

WAYNE, MICHIGAN CODE OF ORDINANCES

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CHAPTER 610 Animals

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CROSS REFERENCES

Permitting unlawful acts - see GEN. OFF. 604.03

Animals in parks - see S.U. & P.S. 1062.02

Animals in cemeteries - see S.U. & P.S. 1066.23

610.01 SCOPE AND PURPOSE OF CHAPTER.

This chapter shall apply to all persons within the City and is for the purpose of safeguarding and preserving the public peace, health and safety.

(Ord. 1988-11. Passed 6-7-88.)

610.02 DEFINITIONS.

As used in this chapter:

- (a) "At large" means any **animal** when off the premises of the owner and not under restraint.
- (b) "Caring," "keeping" or "harboring" means any act by any person:
 - (1) Allowing any **animal** to habitually remain or be lodged at one's premises;
 - (2) Allowing any **animal** to be fed within or at one's premises on a regular basis; or
 - (3) Exercising control over an **animal**.
- (c) "Kennel" means any establishment wherein or whereon any person keeps or has possession of more than two dogs that are not owned by such person for a period of more than three days, but on a temporary basis. "Kennel" does not include a veterinary hospital or clinic and does not include any pet shop or pet grooming shop.
- (d) "Humane manner" means the care required for an **animal** and includes, but is not limited to the provision of an adequately heated ventilated and sanitary shelter and wholesome food and water consistent with the normal requirements and feeding habits of the animal's size, species and breed.
- (e) "Owner" means a person, firm, or corporation who owns, keeping, possessing, harboring or having the care or custody of a dog or other **animal**.
- (f) "Person" means any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.
- (g) "Police Division" means any member of the Police Division of the City.
- (h) "Premises" means any house, residential unit, store, building, land or other type of enclosure.

(i) "Pup" means any dog under the age of four months.

(Ord. 2006-19. Passed 9-19-06.)

(j) "Under restraint" means that an **animal** is:

- (1) Within the real property limits of its owner;
- (2) Secured by a leash or lead; or
- (3) Confined in a closed vehicle or shipping receptacle.

(k) "Vicious dog" means:

(1) Any dog 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) Any dog which, without provocation, has attacked or bitten a human being or domestic **animal**; or

(3) Any dog owned or harbored primarily or in part for the purpose of fighting, or any dog trained for dog fighting;

or

(4) Any dog 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 any dog on the property of its owner or to a dog 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.

(l) "Dangerous **animal**" means a dog or other **animal** that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog, cat, or rabbit while the other **animal** is on the property or under the control of its owner. However, a dangerous **animal** does not include any of the following:

(1) An **animal** that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.

(2) An **animal** that bites or attacks a person who provokes or torments the **animal** at time of the incident.

(3) 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.

(4) Livestock.

(m) "Livestock" means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Livestock does not include animals that are human companions, such as dogs and cats.

(n) "Provoke" means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or **animal**.

(o) "Serious injury" means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

(p) "Torment" means an act or omission that causes unjustifiable pain, suffering, and distress to an **animal**, or causes mental and emotional anguish in the **animal** as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

(Ord. 1988-11. Passed 6-7-88; Ord. 2005-24. Passed 5-17-05.)

610.03 DOGS AT LARGE.

It shall be unlawful for any person to suffer or permit any dog or dogs owned, possessed, harbored or kept by him to run at large, which shall mean to wander unrestrained on any streets, alleys, parks or public places within the city, or upon any private property other than that of the owner of such dog.

(Ord. 1988-11. Passed 6-7-88; Ord. 2005-24. Passed 5-17-05.)

610.04 CARE OF DOGS.

No person shall:

- (a) Fail to keep any premises where dogs are kept in a clean and sanitary condition, or allow such premises to accumulate waste products so as to permit odors to be perceptible on any adjoining premises;
- (b) Confine any dog on a leash or chain which fails to allow such dog sufficient room for movement to exercise;
- (c) Fail to keep any dog in other than a humane manner; or
- (d) Own any dog which causes a disturbance by excessive barking, yelping, howling or other noise making.

(Ord. 1988-17. Passed 7-19-88.)

610.05 DOG LICENSES.

(a) License Required. No person shall own a dog that is more than four months of age in the City unless such dog is licensed and at all times wearing a collar with a metal tag attached as provided in this section.

