

ARTICLE I. DOGS, CATS AND WILD ANIMALS

DIVISION 1. GENERALLY

Sec. 5-1. Scope of article.

For the purpose of this article, any person who shall allow a dog, cat or wild animal to habitually remain or to be lodged within the store, building, enclosure or premises of such person shall be considered as possessing or harboring a dog, cat or wild animal within the meaning of this article. The term "wild animal," as used in this article, shall not include animals kept in cages and housed within a building, such as hamsters, rabbits, white mice and other similar pets.

(Ord. of 8-31-04)

Sec. 5-2. Compliance with article.

It shall be unlawful for any person to own, possess or harbor a dog, cat or wild animal within the corporate limits of the city contrary to the provisions of this article.

(Ord. of 8-31-04)

Sec. 5-3. Barking or howling dogs.

No person shall own, harbor or keep any dog which, by loud or frequent or habitual barking, yelping or howling, shall cause serious annoyance to the neighborhood or to pedestrians upon the public highway.

(Ord. of 8-31-04)

Sec. 5-4. Animals exposed to rabies.

Any person owning, possessing or harboring any animal which has been afflicted with rabies, or has bitten or attacked or been bitten or attacked by any animal known to have been afflicted with rabies or that has the symptoms of rabies, shall immediately notify the public safety department that they have such an animal and shall deliver up to the public safety department such animal for impounding and observation.

(Ord. of 8-31-04)

Sec. 5-5. Owner to pay costs of impoundment, boarding or destruction.

All costs of impounding, boarding or destruction of any animal shall be borne by the owner of such animal. Any person found guilty of violating section 5-4 shall pay all expenses, including shelter, food, veterinary or other expenses, for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog. Payment of charges shall be made within ten (10) days after written notice of such charges, and failure to make such payment shall be a violation of this article and shall be so punishable.

(Ord. of 8-31-04)

Sec. 5-6. Destruction or sale of impounded animals.

- (a) If any animal is impounded for observation and it shall develop that such animal is afflicted with rabies or the animal is not picked up by its rightful owner within three (3) days after the expiration of the observation period, it shall be destroyed.
- (b) Any animal impounded, the owner of which can be ascertained, shall be destroyed if the owner fails to pick up such animal within three (3) days after written notice instructing the owner to do so has been given.
- (c) Any animal impounded, the owner of which cannot be ascertained, shall be destroyed if not claimed or picked up within five (5) days after impounding.
- (d) All animals impounded, if not picked up within the time limits stated in this section and not afflicted with rabies, shall be destroyed unless such animal is worthy and valuable, in which event such animal shall be sold at the pound by public auction to the highest bidder at the hour of 12:00 noon next succeeding the period of retention specified in this section.

(Ord. of 8-31-04)

Sec. 5-7. Fine and boarding charge for impounded animals.

Under the provisions of this article, the fine to be charged prior to the release of any impounded animal is to be twenty-five dollars (\$25.00), plus the boarding charges by the impoundment facility. The fine may be modified by a resolution of the city council as adopted from time to time.

(Ord. of 8-31-04)

Sec. 5-8. Control of female dogs in heat.

It shall be unlawful for any owner of a female dog in heat to permit the dog to be upon the streets or highways and in other public places unless the female dog is properly restrained as set forth in section 5-10.

(Ord. of 8-31-04)

Sec. 5-9. Animals subject to impoundment.

Any person who shall have in their possession any animal as set forth in section 5-4 or any animal which has attacked or bitten any person or other animal shall notify the public safety department of such fact, and produce and surrender such animal to the public safety department for impounding and observation. Any animal found running at large contrary to the provisions of this article shall be subject to impounding.

(Ord. of 8-31-04)

Sec. 5-10. Dog leash required.

No person owning, possessing or harboring any dog shall permit such dog to be upon the streets, highways and other public places unless such dog shall be attached to a substantial leash, which leash shall be under the control of a person capable of restraining the actions of such dog.

(Ord. of 8-31-04)

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Sec. 5-11. Owner responsible for animal.

