

Chapter 53
ANIMALS

ARTICLE I
Keeping of Animals

§ 53-1 Purpose

To regulate and control the conduct, keeping and care of animals within the township.

§ 53-2 Definitions

For the purpose of this chapter, the following definitions shall apply.

Domesticated Animal. Various animals domesticated by humans so as to live and breed in a tame condition.

Exotic/Wild Animal. Undomesticated animals or any dangerous animal normally classified as wild, including, but is not limited to, non-domestically bred parrots, parakeets or other exotic birds, Canada geese, alligators, bears, birds of prey, monkeys, panthers, cougars, lions, wolves, coyotes, chimpanzees, venomous or constrictor reptiles, and wild felines. In addition, exotic/wild animals shall include any hybrid between a wild animal and a domesticated animal, such as a hybrid between a dog and a wolf, a dog and a coyote, a cat and a bobcat, or other wild feline.

Kennel/stable (Commercial). Any lot or premises where animals, of at least six months in age, are kept either permanently or temporarily as a business operation for the purposes of breeding, boarding, training, sale or transfer.

Kennel/stable (Private). Any lot which is zoned or used as single family residential property on which up to five animals, over the age of six months or more, are kept either permanently or temporarily by the owner or resident of said property for the purpose of breeding, training, a sporting activity or the sale.

Livestock. Domesticated animals such as cattle, sheep, pigs, goats, donkeys, mules, buffalo, or oxen that are raised in an agricultural setting.

Poultry. Domesticated birds such as chickens, turkeys, ducks, or geese raised for meat or eggs.

Vicious/Dangerous Animal. Any animal that attacks, bites or physically injures a human being or other animal without provocation.

§ 53-3 General Requirements

- A. No person shall keep an animal upon their property that creates a nuisance by means such as, but not limited to, the annoyance, injury, or endangerment of safety, health or quiet enjoyment of persons upon public or private property.
- B. Any enclosures used for the keeping of animals shall be constructed and maintained as to prevent rats, mice, or other rodents from being harbored underneath, within or within the walls of the enclosure.
- C. Animals shall not be permitted to run at large.

- D. Locations for the keeping of horses, poultry, livestock and private or commercial kennels are authorized in the zoning ordinance.
- E. No animal shall be kept or harbored, nor shall any kennel be maintained or operated, in any unclean, unsanitary or unsightly manner, or in such manner as to cause unpleasant or obnoxious odors, or in such manner as to constitute a menace to the public health, safety and welfare.
- F. No person shall keep any animal which, by loud and frequent barking, howling, yelping or other similar noise is a nuisance in the area in which the animal is kept, possessed or harbored.
- G. Slaughtering of animals is not permitted.
- H. Accessory buildings, structures and uses associated with animals shall comply with standards contained in Article 3, General Use Provisions, of the zoning ordinance.
- I. Fences shall comply with Chapter 77, Fences.

§ 53-4 Animal Specific Requirements for private use when accessory to a single family residential use.

A. Pets

- (1) No person shall keep or house any non-domesticated animals as pets.
- (2) Unless approved as a private kennel/stable, pets shall be kept for personal use and enjoyment, not for any commercial purpose.
- (3) On lots less than two (2) acres and residences within site condominiums or multiple family residential developments, up to three animals are permitted per residence.
- (4) On lots two (2) acres or more, up to five (5) animals are permitted.

B. Livestock, Horses, llamas, alpaca and other similar animals

- (1) A minimum two (2) acre parcel is required and the property shall not be located within a site condominium or multiple family residential developments.
- (2) One (1) animal is permitted for each full acre.

C. Poultry

- (1) A minimum two (2) acre parcel is required and shall not be located within a site condominium or multiple family residential developments.
- (2) Birds are permitted at a rate of one bird per ¼ acre.
- (3) Roosters are not permitted.

D. Exotic/Wild Animals

It shall be unlawful for any person, other than a publicly maintained and supervised zoo, a licensed and authorized circus or an accredited and licensed facility, to possess, harbor, buy or sell any exotic or wild animal in the township.

§ 53-5 Kennel License

A. Requirements

- (1) Any person who operates a private or commercial kennel, as defined herein, shall annually apply to the township for kennel license. The issuance of a kennel license shall be in lieu of the individual license required under this chapter.
- (2) This section shall not apply to a litter of puppies, so long as such dogs are less than six months of age.
- (3) With each kennel license, the township shall issue a number of tags equal to the number of dogs authorized to be kept in the kennel. Such tags shall be readily distinguishable from the individual license tags issued. The licensee of a kennel shall, at all times, keep one of the tags issued under this division attached to a collar on each dog six months old or older. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the boarding kennel. This section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the propose of hunting, breeding, trial or show.
- (4) Upon conviction of a violation of this chapter, and upon notification to the licensee, the township may revoke the license granted under this chapter.
- (5) It shall be the duty of all kennel licensees to keep the kennel enclosures, stalls and/or runs clean and free from any accumulation of dirt, mud, fecal matter or debris. Further, all kennel licensees shall clean, at least daily, any and all refuse matter, including fecal matter, from inside and outside the kennel enclosures.
- (6) All kennels shall be reasonably open to inspection at all times.
- (7) The annual fee for kennel licenses shall be established by resolution of the township board.

