

CODE OF ORDINANCES
Chapter 6 Animals, Article III Dogs

An Ordinance to Amend Chapter 6 of the Code of Ordinances of the City of Ithaca, by Amending Article II Dogs, Section 6-32 Definitions and Section 6-34 Limit on Ownership-Number of Dogs

THE CITY OF ITHACA ORDAINS:

CHAPTER 6 ANIMALS, ARTICLE II DOGS.

ARTICLE II. DOGS*

*State law references: Dog law, MCL 287.261 et seq.

DIVISION I. GENERALLY

Sec. 6-31. Purpose.

The City of Ithaca deeming it advisable in the interest of protecting the public health and safety and welfare and to regulate and control the conduct, keeping and care of dogs, and provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan, does hereby adopt the following revised animal control ordinance which is to be enforced by the Gratiot County Animal Control and the Gratiot County Sheriff Office..

(Code 1968, § 8-101)

Sec. 6-32. Definitions.

- “Abandonment” means leaving a dog unattended for more than 24 hours, releasing the dog upon public or private lands, or failure to provide proper or adequate food, water, exercise, shelter or medical care.
- “Animal Control Shelter” means a facility designed or recognized by Gratiot County or the State of Michigan for purpose of impounding and/or caring for animals.
- “At Large” means a dog which is not on the premises of the owner and not under the control of a person either by leash, cord, chain, or otherwise.
- “Continuous Barking” means barking, howling, or yelping for a period of time in excess of 15 minutes.
- “Dangerous Animal” means any animal, which bites or attacks a person or animal but does not include the following”
 - (a). An animal that bites or attacks a person or animal that is trespassing on the property of the animal’s owner; or
 - (b). An animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or receiving cruel treatment by the person or animal: or
 - (c). An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal: or

- “Dog” means any member of the species “Canis Familiaris”
- “Kennel” Means any establishment, except a pet shop, animal protection shelter, or licensed pound, where animals are kept for sale, boarding, breeding, training, or sporting purposes for remuneration.
- “Neglect” means failure to comply with the minimum requirement for animal care set forth in this Ordinance.
- “Owner” means any adult person who owns or resides on the property where the animal lives. Every person who keeps or harbors the animal or has it in his care, custody or control. The owner shall be named on the license for the dog.
- “Person” means any adult individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other entity.
- “Provoke” means to perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate a bite or attack by an animal.
- “Rabies Suspect Animal” means any animal that shows symptoms suggestive of rabies.
- “Residence” means a household, single family home, each separate apartment in a multi-family home or each unit in an apartment building.
- ”Shelter” means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health.
 - (a). The residence of the dog’s owner or other individual.
 - (b). A doghouse that is an enclosed structure that a roof and appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
 - (c). A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperature or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (b) that is accessible to the dog.
- “Vicious Animal”
 - (a). Means any animal that has:
 - (i) been declared a ‘Dangerous Animal’ under this ordinance or under, MCL 287.321;
 - (ii) a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of person or Domesticated Companion Animals.
 - (iii) behaved in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other Domestic Companion Animals.
 - (b). A Vicious Animal does not include the following:
 - (i) An animal that bites or attacks a person or animal that is trespassing on the property of the animal’s owner, or
 - (ii) An animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or cruel treatment by the person or animal; or

- (iii) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if the person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or
- (iv) An Exotic Animal.

Sec. 6-33. Running at large prohibited.

The owner or keeper of any dog shall not permit the dog to run at large.

Sec. 6-34. Limit on ownership – number of dogs.

No person and/or premises shall own, possess, control, or otherwise have charge or custody of more than three (3) dogs over the age of four (4) months at any time regardless of breed, without prior Planning Commission approval. If a person and/or premises owns, possesses, controls or has custody of more than three (3) dogs at the time of the enactment of this ordinance, that person or premises may maintain such specific dogs, but may not own, possess, control or have custody of any other or additional dog that would raise this number above three (3). This limit does not apply to lawful animal care or control facilities, humane societies, rescue groups, certain service and hunting dog breeders, or registered animal foster homes. A person may not operate a commercial dog breeder or broker operation, or attain a kennel license from the County Animal Control office without first acquiring approval from the City Planning Commission. A violation of this provision is a nuisance per se.

Sec. 6-35. License, Impoundment of unlicensed dogs

It shall be unlawful for any person to own or harbor any dog within the city limits unless the dog has been licensed in accordance with the laws of the state and the city. It is the duty of all police officers to take up and impound any dog not wearing a collar to which is attached a current dog license tag.

(Code 1968, § 8-102)

State law references: Dog licensing, MCL 287.266 et seq.

