

## Chapter 6

### ANIMALS\*

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\* **State Law References:** Wildlife conservation, MCL 324.40101 et seq.; endangered species protection, MCL 324.36501 et seq.; crimes relating to animals and birds, MCL 750.49 et seq.; local authority to adopt animal control ordinance, MCL 287.290.

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### ARTICLE I.

#### IN GENERAL

##### Sec. 6-1. Prohibited animals; exceptions.

(a) No person shall keep or house any cow, horse, pig, or similar farm animal or domestic fowl within the city.

(b) This section shall not apply to animals or fowl kept or housed on premises used and occupied as one parcel of land regularly devoted to, and zoned for, agricultural purposes, now or in the future.  
(Code 1972, § 35.301; Ord. No. 8, § 1, eff. 3-15-1972)

##### Sec. 6-2. County animal control officer.

It shall be the duty of the county animal control officer to enforce the provisions of this chapter and in the furtherance of such duties, he may make complaints to any court of competent jurisdiction in regard to any violation of this chapter.

(Code 1972, § 35.359; Ord. No. 67, § 9, eff. 3-15-1972)

**Secs. 6-3--6-22. Reserved.**

## **ARTICLE II.**

### **DOGS\***

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\* **State Law References:** Dog Law, MCL 287.261 et seq.; rabies control generally, MCL 333.5111.

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#### **Sec. 6-23. Dogs in public places.**

(a) No owner or person harboring or keeping any dog, shall permit the dog at any time to be on a public highway, in a public park, public building or any other public place or any place to which the public is generally invited, except when held securely by a leash of suitable strength and length or when confined in a shipping receptacle or closed automobile.

(b) It shall be unlawful for any person having control of any dog on a leash, with the exception of leader, guide, hearing and service dogs, to allow such animal to defecate on or upon any premises other than his own, unless the person shall promptly clean up any feces deposited by the animal.

(c) No person shall allow any dog under his ownership or control, with the exception of leader, guide, hearing and service dogs, to leave excrement on any private or public property, unless that excrement is promptly and thoroughly removed from the property; provided, however, a person may fail to remove excrement from private property which that person owns or in which he has a lawful possessory interest. Nothing in this subsection shall be deemed to permit an accumulation of feces on a person's own property which may be detrimental to the public health.

(d) It shall be unlawful for any person to appear with any dog on a private or public property, with the exception of leader, guide, hearing and service dogs, unless that person has in his possession an appropriate device for the immediate and thorough removal of any animal excrement; provided, however, the owner or lawful occupant of a vacant parcel of real property on which there is located a single-family residence may appear on his own property with an animal without possession of such device.

(Code 1972, § 35.352; Ord. No. 67, § 2, eff. 3-15-1972; Ord. No. 67A, § 1(35.352), eff. 9-7-2004)

#### **Sec. 6-24. Presumption of ownership.**

Every person in possession of any dog or any person who shall allow any dog to remain about his premises for a period of five days shall be presumed to be the owner of the dog.

(Code 1972, § 35.353; Ord. No. 67, § 3, eff. 3-15-1972)

#### **Sec. 6-25. Barking, howling dogs prohibited.**

No person shall keep or harbor any dog which by frequent or habitual barking, yelping or howling, causes a serious annoyance to the neighborhood, or to people passing by on the streets.  
(Code 1972, § 35.354; Ord. No. 67, § 4, eff. 3-15-1972)

**Sec. 6-26. Vicious and rabid dogs prohibited.**

No person shall own or harbor a fierce or vicious dog or a dog that has been bitten by an animal known to have been afflicted with rabies.  
(Code 1972, § 35.355; Ord. No. 67, § 5, eff. 3-15-1972)

**Sec. 6-27. Dogs which have bitten a person or are suspected of being rabid; surrender; observation; destruction.**

(a) Any person who shall have a dog in his possession which has contracted rabies or which has been subjected to rabies, or which is suspected of having rabies, or which has bitten any person, shall upon demand of the county animal control officer, city manager or the county health officer produce or surrender the dog to the county animal control officer for observation and treatment.

