

Chapter 4

ANIMALS*

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*Cross reference – Environment, ch. 12.

State law reference – Authority to adopt animal control ordinance, MCL 287.290; cruelty to animals, MCL 750.50.

POTTERVILLE CODE

**ARTICLE I: IN GENERAL Secs.
4.10 - 4-30 Reserved.**

Sec. 4-1. Definitions

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

Poultry: means all domestic fowl, chickens, ducks, and turkeys.

Fowl: means live guineas, pea fowl, pheasants, and other game birds possessed or being reared under authority of a breeder's license pursuant to part 427 (breeders and dealers) of the natural resource and environmental protection act, Act No. 451 of the Public Acts of 1994 being sections 324.42701 to 324.42714 of the Michigan Compiled Laws.

Livestock: means horses, stallions, colts, geldings, mares, sheep rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, and swine, and fur-bearing animals being raised in captivity.

Pet: a domestic or tamed animal or bird kept for companionship or pleasure and treated with appropriate care.

Owner: when applied to the proprietorship of a dog means 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.

Kennel: Any establishment wherein or whereon 4 or more dogs are kept for the purpose of breeding, sale, or sporting purposes.

Cattery: Any establishment wherein or whereon 5 or more cats are kept for organized shows, breeding, or rodent control.

Continuous Barking: means barking, howling, yelping for a period of time in excess of 15 minutes.

Sec. 4-2. Care of Animals

Every owner or caregiver of an animal shall be required to provide the animal with the minimum standard of care set forth in this Ordinance, which means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

Provisions: Except as provided in this section, no person shall keep or house any animal, bird, or reptile within the city except dogs, cats, canaries or other animals which are commonly kept and housed inside dwellings as household pets.

Food and Water: Every owner or caregiver of an animal shall provide, on a daily basis, the animal with sufficient good and wholesome food and water.

Cleanliness: Every owner or caregiver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to force to stand, sit or lie in their own excrement.

Shelter: Every owner or caregiver of animals shall provide all animals with proper shelter and protection from the weather.

Veterinary Care: The owner or caregiver of a diseased or injured animal shall provide the animal with appropriate veterinary care and shall segregate the diseased animal from other

animals to prevent transmittal of disease.
Abuse: No person shall overwork, torture, torment, deprive all necessary sustenance, cruelly beat, mutilate, poison or cruelly kill any animal or bird.

Abandonment and Neglect: No owner or caregiver of an animal shall abandon or neglect any animal. An animal is deemed abandoned and/or neglected if the owner or caregiver fails to properly maintain the animal.

Poison: No person shall throw or deposit a poisonous substance on any exposed public or private place where it endangers, or is likely to endanger any animal or bird.

Disfigurement: No person, except a licensed veterinarian, shall crop an animal's ears or dock an animal's tail.

Other Conditions: No animal shall be left without proper attention and care for more than 24 consecutive hours.

No person shall give an animal any alcoholic beverage or prescription drug, unless prescribed by a veterinarian. No person shall knowingly allow animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment.

Working animals shall be given adequate rest periods with water and shade provided. Confined or retrained animals shall be given proper exercise.

Sec. 4-3. Kennels / Catteries

For the purpose of this ordinance, a kennel shall be construed as an establishment wherein or whereon any combination of 4 or more cats and/or dogs are confined and kept for sale, boarding, breeding, or training purposes, for remuneration, and a kennel facility shall be constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with the animals lodged in the kennel. Any persons who keep or operate a kennel are subject to follow the State Statue MCL 287.270. (Ord. No. 2016-243, § 4-3, 1-3-2017)

ARTICLE II:

Sec. 4-4. Dogs

1. Within the City any person or persons that are housing, harboring or feeding a dog shall be deemed the lawful owner thereof and shall be responsible for the dog under the following:

2. Permitting Dog to run at Large or Unrestrained on Public Property which includes all of Potterville Parks:

(a) It shall be unlawful for the owner or keeper of any dog to permit or allow such dog to run or roam at large away from the premises or enclosure of the owner or keeper of such dog, and not held properly on a leash, within the limits of the city. (Code 1972, 54-4)

(b) No person owning or in control of any dog shall allow the dog to enter upon any public sidewalk, street, or any other public property unless the dog is being held by a person with a leash, except as may be otherwise permitted by park rules.

(c) Where notice or citation of infraction is given to animal owners neglecting to lawfully employ a leash, first offenses within a calendar year, resulting in no physical harm, shall incur a fine of \$25. Subsequent infractions shall be fined pursuant to general provisions.

3. Confinement at Night: Every dog at all times between sunset of each day and sunrise of the following day shall be confined upon the premises of its owner or custodian, excepting when the dog is otherwise under the reasonable control of some person. (Code 1972, 54-5)

4. Confinement in Front Yard: No dog shall be kept, restrained, confined, or housed in the front yard unless attended by a person who is present in the front yard of any single-family or two-family residence.

