

REVISION II ORDINANCE NUMBER NINETEEN

AN ORDINANCE AS REVISION II SUBSTITUTES AND REPLACES THE FIRST REVISION OF MARCH 6, 1989, TO PROHIBIT THE RUNNING AT LARGE OF DOGS; TO CONTROL NOISY DOGS; TO DEFINE, CONTROL AND REGULATE VICIOUS DOGS; TO PROVIDE FOR SEIZURE, IMPOUNDMENT AND DESTRUCTION OF DOGS UNDER CERTAIN CONDITIONS; AND TO PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE, WITHIN THE CITY OF CARSON CITY.

THE CITY OF CARSON CITY ORDAINS:

CHAPTER 19.1

TITLE, AUTHORITY AND PURPOSE

- 19.101 **TITLE.** This revision may be cited as the Carson City Dog Control Ordinance II.
- 19.102 **AUTHORITY.** The City of Carson City is empowered to regulate and control dogs within the City limits pursuant to Chapter 7 of the Charter of the City of Carson City.
- 19.103 **PURPOSE.** The purpose of this Revised Ordinance is to protect the public peace, health, and for the safety of persons and property within the City limits of Carson City from dogs running at large and being subjected to vicious and destructive dogs.

CHAPTER 19.2

DEFINITIONS

- 19.201 **ANIMAL.** For purposes of this Ordinance animal shall mean dog, unless otherwise specified.
- 19.202 **AT LARGE.** A dog shall be deemed to be at large when off the property of the owner and not under restraint or control of the owner or rightful possessor.
- 19.203 **HUMANE MANNER.** Care of any dog to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.
- 19.204 **KENNEL.** A building kept for the purpose of maintaining breeding, selling, or boarding dogs or engaged in training dogs.

- 19.205 **LICENSING AUTHORITY.** The agency or department of Montcalm County or any designated representative thereof charged with administering the issuance and/or revocation of permits and dog licenses.
- 19.206 **NUISANCE.** A dog shall be considered a nuisance if it:
- 19.2061 Damages, soils, defiles, or defecates on private property other than the owner’s or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner;
- 19.2062 Causes unsanitary, vicious or offensive conditions;
- 19.2063 Causes a disturbance by excessive barking or other noisemaking; or
- 19.2064 Chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.
- 19.207 **OWNER.** A person having the right of property or custody of a dog or who keeps or harbors a dog or knowingly permits a dog to remain on or about any premises occupied by that person.
- 19.208 **PERSON.** Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
- 19.209 **PIT BULL DOGS.** For the purposes of this Ordinance, a pit bull dog shall be defined as any of the following:
- 19.2091 A bull terrier breed of dog.
- 19.2092 A Staffordshire bull terrier breed of dog.
- 19.2093 An American pit bull terrier breed of dog.
- 19.2094 An American Staffordshire terrier breed of dog.
- 19.2095 A dog of mixed breed or of other breed than the above listed, which breed or mixed breed is known as pit bull dog or pit bull terrier.
- 19.2096 Any dog which has the appearance and characteristics of being predominantly of any of the above listed breeds or any combination thereof.
- 19.210 **RESTRAINT.** A dog shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.
- 19.211 **VICIOUS ANIMAL.** Any dog which when unprovoked approaches upon any street, sidewalk or other public place, in a vicious or terrorizing manner, or any person in apparent attitude of attack; or any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury to or otherwise endanger the safety of human beings or domestic animals; or any dog

which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting. Notwithstanding the foregoing, no dog shall be declared vicious by reason of any injury or damage sustained:

- a. By a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner of the dog, or was teasing, tormenting, abusing at assaulting the dog or was committing or attempting to commit a crime, or
- b. By a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog, or
- c. By a person or a domestic animal if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

CHAPTER 19.3
KEEPING OF DOGS

- 19.301 **PROHIBITION OF RUNNING AT LARGE.** No person or persons shall permit the running at large of any dog at any time within the City limits of the City of Carson City.