Any person owning, possessing or harboring any dog or being with a dog or other animal shall be responsible for and shall be held accountable for any and all acts or actions of such dog or other animal and shall not allow or permit such dog to enter upon, be upon or trespass upon the property of any other person without such person's express consent, nor shall any such person permit or allow any such dog to enter upon or be upon any public parks, playgrounds or recreational facilities, or any of the school grounds, where one or more signs, warning that no animals are allowed upon such premises, have been posted or placed in a conspicuous place thereon.

(Ord. of 8-31-04)

Sec. 5-12. Maximum number of animals.

- (a) It shall be unlawful for any person to keep or harbor upon the resident premises of such person more than two (2) animals at any one time, provided the provisions of this subsection shall not be deemed to apply to puppies or kittens not exceeding twelve (12) weeks of age.
- (b) Cats owned or housed on the effective date of the ordinance from which this article is derived shall be exempt from the provisions of this section, provided such cat is licensed in accordance with this article within sixty (60) days of the effective date of the ordinance from which this article is derived.

(Ord. of 8-31-04)

Sec. 5-13. Abandoning animals.

It shall be unlawful for any person to deposit or release any animal for the purpose of abandoning the animal.

(Ord. of 8-31-04)

Sec. 5-14. Animals running at large.

Any animal found at large contrary to the provisions of this article shall be seized and impounded and disposed of as provided in this article; provided, however, that if such animal shall be elusive and incapable of being seized the department of public safety shall have the authority to destroy such animal forthwith.

(Ord. of 8-31-04)

Sec. 5-15. Tethering of dogs.

- (a) Tethering means the practice of securing a dog to a stationary object by means of a metal chain or coated steel cable for keeping a dog restrained in its movement. Tethering does not mean walking a dog on a leash, or for temporary grooming, or other professional service.
- (b) It shall be unlawful for a person to do any of the following:
 - (1) Continuously tether a dog for more than three (3) hours per day.
 - (2) Tether a dog on a tether made of anything but a coated steel cable more than ten (10) feet in length.
 - (3) Use a tether or any assembly or attachments thereto to tether a dog that shall weigh more than ten (10) percent of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered.

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- (4) Tether a dog on anything except a buckle-type collar or harness, or tethering on a choke chain or around the dog's neck, or tethered to training collars such as choke or pinch-style collars, or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other man made or natural obstacles.
 - (5) Tether a dog without access to shade when sunlight is likely to cause overheating, or without appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below forty (40) degrees Fahrenheit, or to tether a dog without securing its food and water supply so that it cannot be tipped over by the tether.
 - (6) Tether a dog in an open area where it can be teased by persons or an open area that does not provide the dog protection from attack by other animals.
 - (7) Tether a dog in an area composed entirely of bare earth subject to becoming wet and muddy in the event of precipitation, and without any dry surface area or cover for protection.
 - (8) Tether a dog less than four (4) months of age.
 - (9) Tether more than one dog to a single tether.
 - (10) Tether a dog to a stationary object which would allow a dog to come within five (5) feet of any property line.
 - (11) Tether a dog without a swivel attached and/or equipped on both ends.
- (c) The animal control officer, or his/her designee, may in his/her discretion temporarily order a more restrictive tethering requirement if circumstances require and it is not detrimental to the health, safety, or welfare of the dog.
- (d) Penalty. Any person found violating this section shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both said fine and imprisonment.

(Ord. No. 14.05 , 10-10-14)

Sec. 5-16. - Cruelty to Animals

(a) As used in this section:

(1) "Adequate care" 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.

(2) "Animal" means a vertebrate other than a human being.

(3) "Breeder" means a person that breeds animals other than livestock or dogs for remuneration, or that is a large-scale dog breeding kennel as that term is defined in section 1 of 1969 PA 287, MCL 287.331.

(4) "Licensed veterinarian" means a person licensed or otherwise authorized to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(5) "Livestock" means that term as defined in section 3 of the animal industry act, 1988 PA 466, MCL 287.703.

(6) "Neglect" means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

(7) "Person" means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity.

(8) "Pet shop" means that term as defined in section 1 of 1969 PA 287, MCL 287.331.

(9) "Sanitary conditions" means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

(10) "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:

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

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

(iii) 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 (ii) that is accessible to the dog.