(b) Application for License. Each person who owns a dog that is four months of age or older shall, on or before January 1 of each year, apply to the City Clerk for a license, which license shall fully describe the dog and give the name and address of the applicant.

(c) Vaccination for Rabies. No license shall be issued for any dog unless a certificate of vaccination for rabies, signed by a licensed veterinarian, certifying that the dog to be licensed has been immunized, is presented, and such certificate shall not be dated more than one year prior to the date of application for the license. However, if the certificate sets forth that such dog was vaccinated with modified live rabies virus of chick embryo origin, such certificate shall not be dated more than two years prior to the date of the application for the license. The Clerk shall note upon the license the fact of vaccination and the date thereof.

(d) License Fees. The applicant shall pay to the City Clerk fees as set forth in Section 210.11(l) of the Administration Code for the license required by this section. If the application is made after February 28 of any year, the higher fee shall be paid. A person owning a pup shall have four months after the birth of such pup in which to make application for such license at the lower fee.

(1) A person importing a dog into the City shall have ten days within which to make an application for the license at the lower fee.

(2) A person who, upon application for a license, presents certification from a licensed veterinarian that the dog sought to be licensed has been neutered shall be entitled to pay the reduced license fee as provided in Section 210.11(l) of the Administration Code.

(3) A person who, upon application for a dog license, exhibits reasonable proof that such dog sought to be licensed is a leader dog for a blind person shall be exempt from payment of the license fee.

(e) Issuance of License and Tag. Upon payment of the license fee as aforesaid, the City Clerk shall deliver to the licensee a license and metal tag. Such metal tag shall bear the name of the City, the license number and the calendar year, and shall be attached to a dog collar of durable material, furnished by the owner, to be worn by the dog licensed, at all times.

(f) Lost Tags. If any dog tag is lost, it shall be replaced by the City Clerk, upon application by the owner of the dog, upon production of the license and a sworn statement of the facts regarding the loss of such tag, and the payment of the fee for the same as set forth in Section 210.11(l) of the Administration Code.

(g) Transferability of Licenses and Tags. No license or license tag for one dog shall be transferable to another. No person, other than the owner, shall remove a license tag from the dog for which it is issued. However, whenever the ownership of any dog is permanently transferred, notice shall be given to the City Clerk and payment of the fee for the same as set forth in Section 210.11(l) of the Administration Code shall be made to the City Clerk to cover the cost of making such transfer.

(h) Expiration of Licenses. All dog licenses issued under this chapter shall expire on January 1 of each year.

(Ord. 24. Passed 1-17-67.)

(i) Number of Dogs. No person shall own more than two dogs at any one premises. (Ord. 1988-11. Passed 6-7-88; Ord. 2005-24. Passed 5-17-05.)

610.06 KENNELS; KENNEL LICENSES.

(a) No person shall operate a kennel in the City without first applying for and obtaining a kennel license from the City Clerk.

(b) No person, other than a licensed veterinarian, shall operate a kennel in the City except in areas zoned industrial.

(c) An applicant for a kennel license shall pay to the City Clerk the sum set forth in Section 210.11(m) of the Administration Code.

(d) The person operating a kennel shall post the license required by this section upon the premises so licensed.

(e) The kennel license required by this section shall not be transferable.

(f) No kennel shall have more than ten dogs at any time.

(Ord. 1988-11. Passed 6-7-88.)

610.07 ENFORCEMENT; IMPOUNDING.

(a) Seizure of Dogs. It shall be the duty of the Police Division to employ all proper means to enforce this chapter, including the seizing and impounding of all dogs found running at large or kept contrary to this chapter. The Division may, in its discretion, issue a notice of violation to the owner of a dog found in violation of this chapter.

(b) Impounding of Cats.

(1) The Division may issue a notice of violation to the owner of a cat that is not vaccinated for rabies as required by this chapter.

(2) The Division may use live traps for the purpose of trapping and impounding any cat found on public property, or, at the request of the owner of private property, any cat found on such private property without the consent of the owner of such property.

(c) Notice of Impounding.

(1) Dogs. Whenever a dog wearing a proper license has been impounded, the Division shall forthwith notify the licensee, by mail or otherwise, at the address appearing upon the application for the license, of such impoundment. Such notice shall be provided within two business days of such impoundment.