B. Standards for Issuance

- (1) No private or commercial kennel license shall be issued unless the use is in compliance with the zoning ordinance.
- (2) Private kennels shall only house animals owned by the occupant of the dwelling unit and shall be licensed if the following standards are met.
 - (a) A minimum two (2) acre parcel is required.
 - (b) Up to five (5) animals are permitted.
 - (c) Breeding of animals shall be restricted to two (2) litters per year.
 - (d) Accessory buildings, structures or fenced enclosures associated with the animals must be located in the rear yard.
 - (e) Accessory buildings and structures must be setback at least 25' from any lot line and 100' from any dwelling located on an adjoining lot.
 - (f) Fenced enclosures associated with the animals shall be setback at least 50' from any lot line.
- (3) Commercial kennels shall be licensed if the following standards are met.

- (a) Any kennel shall be subject to all permit and operational requirements established by county and state regulatory agencies.
- (b) Accessory buildings, structures and fenced enclosures associated with animals must be setback at least 25' from any lot line and 100 feet from any dwelling located on an adjoining lot.
- (c) Outdoor kennel enclosures shall adequately screened from view of adjacent property with vegetation.
- (d) Floors and runs shall be of cement, gravel or stone and shall be appropriately sloped to drain.

§ 53-6 Appeals and Variances

The Zoning Board of Appeals (ZBA) shall have the power to hear and decide appeals resulting from enforcement of this article. The ZBA process and variance criteria specified in the zoning ordinance shall apply.

ARTICLE II Dogs

§ 53-7 Purpose

The purpose of this article is the control and regulation of dogs to secure the public health, safety and welfare of persons and property within the Township, the implementation of certain statutes, including, among others, Public Act 287 of 1969, as amended (MCL 287.331 et seq

§ 53-8 Definitions

Hunting. Allowing a dog to range freely within sight or sound of its owner while in the course of hunting legal game or an unprotected animal.

Law Enforcement Officer. Any person employed or elected by the people of the state or by any County or municipality whose duty is to preserve peace, make arrests or to enforce the law and includes conservation officers and members of the state police.

Owner. Every person having a right of property in the dog and every person who keeps or harbors the dog or has it in his care and every person who permits the dog to remain on or about any premises occupied by him.

Pound. A facility designated by the Township to impound and care for dogs found in streets or otherwise at large contrary to any provision of the Township Code or state law.

§ 53-9 General Regulations

- A. Any dog which is six months or older shall be licensed by the township and have a valid township license tag attached to its collar.

- C. Only the owner or his authorized agent may remove any valid license tag from a dog in the Township.
- D. A person who owns or harbors a dog in the Township shall be required to produce proof of a valid dog license upon request of any person who is authorized to enforce this article.
- E. Any dog six months or older must be immunized against rabies.
- F. No person shall own, keep or harbor a fierce or vicious dog.
- G. Dogs shall not be permitted to run at large.

§ 53-10 License and Tags

- A. On or before January 1 of each year, the owner of any dog six months or older shall apply to the township for a dog license. Each application for a dog license must be accompanied by a valid proof of rabies vaccination with a vaccine licensed by the United States Department of Agriculture and signed by an accredited veterinarian. Any person becoming the owner of a dog six months old or older after January 1 shall have 30 days to apply for a license.
- B. Upon verification of vaccination and compliance with other applicable regulations, the township shall issue a dog tag containing the number of the license and the year of issuance.
- C. The fees for dog licenses shall be established by resolution of the township board.
- D. No license or dog tag issued to one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is transferred from one person to another within the township, the license may be transferred, upon notice to the township by the last registered owner. This chapter does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting, game, breeding, trial or show.

§ 53-11 Liability for damages

Every owner of a dog is liable for damages for any and all injuries to persons and property that may be caused by such dog, such damages to be determined and collected through appropriate legal proceedings, in which proceedings any failure or refusal by such owner to comply with the requirements of this article shall constitute prima facie evidence of negligence on the part of the owner.

§ 53-12 Seizure of dogs

It shall be the duty of every law enforcement officer to enforce the provisions of this article and shall promptly seize and deliver to the veterinarian, or place in the pound, any dog that is:

- A. Suspected of having rabies or of having bitten any person; or
- B. Found running at large; or
- C. Harbored or owned contrary to the provisions of this chapter.

