

Chapter 6

ANIMALS¹

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ARTICLE I. IN GENERAL

Sec. 6-1. Only Keeping of Certain Animals Permitted.

No person shall keep or house any animals or domestic fowl within the City, except dogs, cats, canaries or animals commonly classified as pets which are customarily kept or housed inside dwellings as household pets; and, excepting further, the temporary keeping of live poultry by any live poultry market incidental to the normal course of business and the keeping of racing pigeons as a hobby but not as a business.

(Code 1957, § 9.28)

Sec. 6-2. Animals Exposed to Rabies.

The owner of any cat or other animal capable of contracting or transmitting rabies and the animal itself shall be subject to Sections 6-32 through 6-36 relating to dogs having, or suspected of having, rabies.

(Code 1957, § 9.29)

Sec. 6-3. Cruelty to Animals.

No person shall cruelly treat or abuse any animal or bird.

(Code 1957, § 9.25)

State law reference Cruelty to animals, MCL § 752.21 et seq., MSA § 28.161 et seq.

Sec. 6-4. 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 or bird.

(Code 1957, § 9.26)

State law reference-Poisoning of animals, MCL §§ 750.377, 750.437; MSA §§ 28.609, 28.692.

Sec. 6-5. Molesting of Birds' Nests.

¹ Cross references-Unlawful noises from animals and birds, § 14-3; dogs prohibited in parks, § 17-32.

Editor's note-Chapter 6, Article II was previously designated to include 6-16-- 6-36. Chapter 6, Article II has been renumbered to include 6-16 -- 6-40, at the discretion of the editor. The sections designated in Ord. No. 155, 10-25-93 as Article III, and numbered 6-40--44 have been renumbered 6-41 -- 6-50, at the discretion of the editor.

No person, except a police officer acting in his official capacity, shall molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof.
(Code 1957, § 9.27)

Sec. 6-6. Steel Jaw Leg Hold Traps Prohibited.

No person shall place or otherwise utilize a steel jaw leg hold trap in any public or private place where it endangers or traps or is likely to endanger or trap any animal.
(Ord. No. 134, §1, 1-1-87)

Secs. 6-7. -- 6-15. Reserved.

ARTICLE II. DOGS²

DIVISION 1. GENERALLY

Sec. 6-16. Definitions.

For purposes of this Code, the terms:

- (a) "*Dangerous dog*" means any dog, regardless of breed, that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:
- (1) Causes an injury by biting, assaulting, or otherwise attacking a person or domestic animal without provocation;
 - (2) Without provocation, charging, chasing or menacing a person or domestic animal in an aggressive manner whether on public or private property by, among other things, exhibiting teeth in an aggressive growl and/or snarl and/or barking in a clearly threatening manner;
 - (3) Being owned or harbored primarily or in part for the purpose of fighting or being trained for fighting;
 - (4) Behaving in such a manner that the owner thereof knows or should reasonably know that the dog is possessed of tendencies to attack or to bite persons without provocation;
 - (5) Running at large and impounded or owners cited by the Public Safety Department two (2) or more times within any 12-month period; and
 - (6) Acts in a highly aggressively manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.

² **Cross reference**-Dogs prohibited in parks, § 17-32.
State law reference-Dog law, MCL § 287.261 et seq., MSA § 12.511 et seq.

- (b) "*Injury*" means any physical injury that results in broken bones and/or lacerations that requires medial treatment, including, but not limited to, sutures or cosmetic surgery.
- (c) "*Proper enclosure*" means secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least 6 feet in width, 12 feet in length, and 6 feet in height, capped if there is a dog house inside or if dog can climb fence, with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property.
- (d) "*Owner*" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog. Any person who shall permit any dog to remain about any premises owned or occupied by him for a period of five (5) days shall be deemed the owner of such dog for the purposes of this Code.
- (e) "*Impound*" means taken into the custody of the Public Safety Department or the organization authorized to enforce the dangerous dog law of this City.
- (f) "*Responsible person*" means a person at least 18 years old who is familiar with the dog and has the size and experience to be able to keep the dog under complete control at all times.
- (g) "*Provoke and Provocation*" 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.
- (h) "*Torment*" means an act or omission that causes unjustifiable pain, suffering and distress to a dog, 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. No. 194, §1, 10-13-08).

