



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: March 1, 2007
SUBJECT: Revised Chapter 90 – Animals

At the January 8, 2007 City Council meeting, a Troy resident, Irene MacColeman, requested an amendment to the Animal Ordinance (Chapter 90). This requested amendment would prohibit the prolonged tethering of dogs. At that time, Council informally referred this requested amendment to the Animal Control Appeals Board for input and/or recommendation.

After researching the law, and reviewing ordinances from other jurisdictions, our office prepared proposed language that would prohibit the tethering or chaining of dogs unless certain conditions are satisfied. For example, tethering would only be allowed when the tether is at least ten feet in length, and when the dog is provided with shelter.

At a meeting on February 14, 2007, the Animal Control Appeals Board reviewed the proposed ordinance revision, and recommended approval with one modification relating to the allowable time for tethering.

In addition to the anti-tethering amendment, the Animal Control Appeals Board has also previously considered several other revisions to Chapter 90. These revisions have been incorporated into one comprehensive package for Council's consideration. Some of the other proposed changes to Chapter 90 include: reorganizing the overall structure of the chapter, reorganizing and clarifying definitions, clarifying the responsibilities and duties of the Animal Control Appeal Board, expanding the definition, grounds, and protocol for impounding animals, creating an exception for hunting and trapping Canada Geese as part of DNR nuisance animal programs, and consolidating and clarifying the permit requirements for domestic, dangerous, and wild animals. The Animal Control Appeals Board recommends adoption of all of these changes.

The proposed revisions to Chapter 90 are attached for your review. Due to the extensive changing and reformatting, it was difficult to use redline formatting to highlight all of the changes. However, the anti-tethering provisions are highlighted for your convenience, as well as the current version of Chapter 90.

This item is for informational purposes, and is planned to be an action item on the next City Council agenda. If you have any questions concerning the above, please let us know.

PROPOSED REVISIONS

CHAPTER 90 - ANIMALS

- 90.10.10 **Definitions.** The following terms when used in this Chapter shall have the meanings set forth in this Section:
- 90.10.11 “Animal” - Any living creature, except humans and plants. “Animal” includes any mammal, bird, reptile, snake, turtle, crustacean or any other vertebrate or invertebrate.
- 90.10.15 “At Large” - An animal is at large when it is off the property of its owner and not under the reasonable control of a competent person.
- 90.10.20 “Cruelty” - includes:
- (a) an intentional act or omission that unjustifiably causes physical pain, suffering or death of an animal, or
 - (b) an intentional act or omission of failing to provide an animal with proper food, drink, air, space, veterinary care, shelter or sanitary and safe living environment, or
 - (c) tormenting an animal or causing, sponsoring or permitting an animal to engage in a fight or combat with another animal or human.
- 90.10.25 “Dangerous Animal” - A wild or feral animal, other than a dog, which because of its size, aggressive nature or other characteristics constitutes a danger to persons or property.
- 90.10.30 “Domestic Animal” - An animal, other than a dog, that is not feral in nature, including, but not limited to horses, cows, chickens, geese, pigeons, ducks, steers, ponies, mules, donkeys, sheep, swine, pigs and goats.
- 90.10.35 “House Pet” - A non-domestic and non-dangerous small animal normally kept confined as a pet, including but not limited to hamsters, fish and parakeets.
- 90.10.40 “Hunt” - includes, but is not limited to shooting, or attempting to shoot, seeking, provoking, pursuing or taking any animal.
- 90.10.45 Impound” - An animal is impounded when an Officer places the animal in an Animal Shelter or other secure place for confinement.
- 90.10.50 “Neglect” - includes:
- (a) an unintentional or negligent act or omission, that unjustifiably causes physical pain, suffering or death of an animal, or

(b) an unintentional or negligent failure to provide proper food, drink, air, space, veterinary care, shelter, including adequate shelter to prevent escape, or a sanitary and safe living environment.

- 90.10.55 "Officer" - An Animal Control Officer, or Police Officer.
- 90.10.60 "Owner" - A person or a group of persons who owns, controls, harbors, keeps, or has a property interest in any animal.
- 90.10.65 "Person" - An individual, employee, corporation, partnership or association.
- 90.10.70 "Quarantine" - An animal is quarantined when an Officer orders the animal confined to prevent it from having contact with any other animal.
- 90.10.71 "Shelter" – A roofed structure of at least three sides which provides adequate protection to a dog from the elements and weather conditions so as to maintain the dog in a state of good health. "Shelter" includes a residence, garage, barn, shed, or dog house. "Adequate protection" from the elements includes, but is not limited to, dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- 90.10.72 "Tethering" – The restraint and confinement of a dog by use of a chain, rope, or similar device.
- 90.10.75 "Trap" - includes hunting, confining, taking or entrapping any animal by means of any trap, snare, bait, hook or other device.
- 90.10.80 "Veterinary Certificate" - is a certificate from a licensed veterinarian that states that an animal has been immunized for rabies and states the date the immunization expires.
- 90.10.85 "Vicious Animal" - An animal is vicious if the animal:
- (a) has committed an unprovoked attack on a person or animal, or
 - (b) approaches a person in an apparent attitude of attack when unprovoked, or
 - (c) has bitten a person or animal, or
 - (d) has contracted or is suspected of having contracted rabies.
- 90.10.90 "Wild Animal" – An animal that is not defined in this Chapter as a dangerous animal, domestic animal or house pet.

