

## **ARTICLE II. DOGS**

### **DIVISION 1. GENERALLY**

#### **Sec. 10-41. Purpose of Article.**

The purpose of this article is to regulate the keeping of dogs and to provide for the protection of persons or property from dogs within the city.

(Code 1974, § 3-16)

#### **Sec. 10-42. Running at large.**

It shall be unlawful for any owner of any dog to permit his dog to run at large within the city.

(Code 1974, § 3-17)

#### **Sec. 10-43. Barking, howling dogs.**

No person shall own or keep a dog which, by loud, frequent or habitual whining, barking, yelping or howling shall cause serious annoyance to the neighborhood or to people passing upon the streets or highways in the city.

(Code 1974, § 3-19)

**Reference** Woodhaven code 66-394 Noise.

#### **Sec. 10-44. Vicious dogs; dogs exposed to rabies.**

No person shall own or keep a fierce or vicious dog or a dog that has been bitten by any animal known to have been afflicted with rabies, or which shall have bitten any person.

(Code 1974, § 3-19)

**State law reference** – Rules for control of rabies and disposition of nonhuman agents carrying disease, MCL 333.5111, MSA 14.15(5111).

**State law references** – Dog Law, MCL 287.261 et seq; MSA 12.511 et seq.

#### **Sec. 10-45 Defecation**

No person owning or keeping a dog shall allow the dog's feces to remain on any public or private property not owned by the person. This section shall not apply where the violation involves a dog which is used as a guide dog or leader dog for a blind person, a hearing dog for

deaf or audibly impaired person, or a service dog for a physically limited person or any official police dog owned and maintained by the city or other law enforcement agency.

(Code 1974, § 3-20)

**Sec. 10-46. Cleanliness of dogs and quarters used to house dogs.**

It shall be the duty of every person owning or keeping a dog to maintain the dog and its quarters in a neat and clean manner and not to permit refuse to accumulate in the dog's pen or quarters.

(Code 1974, § 3-21)

**Sec. 10-47. Disposition of fees and charges.**

The city clerk shall keep an accurate record of all fees collected and charges made by him under this article and turn said fees and charges over to the city treasurer who shall deposit the same and keep a separate account designated as the "Dog License Account" to be held for payment of claims as provided in Section 10-48.

(Code 1974, § 3-22)

**Sec. 10-48 Transfer of funds into general account.**

On June 30 of each year any monies remaining in the dog license account, after payment of all claims, shall be transferred to the general account of the city.

(Code 1974, § 3-23)

**Sec. 10-49. Quarantine; authority to establish; publication; duties of owners; term.**

The chief of police or the city council shall, at any time he or it considers it advisable for the public health and safety, have the authority to put into effect a dog quarantine, by causing a publication entitled, " Notice of dog quarantine," to be Published in a newspaper having local circulation in the city. The notice shall provide for a period during which all dogs within the city shall be confined upon the property of the owner, and, during such period, it shall be unlawful for the owner of any dog to permit such dog to cross his property line. The owner of every dog shall be charged with the responsibility of enforcing such confinement. The quarantine shall take effect 24 hours after the publication and continue during the time prescribed in the publication.

(Code 1974, § 3-24)

### **Sec. 10-50. Definition of Tethering**

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. Tethering does not mean walking a dog on a leash, or for temporary grooming, or other professional service.

### **Sec. 10-51. Tethering**

- (a) It shall be unlawful for a person to:
- (1) Continuously tether a dog for more than three hours per day;
  - (2) Tether a dog on a tether made of anything but a coated steel cable more than (10) feet in length;
  - (3) Use a tether or any assembly or attachments thereto tether a dog that shall weigh more than ten percent (10%) of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or
  - (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 collar 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; or
  - (5) Tether a dog without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 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; or
  - (6) Tether a dog in an open area where it can be tested by persons or an open area that does not provide the dog protection from attack by other animals; or
  - (7) Tether a dog in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.
  - (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 feet of any property line.
  - (11) Tether a dog without a swivel attached and/or equipped on both ends.
- (b) The animal control officer, or his/her designee, may in his/her discretion order a more restrictive tethering requirements if circumstances require and it is not detrimental to the health, safety or welfare of the dog.

### **Sec. 10-52. Penalty.**

A person found responsible for violation section 10-50 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 span shall be guilty of a misdemeanor as defined in City of Woodhaven, Code of Ordinances, chapter 1, section 8.

**Secs. 10-53 – 10-70. Reserved.**

DIVISION 2. LICENSES

**Sec. 10-71. Required.**

It shall be unlawful for any person to own possess or harbor a dog in the city unless the dog is licensed under the provisions of this division.

(Code 1974, § 3-31)

**Sec. 10-72. Exemptions from division.**

The provisions of this division shall not apply to dogs whose owners are nonresidents temporarily within the city nor to dogs brought into the city for the purpose of participating in any dog show or sporting event.