Sec. 6-17. Presumption of Ownership.

Any person(s) who shall permit any dog to remain about any premises owned or occupied by him and/or her for a period of five (5) days shall be deemed the owner of such dog for the purposes of this Code.

(Ord. No. 194, §1, 10-13-08).

Sec. 6-18 Licensing of Dogs.

- (a) No person shall keep or harbor any dog four (4) months old or older within the City without first obtaining a license for such dog from the Public Safety Department (including paying any fee prescribed by the Public Safety Department). Licenses shall be issued by the Public Safety Department. No license shall be issued for any dog six (6) months old or older unless satisfactory evidence of rabies immunization for such dog is presented with the application for such license. Evidence of vaccination within twelve (12) months of the date of application shall be deemed satisfactory evidence of immunization. Upon issuance of a dog license, the Public Safety Department shall provide a metal to be attached to the collar of the licensed dog.
- (b) The first violation of Sec. 6-18(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of Sec. 6-18(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation of Sec. 6-18(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Sec. 6-18(a) within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this section shall be in addition to cost assessments, expenses and/or damages assessed under the law.

(Ord. No. 194, §1, 10-13-08).

Sec. 6-19. Running at Large.

- (a) No person owning, possessing or having charge or responsibility of any dog four (4) months old or older shall permit such dog to be at large, unless it is wearing the dog tag issued for it and is on a leash held by a person capable of restraining the actions of the dog. A dog shall be deemed to be at large, unless it is in a private building or within a completely fenced in area or is in a container or vehicle so closed as to prevent the dog's exist without a person's assistance.
- (b) The first violation of Sec. 6-19(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of Sec. 6-19(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation of Sec. 6-19(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Sec. 6-19(a) within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

(Ord. No. 194, §1, 10-13-08).

Sec. 6-20. Removal of Droppings.

- (a) No person having charge of any dog upon property other than that owned by such person shall allow such dog to defecate or cause a nuisance upon any public or

private property, unless such person shall promptly remove such droppings and dispose of the same in a sanitary manner.

- (b) The first violation of Sec. 6-20(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of Sec. 6-20(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation and all subsequent violations of Sec. 6-20(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Sec. 6-20(a) within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

(Ord. No. 194, §1, 10-13-08).

Sec. 6-21. Prohibited Activities.

- (a) No person shall own, harbor, or keep any dog, licensed or unlicensed, which:
 - (1) Causes annoyance to the people in the neighborhood by loud or frequent or habitual barking, yelping or howling; or
 - (2) Is a nuisance in the vicinity where kept because it destroys or trespasses upon the property of others.
- (b) The first violation of Sec. 6-21(a)(1) and (2) within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of Sec. 6-21(a) within thirty-six months shall be a civil infraction with a maximum penalty of \$100 fine. The third violation of Sec. 6-21(a) within thirty-six months shall be a civil infraction with a maximum penalty of \$150 fine. The fourth violation of Sec. 6-21(a) within thirty-six months shall be a misdemeanor with a maximum penalty of \$500 fine and/or 90 days in jail. The fines described in this section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.
- (c) The owner of a dog which has bitten a person or domestic animal without provocation shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$500 and/or imprisonment not to exceed 90 days. The fines described in this section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

(Ord. No. 194, §1, 10-13-08).

Sec. 6-22. Determination of a Dangerous Dog.

- (a) After an investigation, that shall be initiated within fourteen (14) days after the situation becomes known to the Public Safety Department, the Public Safety Department is authorized to make a determination whether a dog is dangerous based on the factors listed in Sec. 6-16(a), above, and shall notify the owner of the dog in writing by certified mail and/or hand delivery of that status within five (5) days after the completion of the investigation.

