

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.

ARTICLE I. IN GENERAL

Sec. 6-1. Prohibited animals; exceptions.

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

(b) This section does 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.

(c) This section does not apply to animals or fowl that are kept or housed at city park facilities for exhibition.

(d) This section does not apply to any person who keeps female chickens (hens) or male or female ducks in compliance with section 6-3 of this chapter.

(e) Nothing in this chapter prohibits the city or a third party from bringing a nuisance action based on the keeping of animals. (Code 1972, § 35.301; Ord. No. 8, § 1, eff. 3-15-1972; Ord. No. 8A, § 1, eff. 9-13-2009; Ord. No. 8B, § 1, eff. 7-11-2013)

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)

Sec. 6-3. Keeping of female chickens (hens) or male and female ducks.

(a) For purposes of this section, the following definitions apply:

Adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points, but does not include parcels that are legally adjacent to but are, in fact, separated from the applicant's property by a public or private street.

Backyard means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.

Duck means either a male drake or a female duck of the Muscovy breed; all other breeds are excluded from this ordinance.

Fowl means either hens or ducks.

Hen means a female chicken and does not include roosters.

Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds.

Resident means any person living in the City of Portland.

(b) Residents may keep hens in the City of Portland, subject to all of the following requirements:

- (1) A permit must be obtained under subsection (c) of this section before acquiring the fowl.
- (2) The principal use of the resident's property must be for a single-family dwelling or two-family dwelling.
- (3) No more than four hens or six ducks may be kept on a single parcel.
- (4) No person may slaughter any fowl.
- (5) Fowl may only be kept in the backyard.
- (6) Fowl must be provided with a covered enclosure and must be kept in the covered enclosure or in a fenced enclosure at all times. Fenced enclosures are subject to all city fence regulations.
- (7) A covered or fenced enclosure must be at least ten feet from any property line of an adjacent property.
- (8) A covered or fenced enclosure must be at least 40 feet from any residential struc-

ture on an adjacent property; however, this requirement may be waived as follows:

- (i) If the principal use of resident's property is for a single-family dwelling, all adjacent landowners must verify in writing that there is no objection to the issuance of the permit.
 - (ii) If the principal use of the resident's property is for a two-family dwelling, all adjacent landowners and the occupants of the other dwelling must verify in writing that there is no objection to the issuance of the permit.
- (9) All enclosures for the keeping of fowl must be constructed or repaired so as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- (10) All feed and other items associated with the keeping of fowl that are likely to attract rats, mice, or other rodents must be protected so as to prevent rats, mice, or other rodents from coming into contact with them.
- (11) A person who has been issued a permit must submit it for examination on demand by any police officer or code enforcement officer.
- (c) To obtain a permit to keep hens, a resident must submit an application to the city clerk. The application must be accompanied by the following:
- (1) Written consent waiving the distance requirement in subsection (b)(8) above, if applicable.
 - (2) A filing fee, if any, as determined by council resolution.
- (d) The city clerk must grant a permit to keep fowl if the applicant meets the conditions under subsection (c). Permits expire three years after the date of issuance. A resident who wishes to continue keeping fowl must obtain a new permit on or before the expiration date of the previous permit. Application for a new permit will be

pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

(e) If a resident granted a permit under this section fails to comply with the requirements listed under subsection (b), the city may revoke the permit and may initiate prosecution for a civil infraction violation.

(f) Private restrictions on the use of property remain enforceable and take precedence over a permit to keep fowl. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of fowl is void. Interpretation and enforcement of private restrictions is the sole responsibility of the private parties involved.

(g) The city clerk will mail a copy of a permit issued under this section to the owners of adjacent property.
(Ord. No. 8A, § 2, eff. 9-13-2009; Ord. No. 8B, § 2, eff. 7-11-2013)

Secs. 6-4—6-22. Reserved.

ARTICLE II. DOGS*

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.

*State law references—Dog Law, MCL 287.261 et seq.; rabies control generally, MCL 333.5111.

(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*

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)

***State law references**—Kennel license, MCL 287.270; authority of city to license kennels, MCL 287.270b; rules governing kennel dogs, MCL 287.271.

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 uncleanness 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)