

ANIMALS

**ARTICLE I. IN GERERAL**

**Sec. 10-1. Definitions.**

The following words, terms and phrases, when used in this, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Audibly impaired* means audibly impaired as defined in section 1 of Public Act No. 82 of 1981 (MCL 752.61, MSA 28,770(11)).

*Blind person* means a blind person as defined in section 1 of Public Act NO. 260 of 1978 (MCL 393.351, MSA 17.581(1)).

*Deaf Person* means a deaf person as defined in section 1 of Public Act No. 82 of 1981 (MCL 752.61, MSA 28.770 (11)).

*Domestic animal* means any horse, mules, cattle, sheep, swine or goat, including all variations of each and any fowl including, but not limited to, chickens, turkeys, geese and ducks.

*Kennel* means any establishment wherein or whereon three (3) or more dogs are boarded or kept for the purpose of breeding or for sale.

*Leash* means any cord, chain or other material of any capable or restraining a dog or other domestic animal.

*Owner or keeper* means every person having a right of property in a dog or other domestic animal and every person who keeps or harbors any dog or other domestic animal or who has such an animal in his care and every person who permits a dog or other domestic animal to remain on or about any premises occupied by him.

*Physically Limited* means physically limited as defined in section 1 of Public Act No. 1 of 1966 (MCL 125.1351, MSA 3,447 (121)).

*Police Officer* means any member of the city police department, any other person duly appointed by the city council as an enforcement officer and the dog warden.

*Running at large* or *at large* means off the premises of the owner and not under the control of the owner or a person duly authorized by him, by leash. (Code 1974, S 3-1) Cross reference- Definition generally, S 1-2.

## ANIMALS

### **Sec. 10-2 Enforcement of Chapter.**

This chapter shall be enforced by the chief of police or y any other officer of his department or by any other officer of the city designated by the city council. (Code 1974, § 3-2)

### **Sec. 10-3. Running at large.**

No owner or keeper of any domestic animal shall allow the animal to run at large or enter or be upon any street, highway, public park or other public property in the city or bordering upon the city. (Code 1974, § 3-3)

### **Sec. 10-4. Allowing animals on private property of other.**

No owner or keeper of any domestic animal shall allow the animal to go upon the premises of another person unless by permission of such person. (Code 1974, § 3-4)

### **Sec. 10-5. Abandonment of animals.**

No person shall abandon any animal or allow any animal owned by him or under his control, which has escaped or strayed, to remain at large within the city. (Code 1974, § 3-5)

### **Sec. 10-6. Number of dogs and cats.**

It shall be unlawful for any person to own, possess, shelter, keep, harbor or maintain more than three dogs and/or three cats six months of age or older on the premises at any one time; however , this section does not apply to duly licensed pet shops, kennels, catteries, veterinarians or veterinarian hospitals. (Code 1974, § 3-6)

### **Sec. 10-7. Dangerous or exotic animals.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Animal* means a live and vertebrate creature, fowl or reptile.

*Dangerous or exotic animal* means any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristic, would constitute a danger to human life or property.

*Exotic* means an animal which is foreign and generally not native by birth to the city.

*Harbor* means to feed or shelter an animal.

*Market* means to buy, sell or otherwise deal in a wild or exotic animal, either wholesale or retail.

*Wild* means an animal which generally lives in its original and natural state and is not normally domesticated.

- (b) *Prohibited acts.* No person shall shelter, exhibit, market, raise, harbor, breed, maintain or have in his or her possession or under his or her control within the city any dangerous or exotic animal.
- (c) *Types.* Dangerous or exotic animals include, but not limited to:
- (1) Any poisonous animals, fish, reptile or insects;
  - (2) Apes, chimpanzees, gibbons, gorillas, orangutans, and siamangs;
  - (3) Baboons;
  - (4) Bears;
  - (5) Bisons;
  - (6) Bobcats;
  - (7) Cheetahs;
  - (8) Crocodilian;
  - (9) Constriction snakes;
  - (10) Coyotes;
  - (11) Deer;
  - (12) Elephants;
  - (13) Foxes;
  - (14) Game cocks and other fighting birds;
  - (15) Hippopotami;
  - (16) Hyenas;
  - (17) Jaguars;
  - (18) Leopards;
  - (19) Lions;
  - (20) Lynxes;
  - (21) Ostriches;
  - (22) Skunks;
  - (23) Raccoons;
  - (24) Pumas, also known as cougars, mountain lions and panthers;
  - (25) Reptiles;
  - (26) Rhinoceroses;
  - (27) Poisonous or biting spiders and other insects;
  - (28) Tiger; and

(29) Wolves;

(d) *Exceptions.* This section does not apply to:

- (1) Any person while transporting any animal, fish, fowl or reptile through the city, provided that such animal, fish, fowl or reptile is adequately restrained to avoid injury to person or damage to property;
- (2) Any person while transporting any animal, fish, fowl or reptile to a licensed veterinary hospital for treatment;
- (3) The keeping of such animals is a bona fide educational or medical institution, museum or other place where they are kept as live specimens for public view or for the purpose of instruction study;
- (4) Dangerous or poisonous reptiles maintain by bona fide educational or medical institutions for the purpose of instruction or study, provided such reptiles are securely confined.
- (5) Any animal which is used as a service animal for a blind person, a deaf or audibly impaired person or a physically limited person.
- (6) Any official police canine dog owned and maintained by the city or other law enforcement agency.