- (b) Following notice to the owner, if the Public Safety Department or its designee has probable cause to believe that a dog is a dangerous dog and may pose a threat to public safety and welfare, the Public Safety Department may impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of Sec. 6-24 of this Code. The owner of the dog will be liable to the City of Grosse Pointe Park for the costs and expenses of keeping the dog.
- (c) Upon notice, the owner may, within ten (10) business days after a determination that a dog is a dangerous dog, bring a petition to the municipal court seeking review of the determination. A decision by the municipal court overturning the Public Safety Department determination shall not affect the Public Safety Department's right to later declare a dog to be a dangerous dog, or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

(Ord. No. 194, §1, 10-13-08).

Sec. 6-23. Exceptions.

No dog shall be declared a dangerous dog if:

- (a) The dog was used by a law enforcement official for legitimate law enforcement purposes as determined by the Public Safety Department;
- (b) The threat, injury, or damage was sustained by a person:
 - (1) Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;
 - (2) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
 - (3) Who was committing or attempting to commit a crime; or
- (c) The dog was:
 - (1) Responding to pain or injury, or was protecting itself, its offspring; or
 - (2) Protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

(Ord. No. 194, §1, 10-13-08).

Sec. 6-24. Consequences of a Dangerous Dog Determination.

- (a) If the Public Safety Department determines that a dog is a dangerous dog under Sec. 6-22 of this Code, the owner shall comply with the provisions of Sec. 6-25 of this Code and any other special security or care requirements the Public Safety Department may establish.

- (b) The Public Safety Department may require impoundment of the dog (at the owner's expense) until the owner of the dog has satisfied all these requirements. The requirements must be met within thirty (30) days. If, after thirty (30) days, the owner has not satisfied all the requirements of the holding permit, the animal may be euthanized on the thirty-first (31) day.

(Ord. No. 194, §10-13-08)

Sec. 6-25. Dangerous Dog Owner Responsibility.

It shall be unlawful to:

- (a) Not to ensure that the dangerous dog has a current rabies vaccination;
- (b) Permit a dangerous dog to be outside a proper enclosure unless the dangerous dog is under the control of a responsible person as defined in Sec. 6-16(f), muzzled, and restrained by a lead not exceeding four (4) feet in length. The muzzle shall be made 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 person or animal;
- (c) Fail to notify the Public Safety Department immediately upon escape if a dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being; within five (5) business days if the dog has died; and within twenty-four (24) hours if the dog has been sold or has been given away. If the dangerous dog has been sold or given away, the owner shall also provide the Public Safety Department or his/her designee with the name, address, and telephone number of the new owner of the dangerous dog;
- (d) Fail to surrender a dangerous dog to the Public Safety Department or his/her designee for safe confinement pending a disposition of the case when there is a reason to believe that the dangerous dog poses an imminent threat to public safety; or
- (e) Fail to comply with any special security or care requirements for a dangerous dog the Public Safety Department or his/her designee may have established pursuant to the finding that the dog was dangerous.

(Ord. No. 194, §1, 10-13-08).

Sec. 6-26. Penalties.

An owner of a dangerous dog who violates any provisions of Sec. 6-24 through Sec. 6-25 shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not to exceed \$500 or imprisonment not to exceed 90 days. The fines described in this section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

Secs. 6-27. -- 6-30. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 6-31. Seizure.

Any dog found at large in the City which is doing any of the acts enumerated in, or which is at large under circumstances prohibited by, Section 6-21,³ shall be seized and impounded by the City Veterinarian, the City Animal Control Officer or any police officer of the City.
(Code 1957, § 9.34)

Sec. 6-32. Rabies Prevention.

Any person owning a dog which has contracted rabies, or which has been bitten by an animal which has or which is suspected of having rabies, or which has bitten any person, shall immediately deliver such animal to the City Veterinarian to be held for observation as hereinafter provided. If the owner of such dog fails or is unable to deliver such dog to the veterinarian as herein required, the Veterinarian, Animal Control Officer or any police officer shall seize and impound the dog.
(Code 1957, § 9.35)

Sec. 6-33. Observation for Rabies.