(11) "State of good health" means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

(12) "Water" means potable water that is suitable for the age and species of animal and that is made regularly available unless otherwise directed by a licensed veterinarian.

(b) Except as otherwise provided in this section, a person shall not do any of the following without just cause:

(1) Knowingly kill, torture, mutilate, maim, or disfigure an animal.

(2) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured.

(3) Knowingly administer poison to an animal, or knowingly expose an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal.

(4) Violate or threaten to violate this Section with the intent to cause mental suffering or distress to a person or to exert control over a person.

(c) An owner, possessor, breeder, operator of a pet shop, or person having the charge or custody of an animal shall not do any of the following:

(1) Fail to provide an animal with adequate care.

(2) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.

(3) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care or a horse whose feet are hobbled to protect the horse during transport, or in any other cruel and inhumane manner.

(4) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage in which livestock may stand and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, "stand" means sufficient vertical distance to allow the animal to stand without its shoulders or head touching the top of the crate or transportation vehicle.

(5) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.

(6) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.

(d) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section or other law.

(e) This section does not prohibit the lawful killing or other use of an animal, including the following, where such activity is or may be authorized within the City of Ecorse:

(1) Fishing.

(2) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

(3) Horse racing.

(4) The operation of a zoological park or aquarium.

(5) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324.8336.

(6) Farming or a generally accepted animal husbandry or farming practice involving livestock.

(7) Scientific research under 1969 PA 224, MCL 287.381 to 287.395.

(8) Scientific research or the lawful killing of an animal under sections 2226, 2671, 2676, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

(9) The lawful killing or use of an animal under the animal industry act, 1988 PA 466, MCL 287.701 to 287.746.

(f) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

(g) Any person in violation of this section shall be guilty of a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00) or incarceration not to exceed ninety (90) days or both. Each day of a violation shall be a separate citable or chargeable violation of the same offense.

Secs. 5-17—5-20. Reserved.

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Chapter 5 - ANIMALS AND FOWL
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DIVISION 2. LICENSE

DIVISION 2. LICENSE

Sec. 5-21. Application.

It shall be the duty of any person owning, possessing or harboring a dog, cat or wild animal to first obtain a license for that purpose, which license shall be obtainable from the city clerk upon application in writing, which application shall state the full name and address of the applicant, and shall contain a statement indicating the breed, sex, age, color and markings of such animal, and the name and address of the last previous owner.

(Ord. of 8-31-04)

Sec. 5-22. Rabies vaccination required.

It shall be the duty of any person owning, possessing or harboring a dog, cat or wild animal of the age of six (6) months or older to have such animal immunized against rabies. Each application for a license shall be accompanied by proof of vaccination of the dog, cat or wild animal for rabies with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The expiration of the certificate of vaccination shall not be earlier than six (6) months from the date of application for license for which the dog, cat or wild animal license is issued.

(Ord. of 8-31-04)

Sec. 5-23. Issuance of license and tag; fee.

- (a) Upon receipt of an application for an animal license, the city clerk shall issue to the applicant a license permitting the applicant to own, harbor or possess an animal.
- (b) In addition, the city clerk shall issue a check or tag containing the license number, together with a suitable inscription indicating that the license has been issued under the provisions of this article for the animal for which application for license has been made.
- (c) Prior to the issuance of such license, the applicant shall pay to the clerk a license fee of five dollars (\$5.00) for each animal license, whether the animal is male, female or unsexed. A fee of four dollars (\$4.00) shall be charged for each duplicate license issued. All license fees so received shall be deposited by the clerk into the treasury of the city. This fee may be modified by a resolution of the city council as adopted from time to time.

(Ord. of 8-31-04)

Sec. 5-24. Expiration.

All licenses issued under the provisions of this article shall expire on December 31 of each year.

(Ord. of 8-31-04)

Sec. 5-25. Animals to wear collar and tag.

Any person owning, possessing or harboring any animal shall provide such animal with a substantial collar of leather, iron, copper, brass or other durable material, which may be elasticized, to which shall be securely attached the license check or tag issued under the provisions of this article, and it shall be unlawful for any person to remove such collar or the check or tag attached thereto from any animal without the consent of the licensee.