PROHIBITED CONDUCT INVOLVING ANIMALS

- 90.20.10 Cruelty to Animals. No person shall be cruel to an animal. A person who violates this section is guilty of a misdemeanor punishable by

imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.20.20 Neglect to Animals. No person, who owns or controls an animal, shall neglect that animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

~~90.20.30~~ ~~90.20.30~~ Injure Police Dog. No person shall torture, torment, beat, kick, strike, injure, disable or kill any dog used by the City of Troy Police Department or interfere with or meddle with any police dog in the performance of its duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500 or both.

~~90.20.31~~ Tethering a Dog. No person shall tether a dog unless all of the following conditions are satisfied:

(a) The dog has access to shelter;

(b) The tether is at least ten feet in length;

(c) The tether, harness, collar or other type of collaring device when taken together weighs not more than one-eighth of the dog's body weight;

(d) The harness, collar, or other type of collaring device being used is designed for the purpose of tethering, and is made from material that prevents injury to the dog;

(e) The manner of tethering prevents injury, strangulation, or entanglement on fences, trees, or other objects;

(f) Tethering shall occur only during daylight hours, provided the period of tethering does not exceed eight continuous hours.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: This section shall not apply to a person who is walking a dog on a leash.

90.20.40 Hunting. No person shall hunt any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exceptions:

- (a) Officers are authorized to use shell crackers or other noise making devices to control geese and migratory waterfowl.
- (b) Officials of the Michigan Department of Natural Resources (DNR), or persons permitted by the DNR pursuant to MCL 324.40114, are authorized to hunt Canada Geese or other nuisance migratory waterfowl in connection with the DNR Goose Round Up Program, Goose Egg Program, or other similar programs operated by the DNR.

90.20.50 Trapping. No person shall trap any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exceptions:

- (a) A person may trap small rodents such as mice, rats and moles.
- (b) A person licensed or authorized by the State to trap may trap subject to the following:
 - (1) Only live traps that cannot kill or injure animals or persons may be used.
 - (2) All traps must be permanently marked with the owner's name and a telephone number where the owner or owner's agent can be contacted 24 hours a day.
 - (3) All traps must be checked at least every 24 hours.
- (c) Officers are authorized to use traps to capture dangerous, wild or domestic birds or animals that are running at large or have become a public nuisance.
- (d) Officials of the Michigan Department of Natural Resources (DNR), or persons permitted by the DNR pursuant to MCL 324.40114, are authorized to trap Canada Geese or other nuisance migratory waterfowl in connection with the DNR Goose Round Up Program, Goose Egg Program, or other similar programs operated by the DNR.

90.20.60 Poisoning Animals. No person shall poison or attempt to poison any animal except rodents and insects. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.20.70 Birds. No person, except Officers acting in their official capacity, shall molest, injure, kill or capture any wild bird. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the

county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.20.80 Birds' Nests. No person, except Officers acting in their official capacity, shall disturb any wild bird nest. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: Owners of private property may disturb a bird nest located on their property if disturbing the nest does not violate any federal, state laws.

90.20.90 Feeding Waterfowl. No person shall feed waterfowl, including Giant Race of Canada Goose, Mallard Duck and sea gulls. Feeding means providing food other than that which is growing naturally on the site. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

DUTIES OF ANIMAL OWNERS

90.30.10 Number of Dogs Allowed. No person shall own, keep or control more than three (3) dogs, and no household or premises in the City shall have more than three (3) dogs total. This three (3) dog limit shall not apply to puppies, under the age of six (6) months, of a litter of a dog owned by the person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.30.15 Diseased Animals. Any animal with a contagious or infectious disease shall be isolated from all other animals to prevent the illness or disease from being transmitted to another animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.30.20 Domestic Animals on Public or Private Land. No person who owns or controls an animal shall allow that animal, to be on a municipal golf course, cemetery, public sidewalk, school district property, airport property, or a public or private parking lot. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: Animals may be allowed on public property if expressly authorized.

Exception: Officers are authorized to have horses in parades and for official City business.