Sec. 6-36. Disposition of impounded dogs

- (a) All dogs impounded shall be kept separate from each other while impounded
- (b) Any dog impounded may be redeemed or taken from the pound upon exhibition to the Animal Control Department receipt issued by the County Treasurer or Animal Control Department showing that the license imposed by law has been paid and by the further payment to the Animal Control a fee according to the County Fee Schedule.
- (c) Any dog not redeemed within seven (7) days after it has been impounded may be destroyed by the County Animal Control Department.

Sec. 6-37. Barking, Nuisance.

No person shall keep or harbor a dog that howls or barks to the annoyance of persons within the neighborhood.

(Code 1968, § 8-104)

Sec. 6-38. Liability of dog owner.

Every owner of a dog is liable for damages for any and all injuries to any person or property that may be caused by the dog, to be determined and collected in appropriate proceedings therefore in which any failure or refusal by the owner to comply with the requirements of this article constitutes prima facie evidence of negligence.

Sec. 6-39. Animal Care

(a). Adequate Care. Every owner or caregiver of an animal shall be required to provide the animal with the minimum standard of care set for 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.

(b). 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.

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

(d). Shelter. Every owner or caregiver of animals shall provide all animals with a proper shelter.

(e). 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 disease.

(f). No person shall fail to provide an animal with adequate shelter.

Sec. 6-40. Quarantine.

A dog that has bitten a person shall be confined under quarantine by the owner or custodian of such dog under the supervision of the police department for a period of ten days, unless the place of confinement is not satisfactory, then the dog shall be held by the county animal control. If at the end of such ten-day period it is determined the dog is in good health, and there has been no symptoms of rabies, the dog may be released to the owner.

(Code 1968, § 8-105)

State law references: Dogs attacking or biting persons, MCL 287.286a, 287.288, 287.351; rules for control of rabies, MCL 333.5111.

Sec. 6-41. Impoundment of dogs found running at large.

Any dog found running at large shall be picked up by a police officer in the city or by the county animal control. A reasonable attempt will be made by the officer to ascertain the ownership of the dog, and if the owner can be notified, either by recognition of the dog or by a name tag or license tag, such owner can redeem the dog by the payment of a fee as adopted by the County. If the ownership of such dog cannot be determined, the dog will be taken to the pound where the dog will be held for seven (7) days. A fee as adopted by resolution of the city council from time to time will be charged for the redemption of a dog from the pound. A description shall be kept of every dog impounded, together with the date and hour of such impoundment.

(Code 1968, § 8-106)

Sec. 6-42. Keeping unlawful; exception.

It shall be unlawful to keep, harbor, own, or in any way possess within the corporate limits of the city any vicious dog, provided that vicious dogs kept within the city, upon the effective date of the ordinance from which this section is derived, may be kept if licensed with the city clerk, and subject to the standards and requirements set forth in this division.

Sec. 6-43. - Determination.

- (a) The animal control officer or any police officer shall investigate all complaints of a vicious dog. In the event that the animal control officer or any police officer has reasonable cause to believe that a dog is vicious, he or she shall institute proceedings in the district court for the county requesting the court to conduct a hearing as to whether or not the dog should be declared vicious under this division. The issue of whether the dog is vicious within the meaning of this division shall be decided based upon a preponderance of the evidence. If the court finds the dog to be vicious, it may order that the dog be confined to the owner's premises and the provisions of this division be fully complied with or that such dog be euthanized. The court may establish a time schedule to assure compliance with this division, but in no case shall such time exceed 14 days after the date of the court's determination. Court costs for such actions shall be taxed against the owner of the dog.
- (b) The court may decide all issues for or against the owner of the dog regardless of the fact that the owner fails to appear at said hearing. In the event that the animal control officer or any police officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer or police officer may seize and impound the dog pending the hearing. The owner of the dog shall be liable to the city/county for the cost and expenses of keeping such dog.

Sec. 6-44. - Requirements for registration.

Upon a finding by the court that a dog is vicious, its owner shall comply with the following requirements for licensing:

- (1) License application. The owner shall apply to the city clerk for a vicious dog license, which shall be valid for one year from the date of its approval, provided all conditions of this division and applicable court orders have been met. The license shall be renewable for successive one-year periods provided that the dog is to be kept on the same premises under the same conditions, and that its owner has not violated any condition of this division or any court order during the previous 12-month period. No such license shall be transferred to a new owner of the dog or to a new location or address where the dog will be kept. The fee for such license shall be determined by city council resolution from time to time. This fee is in addition to the standard county dog license.
- (2) Proof of insurance. Prior to the receipt of the license, the owner shall present to the city clerk proof that the owner has procured liability insurance in an amount to be determined by the city council by resolution from time to time, covering any damage or injury which may be caused by such vicious dog during the 12-month period for which licensing is sought. In addition, the owner shall sign a statement attesting that the owner shall maintain the liability insurance during the 12-month period for which licensing is sought, unless the owner shall cease to keep or harbor the vicious dog prior to the expiration of such license.