(Ord. of 8-31-04)

Sec. 5-26. Time for licensing.

The provisions of this article relative to the licensing and vaccinating of animals shall apply with like effect to persons acquiring possession of dogs, cats and wild animals after the date specified, except that such application for license shall be made and such vaccination shall be performed within forty-eight (48) hours after such dogs, cats or wild animals over six (6) months of age have been acquired.

(Ord. of 8-31-04)

Sec. 5-27. Notification of sale of animal.

It shall be the duty of a licensee who shall sell or dispose of any animal licensed under the provisions of this article to notify the clerk of such fact within forty-eight (48) hours after sale or disposition of such animal, and to furnish information as to the new owner thereof and such owner's address.

(Ord. of 8-31-04)

Secs. 5-28—5-30. Reserved.

DIVISION 3. VICIOUS DOGS AND OTHER VICIOUS ANIMALS

Sec. 5-31. Vicious dogs and other vicious animals prohibited.

(a) *Keeping pit bull terriers prohibited.* Because of the great inherent danger to the public health, welfare and safety, no person shall own, harbor or keep any dog commonly described as a pit bull terrier within the city. The term "pit bull terrier," as used in this section, shall be defined as any of the following:

- (1) A bull terrier breed of dog.
- (2) A Staffordshire bull terrier breed of dog.
- (3) An American Staffordshire bull terrier breed of dog.
- (4) An American pit bull terrier breed of dog.
- (5) A dog of mixed breed or of other breed than the breeds listed in this subsection, which breed or mixed breed is known as a pit bull dog or pit bull terrier and has the appearance and characteristics of being predominantly of any of the breeds listed in this subsection or any combination thereof.

Any such dog shall be impounded by an animal warden and held until a determination is made by a court of competent jurisdiction that the animal is a pit bull terrier. The court shall order that any dog determined to be a pit bull terrier shall be destroyed or removed from the city.

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- (b) *Keeping vicious animal prohibited; exception.* No person shall own, harbor or keep a vicious dog or vicious animal. This subsection shall not apply to guard dogs maintained for security purposes, provided that such guard dog has been professionally trained for that purpose and the nature of the dog is noted upon the license application at the time such license is issued. As used in this subsection, the term "vicious dog" means:
- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury to or otherwise threaten the safety of human beings or domestic animals; or
 - (2) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being.

(Ord. of 8-31-04)

Sec. 5-32. Administrative hearings concerning vicious dogs.

- (a) *Definitions.* As used in this section, the following terms shall have the meanings designated in this subsection:
- (1) Administrative hearing officer means the city administrator or the acting city administrator.
 - (2) Vicious dog means:
 - a. Any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury to or otherwise threaten the safety of human beings or domestic animals; or
 - b. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being.
- (b) *Hearing required.* Whenever a violation ticket is issued by a member of the department of public safety or the animal warden of the city which complaint alleges that a person is in possession of or is harboring a vicious dog, such person shall also be given a notice of administrative hearing, which notice shall contain a date and time for an administrative hearing whereat the administrative hearing officer will make a determination whether such animal meets the definition of a vicious dog and whether or not such animal shall be removed from the city pending the adjudication of the complaint by the court. The notice of hearing shall establish a hearing date not later than three (3) working days from and after the date of the issuance of the complaint alleging the harboring or possession of a vicious dog. The hearing date may be adjourned by the administrative hearing officer at the request of the party to whom the violation ticket was issued, but such adjournment shall not be for a period longer than five (5) working days.
- (c) *Hearing procedure.*
- (1) At the administrative hearing, the administrative hearing officer shall receive and review any reports of the public safety department concerning the events preceding the issuance of the complaint of possessing or harboring a vicious dog, and shall hear and consider any statement of the complainant in such matter or any witnesses to such events and any comments or statement of the owner or person alleged to be in possession or harboring the dog involved in the complaint.
 - (2) The administrative hearing officer shall determine, based upon information received at the administrative hearing, the following:
 - a. The name of the owner or person in possession of or harboring the alleged vicious dog.
 - b. Whether such dog did or does meet the provisions of the definition of vicious dog contained in subsection (a) of this section.
- (d) *Determination.* After conducting the hearing provided for in subsection (b) of this section, the hearing officer shall prepare a written report of the hearing officer's findings of fact and conclusions as to whether the dog involved does in fact meet the definition of a vicious dog.

