

ORDINANCE NO. 2009-397

An ordinance amending Chapter 14, Articles II & III in the Code of Ordinances for the Charter Township of Ypsilanti, Washtenaw County, Michigan

The Charter Township of Ypsilanti hereby ordains that Chapter 14 Articles II and III, entitled "Dogs" and "Offensive Odors", respectively, of the Township's Code of Ordinances shall be deleted in their entirety.

Add new Articles II and III to Chapter 14 of the Township Code of Ordinances to read as follows:

Article II. Animal control.

Section 1. Purpose

The Charter Township of Ypsilanti Board of Trustees finds and determines that there has been a substantial increase in the number of citizen complaints concerning the number of dogs in the Township that are running at large, causing physical injury to persons, damage to property, creating a nuisance and preventing the full enjoyment by citizens of their property; and that as a result of the foregoing, there is a condition that is detrimental to the health, safety and welfare of citizens residing in such areas. This ordinance is enacted to provide for animal control within the boundaries of Ypsilanti Township.

Section 2. Definitions

The following words, terms and phrases, when used in this article shall have the meanings described in this section:

ANIMAL CONTROL OFFICER: means any person employed by the county for the purpose of enforcing this Ordinance or state statutes pertaining to dogs or other animals.

AT LARGE: refers to a dog that is not in an enclosure, or is otherwise not under physical control, or is not under the control of the owner or other responsible person by means of a leash, cord, chain or other means of physical restraint.

CAT: A feral or domestic feline, including a stray.

DOG: A domestic canine including a stray.

MICROCHIP IDENTIFICATION: A passive electronic device that is injected into an animal by means of a hypodermic syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owner.

NUISANCE: An animal shall be considered a nuisance if any of the following occurs:

(1) By the frequent barking, howling, yelping, growling or making other noises shall unreasonably interfere with the quiet enjoyment of persons in the vicinity.

(2) Chases or snaps at a pedestrian, bicyclist or vehicle.

(3) Defecates on private or public property, other than its owner's and the animal owner fails to remove the feces deposited by the animal.

(4) Attacks or bites a person. The person must be lawfully on the property where the attack or bite occurs. This subsection does not apply to an animal tormented or provoked by the person.

(5) Attacks or bites a domesticated animal while the domesticated animal is on its owner's property or under the lawful control of its owner.

(6) Charges a person in a manner that restricts the person's freedom of movement by placing the person in reasonable fear of an imminent attack. The person must be lawfully on the property where the charge occurs. This subsection does not apply to an animal tormented by the person.

(7) Molests passers-by or persons on adjoining property by viciously, continuously, and aggressively barking or growling unless the dog is securely confined in a manner which ensures that the dog cannot escape the premises.

(8) Causes an offensive stench, odor or smell which extends into the property of another. This provision shall not apply to farm animals (horses, cattle, sheep and chickens).

OWNER: The term "owner" when applied to the proprietorship of an animal means: every person having a right of property in the animal, an authorized agent of the owner, every person who keeps or harbors an animal or

has it in their care, custody or control, and every person who permits the animal to remain on the premise occupied, owned or controlled by such person.

PREMISES: That portion of land owned or occupied by an owner not including any portion of such land that is accessible to the public as a right of way.

PROVOKED: 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.

RABIES SUSPECT ANIMAL: The term “rabies suspect animal” shall mean any animal which has been determined by the Michigan Department of Public Health to be a potential rabies carrier and which has bitten a human, or any animal which has been in contact with or been bitten by another animal which is a potential rabies carrier, or any animal which is a potential rabies carrier which shows symptoms suggestive of rabies.

TORMENTED: 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 a bite, attack or charge.

Section 3. Nuisance animals prohibited.

It shall be unlawful to be the owner of an animal which is a nuisance as defined in Section 2.

Section 4. Dog tethering to stationary object.

It shall be unlawful for a person to tether, fasten, chain, tie or restrain a dog or cause such restraining of a dog, to a tree, fence, post, dog house or other stationary object on a tethering which is less than three times the length of the dog. The length of the dog shall be measured from the tip of its nose to the end of its tail. The weight of the collar shall not exceed more than one-eighth of the dog’s body weight and shall not, due to weight, inhibit the free movement of the dog. The tethering shall not cause injury to the dog or entanglement with fixed objects such as fences, trees, or other man-made or natural obstacles.

Section 5. Dog at large prohibited.

It shall be unlawful to be the owner of a dog which is at large as defined in Section 2.

Section 6. Impoundment of dogs running at large.

(1) All dogs found running at large shall be seized by the Animal Control Officer or by other law enforcement officers, and impounded at the Humane Society. The dog will be subject to the policy currently in effect at the Humane Society of Huron Valley.

(2) It shall be lawful for any person to seize any dog running at large in violation of this Ordinance and to turn said dog over to the Animal Control Officer or law enforcement officer.

(3) When a dog is found running at large, and its ownership is known or is readily determined by the Animal Control Officer or other law enforcement officer, a citation may be issued to the dog owner in lieu of impoundment.

(4) Immediately upon impounding a dog, the Animal Control Officer shall make every reasonable effort to notify the owner of such dog so impounded and inform such owner of the conditions whereby custody of such dog may be regained pursuant to the regulations for the operation of the Humane Society.

(5) An owner may redeem a dog from the Humane Society by executing a sworn statement of ownership, furnishing a license and tag as required by this Ordinance and state law, and paying the following fees:

- a. A boarding fee as established by the Humane Society.
- b. Proof of a current license, a valid certificate of rabies vaccination, and microchip identification.
- c. If a dog owner is unable to prove that the dog has a current license and a valid certificate of rabies vaccination, the owner shall in addition to the fees set forth above, pay the fees established for licensing and rabies vaccination.
- d. If microchip identification is not present, a microchip with the owner's name, address and dog identification cod shall be imbedded by the Humane Society. The owner is responsible to pay the fee as established by the Humane Society for imbedding the microchip.