(Code 1974, § 3-32)

**State law reference** – Local authority to adopt an animal control and licensing ordinance, MCL 387.240, MSA 12.541.

**Sec. 10-73. City clerk to keep license certificates; contents of certificates.**

It shall be the duty of the city clerk to purchase, and have in his possession, a sufficient number of dog license certificates to be issued in compliance with this division. The dog license certificates shall be numbered consecutively and shall bear the name and address of the owner, and the name, breed, sex, age, color and marking of the licensed dog.

(Code 1974, § 3-33)

**Sec. 10-74. Application; when made; contents.**

- (a) Application for dog license shall be made to the city clerk at following specified time:
  - (1) For newborn dogs, the application shall be made within six months of the birth of the dog.

- (2) For newly acquired dogs or new residents of the city owning dogs, the application shall be made within ten days of acquiring the dog or within ten days of moving into the city, whichever is applicable.
- (3) For all other dogs, the application shall be made on or before May 1 of each year.
- (b) The application for a dog license shall state the name, breed, sex, age, color, marking, and date the dog was last vaccinated against rabies, together with such other information deemed advisable by the chief of police. The application shall be signed by the applicant. 3-37)

(Code 1974, § 3-34)

**State law reference** – Dog licenses, MCL 287.266 et seq., MSA 12.516 et seq.

**Sec. 10-75 Proof of vaccination to be filed with application.**

At the time of making application for a dog license, the owner shall submit proof of vaccination of the dog for rabies valid for the year of the application.

(Code 1974, § 3-35)

**Sec. 10-76. Fees.**

At the time for making application for a license required by this division, the owner shall pay a fee as set from time to time by the city council for each dog to be licensed.

(Code 1974, § 3-36)

**Sec. 10-77. Exemption from license fee for dogs used to assist sense impaired persons.**

A dog which is used as a guide or leader dog for a blind person, a hearing dog for a deaf or audibly impaired person, or a service dog for a physically limited person is not subject to any licensing fee.

(Code 1974, § 3-37)

**State law reference** – Similar provisions, MCL 287.291, MSA 12.543 (11).

**Sec. 10-78. Issuance of license certificate and tag.**

The city clerk, after payment of the required licensed fee, shall deliver to the owner of the dog a license certificate and metallic tag.

(Code 1974, § 3-38)

**Sec. 10-79. Term.**

A dog license, issued pursuant to this division, shall expire on May 1 following its issuance.

(Code 1974, § 3-39)

**Sec. 10-80. Transferability; fee.**

No license or tag issued for one dog shall be transferable or possession of any dog is transferred from one person to another, the license issued for the dog may be transferred upon application to the city clerk, who shall note such transfer upon his records upon payment of a fee as set from time to time by the city council.

(Code 1974, § 3-40)

**Sec. 10-81. License tag to be attached to collar.**

It shall be unlawful for any person to own, possess or harbor a dog that does not, at all times, wear a substantial collar to which the license tag, as provided for in this division, shall be securely attached except or when confined in a secure pen or in a building properly closed so as to prohibit the dog from leaving the building.

(Code 1974, § 3-41)

**Sec. 10-82. City clerk to keep license tags; design of tags.**

It shall be the duty of the city clerk to purchase, from time to time as may be necessary and have in his possession, a sufficient number of dog tags for issuing in compliance with this division. The tags shall be uniform in shape and not more than 1 ½ inches in length, and the general shape shall be changed from year to year. They shall have impressed thereon the tag number which shall correspond with the license certificate number and shall bear the calendar year for which they are issued and words “Woodhaven Dog Tag”.

(Code 1974, § 3-42)

**Sec. 10-83. Removal of license tag.**

It shall be unlawful for any person except an owner or authorized agent to remove any license tag from a dog.

(Code 1974, § 3-43)

**Sec. 10-84. Replacement of lost tags; fee.**

If any dog or kennel tag is lost, it shall be the duty of the owner of the dog to secure from the city clerk a duplicate which may be done by presenting to the city clerk the license certificate and a sworn statement of the facts regarding the loss of such tag and payment to the city clerk of a fee as set from time to time by the city council.

(Code 1974, § 3-44)

**Sec. 10-85. Recording keeping.**

The city clerk shall keep a record of all dog license certificates issued during each year.

(Code 1974, § 3-45)

**Secs. 10-86 – 10-110. Reserved.**

**DIVISION 3. KENNELS\***

**Sec. 10-111. Kennel license may be issued in lieu of individual dog licenses.**

Any person who keeps or operates a kennel may, in lieu of obtaining individual dog licenses required by section 10-71, apply to the city clerk for a kennel license entitling him to keep or operate a kennel.

(Code 1974, § 3-52)

\*State law reference – Dog kennels, MCL 287.270 et seq., MSA 12.520 et seq.