- 19.302 **UNLICENSED DOGS.** Pursuant to MCL 287.266; MSA 12.516, on or before March 1st of each year the owner of any dog 6 months or over shall obtain a license for each dog in his/her possession. Failure to maintain a licensed dog within the City of Carson City, shall be considered as a violation pursuant to MCL 287.286; MCL 12.536.

- 19.303 **VACCINATION OF DOGS FOR RABIES.** All dogs kept within the City limits of Carson City shall be vaccinated for rabies with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian, with proof to be kept in possession of the owner, keeper or person in rightful possession.

- 19.304 **FAILURE TO VACCINATE DOGS.** Any person having a dog not vaccinated pursuant to this Ordinance shall be in violation thereof.

- 19.305 **RABID DOGS.** No person who shall have possession of a dog(s) which have contacted rabies or which have been subjected to contacting the same and has developed symptoms which would lead a reasonable person to presume that the dog has contacted rabies, shall notify the City Police Department of possession of such dog. Failure to notify the City Police Department of possession of such dog(s) shall constitute a violation of this Ordinance. Any such dog shall, upon

demand of any police, health or animal officer, be produced and surrendered into the custody of such officer for impoundment.

19.306 **HARBORING A NUISANCE.** It shall be a nuisance for any person or persons harboring or keeping any dog within the City limits which by loud, frequent, or habitual barking, yelping or howling shall cause serious annoyance or disturbance to the public or shall otherwise be considered a nuisance pursuant to the definition set out in Section 19.206.

19.307 **PROHIBITIONS OF DOGS FROM CERTAIN AREAS.** It shall be unlawful for any owner, keeper, or person in rightful possession of any dog, to allow any dog to be present, unless confined to the passenger compartment of a motor vehicle, or on a leash in the following areas within the City of Carson City:

19.3071 Any City Park and the handler shall be responsible for cleaning up any waste;

19.3072 Any public playground;

19.3073 Any Carson City Public School grounds;

19.3074 The Main Street, the sidewalks immediately adjacent to Main Street, and any areas between Main Street and said adjacent sidewalks.

[This Section shall not apply to dogs present in said areas temporarily during parade or festival periods, and solely for said parade and festival purposes. Nor shall this Section apply to any dog which is used as a leader dog for the blind or deaf.]

CHAPTER 19.4

CONTROL AND CONFINEMENT OF VICIOUS DOGS

19.401 **LEASH OF CERTAIN DOGS.** No person shall permit a registered pit bull dog or other dog which has been determined to be to, or possess the possibility of being a danger to residents of the City or other animals, to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog or other vicious or potentially vicious dog on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc.

19.402 **MUZZLING OF CERTAIN DOGS.** All pit bull dogs and other dogs that have demonstrated a propensity for danger to the public or other animals that are on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

- 19.403 **CONFINEMENT.** All registered pit bull dogs and other dogs which have a demonstrated propensity to presently harm a person or other animals, shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed or muzzled pursuant to Section 19.401 and 19.402. Such pen, kennel or structure must have four sides and a secure top attached to those sides. All such structures used for such confinement must be locked when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to such animals must comply with the existing zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- 19.404 **CONFINEMENT INDOORS.** No dog as described herein may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on 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 the structure.
- 19.405 **CONTROL OF VICIOUS DOGS.** All vicious dogs shall be confined pursuant to Sections 19.403 and 19.404 of this Ordinance. It shall be unlawful for any owner or person in rightful possession to maintain a vicious dog upon any premises which is open to the public for any purposes.
- 19.406 **SIGNS.** All owners, keepers or harbors of registered pit bulls or other dogs of a vicious propensity within the City shall within ten (10) days of the effective date of this Ordinance display in a prominent place on their premises a sign easily readable by the public using the words “Beware of Vicious Dog.” In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- 19.407 **INSURANCE.** All owners, keepers or harborers of registered pit bull dog(s) or vicious dog(s) must within ten (10) days of the effective date of this Ordinance provide proof to the City Comptroller of public liability insurance in a single incident amount of \$100,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any person or persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Comptroller of the City of Carson City.

