

CHAPTER 90: ANIMALS

Section
Dogs

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90.01 OWNING AND KEEPING OF DOGS; LICENSING REQUIREMENTS

It shall be unlawful for any person, firm or corporation to own, keep, possess, harbor or have the care or charge of any dog, male or female, of the age of three months or over, within the City unless such dog shall wear a collar or harness to which is attached a current year license tag issued pursuant to Act 339, of the Public Acts of Michigan for 1919, as amended; provided, that this subchapter, in so far as it relates to license requirements, shall not apply to any person firm or corporation transporting a dog through the City if such dog shall be licensed under a then valid license issued at the place of residence of the owner or keeper of such dog. Any person, firm or corporation in possession of any dog, or who shall permit any dog to remain about his premises or to be fed within his or her house, store, building, enclosure or premises, during a period of five consecutive days, shall be deemed to be harboring such dog, and for the purposes of this subchapter shall be deemed to be the owner or keeper of such dog. (Ord. 73, passed 7-9-53) Penalty, see 10.99

90.02 DOGS RUNNING AT LARGE; RESTRAINT

It shall be unlawful for any person, firm or corporation owning, possessing or having charge of any dog, to allow such dog to be at large at any time in the City or stray beyond the premises of such owner or keeper unless under the reasonable control of the owner, keeper or some person thereunto duly authorized, or while engaged in lawful hunting

accompanied by its owner, keeper or some person thereunto duly authorized. Dogs on leash or accompanied by their owners or custodians having reasonable control thereof shall not be deemed to be running at large. (Ord. 73, passed 7-9-53) Penalty, see 10.99

90.03 DOGS IN HEAT

It shall be unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner or keeper when she is in heat, unless properly restricted in leash and under the reasonable control of the owner or keeper or some other person duly thereunto authorized. (Ord, 73, passed 7-9-53) Penalty, see 10.99

90.04 LOUD OR BARKING DOGS.

It shall be unlawful for any person, firm or corporation to keep or harbor a dog which by reason of frequent or habitual loud barking, yelping or howling shall cause serious annoyance amounting to nuisance to the people of the neighborhood where such dog is kept, or to people using the public streets in such neighborhood. (Ord. 73, passed 7-9-53) Penalty, see 10.99

90.06 DOG BITES; RABIES; PROCEDURE.

(A) It shall be unlawful for any person, firm or corporation to harbor a fierce or vicious dog, or a dog that has been bitten by an animal known to have been afflicted with rabies.

(B) Any person who shall have in his or her possession a dog which has contracted or is suspected of having contracted rabies, or which has been bitten by an animal known to have been afflicted with rabies, shall, upon demand of a police officer of the City or the City Health Officer or Dog Warden, produce and surrender up the dog to the Police Department or Dog Warden, to be held for observation and treatment; provided, that with the approval of the Health Officer, any such dog may be surrendered to a registered veterinary.

© It shall be the duty of any person owning or harboring a dog which has been attacked by or bitten by any other dog or animal showing symptoms of rabies to give immediate notice to the Police Department or the Health Officer that such person has such a dog in his possession.

(D) Whenever a dog is brought to the pound for having bitten a person, the Dog Warden or other duly authorized officer may, if deemed necessary and advisable and after holding the dog a sufficient length of time to meet the requirements of the Health Officer for investigation, cause such dog to be destroyed as a vicious dog. (Ord. 73, passed 7-9-53) Penalty, see 10.99

90.06 CITY POUND; IMPOUNDMENT.

(A) The City shall provide an adequate pound to be maintained under the supervision and direction of a Dog Warden, to be appointed in the manner provided in 90.07, and such pound shall be maintained in accordance with the provisions of this subchapter and such rules and regulations as shall be passed by the City Council from time to time. It shall be the duty of the Dog Warden, the police officers of the City, the constables of the several wards of the City, and other designated employees of the City to seize promptly and place in the pound all dogs that may