(2) Cats. Whenever a cat is impounded by the Division, the Division shall notify the owner thereof if known. Such notice shall be provided within two business days of such impoundment.

(d) Release of Impounded Animals; Fees. The owner of an impounded animal shall be liable to the City for the costs of impoundment. Subject to the provisions of Section 610.08, no animal shall be released from the pound unless the owner or the person entitled to demand the animal impounded pays to the City Clerk or to the animal control officer the following:

(1) Such sums as are set forth in Chapter 210 of the Administration Code; and

(2) Any other expenses incurred by the City by reason of such impoundment, including, but not limited to, veterinarian fees. In addition, prior to release, in the case of an impounded dog, such owner or person entitled to demand an impounded dog shall exhibit a license for such dog issued as required by this chapter. In the case of a cat, such owner or person entitled to demand an impounded cat shall exhibit a certification that such cat has been vaccinated for rabies as required by this chapter.

(e) Records. The **animal** control officer shall keep a careful record of all animals received by him or her, with a description thereof and an indication of the disposition of the same, and shall file with the City Clerk on the first day of each month a report showing the number of animals impounded during the previous month, the disposition of the same and a statement of all moneys paid into the Treasury by him or her during such month. (Ord. 1988-11. Passed 6-7-88.)

(f) Disposing of Animals. Subject to subsection (d) hereof and Section 610.08, all animals not claimed and released within seven days after notification to the owner of such **animal** shall be disposed of by the **animal** control officer in a humane manner. However, if, in the judgment of the Chief of Police or his or her designate, an **animal** is valuable, such **animal** may be sold at such time and place as determined by the Chief or his or her designate. If the **animal** control officer finds an **animal** suffering or being kept in an inhumane manner, such person shall remove or cause to be removed such **animal** to a safe place for care at the owner's expense, if the owner can be identified, or shall dispose of such **animal** in accordance with this chapter. (Ord. 1989-01. Passed 2-7-89; Ord. 1992-15. Passed 4-21-92; Ord. 2005-24. Passed 5-17-05.)

610.08 VICIOUS DOGS; RABID ANIMALS.

(a) Determination of a Vicious Dog. The **animal** control officer or any public safety officer shall investigate all complaints of a vicious dog. If the **animal** control officer or any public safety officer has reasonable cause to believe that a dog is vicious, he or she shall institute proceedings in the 29th District Court requesting the court to conduct a hearing on whether or not the dog should be declared vicious under this section. The issue of whether the dog is a vicious dog within the meaning of this section shall be decided based upon the preponderance of the evidence. If the court rules the dog to be vicious, it may order that the dog be confined to the owner's premises or euthanized. The court may establish a time schedule to ensure compliance with this section, but in no case shall such time exceed 30 days after the date of the court's determination. Court costs for such action shall be taxed against the owner of the dog. The court may decide all issues for or against the owner of the dog regardless of the fact that the owner fails to appear at the hearing, and the determination of the court shall be final and conclusive upon all parties thereto. If the **animal** control officer or any public safety officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the **animal** control officer or public safety officer may seize and impound the dog pending the hearing. The owner of the dog shall be liable to the city for the costs and expenses of keeping such dog.

(b) Possession of Certain Animals Prohibited. It is unlawful for any person to possess, harbor, breed, exchange, buy or sell any of the following exotic or wild animals:

(1) Poisonous reptiles, spiders and insects.

(2) Cats from the wild family, including, but not limited to, bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas, or tigers.

(3) Crocodylian reptiles, including, but not limited to, crocodiles and alligators.

(4) Bears.

(5) Any other dangerous **animal**.

(c) Requirements for Registration. Upon a finding by the court that a dog is vicious, its owner shall comply with the following requirements for licensing:

(1) License application. The owner shall apply to the City Clerk for a vicious dog license which shall be valid for one year from the date of its approval provided all conditions of this section and applicable court orders have been met. The license shall be renewable for successive one-year periods provided that the dog is to be kept on the same premises under the same conditions and its owner has not violated any conditions of this section or any court order during the previous 12-month period. No such license shall be transferable to a new owner of the dog or to a new location or address where the dog will be kept.

