of loss by the applicant. No tag shall be used on the collar of a dog other than that provided for in this section, and no person shall remove the collar or tag from a dog without the consent of the owner or of the party to whom the license is issued.

(e) No person shall put a vaccination tag on the collar of a dog that has not been immunized against rabies.

(Ord. 821; Ord. 957; 1959 Code Sec. 4-408)

608.08 DOGS RUNNING AT LARGE.

(a) No person harboring or keeping a dog, or having the custody or control of a dog, shall suffer the same to run at large at any time in the City. No person shall permit a dog, whether or not such dog is under leash, to run upon the private property of another and/or commit any nuisance thereon and/or do any damage thereto. A dog shall be deemed to be running at large under this section when it is not upon the premises where it is being harbored or kept and is neither under leash nor securely confined.

(b) No dog shall be permitted on a public highway or other public place, or upon premises other than where it is being harbored or kept, unless such dog has been immunized against rabies subsequent to the April 15 next preceding.

(Ord. 821; 1959 Code Sec. 4-409)

608.09 UNCONTROLLED DOGS; BARKING AND HOWLING; DANGEROUS DOG

(a) No person shall harbor or keep a dog which, by loud, frequent or habitual barking, yelping or howling, causes serious annoyance to the neighborhood and people passing to and from upon the streets.

(b) No person shall harbor or keep an uncontrolled dog. A dog that, without provocation, rushes or growls at, attempts to bite or bites a person is hereby declared to be an uncontrolled dog.

(c) Every person owning, keeping or harboring a dog that has been attacked or bitten by another dog or animal known to be afflicted with or having the symptoms of rabies, or which has bitten a person or other animal, or which has or is suspected to have contracted rabies, shall immediately notify the Chief of Police or the Animal Control Officer. Upon the demand of either such officer, such person shall immediately produce and surrender such dog to be held for observation at the dog pound for a period of ten days, provided that in the discretion of such officer, such dog may be quarantined for a like period of time on the premises of the person who is keeping or harboring such dog.

(d) No person shall suffer or allow a dog that has been quarantined to be on the streets of the City or away from such premises. It is unlawful for any person to refuse to quarantine or permit the quarantine of an animal when and as required.

(e) If at the end of ten days such dog has not developed rabies, it shall be released from the dog pound or the quarantine. If the dog has developed rabies within such period of time, it shall be destroyed either by the Michigan Humane Society.

(f) Whenever a dog is brought to the pound or is quarantined a second time for having bitten a person cat or dog, such dog shall be destroyed after having been held a sufficient time to meet the requirements State Law.

(g) A person allowing a dog habitually to remain and be lodged or fed in his or her house, store, building, enclosure or premises shall be construed as harboring or keeping the same within the meaning of this section.

(h) A person shall not harbor or keep a dangerous dog. A dangerous dog is one that:

(1) mauls or kills a person or otherwise has inflicted serious bodily injury upon a person or animal without provocation;

(2) has inflicted two or more bites upon one person or animal causing serious injury to the person or animal;

(3) has inflicted one or more bites upon two or more persons or animals causing serious injury to the persons or animals; or

(4) any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(i) EXEMPTIONS

A dangerous animal does not include any of the following:

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

(2) an animal that bites or attacks a person who provokes or torments the 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.

(4) dogs owned and controlled by local, state and federal law enforcement agencies which are used in law enforcement or related activities.

(5) dogs that are kept for breeding, sale, sporting, boarding or training purposes with the proper business license and in accordance with the requirements of this Ordinance and the Laws of the State of Michigan.

(Ord. 821; 1959 Code Sec. 4-410)

608.10 ANIMAL CONTROL SHELTER.

Any animal in which shall be impounded that may be found running at large, harbored or owned contrary to this chapter shall be turned over to the Michigan Humane Society or Animal Control Shelter.

(Ord. 821; Ord. 861; 1959 Code Sec. 4-411)

608.11 IMPOUNDING OF DOGS.

(a) A resident of the City of the age of eighteen years or older or the Animal Control Officer, a Police Officer or another person so appointed for that purpose may, promptly seize, take up and place or cause to be placed, in the Animal Control Shelter a dog that may be found running at large, harbored or owned in the City contrary to this chapter. The Chief of Police shall keep record of each dog so delivered to the Animal Control Shelter, describing the same and stating the hour and date of such delivery. Such person, upon presenting such receipt to the City Treasurer, shall be entitled to receive the sum of fifteen dollars (\$15.00).

(Ord. 821; Ord. 980; 1959 Code Sec. 4-412)

b) No person shall refuse to deliver up to a Police Officer, or other officer so designated to enforce this section, a dog kept or harbored in violation of this chapter.

(Ord. 821; 1959 Code Sec. 4-416)

608.12 RELEASE OF IMPOUNDED DOGS; UNCLAIMED DOGS; DISPOSITION.

(a) No licensed dog shall be released from the Animal Control Shelter except upon complying with demand the same pays to the City Treasurer a shelter fee of fifteen dollars (\$15.00), and no unlicensed dog shall be released from the shelter unless the owner or person entitled to demand the same first secures a license for such dog and pays to the City Treasurer a shelter fee of twenty dollars (\$20.00).

