

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.

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 or 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

- 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.

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.

- 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.