

Chapter 4 ANIMALS*

***Cross references:** Environment, ch. 14.

Sec. 4-1. Cruelty to animals.

Sec. 4-2. Poisoning animals.

Sec. 4-3. Birds and birds' nests.

Sec. 4-4. Keeping domestic animals and fowl; feeding stray cats; leashes for dogs.

Sec. 4-5. Removal of dog droppings.

Sec. 4-6. Penalty; citations.

Sec. 4-1. Cruelty to animals.

No person shall cruelly treat or abuse any animal or bird.

(Code 1994, ch. 107, § 9.91)

Sec. 4-2. Poisoning animals.

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.

(Code 1994, ch. 107, § 9.92)

Sec. 4-3. Birds and birds' nests.

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

(Code 1994, ch. 107, § 9.93)

Sec. 4-4. Keeping domestic animals and fowl; feeding stray cats; leashes for dogs.

- (a) Except as provided in this section, no person shall keep or house any animal, bird, or reptile within the city except dogs, cats, canaries, or other animals which are commonly kept and housed inside dwellings as household pets, and in all cases with regard to dogs or cats no person or persons shall keep or house more than four dogs or four cats or a combination making a total of four of both within any dwelling within the city. No dog shall be kept, restrained, confined, or housed in the front yard unless attended by a person who is present in the front yard of any single-family or two-family residence. Horses may be kept for private use in those areas of the city zoned agricultural.

- (b) No person shall place outdoors, or in any other place readily accessible by stray cats, more than one-half pound per day of cat food or food intended for consumption by cats.
- (c) No person shall have at any time outdoors on their property or property leased by them, or in any other place readily accessible by stray cats, more than one-half pound of cat food or food intended for consumption by cats.
- (d) No person owning or in control of any dog shall allow the dog to enter upon any public sidewalk, street, or any other public property unless the dog is being held by a person with a leash or electric leash except as may be otherwise permitted by park rules.
- (e) Notwithstanding paragraph (a) of this section, persons may keep chickens if done so in conformity with all of the following:
 - (1) Any person who keeps chickens in the city shall obtain a permit from the city prior to acquiring the chickens. Application shall be made to the city clerk with a fee as determined by council resolution.
 - (2) Permits expire and become invalid five years after the date of issuance. A person who wishes to continue keeping chickens shall obtain a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.
 - (3) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
 - (4) A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:
 - a. Have been issued the permit required under subsection (1) of this section.
 - b. Keep no more than four chickens.
 - c. The principal use of the person's property is for a single-family dwelling.
 - d. No person shall keep any rooster.

- e. No person shall slaughter any chickens.
 - f. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times. Fenced and covered enclosures are subject to all provisions of chapter 50 (zoning).
 - g. A person shall not keep chickens in any location on the property other than in the backyard as defined by the zoning code.
 - h. No covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an adjacent property.
 - i. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 40 feet to any residential structure on an adjacent property.
 - j. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- (5) If the above requirements are not complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation. Each day a violation exists shall constitute a separate offense.
- (6) A person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer.
- (7) This section shall not regulate the keeping of chickens in those areas zoned residential agricultural district, RA, or agricultural-A, where the raising of poultry is a permitted principal use when conducted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices promulgated thereunder.

(Code 1994, ch. 107, § 9.95; Ord. No. 1141, 12-5-2006; Ord. No. 1169, 2-20-2007; Ord. No. 1217, 3-3-2009)

Sec. 4-5. Removal of dog droppings.

No person owning, harboring, keeping, or in charge of any dog shall cause, suffer, or allow such dog to soil, defile, defecate, or to commit any nuisance on any public thoroughfare, sidewalk, passageway, bypass, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without permission of the owner of said property unless:

- (1) The person who so owns, harbors, keeps, or is in charge of such dog shall immediately remove all droppings deposited by such dog by a sanitary method. The person shall possess a container of sufficient size to collect and remove above-mentioned dog droppings and exhibit the container, if requested by any official empowered to enforce this section.
- (2) The droppings removed from the afore-mentioned areas shall be disposed of by the person owning, harboring, keeping, or in charge of such dog in a sanitary method on the property of the person owning, harboring or in charge of said dog or in an appropriate container provided and maintained in a city park designated for such purpose.

(Code 1994, ch. 107, § 9.95; Ord. No. 1141, 12-5-2006)

Sec. 4-6. Penalty; citations.

- (a) Any person found responsible for a violation of this chapter shall be responsible for a municipal civil infraction as defined by MCL 600.113, punishable by a civil fine of not less than \$25.00 for the first offense, \$50.00 for the second offense or \$250.00 for a third or subsequent offense, plus costs, damages, expenses, and further orders as provided by section 1-13 of this Code.
- (b) Cases commenced under this chapter shall, to the extent applicable be commenced by the issuance of a citation to the alleged violator as in the manner provided by MCL 600.8707 and shall contain the information required and be processed under the provisions of MCL 600.8709 and MCL 600.8711. Limited duty parking and property maintenance officers appointed by the city manager and assigned to enforcement of the provisions of this chapter under the supervision of the chief of police shall be authorized to issue and serve appearance tickets with respect to any violation of this chapter.

(Code 1994, ch. 107, § 9.96)