(2) Insurance. Prior to the receipt of a license, the owner shall present to the City Clerk proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by such vicious dog during the 12-month period for which licensing is sought, which policy shall contain a provision naming the City as an additional insured and shall provide that the City shall be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy. In addition, the owner shall sign a statement attesting that the owner shall maintain and not voluntarily cancel the liability insurance during the 12-month period for which licensing is sought, unless the owner shall cease to keep or harbor the vicious dog prior to expiration of such licenses.

(3) Signs. Prior to the receipt of a license, the owner shall display a sign in a prominent place on his or her premises warning of a vicious dog on the premises. Said sign shall be visible and capable of being read from any adjacent public right-of-way.

(4) Confinement of vicious dog. Prior to the receipt of a license, the owner shall provide for the confinement of the vicious dog. If the vicious dog is to be confined outdoors, the dog shall be confined to a pen or structure with secure sides and top attached to the sides. The structure shall have a secure bottom or floor attached to the sides of the pen or the structure shall be embedded in the ground no less than two feet. The structure shall be constructed and designed so as to prevent any escape of the animal or entry of young children. In addition, the size and location of the structure shall comply with the provisions of the zoning ordinance of the City including lot coverage and setback requirements, applicable to accessory structures. The owner shall keep the structure locked with a padlock or keylock at all times that the vicious dog is kept inside the structure, and shall keep the structure adequately lit and in a clean and sanitary condition. If the vicious dog is to be confined indoors, the vicious dog shall not be kept on a porch or patio or in any other part of a house or structure that would allow the dog to exit of its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting.

(5) Proximity to schools. If the court rules a dog to be vicious, and the owner of the dog lives within 500 feet of a school, the court may impose additional regulations to safeguard the public, up to and including ordering the dog permanently removed from the area.

(6) Control of vicious dogs. All vicious dogs shall be confined as previously described in this section. It shall be unlawful for any owner to maintain a vicious dog upon any premises which does not have a locked enclosure, unless such vicious dog is at all times maintained in the owner's dwelling. It shall be unlawful for any owner to allow any vicious dog 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 or to sell or give away the vicious dog or to comply with commands or directions of the court, the animal control office or any public safety officer with respect to the vicious dog, or to comply with licensing provisions of this section. In such event, the vicious dog shall be securely muzzled and restrained with a choker chain and leash having a minimum tensile strength of 300 pounds and not exceeding three feet in length. The muzzle shall be made and fitted in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal. The animal shall be under the direct control and supervision of the owner of a vicious dog or his agent, either of whom shall be, in any event, a person of 18 years of age and physically capable of restraining the animal.

(7) Reporting requirements. An owner shall notify the City Police Department immediately upon discovery that a vicious dog is on the loose, is unconfined, has attacked another animal or human being, or has been stolen. An owner shall notify the City Clerk in writing within one day if the vicious dog has been sold or given away or has died, and, if the vicious dog has been sold or given away to a new owner residing within the City, the owner shall also provide the City Clerk with the name, address and telephone number of the new owner of the vicious dog.

(8) Penalties for violation.

A. Failure to comply/show cause hearing. Upon an owner's failure to comply with any condition in the court order finding a dog to be vicious, the animal control officer or any public safety officer shall confiscate the dog and impound same pending a hearing requiring the owner of the dog to show cause why the dog should not be immediately destroyed. The owner of the dog shall be liable to the City for the costs and expenses of keeping such dog. Failure to comply shall, among other things, include:

1. The failure to obtain a vicious dog license in accordance with this section;
2. The failure to secure liability insurance in accordance with this section;
3. The failure to confine the vicious dog to the premises with appropriate signage in accordance with this section;
4. The dog's presence outside of the owner's dwelling or the enclosure except as provided in this section;

5. The failure to comply with the reporting requirements of this section.

B. Vicious conduct/show cause hearing. If any vicious dog shall, when unprovoked, kill, wound or assist in killing any domestic **animal** belonging to or in the possession of any person, or if any vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure a human being, the **animal** control officer or any public safety officer shall confiscate and impound the vicious dog pending a hearing within seven days requiring the owner of the dog to show cause why the dog should not be destroyed. The owner of the dog shall be liable to the City for the costs and expenses of keeping such dog.