(b) The fee shall double for each subsequent time such dog is so impounded. a fee of one hundred twenty dollars (\$120.00) shall be paid before a dog shall be released from quarantine. A non-immunized dog shall not be released from the Animal Control Shelter unless the owner or person entitled to demand the same pays for immunization shots.

(c) However, if the owner or person entitled to claim a dog which has been impounded denies, under oath, that such dog was running at large in the City at the time the same was seized under Section 608.11(a), then such dog shall be released without the payment of the fee provided for in this section. In such case it shall thereupon be the duty of the officer having knowledge of the facts to forthwith immediately make complaint in a court of competent jurisdiction charging the person keeping or harboring such dog with the violation of this chapter for which such dog was impounded.

(d) The Chief of Police shall monthly file with the City Council a report showing the number of dogs impounded during the month, together with descriptions and dispositions of the same.

(e) A dog not claimed and released shall be destroyed, provided, however, that a dog shall not be destroyed within FIVE (5) days after its acquisition. If the dog has a collar, license or other evidence of ownership, the operator of the Animal Control Shelter shall notify the owner in writing, and disposition of the animal shall not be made within seven days from the date of mailing the notice. Each operator of the Animal Control Shelter shall maintain a record on each identifiable dog acquired, indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date of the notice sent to the owner of an animal and the subsequent disposition thereof.

(Ord. 821; Ord. 957; Ord. 980; 1959 Code Sec. 4-413)

This subsection does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal.

(Ord. 1020. Passed 7-15-74.)

(f) The City shall make provision for the sale, burying, carrying away or other disposal of the bodies of all dogs that have been destroyed.

(Ord. 821; 1959 Code Sec. 4-415)

608.13 EVIDENCE OF OWNERSHIP OF DOG.

In all prosecutions for a violation of any of the provisions of this chapter, the records in the City Clerk's office showing the name of the person to whom a dog license was issued, and the tag number shall be prima-facie evidence of the ownership of a dog wearing a tag with a similar number.

(1959 Code Sec. 4-417)

608.14 LIABILITY FOR DAMAGE BY DOG.

Every owner of a dog shall be liable for damages for any and all injuries to persons or property that may be caused by such dog on a public highway or public place, such damages to be determined and collected in appropriate legal proceedings therefor, in which proceedings a failure or refusal by such owner to comply with this chapter shall constitute prima-facie evidence of negligence.

(Ord. 821; 1959 Code Sec. 4-418)

608.15 CATS.

(a) Definitions. As used in this section, unless the context otherwise indicates:

(1) "Cat" means a carnivorous quadruped belonging to the feline family held as a domesticated cat. "Abandoned cat" means a cat found running at large, wearing no collar, tag or other evidence of ownership, the ownership of which the Police Department is unable to ascertain after diligent inquiry about the immediate neighborhood in which the cat is found.

(2) "Humane Officer" means the official in charge of the Animal Shelter and includes an authorized agent or employee of such facility.

(3) "Police Department" means the Police Department of the City, including the Animal Control Officer, the Impound Officer and their legally authorized assistants and employees.

(Ord. 805; 1959 Code Sec. 4-420)

(b) Number Limited; Exceptions. No person shall own, possess, shelter, keep or harbor more than three cats over six months of age at any one time in a residential building, in a garage, in a residential building and garage, in a business building or any other building or on a residential, business or other lot in the City. This subsection does not apply to cats that are being kept by a veterinarian, in a veterinary hospital, by an established commercial pet shop or by any other institution in the City that might be carrying on experiments with cats in the interest of public health or for any other proper use to which live cats might be put for experimental purposes.

(Ord. 805; 1959 Code Sec. 4-421)

(c) Inspections. No person shall refuse to show or exhibit, at any reasonable time, a cat which he or she is harboring, sheltering or keeping in his or her possession or custody to any duly authorized member of the Police Department or the Michigan Humane Society.

(Ord. 805; 1959 Code Sec. 4-422)

(d) Nuisance Prohibited; Impoundment; Destruction. No person shall own, possess, shelter, keep, harbor or maintain a cat under such conditions or in such a manner as to create a nuisance by way of noise, odor, menace to health or otherwise. The Police Department shall impound, or, if unable to apprehend the same, may destroy, a sick, diseased or abandoned cat which is running at large and creating a nuisance by way of noise, odor, menace to health or otherwise.

(Ord. 805; 1959 Code Sec. 4-423)

608.16 AUTHORITY OF ANIMAL CONTROL OFFICERS

(a), Animal Control Officers are authorized to enforce the provisions of this chapter concerning all animals within the city, including the care, control, regulation, disposition of such animals and work with the Michigan Humane Society or Animal Control Facility.