(b) Whenever a dog is brought to the animal control shelter for having bitten a person, the county animal control officer may as deemed necessary and advisable, and after holding the dog a sufficient length of time to meet the requirements of the county health officer for investigation, cause the dog to be destroyed as a vicious dog and a menace to the health and safety of the people.  
(Code 1972, § 35.356; Ord. No. 67, § 6, eff. 3-15-1972)

**Sec. 6-28. Duty of owners of dogs bitten by animals suspected of being rabid.**

It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by any animal showing the symptoms of rabies to immediately notify the county animal control officer, city manager or the county health officer, that the person has such a dog in his possession.  
(Code 1972, § 35.357; Ord. No. 67, § 7, eff. 3-15-1972)

**Sec. 6-29. Duty to impound.**

It shall be the duty of every law enforcement officer to impound all dogs that may be found running at large or which may be kept harbored in any place within the city, contrary to the provisions of this article.  
(Code 1972, § 35.358; Ord. No. 67, § 8, eff. 3-15-1972)

**Secs. 6-30--6-46. Reserved.**

**ARTICLE III.**

**KENNELS\***

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\* **State Law References:** Kennel license, MCL 287.270; authority of city to license kennels, MCL 287.270b; rules governing kennel dogs, MCL 287.271.

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**Sec. 6-47. Presumption of operation of a kennel.**

Any person owning, harboring or keeping, for pleasure or profit, three or more dogs over four months of age, shall be presumed to be an operator of a dog kennel.  
(Code 1972, § 35.360; Ord. No. 67, § 10, eff. 3-15-1972)

**Sec. 6-48. License required.**

It shall be unlawful for any person to operate a dog kennel in the city without first having obtained a kennel license and complying with the requirements of the state department of agriculture made pursuant to Public Act No. 195 of 1969 (MCL 287.270).  
(Code 1972, § 35.361; Ord. No. 67, § 11, eff. 3-15-1972)

**Sec. 6-49. Application for license; contents.**

The applicant for a license required by this article shall give his full name and address and a description of the premises where the kennel is to be operated and the number of dogs to be kept at the kennel.  
(Code 1972, § 35.362; Ord. No. 67, § 12, eff. 3-15-1972)

**Sec. 6-50. Investigation of premises.**

No license shall be issued for a kennel without first having been approved by the department of agriculture, but such approval shall not invalidate the further local requirements set forth in this article.  
(Code 1972, § 35.363; Ord. No. 67, § 13, eff. 3-15-1972)

**Sec. 6-51. License fees.**

The city license fees for the operation of kennels shall be as currently established or as hereafter adopted by resolution of the city council from time to time.  
(Code 1972, § 35.365; Ord. No. 67, § 15, eff. 3-15-1972)

**Sec. 6-52. Issuance of license.**

Licenses to operate dog kennels shall be issued by the city clerk upon receipt of the application, payment of the license fee and compliance with the other requirements of this article.  
(Code 1972, § 35.366; Ord. No. 67, § 16, eff. 3-15-1972)

**Sec. 6-53. Increased fee for operation without a license.**

For each day of operation without a license, the license fee shall be increased by an amount as currently established or as hereafter adopted by resolution of the city council from time to time before the issuance of a license.  
(Code 1972, § 35.367; Ord. No. 67, § 17, eff. 3-15-1972)

**Sec. 6-54. Posting license.**

Each kennel license shall be conspicuously posted on the premises where the kennel is kept.  
(Code 1972, § 35.368; Ord. No. 67, § 18, eff. 3-15-1972)

**Sec. 6-55. License; term; transferability.**

Kennel licenses shall not be transferable and shall terminate on December 31 following issuance of the license.  
(Code 1972, § 35.369; Ord. No. 67, § 19, eff. 3-15-1972)

**Sec. 6-56. Individual dog licenses not required.**

The owner of a kennel license shall not be required to have individual licenses for the dogs kept in the kennel.  
(Code 1972, § 35.370; Ord. No. 67, § 20, eff. 3-15-1972)

**Sec. 6-57. Continuing duty of owner to keep kennel from becoming a nuisance; revocation of license.**

Any person operating a dog kennel shall at all times keep the kennel in a clean and sanitary condition and not permit the kennel to become a nuisance by reason of uncleanliness or noise. Failure to comply with this section will be cause for revocation of his license. The city manager may revoke a license at any time for cause upon ten days' written notice after giving the licensee an opportunity to be heard in his own defense.  
(Code 1972, § 35.371; Ord. No. 67, § 21, eff. 3-15-1972)