

Animal Control Ordinance
Sterling Heights

Chapter 8

ANIMALS AND FOWL*

*Editor's note-Ordinance No. 215-A, adopted Dec. 19, 1989, mended Ch. 6 (recodified in the 1992 Code as Chapter 8) to read as herein set out. Chapter 6 formerly contained similar provisions and was derived from Ord. No. 215, 1, adopted Feb. 25, 1980.

ARTICLE I. IN GENERAL

8-1. Title.**

**Cross references- Restrictions on domestic animals in parks, 38-21; hitching animals to trees in public ways, 51--11.

This ordinance shall be known and referred to as the "Animal Regulatory Ordinance."
(1978 Code 6-1; Ord. No. 215- A, 1,12-19-89)

8-2. Definitions.

For purposes of this chapter, certain words used herein are defined as follows:

Animal shall mean any live creature excepting human beings and fish, turtles and birds.

Animal control officer shall mean any person designated by the State of Michigan or other unit of government as a law enforcement officer who is qualified to perform such duties under the laws of this state.

Animal shelter shall mean any facility operated by a humane society, governmental agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Circus shall mean a commercial variety show featuring animal acts for public entertainment.

Domestic animal shall mean an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets, no longer possessing a disposition or inclination to escape, raised as livestock, or used for commercial breeding purposes.

Exotic or wild animal shall mean an animal not occurring naturally in the city, either presently or historically, which animals are normally found in the wild.

Nature preserve shall mean an area where exotic or wild animals are kept in a natural setting where the animals are not hunted or trapped.

Nuisance per se shall mean any animal which:

- (1) Molests passersby or passing vehicles.
- (2) Attacks other animals.
- (3) Trespasses on school grounds.
- (4) Is found at large.
- (5) Damages private or public property.
- (6) Barks, whines, howls or makes any noise in excess after 11:00 p.m.
- (7) Defecates repeatedly at the same general location.

Owner shall mean any person, partnership, corporation or association owning, keeping or harboring one or more animals

Pet shall mean an animal kept for pleasure rather than utility.

Restraint shall mean any animal secured by a leash or lead or under the control of a responsible person and obedient to that person's commands or within the real property limits of its owner.

Vicious animal shall mean any animal or animals that constitute a physical threat to human beings or other animals.

Wild life sanctuary shall mean an area where exotic or wild animals are protected and where the animals are not hunted or trapped. (1978 Code 6-2; Ord No. 215-A, 1,12-19-89)

8-3. Number of animals to be kept as pets.

It shall be unlawful for any person in the city to possess, harbor, shelter or keep more than four (4) adult animals, except kennels, veterinary hospitals, clinics, pet shops or nature preserves in properly zoned districts. An unlimited number of fish can be kept in an aquarium not to exceed a seventy-gallon capacity. (1978 Code 6-3; Ord. No. 215-A, 1, 12-19-89)

8-4. Running at large.

It shall be unlawful for any person to permit any animal owned by him or in his possession or control to run at large upon the public streets, walks, alleys, parks, public places within the city, or upon the premises of another, without express permission of the owner or occupant of the private premises. (1978 Code 6-4; Ord No. 215-A, 1, 12-19-89)

8-5. Sale of young rabbits, baby chicks or ducklings as pets or novelties.

It shall be unlawful for any person to sell, or offer for sale, barter or give away rabbits two (2) months old or younger, baby chicks and ducklings 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 the same to be raised for commercial purposes. (1978 Code 6-5; Ord. No. 215-A, 1, 12-19-89)

8-6. Exposure of poison prohibited generally.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same is liable to be eaten by any animal; provided, that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances. (1978 Code 6-6; Ord. No. 215-A, 1, 12-19.89)

8-7. Humane treatment, etc., required.

No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. (1978 Code 6-7; Ord. No. 215-A, 1, 12-19-89)

8-8. Abuse prohibited.

No person shall beat, ill-treat, torment, overwork or otherwise abuse an animal or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans. (1978 Code 6-8; Ord. No. 215-A, 1,12-19-89)

8-9. Abandonment prohibited.

No owner of an animal shall abandon such animal. (1978 Code 6-9; Ord. No. 215- A, 1,12-19-89)

8-10. Control of manure and offal.

Every person lawfully keeping or harboring any animal shall keep or cause to be kept all manure or offal therefrom, which shall be deposited by or which accumulated from such animal, securely and closely confined to or buried upon his premises and in such manner as will prevent it from being scattered from such place of deposit into or upon any street, sidewalk, alley or gutter of the city, and shall so cover and care for it as to prevent any malodorous or offensive condition to exist and to prevent any nuisance to arise therefrom. (1978 Code 6-10; Ord. No. 215-A, 1, 12-19-89)

8-11. Reporting of animals hit by motor vehicles.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the police department. (1978 Code 6-11; Ord. No. 215-A, 1, 12-19-89)

8-12. Impoundment of animals when article violated.

In the case of any violation of this chapter, it shall be the option of any duly appointed enforcement officer to seize such animal and provide the necessary care and attention and such animal shall not be returned until all expenses for such care and attention shall have been paid. (1978 Code 6-12; Ord. No. 215-A, 1,12-19-89)

8-13. Animals excluded; removal; application.