- be found running at large, and other dogs which are found to be kept or harbored at any place within the City contrary to the provisions of this subchapter.
- (B) Any person, acting in the interest of public safety, may, at his own risk, place under reasonable restraint any dog running at large which shall attack, bite or cause injury to any person in his presence; provided that any person exercising the authority hereby conferred, shall forthwith notify a member of the Police Department, the Dog Warden or other authorized City employees that he has so placed a dog under restraint, to the end that dog may be promptly picked up and impounded in accordance with the provisions of this subchapter.
- (C) Whenever any dog running at large shall be found upon the premises of any owner or occupant of residential or business property within the City, destroying property or committing a nuisance upon such premises such owner or occupant, or a member of his family, or any duly authorized employee, may at his own risk, while such dog remains on the premises of such owner or occupant, place it under reasonable restraint for the purpose of having it impounded; provided, that in any such case the person so placing any dog under restraint shall forthwith notify a member of the Police Department, the Dog Warden or other authorized City official that he has so placed a dog under restraint, to the end that said dog may be picked up and impounded in accordance with the provisions of this subchapter.
- (D) It shall be the duty of the Dog Warden, whenever any dog shall have been taken up and received by him for impounding, to make, forthwith upon such impounding, a record of such impounding, which shall show the breed or type of dog so impounded, its sex, apparent or approximate age, color and markings and any other identification, including license tag number and the date and hour when the dog was taken up or received by him, and the place where the dog was picked up. All dogs so impounded shall be kept and fed, unless reclaimed or redeemed in the manner hereinafter provided, for a period of not less than five days from the hour of impounding, or for such greater period of time as may be provided by the rules and regulations of the City Council governing the operation of the pound. Upon receiving any impounded dog, the Dog Warden shall forthwith give notice to the owner or keeper of such dog, by telephone if possible, by notice to be delivered through the Police Department, or by mail if the other forms of notice herein provided can not be given under the circumstances, that the dog of the owner or keeper has been impounded; provided, that if the impounded dog, shall not bear a then current license tag by which he can be identified, and if the identity of the owner or keeper of the dog is not known to the Warden, he shall be under no obligation to identify the dog or ascertain the identity of the owner or keeper thereof.
- (E) Owners of dogs impounded under the provisions of this subchapter may claim such dogs by properly identifying themselves as the owners of such animals, and when so required by exhibiting the license of that dog or receipt for payment of license fee therefor, and by paying to the City Clerk a \$3 impounding fee, plus a boarding fee in the amount of \$1.50 per day; provided, that in any event the minimum boarding fee shall be \$1.50, irrespective of the length of time during which such dogs shall have been impounded. It shall be unlawful for any person

to claim or attempt to claim, or offer to redeem or reclaim, any impounded dog when such person is not the legal owner or authorized keeper thereof.

- (F) Dogs not reclaimed or redeemed by owners or keepers before the expiration of five days from the hour of impounding shall be killed by the Warden, by means of appropriate hypodermic inoculation and their carcasses shall be disposed of by City employees in such manner as shall be directed by motion or resolution of the City Council; provided, that the Dog Warden may, at his election, retain or sell any dog, and the Warden shall be entitled to any amounts realized from the sale of dogs as herein authorized. For each dog impounded not redeemed or reclaimed and subsequently disposed of by the Dog Warden through inoculation, the City shall pay to the Dog Warden boarding fees of \$1 per day for a period of not to exceed five days, and a \$2 inoculation fee, but no boarding fees shall be paid for any dogs not disposed of by inoculation immediately upon the expiration of the five-day period (or such longer period as may be prescribed by Council resolution) during which dogs are required to be kept (Ord. 73, passed 7-9-53) Penalty, see 10.99

90.07 DOG WARDEN

The Mayor, by and with the consent of the City Council, shall forthwith appoint a competent person to serve as a Dog Warden, and such appointee shall hold office until the first Monday in May. The Mayor, by and with the consent of the City Council, shall appoint a competent person as Dog Warden, to hold office for the period of one year, or until his successor shall have been appointed and shall have qualified. In the event of a vacancy in the office of Dog Warden, the Mayor shall appoint a successor by and with the consent of the Council within 20 days after a vacancy shall occur. (Ord. 73, passed 7-9-53)

90.08 LIST OF LICENSED DOGS TO BE KEPT.

The City Clerk shall cause to be compiled forthwith a complete list of dogs licensed within the City, and shall at all times keep such list current and shall at all times have a copy available for inspection in his office; and copies of those lists as from time to time revised shall be furnished to the Chief of Police and to the Dog Warden. (Ord. 73, passed 7-9-53)

90.09 FEES.

The City Council shall appropriate such moneys as shall be necessary to erect and maintain the dog pound provided for in 90.06(A), and to carry on the operation thereof. All impounding fees collected from the redemption or reclamation of impounded dogs shall be deposited with the City Treasurer, and a separate account shall be kept showing the cost of erection maintenance and operation of the pound, and of the revenues received from impounding fees. All boarding fees collected by the City Clerk or City Treasurer shall be paid to the Dog Warden; and the Dog Warden shall be paid such other compensation as shall from time to time be provided for by resolution of the City Council. It shall be the duty of the City Clerk to keep records of the cost of erecting, maintaining and operating the pound, and of the excess of such costs over the revenues realized from impounding fees, and to annually collect from the county any deficit which shall accrue, immediately following the close of each fiscal year, in accordance with the

provisions of Section 25 of Act 339 of the Public Acts of Michigan for 1919, as amended. (Ord. 73, passed 7-9-53)

90.10 DISPOSAL OF DEAD DOGS.

Police officers, the constables of the several wards of the City and other authorized City employees may at any time take up and cause to be buried or otherwise suitably disposed of, the bodies of any dogs found dead upon any street or alley or in any other public place in the City. (Ord. 73, passed 7-9-53)

90.11 OPERATION OF DOG KENNEL; PERMIT

Any person, persons, firm or corporation desiring to operate within the limits of the City a dog kennel as defined by Act 339 of the Public Acts of Michigan for 1919, as amended, shall make application to the City Council for a permit therefor; and full discretion to grant or deny the City application for permit shall lie with the City Council. Any permits granted under this provision of this section shall be good until July 1 following the time of granting thereof. (Ord. 73, passed 7-9-53) Penalty, see 10.99