Any dog impounded for observation for rabies shall be held until released by the Veterinarian or otherwise disposed of. Such period of observation shall normally be ten (10) days, but the City Veterinarian may, in his discretion, permit the dog to be returned to his owner during the observation period on condition that the owner return the dog to the Veterinarian on request. No person to whom a dog has been released during such rabies observation period shall fail to return the dog released upon request by the City Veterinarian. Any dog found rabid shall be immediately destroyed in a humane manner. The expense of testing any dog for rabies shall be borne by the owner of the dog, provided that if any dog shall be subjected to a test for rabies because of having bitten any person and such dog was not at large at the time of biting and the person bitten was a trespasser on the premises where such biting occurred, the owner of such dog shall not be charged with the expense of the rabies test. Any dog impounded for having bitten any person shall be held for not less than five (5) days and in case any complaint shall have been made before any court having jurisdiction of such cases, whereby an order that the dog be killed or confined is sought, then for such further time until the final disposition of such case.
(Code 1957, § 9.39)

Sec. 6-34. Impounding and Release.

Except as herein otherwise provided, any dog impounded under the provisions of this division shall be held for not less than five (5) days unless earlier redeemed by its owner. No dog shall be released to its owner except upon payment of such reasonable fees for rabies test, capture and maintenance as the City Manager may establish.
(Code 1957, § 9.37)

³ **Editor's note** – Section 6-31 originally referred to Section 6-20. However, due to changes made by Ordinance No. 194, Section 6-20 was renumbered as Section 6-21.

Sec. 6-35. Notice to Owner.

It shall be the duty of the Police Department to notify the owner of every dog which shall be impounded, if the owner of such dog can be ascertained, as soon as possible after the dog has been impounded.

(Code 1957, § 9.38)

Sec. 6-36. Disposition of Dogs.

After a dog has been kept for three (3) full days and has not been redeemed by his owner, any dog may be destroyed in a humane manner if diseased, injured or of little value; or any such dog may, in the discretion of the City Veterinarian, be sold or given away to any person whom the City Veterinarian believes will keep and care for the dog in a proper and humane manner. Any dog, whose owner is known and which has been observed for rabies and found by the City Veterinarian not to be afflicted, shall be released to the owner forthwith upon payment of the fees herein required. The City Veterinarian shall notify the owner of such dog, that the dog is ready to be released, and if any owner shall fail to redeem the dog within forty-eight (48) hours after receipt of such notice, the dog may be destroyed, sold or given away as herein provided. The proceeds of sale of any animal shall belong to the City.

(Code 1957, § 9.39)

Secs. 6-37. -- 6-40. Reserved.

ARTICLE III. CATS

Sec. 6-41. Definitions.

Cat. The word “cat” means a carnivorous quadruped belonging to the feline family held as a domestic cat.

Owner. The word “owner” means for the purposes of this Chapter 6, Article III, any person having the right of property in a cat, any person who keeps or harbors a cat or has it in his or her care, and any person who permits a cat to remain on or about any premises occupied by him or her.

Vicious Cat. The term “vicious cat” means a cat with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals, including without limitation any cat which attacks or bites a human being or domestic animal.

(Ord. No. 155, § 1, 10-25-93)

Sec. 6-42. Care of Vicious Cat.

No owner of a vicious cat or any other person having the possession, care, custody, or control thereof shall own, possess, shelter, keep, harbor or maintain any such Vicious Cat in the City of Grosse Pointe Park unless such Vicious Cat is securely confined indoors or confined in a

securely enclosed and locked pen or structure upon the premises of the owner or while outside such structure is securely restrained by a chain or leash, and under the physical restraint of a person.

(Ord. No. 155, § 1, 10-25-93)

Sec. 6-43. Seizure and Impoundment.

The Department of Public Service shall cause the seizure and impoundment of any vicious cat found in the City of Grosse Pointe Park not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such Vicious Cat or not securely restrained by a chain or leash, and under the physical restraint of a person. No Vicious Cat so impounded shall be released to its owner or other authorized person without the payment of the actual costs of impoundment and such other fees as may be set by resolution of the City Council from time to time. The Department of Public Service may cause the destruction or other disposition of any Vicious Cat not earlier than 96 hours after impoundment if the same is unclaimed.

(Ord. No. 155, § 1, 10-25-93)

Secs. 6-44. -- 6-50. Reserved.