Section 7. Animal control officer, law enforcement officer, authority, violations.

(1) An animal control officer or a deputized law enforcement officer may issue appearance tickets, citations, or summons to persons owning, keeping, caring for, or permitting a dog to remain on the premises occupied by him in violation of this article.

Section 8. Confinement for rabies observation.

(1) Any person who shall have in his possession or control an animal which has contracted rabies or has been subjected to the same, or which is suspected of having rabies, or which has bitten any person or other animal, shall, upon demand of the animal control officer or any law enforcement officer of the township, produce and surrender up such animal to such officer to be held for observation as provided in this section. It shall be the duty of any person owning a animal which has been attacked or bitten by another animal showing symptoms of rabies, or which has bitten any person or any other animal suspected of having rabies, to immediately notify the animal control officer or a local law enforcement officer that such person has such an animal in his possession.

(2) Whenever a dog is reported to have bitten any person, it shall thereupon be the duty of the animal control officer to seize such animal and confine the animal in one of the veterinarian hospitals in the township or the vicinity thereof, or with the Huron Valley Humane Society, for a period of at least ten days for the purpose of ascertaining whether such animal is afflicted with rabies. The animal control officer may notify, in writing, the person owning or possessing such dog, to confine the dog in one of the veterinarian hospitals of the township or the vicinity thereof, or with the Huron Valley Humane Society, for a period of at least ten days for the purpose of ascertaining whether such dog is afflicted with rabies. It shall thereupon be the duty of such owner to accomplish the confinement of such dog within 12 hours after receiving such notice from the animal control officer in any one of the places above indicated for such period of ten days, for the purpose of ascertaining whether such dog is afflicted with rabies. If such dog is not afflicted, it may be returned to its owner.

(3) If any dog is confined under the provisions of this section, the owner thereof shall be liable for any fees and costs which accrue because of the detention of such dog.

(4) Whenever a dog confined under this section is suspected of having rabies, it shall be the duty of its owner or the animal control officer to arrange for the delivery of such dog to the state department of health for a laboratory diagnosis of the presence or absence of rabies.

Section 9. Penalty for violation of article.

Any person violating a provision of this article is guilty of a misdemeanor punishable by not more than a \$500.00 fine and/or imprisonment for not more than 90 days.

Article III. Dog Licensing and vaccination.

Section 1. Licensing and vaccination.

(1) It shall be unlawful for any person to own any dog four (4) months old or over, unless the dog is licensed as hereinafter provided, or to own any dog four (4) months old or over that does not at all times wear a collar with a tag approved by the Director of the Michigan Department of Agriculture, attached, as hereinafter provided, except when engaged in lawful hunting accompanied by its owner; or for any person except the owner, to remove any collar and/or license tag from a dog.

(2) The owner of any dog four (4) months or over, shall annually apply to the Township treasurer for a license by the last day of the anniversary month of the dog's current rabies vaccination. Such application shall be in writing and state the breed, sex, age, color and markings of the dog, and the name and address of the last previous owner. The application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The certificate for the vaccination for rabies shall state the month and year of expiration for the rabies vaccination. A license shall not be issued if the dog's current rabies vaccination will expire more than one month before the date on which that license would expire.

(3) A dog may be exempt from the rabies vaccination requirements as herein set forth if in the written opinion of a licensed veterinarian, administration of the rabies vaccine will result in the death of the dog due to a preexisting disease or terminal illness.

Section 2. Fees.

(a) The annual fee for male or female dogs four (4) months of age or over that are not surgically sterilized shall be \$120.00 per year. The annual fee for licenses for surgically sterilized male or female dogs four (4) months of age or over shall be \$6.00 per year. If, in the opinion of a licensed veterinarian, a dog's advanced age renders sterilization unnecessary, the annual fee for a license shall be \$6.00 per year.

(b) For dogs reaching the age of four (4) months, the owner thereof shall obtain a license within thirty (30) days of the date in which a dog reaches four (4) months of age at the rate set forth in Section 2 (a).

(c) 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 fee for licensing, as provided in MCL 287.291.

(d) Whenever a dog has been licensed for the current year elsewhere in the state and the owner thereof becomes a resident of the Township, the owner shall register such dog with the treasurer and otherwise comply with all of the provisions of Section 2(a) of this Article.

(e) No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the Township, the license of such dog may likewise be transferred, upon proper notice, in writing by the last registered owner, given to the Treasurer who shall note such transfer upon his/her records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

Section 2. Records kept by animal control officer.

The Washtenaw County Animal Control Officer shall keep a record of the breed, sex, age, color and markings of every dog impounded, together with the date, hour and location of such impounding and the name of its owner, if known.

Section 3. Penalty.

Any person violating any provisions of this article shall be responsible for a civil infraction and subject to a fine as follows:

- (1) The maximum fine for any first violation of this article shall be \$100.00;
- (2) The maximum fine for any violation of this article which the violator has, within the past two years, been found in violation of once before, shall be \$250.00;
- (3) The maximum fine for any violation of this article which the violator has, within the past two years, been found in violation of twice before, shall be \$500.00.

Severability

The various parts, sentences, paragraphs and clauses of this ordinance are severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Publication

This Ordinance shall be published in a newspaper of general circulation as required by law.

Effective date

This Ordinance shall become effective upon publication in a newspaper of general circulation as required by law (September 24, 2009).