5. Destruction of Property; Trespassing: It shall be unlawful for any person to own, keep or have charge of any dog that by the destruction of property, or trespassing on other's property, becomes a nuisance. Nuisance constitutes any action or occurrence which substantially interferes with the reasonable

use or enjoyment of another individual's property or which so harms the community at large. (Code 1972, 54.8)
(Ord. No. 2016-243, § 4-4, 1-3-2017)

6. Removal of Dog Droppings: No person owning harboring, keeping or in charge of any dog shall cause, suffer, or allow such dog to soil, defile, defecate, or to commit any nuisance on any public thoroughfare, sidewalk, passageway, bypass, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without permission of the owner of said property unless:

The person who so owns, harbors, keeps, or is in charge of such dog shall immediately remove all droppings deposited by such dog by a sanitary method. The person shall possess a container of sufficient size to collect and remove above-mentioned dog droppings and exhibit the container, if requested by any official empowered to enforce this section. The droppings removed from the aforementioned areas shall be disposed of by the person owning, harboring, keeping, or in charge of such dog in a sanitary method on the property of the person owning, harboring, or in charge of said dog or in an appropriate container provided and maintained in a city park designated for such purpose.

7. Barking Dog: No owner of a dog shall permit continuous barking which disturbs another person.
(Ord. No. 2016-243, § 4-4 c, 1-3-2017)

Sec. 4-5. Licensing

License Requirements: It shall be unlawful for any person (a) To own any dog four (4) months old or older, unless the dog is licensed; (b) To own any dog four (4) months old or older that does not at all times wear a collar with an identifying tag approved by the Director of the Michigan Department of Agriculture attached

as provided, except when engaged in lawful hunting accompanied by its owner; of (c) to remove any collar and license tag from a dog, except the owner.

License Application: On or before June 1 of each year, the owner of a dog 4 months or older shall apply in writing for a license for each dog owned or kept by the owner. The application for a license shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The owner of the dog that attains the age of four (4) months after June 1 shall have (30) days to obtain a license. The application for a license shall contain the breed, sex, color, markings, and the address of the previous owner of the dog. Owners may apply for a license at City Hall starting January 1 through February 28, after which all licenses must be applied for at Eaton County.

Sec. 4-6. Dangerous Dogs

It shall be unlawful for any person owning, possessing, or having charge of a dog known to be a dangerous dog to persons or property to permit or allow the dog to be at large in the city at any time.

As used in this section, the term "dangerous dog" means a dog that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous dog does not include any of the following:

A dog that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.

A dog that bites or attacks a person who provokes or torments the animal.

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 a subject of an assault. (Code 1972, 54-6; State Law Reference Dangerous Animals,

MCL 287.321)

ARTICLE III:

Sec. 4-7 Chickens/Ducks

A person may keep chickens or ducks if done so in conformity with all of the following:

The owner of single family dwelling who wants to keep chickens or ducks in the city shall obtain a permit from the city prior to acquiring the poultry. Application shall be made to the city clerk with a fee to be determined by resolution of city council. A permit waiver will be issued to a child that is a member of 4H if they have a letter from the child's 4-H leader, this waiver is only for a child that is raising fowl for their 4H project, a waiver will not be issued if the household is raising a flock. Maximum limit 1 household can have is 4 fowl (combination of ducks and chickens).

Permits expire and become invalid five years after the date of issuance. A person who wishes to continue keeping poultry shall obtain a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

A person who keeps or houses chickens or ducks on his or her property shall comply with

the following requirements:

Maximum limit 1 household can have is 4 fowl (combination of ducks and chickens)

Have been issued the permit required under subsection (1) of this section.

The principal use of the person's property is for the owner of a single family dwelling. No person shall keep any rooster, geese, or peafowl.

The poultry shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times. Fenced and covered enclosures are subject to inspection by the Zoning Administrator.

A person shall not keep poultry in any location on the property other than in the backyard. No covered enclosure or fenced enclosure shall be located closer than 5 feet to any property line of an adjacent property, or closer than 20 feet to any occupied residential structure on an adjacent property.

All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, feral cats or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 20 feet to any occupied residential structure on an adjacent property.

All feed and other items associated with the keeping of poultry that are likely to attract or become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access to or coming into contact with them. All areas where feed and other items associated with the keeping of poultry are subject to inspection by the Zoning Administrator.

Must process (butcher) poultry out of the sight of the public, within a garage or building. No stringing chickens on a line outdoors. If a person does not have a proper place to process their chickens then they must take the chickens to a processor. Contact phone numbers may be available at City Hall.

If the above requirement are not complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation. Each day a violation exists shall constitute a separate offense.

A person who has been issued a permit shall submit it for examination upon demand by any police officer or the Zoning Administrator. (Ord. No. 2016-243, § 4-7, 1-3-2017)

ARTICLE IV:

Sec 4-8 – Prohibited Animals

No person shall harbor or keep any animal or bird which causes annoyance or disturbance within the city limits, by making sounds common to its species or otherwise, or which endangers the safety of any person or property. Exceptions will be heard by the Animal Committee and a permit maybe required.