Exception: Animals may be allowed on private property with the express consent of the owner.

- 90.30.25 Noises. No person, who owns or controls an animal, shall allow that animal to disturb the peace by habitually making noises, including barking, yelping or howling. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.30 Odors. No person, who owns or controls an animal, shall allow that animal to create an odor that is offensive. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.35 Running at Large Prohibited. No person, who owns or controls an animal, except a domestic cat, shall permit that animal to run at large within the City of Troy. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.40 Animals in Parks. No person shall permit any dog owned by him or under his control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. No person shall permit any other animal either wild or domestic, owned by him or under his control or custody, to enter any park except when special permission is granted by the City Manager. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.45 Vicious Animal. No person shall own, keep or possess a vicious animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both and the Court may order the destruction of the animal.
- 90.30.50 Possession of Excrement Removal Device. No person, who is accompanying an animal, shall allow that animal to be on property owned by another unless the person has in his or her immediate possession, an appropriate device for the scooping and temporary storage of excrement. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.55 Removal of Animal Excrement. No person, who owns or controls an animal that deposits excrement on property owned by another, shall fail to immediately remove such excrement and immediately dispose of it in a receptacle located on the property of the person who owns or controls the

animal and if the person is not aware that the animal deposited excrement on another property, shall upon being made aware of such fact, immediately dispose of it in a receptacle located on the property of the person who owns or controls the animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

QUARANTINE

90.40.10 Period of Quarantine. An animal shall be quarantined for a period of ten (10) days if an Officer has reasonable suspicion that:

- (a) the animal has bitten a person or another animal, or
- (b) the animal has rabies.

90.40.20 Place of Quarantine. At the Officer's discretion, an animal may be quarantined:

- (a) in an animal shelter, or
- (b) at the premises of the owner, if the owner has proof that the animal has had a rabies vaccination, or
- (c) in a licensed veterinary hospital.

90.40.30 Expenses of Quarantine. The owner of a quarantined animal shall pay the expenses of the quarantine. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.40.40 Refuse to Follow Quarantine Orders. No person, who owns or controls an animal, shall refuse to follow the quarantine orders of an Officer. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

IMPOUND

90.50.10 Grounds for Impoundment. An animal may be impounded if the Officer has reasonable suspicion that:

- (a) the animal is vicious, or
- (b) the animal has been neglected, or
- (c) the animal was running at large, or
- (d) the animal was treated with cruelty.

90.50.20 Release from Impoundment. An impounded animal shall be released to the owner upon satisfaction of the following conditions:

- (a) the animal owner has paid any fees required by Chapter 60 of the Troy City Code, and
- (b) if a dog, proof that the dog has been immunized against rabies, and
- (c) if a dog, proof that the dog has a current license, and
- (d) the owner has paid for the cost of boarding the animal, and
- (e) the Officer has been adequately assured of the safety of the animal, it's owners, and the public and has consented to the release of the animal or a court of competent jurisdiction has ordered the animal released.

90.50.30 Unclaimed Animal. If the ownership of an impounded animal cannot reasonably be ascertained or the owner of the impounded animal does not claim the animal within 5 days after the date the animal could otherwise be released, then the animal may be made available for adoption or destroyed in a humane manner.

DOG LICENSES

90.60.10 Dog License Tag. No person shall own or control a dog six (6) months of age or older in the City of Troy, unless the person who owns or controls the dog is issued a dog license tag by the City of Troy. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: a person who runs a properly licensed dog kennel need not apply for individual dog licenses under this chapter.

90.60.20 Issuance of License Tag. Dog license tags shall be issued by the City Clerk, upon application, presentation of a veterinary certificate stating that the dog has been properly immunized against rabies, and payment of the license fees and applicable late fees, in accordance with Chapter 60 of the Troy City Code.

90.60.30 Transfer of License Tag. A person who becomes the owner of a dog, which was previously licensed in the City of Troy, shall file an application for a City of Troy dog license tag within thirty (30) days of ownership.

90.60.40 License Tag Expiration. Dog license tags expire on the immunization expiration date stated in the veterinary certification. A dog license is not valid in the City if the current rabies vaccination for the dog expires more than one month before the dog license expires. In order to insure a valid rabies vaccination for each licensed dog during the license period, the

license expiration date for each dog will be converted to the last day of the month in which the rabies vaccination expires. The City Clerk may issue monthly licenses to accommodate the conversion to rabies expiration date. The City Clerk may also issue up to a three year license for each dog, depending upon the expiration date for the rabies vaccination.