- 19.408 **IDENTIFICATION PHOTOGRAPHS AND REGISTRATION.** All owners, keepers, or harborers of registered pit bull dogs must:
- 19.4081 Within ten (10) days of the effective date of this Ordinance provide to the City Comptroller two color photographs of the registered animal clearly showing the color and approximate size of the animal.
 - 19.4082 The owner of a dog required to be registered pursuant to Section 19.409 shall pay a registration fee in an amount established from time to time by resolution of the City Council.
- 19.409 **REPORTING REQUIREMENTS.** All owners, keepers, or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the City Comptroller as required hereinafter:
- 19.4091 The removal from the City or death of a registered pit bull dog.
 - 19.4092 The birth of offspring of a registered pit bull dog;
 - 19.4093 The new address of a registered pit bull dog owner should the owner move within the corporate city limits.
- 19.410 **SALE OR TRANSFER OF OWNERSHIP PROHIBITED.** No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of the offspring of such dog to persons who do not reside in the City.
- 19.411 **ANIMALS BORN OF REGISTERED DOGS.** All offspring born of pit bull dogs registered within the City must be removed from the City within six (6) weeks of the birth of such animal.
- 19.412 **IRREBUTTABLE PRESUMPTIONS.** There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog under this Section 19.308 and described in Section 19.409 is in fact a dog subject to the requirements of this Chapter.
- 19.413 **FAILURE TO COMPLY.** It shall be unlawful for the owners, keepers or harborers of a pit bull dog registered with the City to fail to comply with the requirements and conditions set forth in this Ordinance. Any dog found to be the subject of a violation of this Ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

CHAPTER 19.5
SEIZURE, IMPOUNDMENT, DESTRUCTION

- 19.501 **SEIZURE.** Any dog that is in violation of any section of this Ordinance shall be subject to seizure by the City Police and/or the County Animal Control Officer.
- 19.502 **NOTICE OF SEIZURE.** The City Police shall serve notice in writing of the seizure of any dog and the impoundment thereof. All reasonable attempts shall be made to determine and notify the owner or person in rightful for possession of the placement of impoundment. Notification of the registered owner pursuant to any license dog shall be a conclusive presumption of notification of the owner or person in rightful possession.
- 19.503 **IMPOUNDMENT.** Upon seizure or impoundment of any dog found to be in violation of this Ordinance such dog shall be impounded in a designated place within the county.
- 19.504 **DESTRUCTION OF ANIMAL.** Any dog impounded under this Ordinance, except for Section 19.305, shall be humanely destroyed unless the owner or person in rightful possession thereof, within thirty-six (36) hours of being personally notified pursuant to Section 19.502, shall claim said dog and pay the fee herein provided notwithstanding any of the foregoing in this section, any dog impounded shall be destroyed humanely after the elapse of five (5) days from the moment of impoundment, provided all reasonable attempts have been made to notify the owner or rightful possessor of said dog have proved fruitless.
- 19.505 **DESTRUCTION FOR RABIES.** Any dog impounded pursuant to Section 19.305 of this Ordinance by either voluntary act of the owner or rightful possessor, or after demand of any police, animal or health officer, shall be held for observation for a period of ten (10) days thereafter. If the findings are negative and the symptoms have receded, the dog shall be returned to its owner or rightful possessor without charge. If the dog is rapid, it shall be mercifully destroyed immediately.
- 19.506 **IMPOUNDMENT FEES.** Before any dog impounded pursuant to this Chapter for any violation of its Ordinance shall be released to the owner or rightful possessor thereof, the owner or rightful possessor shall pay to the City Comptroller a fee in the amount of fifty (\$50.00) dollars for each day or infraction thereof that the dog is impounded.