- (a) Except as otherwise provided in this section, it shall be unlawful for a person to possess, breed, exchange, buy or sell, or attempt or harbor the following exotic or wild animals:
- (1) Apes, monkeys and related forms, excepting monkeys used to assist disabled persons;
 - (2) Poisonous reptiles and other animals, spiders and insects;
 - (3) Constrictor snakes four (4) feet or more in length; snakes kept under four (4) feet must be kept in cages and not permitted to roam freely;
 - (4) Cats from the wild family, including, but not limited to, bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas, tigers;
 - (5) Nondomesticated carnivorous animals including hybrid crosses of nondomesticated carnivorous animals, including, but not limited to, raccoons, skunks, foxes, etc.;
 - (6) Crocodylia, including, but not limited to, crocodiles and alligators;
 - (7) Piranha fish;
 - (8) Chondrichthyes, including, but not limited to, sharks;
 - (9) Struthio, including, but not limited to, ostriches;

- (10) Proboscidea, including, but not limited to, elephants;
 - (11) Perissodactyla, including, but not limited to, rhinoceros and other animals with an odd number of toes;
 - (12) Artiodactyla, including, but not limited to, camels and other hoofed mammals with an even number of toes;
- (b) A person who owns or keeps an exotic or wild animal listed in this section on the effective date of this chapter shall, within thirty (30) days of the effective date of this chapter, remove the animal from the city.
- (c) Section 8-13 shall not apply to the following:
- (1) Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums;
 - (2) Wildlife sanctuaries and nature preserves;
 - (3) Circuses;
 - (4) Bona fide scientific, medical or educational research facilities. (1978 Code 6-13; Ord. No. 215-A, 1, 12-19-89)
- 8-14-8-22. Reserved.

ARTICLE H. DOGS*

- State law reference-Dog law, MSA 12.511 et seq.; MCL 287-261 et seq. 8-23. Licensing.
- (a) Any person owning, keeping, possessing, harboring or having custody of any dog within the city must obtain a license.
 - (b) Written application for licenses shall be made to the city clerk, which shall include name and address of applicant, breed, sex, age, color and markings of the dog, the appropriate fee and a currently valid rabies certificate issued by a licensed veterinarian and given under his/her direct supervision.
 - (c) Application for a license must be made within thirty (30) days after obtaining a dog over six (6) months of age, except that this requirement will not apply to a nonresident keeping a dog within the city for no longer than sixty (60) days.
 - (d) License fees shall not be required for guide dogs, hearing aid dogs, governmental police dogs or dogs owned by seniors over the age of sixty (60).
 - (e) Upon acceptance of the license application and fee, the city clerk shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the dog's collar or harness.
 - (f) Dogs must wear identification tags or collars at all times when off the premises of the owners.
 - (g) The city clerk shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public during business hours. These will be kept three (3) years.
 - (h) The licensing period shall begin April first and license shall be valid until April first of the following year. Application for license may be made beginning March twentieth.
 - (I) A license shall be issued after payment of the applicable fee, as established by resolution of the city council.

(j) No dog owner shall be required to have a license for its dog until it shall have attained the age of six (6) months.

(k) No person may use any license for any animal other than the animal for which it is issued. (1978 Code 6-23; Ord. No. 215-A, 2, 12-19- 89)

8-24. Restraint.

(a) All dogs shall be kept under restraint.

(b) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(c) Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

(d) Every vicious animal shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner and shall not be allowed to go unconfined and unrestrained on such person's premises or to run at large. (1978 Code 6-24; Ord No 215-A, 2,12

8-25. Noisy dogs.

It shall be unlawful for any person to own, harbor or keep any dog which shall cause annoyance or disturbance to persons by frequent barking, howling or helping. (1978 Code 6-25; Ord No. 215-A, 2, 12-19-89)

8-26--8-36. Reserved.

ARTICLE III. CATS

8-37. Control; display to authority.

(a) It shall be unlawful for any person in the city to have possession or custody of any cat without having it under control or confined to his premises at all times; provided, that the provisions of this article shall not apply to possession or custody of any cats less than four (4) months of age, when proof of age can be and, on request, is submitted to any enforcing agent of the city.

(b) It shall be unlawful for any person to refuse to show or exhibit, at any reasonable time, any cat in his possession or custody to any licensed inspector, police officer or health official of the city. (1978 Code 6-37; Ord. No. 215-A, 3, 12-19- 89)

8-38--8-47. Reserved.

ARTICLE IV. IMPOUNDMENT AND DESTRUCTION

8-48. Reporting of animal bites.

(a) If any person is bitten by any animal, it shall be the duty of that person and the owner or custodian of the animal having knowledge of the same to report same to the police department within twelve (12) hours thereafter. The police department shall, if necessary and advisable, hold such animal a sufficient length of time to meet the requirements of the health department for investigation. If space is not available, the animal shall be placed in a reliable facility and the owner of such animal shall be liable for the cost of same.