90.60.50 Dog License Tag. No person shall own, or control a dog six (6) months of age or older that does not at all times wear a collar or harness with a valid City of Troy dog license tag attached. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.60.60 Removal of Dog License Tag. No person shall remove a dog license tag from a dog without the consent of the owner. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

PERMITS

90.70.10 Permit Required for Domestic, Dangerous and Wild Animals. No person shall own or control a domestic animal or a dangerous animal or a wild animal, other than a dog or a house pet, within the City of Troy, without having obtained an animal permit from the Clerk for the City of Troy. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception:

- (a) a permit is not required for a dog, house pet or domestic cat.
- (b) permits are not required for wild animals if the Animal Control Officer determines that the wild animal, because of its size, the number of animals, temperament or other characteristics does not create a hazard or nuisance.

90.70.20 Permit Application Process. An applicant for a domestic, dangerous or wild animal permit shall:

- (a) furnish the Animal Control Officer a list of the species of animals to be kept and the maximum number of each species to be kept at any one time, and
- (b) demonstrate that the animals will be treated humanely and will not be neglected or treated with cruelty, and

- (c) demonstrate that the animals will be maintained in quarters constructed to prevent their escape, and
- (d) demonstrate that reasonable precautions shall be taken to protect the public from the animals and the animals from the public, and
- (e) demonstrate that he or she can comply with the ordinance and any regulations promulgated by the Animal Control Appeal Board, and
- (f) in the case of domestic animals, demonstrate to the Animal Control Officer that the lot or parcel that animals will be kept on is three-quarters ($\frac{3}{4}$) of one (1) acre or larger. This requirement may be waived by the Animal Control Appeal Board if the applicant can demonstrate circumstances that allow for waiver pursuant to regulations promulgated by the Animal Control Appeal Board. Waivers will not be granted for animals that are loud or likely to be detrimental to the neighborhood.

90.70.30 Issuance of Permit for Domestic, Dangerous or Wild Animal. The City Clerk shall issue a domestic, dangerous or wild animal permit upon showing by the applicant that he or she has obtained the approval of the Animal Control Officer and has paid the applicable fee. The permit shall list with specificity the animals subject to the permit, the location of the animals in the City of Troy and may contain limitations and conditions required by the Animal Control Officer or the Animal Control Appeal Board.

90.70.40 Duties of Permit Holder. The holder of a domestic, dangerous or wild animal permit shall:

- (a) comply with all present and future ordinances in this Chapter and comply with the regulations promulgated by the Animal Control Appeal Board, and
- (b) apply for a new permit prior to changing their address or changing the location of the animals, and
- (c) indemnify and hold the City of Troy harmless from any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.
- (d) consent to inspection of the applicant's facilities by an Animal Control Officer before and after the granting of the permit.

90.70.50 Expiration of Permit. A permit shall expire:

- (a) 5 years from the date of issuance, or
- (b) when ownership or control of the animal or animals is transferred to another person, or
- (c) when the animal or animals are moved to another location, or
- (c) upon death of the animal for which the permit is issued, unless the permit specifically provides for replacement of the animal, or
- (d) when the terms of the permit require that the permit expires.

90.70.60 Revocation of Permit. An Animal Control Officer may revoke a permit:

- (a) if the permit holder fails to comply with the requirements of this Chapter, or
- (b) if the permit holder fails to comply with regulations promulgated by the Animal Control Appeal Board, or,
- (c) if a permit holder fails to comply with federal, state or local laws governing cruelty to animals or the keeping of animals, or
- (d) if a species of animal not listed in the permit application is acquired, or
- (e) the maximum number of animals allowed pursuant to the permit is exceeded.

90.70.70 Removal of Animals. A person whose permit is revoked or has expired, shall immediately remove all animals subject to the permit, from the City of Troy, unless the permit holder has filed a timely appeal with the Animal Control Appeal Board in which case the revocation shall be postponed pending the outcome of the appeal.

ANIMAL CONTROL APPEAL BOARD

90.80.10 Animal Control Appeal Board. There is hereby created an Animal Control Appeal Board.

90.80.20 This Board shall:

- (a) consist of five (5) members appointed by the City Council for three (3) year overlapping terms, and
- (b) annually elect from among its members a Chair, a Vice Chair and a Secretary.