- (3) Confinement. Prior to the receipt of the license, the owner shall provide for the confinement of the vicious dog. Such dog shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as herein provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine such dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground to a depth of no less than two feet. All structures erected to house such dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. If the vicious dog is to be confined indoors, the same shall not be kept on a porch or patio or in any other part of the house or structure that would allow the dog to exit of its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting.
- (4) Sign. Prior to the receipt of a license, the owner shall display a sign in a prominent place on his or her premises that shall be easily readable by the public, using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (5) Identification photographs. Prior to the receipt of a license, the owner shall provide the city's police department with two recent colored photographs of the vicious dog which clearly show the color and approximate size of the animal.
- (6) License fee. The owner shall pay a license fee in an amount established from time to time by resolution of the city council.

Sec. 6-45. - Control.

It shall be unlawful for any owner to allow any vicious dog to be outside of the dwelling of the owner or outside of the enclosure unless the dog shall be securely muzzled and restrained with a choker chain and leash having a minimum tensile strength of 300 pounds and not exceeding four feet in length, and then only upon the private property of the owner, unless it is necessary for the owner to obtain veterinary care for the dog, to sell it or give it away, or to comply with commands or directions of the court, the animal control officer, or any police officer. The muzzle should be made and fitted in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal. The animal shall be under the direct control and supervision of the owner of the dog or his agent, either of whom shall be, in any event, a person of at least 18 years of age and physically capable of restraining the animal.

Sec. 6-46. - Reporting requirements.

- (a) All owners, keepers or harborers of vicious dogs must, within ten days of the incident, report the following information in writing to the city clerk:
 - (1) The removal from the city or death of a vicious dog.
 - (2) The birth of offspring of a vicious dog.
 - (3) The new address of the vicious dog should the owner move within the corporate limits of the city.

- (b) No person shall sell, barter, or in any other way dispose of a vicious dog to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of the dog may sell or otherwise dispose of a registered dog to persons who do not reside within the city.

Sec. 6-47. - Penalties and Enforcement Procedures

(1). State Law Offenses. Violations of the ordinance that are also violations of State law may be prosecuted under either.

(2). Municipal Civil Infraction Citations. A person who violates this ordinance shall be deemed responsible for a municipal civil infraction, the penalty for which, shall be a civil fine plus any cost, damages, expenses and other sanctions, as authorized under Chapter 87 of 1961 PA 236, as amended, being MCL 600.8701 et seq., and other applicable laws.

(3). Authorized Enforcement Officers. The deputies of the Gratiot County Sheriff, personnel with the Gratiot County Animal Control Service, and City Manager, or his designee, are authorized to issue municipal civil infraction citations and municipal civil infraction notices for violations of this ordinance.

(a). Municipal civil infractions may be issued by an authorized enforcement official when he/she personally observes the violation. A municipal civil infraction may also be issued by an authorized enforcement official who after investigation has reasonable cause to believe that a violation occurred.

(4). Service of Municipal Civil Infractions. Municipal civil infractions should be serviced 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.

(5). Municipal Civil Infraction Citations; Contents.

(a). A municipal civil infraction citation shall contain:

- (i) A description of the violation;
- (ii) The time within which the alleged violator must contact the City for purposes of admitting or denying responsibility;
- (iii) The address and telephone number of the City;

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

- (i). Admit responsibility for the municipal civil infraction within the time specified for appearance and pay the specified fine by mail or in person;
- (ii) Admit responsibility for municipal civil infraction "with explanation" within the time specified, by mail or in person, or
- (iii) Deny responsibility for the municipal civil infraction and request either an informal or formal hearing in the matter.

(6). Fines. A person, corporation or firm, who accepts responsibility for, or is found responsible for a municipal civil infraction under this ordinance, shall pay a civil fine of not less than \$75.00 and not more than \$500, plus cost for each infraction.

Fine Schedule: 1st infraction	\$ 75.00
2nd infraction	\$ 150.00
3rd infraction	\$ 300.00
4th infraction	\$ 500.00

Sec. 6-48. - Continuing violation.

Each day that a violation of this division continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this division shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this division. Court costs for such action as taken shall be taxed against the owner of the dog against whom the complaint was issued.

Sec. 6-49 – Severability. If any part of this Ordinance shall be held unconstitutional or void, such part shall be deemed severable and its invalidity shall not affect the remaining parts of this Ordinance.

This Ordinance was introduced on November 16, 2014.

This Ordinance is hereby adopted and shall become effective January 5, 2015.



Barbara Fandell, City Clerk-Treasurer