CHAPTER 19.6
VIOLATIONS AND PENALTIES

- 19.601 **VIOLATIONS.** Any person who is the owner or rightful possessor of a dog within the city limits of City of Carson City, who fails to abide by this Ordinance, shall be considered to be in violation of this law. Each day that a violation exists, it shall be considered a separate offense.
- 19.602 **PENALTIES.** Any person convicted of violating or permitting the violation of any provision of this Ordinance excepting those under Section 19.307, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment.
- 19.603 **PENALTIES UNDER SUB-SECTION 19.3071.** Violations of Sub-Section 19.3071 of this Ordinance shall be civil infractions and:
19.6031 In the first offense the violator shall be issued a warning;
19.6032 There shall be a \$25.00 fine for a second offense;
19.6033 There shall be a \$50.00 fine for a third offense; and
19.6034 In the event there is a fourth offense the dog shall be banished from the park.
- 19.604 **ENFORCEMENT.** The Carson City Police Department is authorized to issue civil infractions and citations for violations of this Ordinance.

CHAPTER 19.7
ORDER TO SHOW CAUSE, DESTROYING OF ANIMAL

- 19.701 **ORDER TO SHOW CAUSE.** In the event that a dog is impounded as a vicious dog and the owner or rightful possessor responds within the required period of time prescribed in Section 19.504, or the owner shall remain in control of the animal which has in fact violated any provision of this Ordinance, or such dog has caused an injury described herein, a summons shall be issued to the owner, keeper, harbinger or person in rightful possession of any animal to show cause why it should not be destroyed.
- 19.702 **COMPLAINT.** The summons for show cause as set out in Section 19.701 shall be issued upon a sworn complaint of the City Attorney that any of the following exists:
19.7021 An animal, licensed or unlicensed has destroyed property or habitually caused damage by trespassing on the property of a person who is not the owner.

- 19.7022 An animal, licensed or unlicensed has attacked, bitten or otherwise caused injury to a person or another animal.
- 19.7023 An animal has shown vicious habits or has molested a person who is lawfully on a public right-of-way or in a public place.
- 19.7024 An animal, licensed or unlicensed, has run at large contrary to this Ordinance.

19.703 **HEARINGS ON COMPLAINT.** After a hearing a District Court Judge may either order the animal destroyed or confined to the Montcalm County Animal Control Shelter or premises of its owner or keeper.

19.704 **PENALTY FOR NON-COMPLIANCE WITH COURT ORDER.** Any person who fails to comply with the order shall be subject to up to five hundred (\$500.00) Dollars fine or confinement in the county jail up to ninety (90) days, or to both such fine and imprisonment. Court costs for such actions taken shall be taxed against the owner or keeper of the animal against whom the complaint was issued.

CHAPTER 19.8
CONFLICTING ORDINANCES REPEALED

19.801 **PRESENT ORDINANCE.** On the effective date of the adoption of this Second Revision the Revised Ordinance of February 17, 1989 and any amendments thereto shall be repealed.

19.802 **CONFLICTS.** All other Ordinances, amendments or provisions thereof which may be inconsistent or in conflict with this Revised Ordinance are hereby repealed as of the effective date of this Revised Ordinance.

CHAPTER 19.9
SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Ordinance.

CHAPTER 19.10
EFFECTIVE DATE

The Second Revised Ordinance establishes the running at large of dogs and control dangerous or vicious dogs, and their destruction under certain circumstances and the provisions for penalties in violation hereof, shall become effective thirty (30) days after its Publication.

CHAPTER 19.11
PUBLICATION

A summary of this Ordinance shall be published in the Carson City Gazette on _____ pursuant to Section 7.4(b) of the Charter of the City of Carson City.

CERTIFICATION

We the undersigned, as Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this Revision II Ordinance Number 19, of the City of Carson City, was introduced at a regular meeting of the City Council held on January 21, 2014, and was thereafter adopted at a regular meeting on February 18, 2014, by a vote of six (6) for; zero (0) against; and zero (0) abstaining.

Bruce Tasker, Mayor

Staci Steere, City Comptroller