90.80.30 All Board Members, including the Chair, Vice Chair and Secretary shall have voting privileges.

- 90.80.40 The Chair shall preside over meetings of the Board.
- 90.80.50 The Vice Chair shall preside over meetings of the Board in the absence of the Chair.
- 90.80.60 The Secretary shall record and file with the City Clerk accurate and complete resolutions, rules and interpretations rendered by the Board.
- 90.80.70 Duties Of Animal Control Appeal Board. The Animal Control Appeal Board shall:
- (a) promulgate regulations regarding dangerous animal permits and domestic animal permits, and
 - (b) interpret and determine the application of provisions contained in this Chapter as they relate to specific fact situations presented to the Animal Control Appeal Board, and
 - (c) adjudicate appeals from an Animal Control Officer's decision regarding the issuance or denial of a permit for dangerous animals, domestic animals and wild animals, and
 - (d) adjudicate appeals from an Animal Control Officer's decision regarding the revocation of a permit for dangerous animals, domestic animals or wild animals.
- 90.80.80 Procedure for Appeals.
- Appeals from the decisions of the Animal Control Officer to the Animal Control Appeal Board must be:
- (a) filed at the office of the Troy City Clerk on forms provided by the Clerk, and
 - (b) filed within seven (7) days of the date of the Animal Control Officer's decision regarding the issuance or denial of a permit for dangerous animals or domestic animals, and
 - (c) filed within seven (7) days of the date of the Animal Control Officer's decision regarding the revocation of a permit for dangerous animals or domestic animals.
 - (d) upon acceptance of an appeal, the City Clerk shall provide notice of the time, date and place of the appeal to all property owners within 300 feet of the appellant's property.
- 90.80.90. Rulings and interpretations of the Animal Control Appeal Board shall be final.

CHAPTER 90 - ANIMALS

GENERAL REGULATIONS

1. Definitions. The following terms when used in this Chapter shall have the meanings set forth in this Section:

- (1) Owner - Any person, group of persons, or a corporation who owns, harbors, keeps, or has a right of property in any animal.
- (2) Person - Any individual, employee, corporation, co-partnership or association.
- (3) At Large - Any animal shall be deemed at large when it is off the property of its owner and not under the reasonable control of a competent person.
- (4) Reasonable Control - An animal is under restraint or reasonable control within the meaning of this Ordinance if it is controlled by a lead, if it is on or within a vehicle being driven or parked on the streets, or if is within the property limits of its owner or keeper, provided only that all of the above controls shall be exercised in a manner sufficient to restrain and prevent any danger to any person or property.
- (5) Exposed to Rabies - An animal has been exposed to rabies within the meaning of this Ordinance if it has been bitten by, or exposed to, any animal known to be infected with rabies.
- (6) Animal Control Officer (herein ACO) - The person or persons employed by the City of Troy as its enforcement officer(s).
- (7) Animal Control Appeal Board (herein ACAB) - The ACAB shall consist of five (5) members appointed by the City Council for three (3) year overlapping terms.
- (8) Animal - Any living creature, domestic or wild, excluding for the purpose of licensing, small caged household pets such as, but not limited to, parakeets and parrots, fish, household cats, insects, common store sold rodents and reptiles, or similar animals of a passive, undangerous nature.

(Rev. 11-19-73)

- (9) Dangerous Animal - Any wild or exotic 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 characteristics would constitute a danger to persons or property.
- (10) Domestic Animal - Any animal not ferae nature, including, but not limited to horses, cows, steers, ponies, mules, donkeys, sheep, swine and goats. This category shall not include dogs which will be otherwise provided for in this Chapter.

(Rev. 11-19-73)

Chapter 90 - Animals

2. Cruelty to Animals. A person commits the offense of cruelty to animals if without justification he knowingly or negligently subjects an animal to mistreatment or neglect by overworking, beating, tormenting, injuring, or killing any animal; carrying an animal in a cruel manner or failing to provide an animal in his custody with proper drink, food or shelter or abandoning a helpless animal or abandoning an animal on any public street, railroad or in any other place where it may suffer injury, hunger or exposure or become a public charge or promoting, baiting, sponsoring or conducting training for participation in any fight between any animals.

(Rev. 05-23-88)

3. Poisoning Animals. No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal except rodents and insects.

(Rev. 06-07-76)

4. Birds and Birds' Nests. No person, except a police officer or an Animal Control Officer acting in their official capacity, shall molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof.

(Rev. 07-10-95)

5. Noises. It shall be unlawful to keep or harbor any animal which disturbs the peace by loud or obnoxious noises at any time of the day or night.

6. Housing. Animals must be maintained in quarters so constructed as to prevent their escape. The owner or keeper assumes full responsibility for the recovery of any animal that escapes from his premises; he shall take all reasonable precautions to protect the public from the animals and the animals from the public.

7. Diseased Animals. Any animal with a contagious or infectious disease shall be isolated from all healthy animals at all times, and shall be so segregated that the illness or disease shall not be transmitted to another animal.

8. Quarantine. Any animal which bites a person shall be quarantined for a period of ten (10) days. During such period the animal shall be securely confined and kept from contact with any other animal.

(Rev. 08-13-84)

- 8A. Feeding Waterfowl Prohibited. No person shall feed waterfowl. As used in this section, waterfowl shall mean Giant Race of Canada Goose, Mallard Duck and sea gulls; and feed shall mean to provide food other than that which is growing naturally on the site.