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- (e) *Order to remove dog from city.* If the conclusion of the administrative hearing officer is that the dog is a vicious dog as defined in subsection (a) of this section, the administrative hearing officer may order that the owner or person harboring such dog shall cause such dog to be removed from the city and remain outside of the city until the original vicious dog complaint is adjudicated by the municipal court. A copy of the administrative hearing officer's order that the dog shall be removed from the city and remain outside of the city pending the adjudication of the court complaint shall be personally delivered and served upon the person found to be the owner of the dog or in possession or harboring such dog. Such order shall provide that the owner or person in possession of or harboring such dog shall have such dog removed from the city within twenty-four (24) hours of receipt of such notice.
 - (f) *Failure to abide by order of hearing officer.* Should the owner or person in possession or harboring such dog determined to be a vicious dog, after receiving the order of the administrative hearing officer directing that such dog be removed from the city and remain outside of the city until the court has adjudicated the original complaint that such dog is a vicious dog, fail to abide by such order, such person shall be deemed to be in violation of the provisions of this Code and may be proceeded against for such violation.
 - (g) *Penalty for failure to remove dog from city.* Each day that the owner or person in possession of or harboring such vicious dog which has been ordered to be removed from the city fails to remove such dog from the city shall be deemed to be a separate violation of this Code, and upon conviction thereof such person shall be found guilty of a misdemeanor and subject to a fine not to exceed five hundred dollars (\$500.00) or a jail term not to exceed ninety (90) days in the discretion of the court.

(Ord. of 8-31-04)

Secs. 5-33—5-39. Reserved.

DIVISION 4. DOG WARDEN

Sec. 5-40. Office created.

The position of dog warden is hereby created in the city. The term animal warden may also be used.

(Ord. of 8-31-04)

Sec. 5-41. Appointment.

The mayor with approval of council shall appoint and designate one of the employees of the city as dog warden.

(Ord. of 8-31-04)

Sec. 5-42. Badge.

A badge of office, with words impressed thereon reading "Dog Warden of the City of Ecorse, Michigan," shall be issued to and worn by the dog warden while in the performance of the duties of dog warden.

(Ord. of 8-31-04)

Sec. 5-43. Equipment.

The dog warden shall be issued equipment for the performance of the duties of dog warden, but shall not be permitted to carry a pistol or revolver, handcuffs or a blackjack while on duty.

(Ord. of 8-31-04)

Sec. 5-44. Duties.

The dog warden shall be charged with the duty of enforcing the provisions of this article pertaining to the owning, possessing or harboring of dogs, and the licensing and immunization of dogs in the city.

(Ord. of 8-31-04)

Sec. 5-45. Authority to impound or destroy dogs running at large.

The dog warden shall have the power to seize, impound and dispose of dogs found at large in the city in violation of this article, in the manner provided by this article. If such dog is incapable of being seized, the dog warden shall have the power and authority to destroy such dog forthwith.

(Ord. of 8-31-04)

Sec. 5-46. Enforcement powers.

The dog warden shall not have the authority to make an arrest, but may issue ordinance violation tickets or sign ordinance violation complaints and prosecute such tickets and complaints.

(Ord. of 8-31-04)

Sec. 5-47. Dog warden to be under jurisdiction of Ecorse Police Department.

The dog warden, when acting as such, shall be under the jurisdiction of the Ecorse Police Department but shall not be considered a member of such department.

(Ord. of 8-31-04)

Sec. 5-48. Office to be part-time position.

The performance of the duties of the dog warden shall be considered as part of the duties of the employee so designated as an employee of the city, and such position shall not be considered a full-time position or office.

(Ord. of 8-31-04)

Sec. 5-49. Care of impounded animals.

All impounded animals, whether impounded for observation or otherwise, shall be delivered to a veterinarian for safekeeping and destruction if necessary.

(Ord. of 8-31-04)

Secs. 5-50—5-59. Reserved.