(b) If the owner or custodian of any animal has reason to believe that such animal has become infected with rabies, it shall be the duty of that person to report same to the police department immediately. (1978 Code 6-48; Ord. No. 215-A, 4, 12-19- 89)

8-49. Impoundment.

(a) Any animal found running at large or causing a nuisance shall be impounded by the city and confined in a humane manner.

(b) Impounded animals shall be kept for not less than five (5) working days. Any animal not reclaimed by its owner within five (5) working days shall be destroyed or sold to the public after notification to owner.

(c) An owner reclaiming an im- pounded animal shall pay all costs of impoundment plus two dollars (\$2.00) per day. (1978 Code 6-49; Ord. No. 215-A, 4, 12-19- 89)

8-50. Destruction of Animals.

(a) Whenever an animal is impounded for having bitten a person or being vicious, the police department may, if deemed necessary and advisable, and after holding such animal a sufficient length of time to meet the requirements of the health department for investigation, cause such animal to be destroyed as a vicious animal. Unless waived in writing, notice of intent to destroy any animal shall be given to the owner, if known, and the owner shall have forty-eight (48) hours in which to seek a renew, by the district court of the state serving the city, of the order of the police department for the destruction of such animal.

(b) The police department shall maintain a complete record of all animals impounded under the provision of this article and the disposition of same and shall monthly provide the city clerk with a copy of such record. (1978 Code 6-50; Ord. No. 215-A, 4, 12-19- 89)

8-51. Citation of owner in lieu of impoundment of animal.

All members of the police department of the city and any person employed as an enforcing agent for the enforcement of this chapter are hereby empowered and authorized, upon witnessing violations, where it is impractical or impossible to impound the animal, to issue to the owner of the animal or head of household a written notice of such violation. The owner or head of the household of such animal may, within seventy-two (72) hours, present such notice to the ordinance violations bureau of the district court of the state serving the city, and there pay the penalties which would have been imposed had such animal been impounded, with the exception that only the minimum charge for board of such animal shall be made. If the owner of such animal fails to appear within said seventy-two-hour period, the person issuing such notice shall forthwith file a complaint in the district court of the state serving the city, and secure a warrant for the arrest of such owner and all further rules proceedings shall be had in accordance with the rules and practices of the court. A copy of the violation notice shall be furnished to the city clerk. (1978 Code 6-51; Ord..No. 215-A, 4, 12-19-89)

8-52. Prosecution of owner.

The owner, as defined herein, of an impounded animal may also be proceeded against for violation of this chapter. (1978 Code 6-52; Ord. No. 215-A, 4, 12-19-89)

8-53. Review of license of repeated offenders.

The city clerk shall review automatically all licenses issued to animal owners against whom three (3) or more ordinance violations have been assessed in a twelve-month period. (1978 Code 6-53; Ord. No. 215-A, 4, 12-19- 89)

8-54--8-63. Reserved.

ARTICLE V. HUNTING AND TRAPPING

8-64. Prohibitions-Generally.

In the interest of public health and safety and the general welfare of the citizens of the city, it shall be unlawful for any person, except specified in section 8-65:

- (1) To hunt or pursue any animal or wildlife at any time within the limits of the city by means of a firearm, either handgun or rifle, or by any weapon or explosive device, including air rifles, spring guns, bow and arrow, slingshot or by any other instrument potentially dangerous to human safety.
- (2) To trap or snare any animal or wildlife at any time within the limits of the city by means of a steel leg trap, wire snare, pit, net, baited hook, weighted log, wire cage or any other kind of trapping device.
- (3) To use poison or a chemical by itself or in bait or feed to attract and kill wildlife. (1978 Code 6-64; Ord. No. 215-A, 5, 12-19-89)

8-65. Same-Exceptions.

Any prohibition against hunting or trapping made under this article shall not apply to:

- (1) State or local law enforcement officers in the discharge of their official duties.
- (2) Any governmental official, when such hunting or trapping is necessary or incident to a scientific or biological survey or when related to any aspect of wildlife management and control.
- (3) Any property owner or his designated agent who hunts or traps on his own private property to destroy or control any rodent or any damaging wildlife for the protection of his property. (1978 Code 6-65)

8-66--8-75. Reserved.

ARTICLE VI. PENALTIES

8-76. Penalties.

Any person who violates this chapter is guilty of a misdemeanor, punishable by imprisonment in the county jail for a term not to exceed ninety (90) days or a fine not to exceed five hundred dollars (\$500.00) or both, in the discretion of the court. (1978 Code 6- 76; Ord. No. 215-A, 6, 12-19-89)

8-77. Nuisance per se.

Any continuing violation or a repeated violation of this chapter shall constitute a nuisance per se and may be abated by an action in circuit court separately or in addition to criminal proceedings. (1978 Code 6-77; Ord. No. 215-A, 6,12-19-89)

8-78--8-79. Reserved.

ARTICLE VII. ENFORCEMENT

8-80. Enforcement authorized; interference prohibited.

This chapter shall be enforced by those persons or agencies designated by the city. It shall be a violation of this chapter to interfere with an enforcement officer in the performance of his or her duties. (1978 Code 6- 80; Ord. No. 215-A, 7, 12-19-89)