(Rev. 11-21-94)

9. Permit Fees. The fee for any permit shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.

(Rev. 03-17-03)

Chapter 90 - Animals

10. Permit Period. A permit, if not revoked, shall be valid for the life of the owner, provided only that a new permit shall be required at such time as the ownership of the animal is transferred by sale, gift or other type of conveyance within the City. Subtractions may be logged on the present permit at no charge. The permittee must notify the City within one week of any change of address for himself or the animals.

(Rev. 08-13-84)

11. Revocation of Permit. The Animal Control Officer may revoke any permit if the person holding the permit refuses or fails to comply with this Ordinance, the regulations promulgated by the Animal Control Board, or any State or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter remove from his premises or other premises in Troy, all animals being owned, kept, or harbored by such person and no part of the permit fee shall be refunded. The effective date of the revocation shall be postponed pending the outcome of any appeal to the Animal Control Appeal Board, which appeal must be filed within seven (7) days of the date of revocation.

12. Impounding. Unrestrained animals as described in this Chapter may be taken by the Animal Control Officer, Police Officer, or an Agency delegated by the Animal Control Officer and impounded at the Oakland County Animal Care Center, in a humane manner. Animals impounded shall be kept for not less than five (5) days unless reclaimed by their owners. Animals not claimed within five (5) days shall be humanely disposed of or made available for adoption by the Animal Control Officer or by an Agency delegated by him to exercise that Authority.

(Rev. 07-10-95)

13. Redemption from Pound. An owner reclaiming an impounded animal shall pay a fee in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances. The owner may also be proceeded against for violation of this chapter and his permit may be revoked.

(Rev. 03-17-03)

14. Enforcement. The provisions of this Ordinance shall be enforced by the Animal Control Officer of the City of Troy who shall have the right of inspection of an applicant's facilities both prior to and after the granting of a permit. All decisions of the Animal Control Officer with regard to the issuance or denial of a permit may be appealed to the Animal Control Appeal Board of the City of Troy.

15. Animal Control Appeal Board. There is hereby created an Animal Control Appeal Board. Said Board shall consist of five (5) members appointed by the City Council for three (3) year overlapping terms. The Animal Control Appeal Board shall annually elect from among its members a Chairman, a Vice Chairman and a Secretary. The Chairman shall preside over meetings of the Board and shall have voting privileges. The Vice Chairman shall have voting privileges and preside over meetings of the Board in the absence of the Chairman. The Secretary shall record and file with the City Clerk accurate and complete resolutions, rules and interpretations rendered by the Board. The jurisdiction of said Board shall be limited to interpretation and application of regulations contained in this Ordinance.

(Rev. 09-08-03)

Appeals from the decisions of the Animal Control Officer to the Animal Control Appeal Board shall be filed at the office of the City Clerk on blank forms provided by the Clerk. Rulings and interpretations of the Animal Control Appeal Board shall be final. The Animal Control Officer shall enforce all rulings of said Board.

DOGS

16. Dog Licenses Required. It shall be unlawful for any person to own, keep, or harbor any dog six (6) months of age or over in the City of Troy, unless said dog is licensed as hereinafter provided; or to own, harbor, or keep any dog six (6) months of age or over that does not at all times wear a collar or harness with a metal tag attached as hereinafter provided.
17. License Required. It shall be the duty of any person owning or harboring a dog in the City of Troy to license said dog with the City of Troy in accordance with the chapter. Individual dog licenses shall be issued by the City Clerk upon application and payment of the license fees provided in Chapter 60. The application for a dog license shall be accompanied by a certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian stating that said dog has been properly immunized against rabies.
- a) It shall be unlawful for any person to own, possess, keep, or harbor any dog six (6) months of age or over without first having obtained a dog license.
 - b) Any person becoming the owner of any dog six (6) months or older, shall apply for and secure a license for such dog within thirty (30) days of ownership.
 - c) The owner of a dog, which has been duly licensed in another jurisdiction, shall make application for a City of Troy dog license within thirty (30) days after such dog has been brought into the City of Troy.
 - d) Any person becoming the owner of a dog, which has previously been duly licensed in the City of Troy, shall make application for a transfer of the dog license within thirty (30) days of ownership.
 - e) No person shall keep more than three (3) dogs. This three (3) dog limit shall not apply to puppies, under the age of six (6) months.
 - f) Any person who runs a dog kennel that is properly licensed need not apply for individual dog licenses under this Chapter.