(Ord. 1988-11. Passed 6-7-88; Ord. 1992-15. Passed 4-21-92; Ord. 2005-24. Passed 5-17-05; Ord. 2005-33. Passed 10-4-05.)

610.09 TRAPPING AND HUNTING PROHIBITED.

No person shall trap, or hunt with firearms or with any other type of weapon or device, or in any other manner, in any place in the City. However, this shall not apply to members of the Police Division or to any other person with permission from a member of the Division when necessary to carry out any other provision of this chapter.

(Ord. 1988-11. Passed 6-7-88.)

610.10 VACCINATION OF CATS.

Any person owning a cat in the City shall have such cat vaccinated for rabies in the same manner as that required for dogs as provided in Section 610.05(c). Any person owning a cat in the City shall be required to exhibit proper certification of such vaccination upon request of the Police Division.

(Ord. 1988-11. Passed 6-7-88.)

610.11 ANIMAL QUARANTINE.

At any time the Chief of Police or Council considers it advisable for the public health and safety to effect a dog or a cat quarantine, the Chief or Council may effect such quarantine by causing a publication entitled "Notice of Dog Quarantine" or "Notice of Cat Quarantine" to be published in the official newspaper of the City, providing a period during which all dogs or cats within the City limits shall be confined upon the property of the owner. During such period of quarantine, no owner of any dog or cat shall permit such dog or cat to cross the owner's property line, and the owner of each and every dog or cat shall be charged with the duty of enforcing such confinement. The quarantine shall take effect twenty-four hours after the publication and shall continue during the time prescribed in such publication.

(Ord. 1988-11. Passed 6-7-88; Ord. 1992-15. Passed 4-21-92.)

610.12 ANIMAL FIGHTING.

No person shall own any **animal** for the purpose of fighting with any other **animal**, and no person shall permit, maintain, promote or in any manner allow **animal** fighting on any premises owned, leased or otherwise in control of such person, whether such **animal** fight is for profit, sport or otherwise.

(Ord. 1988-11. Passed 6-7-88.)

610.13 CRUELTY TO ANIMALS.

(a) It shall be unlawful for any owner, possessor or person within the City of Wayne to cruelly drive, work or treat any **animal**, or to cause any **animal** to be driven, worked or treated in any cruel or inhumane manner.

(b) It shall be unlawful for any owner, possessor or person having the charge or custody of any **animal** within the City of Wayne to abandon any diseased, maimed, hopelessly sick, infirm or disabled **animal** in any place within the City of Wayne, or to willfully or negligently permit or allow any aged, diseased, maimed or hopelessly sick or disabled **animal** to suffer unnecessary torture or pain.

(Ord. 1992-01. Passed 1-7-92.)

610.14 ANIMAL DEFECATION.

No person shall intentionally allow any dog to deposit its feces on any public land, unless the person in control of the animal immediately removes and disposes of such waste in a proper and sanitary manner.

(Ord. 2004-11. Passed 8-17-04.)

610.15 CARE OF OTHER ANIMALS.

No person shall:

- (a) Fail to keep any animal in a clean and sanitary condition or allow such premises to accumulate waste products so as to permit odors to be perceptible on any adjoining premises;
- (b) Fail to care for an animal in such a manner as to provide adequate heated ventilation or sanitary shelter or wholesome food or water in such a manner to be consistent with normal feeding habits of an animal of a size and species.

(Ord. 2005-24. Passed 5-17-05.)

610.16 RABID ANIMALS.

- (a) No person shall own or harbor a dog that has been bitten by any animal known to have been afflicted with rabies, or which shall have bitten any person or animal.
- (b) Any person who shall have in his possession a dog or other animal which has contracted rabies, which has been subjected to the same, which is suspected of having rabies or which shall have bitten any person or other animal shall, upon demand of the Animal Shelter Supervisor or of the Health Officer or their designee produce and surrender such dog to the Animal Shelter Supervisor or Health Officer or their designee to be held for observation and treatment for a period of ten days at the animal shelter; provided, however, that with the approval of the Health Officer or Animal Shelter Supervisor any such dog or other animal may be surrendered to a registered veterinary or to any nonprofit corporation organized for the purpose of sheltering dogs or other animals, for observation and treatment for a period of at least ten days immediately following the biting of such person or animal.

(Ord. 2005-24. Passed 5-17-05)

610.949 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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