(Code 1974, § 3-7)

**State law references-** Restriction on importation of wild or exotic animal, MCL 287.731, MSA 12.399(101); dangerous animal, MCL 287.321 et seq., MSA 12.545(21).

#### **Sec. 10-8. Vicious animal; defined.**

A vicious animal is any animal:

- (1) With a known propensity, tendency or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of human beings or domestic animals;
- (2) Which without provocation has attacked or bitten a human being or domestic animal;
- (3) Owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting; or
- (4) Any animal which without provocation, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack. This subsection does not apply to an animal on the property of its owner or to an animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

(Code 1974, § 3-8)

**Cross reference** – Definitions generally, § 1-2.

**Sec. 10-9. Vicious animal control.**

- (a) *Control of a vicious dog, cat or other animal.* It shall be unlawful for any owner to maintain a vicious dog, cat or other animal upon any premises which does not have a locked enclosure, unless such vicious dog, cat or other animal is at all times maintained in the owner's dwelling. It shall be unlawful for any owner to allow any vicious dog, cat or other animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care for the vicious dog, cat or other animal, or to sell or give away the vicious dog, cat or the other animal. The animal shall be under the direct control and supervision of the owner of the animal or their agent, either of whom shall be, in any event, a person at least 18 years of age and physically capable of restraining the animal.
- (b) *Reporting requirement.* An owner shall notify the city police department immediately upon discovery that a vicious dog, cat, or other animal is on the loose, is unconfined, has attacked a human being or other animal, or has been stolen.
- (c) *Penalties for violation.* Upon an owner's failure to comply with any condition in this section finding a dog, cat or other animal to be vicious, the police department or the animal control officer shall confiscate the animal and impound it pending a hearing within seven days requiring the owner of the vicious dog, cat or other animal to show cause why the animal should not be immediately destroyed.
- (d) Nothing in this section shall be construed to limit a victim of an animal bite or attack from pursuing additional remedies against an owner of such animal under state law.
- (e) Any owner of a vicious dog, cat or other animal in violation of this section shall be subject to a fine as established by the city council from time to time.

(Code 1974, § 3-9)

**Sec. 10-10. Vicious conduct; show cause hearing.**

- (a) If any vicious dog, cat or other animal shall, when unprovoked, kill, wound or assist in the killing of a human being, or any domestic animal belonging to or in the possession of any person, or if a vicious dog, cat or other animal shall, when unprovoked, attack, assault, wound, bite or otherwise injure a human being, the police department or the animal control officer shall immediately confiscate and impound the vicious animal pending a hearing within seven days requiring owner of the animal

to show cause why the animal should not be destroyed. If the animal is not destroyed, the owner shall maintain the animal pursuant to section 10-9.

- (b) In addition, any owner of a vicious dog, cat or other animal in violation of this section shall be subject to a fine as established by the city council from time to time.

(Code 1974, § 3-10)

**State law reference** – Destruction of vicious dogs, MCL 287.286a, MSA 12.537.

### **Sec. 10-11. Keeping of Chickens**

The regulation of chickens in this section applies to the keeping of up to six (6) female chickens when kept in such a manner that the following standards are complied with:

- (a) The chickens must be kept on only R-1 or R-2 One Family, zoned parcel(s).
- (b) The chickens shall be provided with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens, designed to be easily accessed, cleaned and maintained by the owners and be at least two (2) square feet per chicken in size. 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.
- (c) No rooster may be kept.
- (d) No chicken house shall be located closer than twenty (20) feet from any property line.
- (e) The chickens shall be shut into the chicken house at night, from sunset to sunrise.
- (f) A person shall not keep chickens in any location on the property other than in the backyard. For purpose of this section, “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 line intersect with an imaginary line established by rear of the single-family structure and extending to side lot lines.
- (g) During daylight hours that adult chickens shall have access to the chicken house and, weather permitting, shall have access to an outdoor enclosure on the subject property.
- (h) The area containing the chickens shall be adequately fenced to protect and contain the chickens and to prevent access to the chickens by dogs and other predators.
- (i) The sale of eggs shall not be permitted. Eggs are for personal use.
- (j) Stored feed must be kept in a rodent and predator-proof container.
- (k) It is unlawful for the owner, custodian, or keeper of any chicken to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of loud and persistent and habitual nature. The Zoning Administrator or Animal Control Officer will determine whether or not a nuisance exists on a case-by-case basis.

**Sec 10-12. Penalty**

A person found responsible for violating section 10-11 shall be deemed responsible for a municipal civil infraction as defined in City of Woodhaven, Code of Ordinances, chapter 1, Section 34' any person found liable for violating this section three or more times in a one year time span shall be guilty of a misdemeanor as defined in City of Woodhaven, Code of Ordinances, chapter 1, section 8.

(Adopted on 3-1-2013)

**Sections. 10-13 - 10-40.** Reserved.