17.A Application; Certificate of Vaccination Prerequisite To Issuance of Dog License

A dog license is not valid in the City if the current rabies vaccination for the dog expires more than one month before the dog license expires. In order to insure a valid rabies vaccination for each licensed dog during the license period, the license expiration date for each dog will be converted to the last day of the month in which the rabies vaccination expires. This change shall be in effect commencing with the 2004 license year or for any new dogs licensed in the City of Troy. The City Clerk can issue monthly licenses to accommodate the conversion to rabies expiration date. The City Clerk may also issue up to a three-year license for each dog, depending upon the expiration date for the rabies vaccination.

(Rev. 09-08-03)

Chapter 90 - Animals

18. License Fees.

The license fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.

19. License Tags and Collars: Upon payment of the license fee the City Clerk shall issue to the owner a license tag of metal or other suitable material, not less than one (1) inch in length or diameter, containing the number of the license, the year of issuance, and words "Licensed, Troy, Michigan" and also bearing the word "Immunized". Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. Absence of the collar and license tag from any dog shall be prima facie evidence that said dog is not licensed, and any person finding such dog on his premises or running at large may seize and deliver such dog to the dog pound.

No person shall remove any license tag from any dog without the consent of the person owning or harboring said dog, and no tag shall be used on the collar or harness of any dog other than the dog for which the tag was issued. In case a dog tag is lost or destroyed, a duplicate will be issued by the City Clerk upon presentation of a receipt showing the payment of the license fee for the current license, and the payment of a duplicate tag fee. No refund shall be made on any dog license fee.

(Rev. 09-08-03)

20. Running at Large Prohibited. No owner or keeper of any dog shall permit such dog to run at large within the City of Troy at any time.

(Rev. 08-06-73)

21. Impounding. It shall be the duty of every Police Officer or Animal Control Officer of the City of Troy to apprehend any dog found running at large contrary to the provisions of this Chapter, and also to apprehend and impound any dog which has bitten or attacked any person thereby causing injury.

22. Pound Fees. Any dog seized or impounded shall be released to the owner upon satisfaction of the following conditions:

(1) Payment of a fee shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances. for the release of a dog which has been immunized against rabies and has a current dog license, plus payment for the cost of boarding such dog, as established by the County.

(Rev. 03-17-03)

23. Harboring a Barking Dog. No person shall keep or harbor a dog which by loud or frequent or habitual barking, yelping, or howling shall cause a serious annoyance to the neighborhood or to people passing upon the streets of the City.

24. Vicious Dogs.

(1) No person shall own, keep or possess a vicious dog. A vicious dog is defined as one of the following:

(a) One that has committed an unprovoked attack on a person or animal, or

(b) One that approaches a person in an apparent attitude of attack when unprovoked,

or

- (c) One that has bitten a person or animal, or
- (d) One that has contracted or is suspected of having contracted rabies.

(2) Any violation of this section shall be subject to the following conditions:

- (a) The owner or keeper shall immediately surrender the dog to a police officer or animal control officer for impoundment.
- (b) If the dog is suspected of having rabies, the impoundment period shall not exceed ten (10) days for purposes of quarantine and observation for rabies.
- (c) At the discretion of the animal control officer, and if the owner has proof of rabies vaccination, the dog may be quarantined on the premises of the owner. If the animal control officer requires other confinement, the owner shall surrender the animal for the quarantine period of ten (10) days to an animal shelter or shall, at his own expense, place it in a licensed veterinary hospital. Whenever a dog has been apprehended for having bitten a person, the animal control officer or police officers, or other duly authorized person, may, if deemed necessary and advisable, and after holding such dog a sufficient length of time to meet the requirements for investigation, cause such dog to be destroyed as a vicious dog.
- (d) If the impoundment was caused because the dog was vicious, the impoundment period shall not extend beyond the date of arraignment or until civil action has been heard in a court of competent jurisdiction, at which time the dog may be released or further impounded at the discretion of the court.

(Rev. 05-23-88)

25. Destruction of Unclaimed Dogs. It shall be the duty of the dog warden or other person in charge of the dog pound to destroy in a humane manner all impounded dogs which are not claimed and released within one hundred twenty (120) hours after being impounded; provided, however, if in his judgment said dog is valuable or otherwise desirable, the dog warden may dispose of said dog to any reasonable person who will undertake to remove said dog from the City or keep and harbor said dog within the City in accordance with the provisions of this Chapter. The bodies of all dogs destroyed at the pound or elsewhere in the City shall be disposed of by the dog warden in a manner approved by the Oakland County Health Department.

(Rev. 05-23-88)

DOMESTIC ANIMALS

26. Running at Large Prohibited. No owner or keeper of any domestic animal shall permit such animal to run at large within the City of Troy, any such animal running at large in any public place in the City shall be impounded in the manner provided in Section 12 of this Chapter.