Bees: No person shall keep, harbor or raise bees in the City.

Large Livestock: horses, stallions, colts, geldings, mares, sheep rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, and swine.

Poisonous or Venomous: It shall be unlawful to keep within the City any animal, reptile, insect, or other creature that has poisonous venom which if injected into a human being, would result in severe pain, suffering, illness, or death.

ARTICLE V:

Sec. 4-9 – Penalties

State Law Offenses: Violations of the ordinance that are also violation of State Law may be prosecuted under either.

Municipal Civil Infraction Citations: A person who violates this ordinance shall be deemed responsible for a municipal civil infraction, the penalty which, shall be a civil fine plus any cost, damages, expenses, and other sanctions,

amended, being MCL 600.8701 et seq., and other applicable laws.

Authorized Enforcement Officials: The Chief Animal Control Officer, his/her designees, and deputies, and deputies of the Eaton County Sheriff, are the County officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Ordinance.

City of Potterville Police Department and the Zoning Administrator may also issue civil infraction citations when he/she personally observes the violation. They also may issue a civil infraction after investigation has reasonable cause to believe that a violation occurred and it is approved by the prosecuting attorney to its issuance.

Service of Municipal Civil Infractions: Municipal civil infractions should be served personally if possible. If personal service cannot readily be obtained, municipal civil infractions may be served by first class mail. When served by mail, the defendant's correct name and address shall be confirmed prior to mailing.

Municipal Civil Infraction Citations – Contents:

A municipal civil infraction citation shall contain:

A description of the violation;

The time within which the alleged violator must contact the Bureau for purposes of admitting or denying responsibility;

The address and telephone number of the Bureau;

Further, the citation shall inform the alleged violator that he or she may do one of the following:

Admit responsibility for the municipal civil infraction within the time specified for appearance and pay the specified fine by mail or in person;

Admit responsibility for the municipal civil

infraction "with explanation" within the timespecified for appearance by mail or in person, or by representation; or deny responsibility for the municipal civil infraction and requesting either an informal or formal hearing in the matter.

Establishment of Municipal Civil Infractions Violations Bureau: The Municipal Civil Infraction Violations Bureau for disposition of municipal civil infractions is the Eaton County 56A District Court Office, 1045 Independence Boulevard, Charlotte, Michigan.

ARTICLE II. DOGS*

Sec. 4-31. Ownership.

Any person housing, harboring or feeding a dog in the city shall be deemed the lawful owner thereof and shall be responsible for the dog.
(Code 1972, § 54-2)

Sec. 4-32. Permitting dog to run at large.

It shall be unlawful for the owner or keeper of any dog to permit or allow such dog to run or roam at large away from the premises or enclosure of the owner or keeper of such dog, and not held properly on a leash, within the limits of the city.
(Code 1972, § 54-4)

Sec. 4-33. Confinement at night.

Every dog at all times between sunset of each day and sunrise of the following day shall be confined upon the premises of its owner or custodian, excepting when the dog is otherwise under the reasonable control of some person.
(Code 1972, § 54-5)

Sec. 4-34. Dangerous dogs.

(a) It shall be unlawful for any person owning, possessing or having charge of any dog known to be a dangerous dog to persons or property to permit or allow the dog to be at large in the city at any time.

(b) As used in this section, the term "dangerous dog" means a dog that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous dog does not include any of the following:

- (1) A dog that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
- (2) A dog that bites or attacks a person who provokes or torments the animal.

- (3) 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.

(Code 1972, § 54-6)

State law reference – Dangerous animals, MCL 287.321 et seq.

Sec. 4-35. Destruction of property; trespassing.

It shall be unlawful for any person to own, keep or have charge of any dog that by the destruction of property or trespassing on others' property becomes a nuisance.
(Code 1972, § 54.8)

Sec. 4-36. Seizure of dogs in violation.

(a) Any peace officer or any special officers appointed by the city manager or designee shall have authority to catch and take into his control each and every dog running at large within the limits of the city and as soon as practicable make arrangements to transfer control of the animal to county animal control.

(b) In cases where a sworn complaint of the existence of a dangerous animal held on private property have been made, any peace officer or any special officers appointed by the city council shall have authority to catch and take into their control each and every such dangerous animal on such property and, as soon as practicable make arrangements to transfer control of the animal to county animal control.

(Act. 426 of 1988, 287.321-322)

(Ord. No. 2016-243, § 4.36, 1-3-2017)

Sec. 4-37. Culpability

A person who violates this section may be responsible for a civil infraction.

Ord. No. 2016-243, § 4-37, 1-3-2017)

*State law reference – Dogs, MCL 287.266 et seq.

Chapter 5

RESERVED