(b) The City shall designate Animal Control Officers to enforce the provisions of this chapter, or any rule or regulation promulgated thereto, including issuing and serving appearance tickets, citations, complaints, or other written notices to persons for violations of any of the provisions of this chapter.

(c) Animal Control Officers who are designated to enforce the provisions of this chapter shall have the right of entry, upon probable cause of a violation of this chapter, onto any premises, residence, or real property within the city for the purpose of capturing, collecting, or restraining any animal. Further, such officers shall have the right of entry, upon probable cause, to any premises, residence, or real property for the purpose of examining any animal suspected of having rabies, having been exposed to rabies, or having attacked or bitten a person or any animal.

(d) It shall be unlawful for any person to knowingly and willfully interfere with, hinder, resist, or obstruct an Animal Control Officer, Police Officer or any authorized agent or city employee, in the lawful performance of their duties as delineated in this chapter.

(e) It shall be unlawful for any unauthorized person to knowingly and willfully release, remove, or attempt to release or remove, any animal in the care or custody of an Animal Control Officer, including any animal located within the pound, or any vehicle or device used by Animal Control Officers to transport or restrain any animal.

(f) It shall be unlawful for any person to knowingly and willfully make a false statement, or to fail to reveal any fact, concerning any information required to be disclosed or otherwise provided to the City under any provision of this chapter.

(g) It shall be unlawful for any person to knowingly and willfully burn, deface, destroy, tear down, or otherwise damage, or attempt to burn, deface, destroy, tear down, or otherwise damage, any equipment, enclosure, or impoundment facility of animal control officers.

608.17 ANIMALS DECLARED PUBLIC NUISANCE; ABATEMENT; ANIMAL WASTE; RESPONSIBILITY FOR REMOVAL OF WASTE.

(A) Any animal which:

- (1) Is unclaimed by its owner after being picked up by, or delivered to the care and control of, the Animal Control Officer, or a stray animal; or
- (2) Bites a person; or
- (3) Unreasonably disturbs or annoys the quiet, comfort, and repose of persons in the vicinity by loud, frequent, habitual, or repeated barking, howling or yelping; or
- (4) Defecates, digs, or urinates upon any building, lawn, plant, shrub, tree, or any other public or private property, other than the property of the owner, may be declared to be a public nuisance, and subject to capture and abatement by the Animal Control Officer or by the Police Department, or by any other authorized governmental agency, in accordance with the provisions of the Michigan dog law of 1919, being mcl 287.261 et seq, or this chapter and the rules and regulations of the Police Department.

(B) It shall be unlawful for any owner of any animal declared to be a public nuisance to fail to

immediately take any available and reasonable measures to abate such a public nuisance upon the oral or written notification of the owner of the animal by any person authorized to enforce the provisions of this chapter.

(C) Where any animal has defecated upon any building, lawn, plant, shrub, tree, or any other public or private property, other than the property of the owner, and the owner of the animal upon notice immediately and properly removes all feces deposited by such animal and disposes of same in a sanitary manner, the public nuisance condition shall be considered abated and not a violation of this section; provided, that it shall be lawful for a blind or disabled person with a guide or paws dog to fail to promptly and properly collect and dispose of any animal waste or excrement on any public or private property.

608.18 DESTRUCTION AND REMOVAL.

(1) Upon a sworn complaint that a dangerous animal is currently being illegally possessed or maintained in the City, the District Court or District Court Magistrate, shall issue a summons to the owner ordering the owner to appear to show cause why the animal should not be destroyed or removed from the City.

(2) Upon the filing of a sworn complaint as provided herein, the Court or Magistrate may order the owner or possessor to immediately turn the animal over to the Animal Control Officer or;

(3) An incorporated humane society to be retained by them, at the owner's expense, until a hearing is held and a decision is made for the disposition of the animal.

(4) After a hearing, the Court or Magistrate shall issue its findings and opinion as to whether the animal is subject to destruction or removal under this section. If so, the Court shall order the destruction of the animal at the expense of the owner or, in the alternative, at the court's discretion, order the animal removed from the City under terms and conditions which ensure such removal.

(5) Dangerous animals are subject to immediate seizure or pickup under this section and shall be subjected to destruction at the owner's expense or, in the alternative, removed from the City under terms and conditions which ensure such removal.

608.19 SEVERABILITY.

Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance, or any part thereof other than the part so declared to be invalid.

608.20 APPLICABILITY.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

608.21 EFFECTIVE DATE.

This ordinance shall take effect fifteen (15) days after the date of enactment, in accordance with the provisions of Section 6-2(b) of the City Charter.

608.99 PENALTIES AND SANCTIONS

A person who violates any section of this Ordinance shall be guilty of a misdemeanor punishable by up to a \$500 fine or 90 days jail, or both. However, violations of Section 608.04 Adequate Care and Section 608.05 Cruelty to Animals, shall be guilty of a misdemeanor punishable by up to a \$500 fine or 93 days jail, or both.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2022.

ATTEST:

_____, CITY CLERK.

Approved as to form and legality for the use and reliance by the City of Highland Park, Michigan