27. Use of Domestic Animals on Public or Private Land Without Consent. No person shall drive, ride, lead or back any domestic animal or team on or along any public park wherein such is not permitted, the municipal golf course, cemetery, public sidewalks, all real property located in the City of Troy owned by any school district, land used as an airport, or on a public or private parking lot not specifically designed for the use of such animals or on private property without the expressed

Chapter 90 - Animals

consent of the owner or his duly authorized agent.

(Rev. 01-16-78)

28. Permit Required. Except as hereinafter provided, and effective with the adoption of this Ordinance, no person shall own, keep, maintain or have in his possession or under his control, within the City of Troy, any domestic animal without first applying to and receiving a permit from the City Clerk of the City of Troy to do so. Both the owner and the boarder/keeper must obtain permits if they do not share the same premises.

(Rev. 08-06-73)

- 28.5. It is hereby declared to be a public nuisance and no permit shall be issued to any person, farm or corporation to keep or maintain any domestic animals within the corporate limits of the City of Troy, on any lot or acreage parcel smaller than three-quarters (3/4) of one (1) acre. No person, farm, or corporation shall keep or maintain any of the aforesaid animals on any lot or acreage parcel in such numbers as shall be detrimental to the public health, safety or welfare or the humane treatment of such animals.

(Rev. 11-19-73)

29. Issuance of Permit. Upon a showing by any applicant for a permit that he is prepared to comply with the regulations promulgated by the ACAB of the City of Troy, a permit shall be issued following payment of the applicable fee.

The following rules and regulations will be applied by the ACO when considering applications for permits for domestic animals:

- (1) The applicant, when applying for a permit, shall furnish the Animal Control Officer with a list of the kinds of animals to be kept, handled, or exhibited, with the estimated maximum number at any one time. The Animal Control Officer must be notified within one week if other animals are acquired or the maximum number increased.

(Rev. 11-19-73)

- (2) No owner shall fail to provide his animals with sufficient food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse any animal, or cause or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans. No owner of an animal shall abandon such animal.
- (3) Animals must be maintained in quarters so constructed as to prevent their escape. Permittee assumes full responsibility for the recovery of any animal that escapes from the premises. Permittee shall take all reasonable precautions to protect the public from the animals and the animals from the public.
- (4) Permittee shall conform to all present or future laws, and ordinances of the City and rules and regulations of the Animal Control Officer.
- (5) Permittee shall be liable for any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.

DANGEROUS ANIMALS

30. Running at Large Prohibited. No owner or keeper of any dangerous animal shall permit such animal to run at large within the City of Troy.

31. Permit Required. No person shall own, keep, maintain, or have in his possession or under his control, within the City of Troy, any dangerous animal unless he has first applied to and received a permit from the City Clerk of the City of Troy to do so. Both the owner and the boarder/keeper must obtain permits if they do not share the same premises.

(Rev. 11-19-73)

32. Issuance of Permit. Upon a showing by any applicant for a dangerous animal permit that he is prepared to comply with the regulations promulgated by the ACAB of the City of Troy, a permit shall be issued following payment of the applicable fee. The following rules and regulations will be applied by the ACO when considering applications for permits for dangerous animals:

(Rev. 08-06-73)

(1) The applicant shall furnish the Animal Control Officer with a list of the kinds of animals to be kept, handled or exhibited, with the estimated maximum at any one time. The Animal Control Officer must be notified within one week if other animals are acquired or if the maximum number is increased.

(Rev. 11-19-73)

(2) Permittee assumes full responsibility for safekeeping and fee recapturing any animal that escapes from his premises.

(3) Permittee shall make adequate provisions and safeguards for the protection of the animals from abuse, teasing, etc., by the public.

(4) Permittee shall make adequate provisions for the protection of the public.

(5) Permittee shall conform to all present or future laws of the State of Michigan and all present or future Ordinances of the City of Troy regulating the keeping of or cruelty to animals, and all rules and regulations of the ACO.

(6) Permittee shall be liable for any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.

33. Possession of Excrement Removal Device

No person owning or possessing a dog or cat shall cause or permit such dog or cat to be on public or private property, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for the scooping of excrement and an appropriate depository for the transmission of excrement to a receptacle located on property owned or possessed by such person.

(Rev. 07-13-92)

Chapter 90 - Animals

34. Removal of Animal Excrement

- (1) Any person who, while walking or escorting a dog or cat allows said animal to deposit excrement on public or private property, other than the property of the animal's owner or the property of the person walking or escorting the animal shall immediately remove such excrement.
- (2) Any person owning a dog or cat which deposits excrement on public or private property, other than the property of the animal's owner, shall, upon being made aware of such fact, immediately remove such excrement.

(Rev. 07-13-92)