§ 53-13 Appointment of veterinarian

- A. The Township Board shall appoint a veterinarian and designate a pound.
- B. The veterinarian or any officer, agent or employee of the Township shall not sell or otherwise dispose of a dog taken into custody or acquired pursuant to the terms of this article within four days after its acquisition, provided the provisions of Subsection **C** below do not apply.
- C. Any dog having a collar, license or other evidence of ownership shall cause the operator of the pound to immediately communicate such information to the Township, who shall notify the owner, if ascertainable, in writing of the description of the dog, the date it was acquired and the place where and date by which the dog shall be claimed by the owner. Failing such timely claim and the payment of all required fees, the dog shall be sold or destroyed. Any such dog shall not be sold or otherwise disposed of within seven days from the date of the mailing of such notice to the last known address of the owner.
- D. The Township shall maintain a record of each identifiable dog acquired, including a basic description of the dog, the date it was acquired, the date of mailing the notice to the owner, the addressee's name and the postal address and the subsequent disposition.
- E. An impounding fee schedule shall be established by resolution of the Township Board.
- F. No dog shall be released from the pound until all of the following are provided.
 - (1) Proof of current rabies vaccination.
 - (2) Proof of current license.
 - (3) All fees and charges are paid to the Township.

§ 53-14 Killing of dogs

- A. Any person, including a law enforcement officer, may kill any dog which is seen in the act of attacking persons, and there shall be no liability on such person in damages or otherwise for such killing. Any dog that enters any field or enclosure which is owned by or leased by a person producing livestock or poultry, unaccompanied by his owner or his owner's agent, shall constitute a trespass, and the owner shall be liable in damages. Except as provided in this section, it shall be unlawful for any person, other than a law enforcement officer, to kill or injure or attempt to kill or injure any dog which bears a license tag for the current year.
- B. A law enforcement officer may kill a dog determined to be molesting wildlife and not hunting as defined in this article.

§ 53-15 Impounded dogs

Any impounded dog not claimed and released within four days after its acquisition, except an impounded dog having a collar, license or other evidence of ownership and in such case within seven days of the mailing of notice hereinbefore provided, may be sold at the pound by a public auction at 12:00 noon of the next succeeding day to the highest bidder, and the amount of said bid shall be paid to the Township Treasurer or may be otherwise disposed of by the veterinarian. The body of any dog destroyed pursuant to the provisions of this article shall be disposed of in such manner as the veterinarian shall determine, and the veterinarian shall promptly notify the Township Treasurer of the date and nature of disposition of each dog.

§ 53-16 Observation of dogs

- A. Any person having ownership, possession or control of a dog which shall have bitten any person, bitten by an animal which has contracted rabies, has been subjected to rabies or is suspected of having rabies shall forthwith notify the Township Police Department and deliver the dog to the veterinarian. At the expense of the owner, the veterinarian shall observe and examine such dog for the existence of rabies, and the owner shall provide the veterinarian with all information pertaining to the dogs health, actions, history and vaccinations.
- (1) If the veterinarian determines the dog is not rabid, then the dog shall be returned to the owner.
 - (2) If the veterinarian determines that the dog is afflicted with rabies, the dog shall be destroyed in such manner as the veterinarian may determine, and the cost thereof shall be paid to the Township by such person, and following the destruction of the dog, such tests shall be made of the dog as the veterinarian may determine and costs thereof paid by the owner to the Township.
 - (3) If the veterinarian determines the dog may be afflicted with rabies but no positive final diagnosis is then possible, the veterinarian may order the dog held at the pound and establish such temporary quarantine as may be necessary to prevent the spread of the disease or to make a final diagnosis. The cost thereof shall be paid by the owner to the Township or the veterinarian may order the dog restrained, confined or muzzled at such place and in such form and manner and subject to such duration and other regulations as the veterinarian may determine and thereafter if the dog is determined by the veterinarian to be afflicted with rabies, the dog shall be destroyed subject to the provisions of the foregoing Subsection A(2).
- B. Any dog which shall be delivered to the pound or veterinarian by a law enforcement officer and is suspected of having bitten any person, ~~or~~ having been bitten by an animal or having contracted rabies shall be subject to the provisions of § 53-13A.
- C. If the dog is determined not to be afflicted with rabies at the conclusion of the procedures provided for in this section, and if the owner does not apply for the return of the dog and pay all applicable fees and costs, the dog shall be sold or destroyed in accordance with the provisions of § 53-15 applicable to impounded dogs.
- D. The veterinarian shall forward a record of all dogs examined pursuant to the provisions of this section to the Township who shall maintain the same for a period of 90 days.

§ 53-17 Penalties

[Amended 9-18-2003]

- A. Any person who shall violate any provision of this chapter shall be subject to the penalties specified for a violation of the Township Code.
Editor's Note: See §§ 1-10, 1-14 and 1-16.
- B. Any minor, as defined in this state's probate code, who violates any provision of this chapter shall be dealt with by the Juvenile Division of the Probate Court or as otherwise prescribed by state law.