**Sec. 10-112. Application for kennel license; contents.**

On or before May 1 of each year, or prior to the commencement of business, the owner of any kennel in the city shall apply to the city clerk, in writing, upon the form provided, for a kennel license. The application shall state the name and address of the owner, the number of dogs to be kept, The number of square feet of open ground or enclosed building available and in use for dogs, the number of feet between the kennel and nearest dwelling house other than the owner's, the number of feet between the kennel and the nearest residentially zoned property line, whether a completely enclosed building is provided within which dogs, will be confines each day, and such other information as the chief of police may deem advisable. The application shall be signed by the applicant.

(Code 1974, § 3-53)

**Sec. 10-113. License fee.**

- (a) At the time of making application for a kennel license, the applicant shall pay a fee as set from time to time by the city council for over three dogs.
- (b) If the application for a kennel license is not made before May 1 of each year, an additional charge as set from time to time by the city council shall be made for each kennel license so issued, unless the license is for a newly established kennel.

(Code 1974, § 3-54)

**Sec. 10-114. City clerk to keep license tags; design of tags.**

It shall be the duty of the city clerk to purchase, from time to time as may be necessary and have in his possession, a sufficient number of kennel dog tags for issuing in compliance with this division. The tags shall be the same form as the regular dog tag as required by section 10-82, and shall have impressed thereon the tag number which shall correspond with the kennel license certificate number and shall bear the calendar year for which they are issued, and words "Woodhaven Kennel Tag".

(Code 1974, § 3-55)

**Se. 10-115. City clerk to keep license certificates; contents of certificates.**

It shall be the duty of the city clerk to purchase, from time to time as may be necessary, and have in his possession, a sufficient number of kennel license certificates to be issued in accordance with this division. The kennel license certificates shall be numbered consecutively and shall bear the name and address of the owner, and the number of dogs permitted under the license.

(Code 1974, § 3-56)

**Sec. 10-116. Recordkeeping.**

The city clerk shall keep a record of all kennel license certificates issued during each year.

(Code 1974, § 3-57)

**Sec. 10-117. Transferability of license; fee.**

If the ownership or possession of any dog kennel is transferred from one person to another, the license of the dog kennel may be transferred upon application to the city clerk, who shall note such transfer upon his records upon payment of a fee set from time to time by the City Council.

(Code 1974, § 3-58)

**Sec. 10-118. License tag to be attached to collar on all dogs.**

The license of a kennel shall, at all times, keep one dog tag attached to the collar of each dog, four months old or over, kept by him under a kennel license.

(Code 1974, § 3-59)

**Sec. 10-119. Replacement of lost kennel tags; fee.**

In any kennel tag is lost, it shall be the duty of the owner of the dog to secure from the city clerk a duplicate which may be done by presenting to the city clerk the license certificate and a sworn statement of the facts regarding the loss of such tag and payment to the city clerk of



a fee as set from time to time by the city council. Statement of the facts regarding the loss of such tag and payment to the city clerk of a fee set from time to time by the city council.

(Code 1974, § 3-60).

**Sec. 10-120. Dogs not to be permitted beyond limits of kennel; exception.**

No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel; provided, however, that such dogs may be taken outside the limits of the kennel temporarily and on leash and may also be permitted outside the kennel temporarily for the purpose of hunting, breeding, trail or show.

(Code 1974, § 3-61)

**Sec. 10-121. Minimum space requirements.**

No kennel shall be operated with less than 2,000 square feet of open ground or enclosed building space in use for dogs, and such space shall be increased 400 square feet for each dog where more than four dogs are maintained, over four months of age.

(Code 1974, § 3-62)

**Sec. 10-122. Distance from residential property; soundproofing.**

No kennel shall be located within 1,000 feet of any dwelling house, except the owner's house, or within 1,000 feet of any property zoned as residential property under the city zoning ordinance, unless there shall be provided a completely enclosed building within which the dogs shall be confined each day during the time between sunset and 9:00am of the following day. The enclosed building shall be constructed or maintained as nearly soundproof as may be possible under modern construction.

(Code 1974, § 3-63)

**Sec. 10-123. Fencing Requirements.**

All outdoor kennels shall be enclosed behind wire fencing and heavy shrubbery or behind solid fencing of at least eight feet in height so that there shall be a complete barricade to sight from the inside of the enclosure to the outside.

(Code 1974, § 3-64)

**Sec. 10-124. Separate compartments required; exceptions.**

All kennel dogs shall be fed, maintained and housed in separate compartments and separate outdoor runways so that each dog does not come in physical contact or see other dogs. This section shall not apply when breeding is taking place or when a female dog is with her puppies.

(Code 1974, § 3-65)

**Sec. 10-125 General sanitation requirements.**

All kennel premises shall be maintained in a clean, sanitary condition at all times and proper sanitary methods shall be used to obliterate or prevent any offensive odor. Both inside and outside space in the kennel shall be completely and entirely cleaned of all refuse matter at least twice a day.

(Code 1974, § 3-66)

**Sec. 10-126 – 10-160. Reserved.**