

TO AMEND CHAPTER 75 – ANIMALS, BY REPEALING IT IN IT’S ENTIRETY, AND REPLACING IT WITH AN ORDINANCE ADOPTING MACOMB COUNTY ANIMAL CONTROL BEST PRACTICES TO PROVIDE FOR DEFINITIONS, COLLECTION OF STRAY ANIMALS, IMPOUNDMENT PROCEDURES, LICENSING, DOG KENNELS, ANIMAL BEHAVIOR, KEEPING OF ANIMALS, ENFORCEMENT, GENERAL PROVISIONS, AND TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. 1334

AN ORDINANCE TO AMEND CHAPTER 75 – ANIMALS, BY REPEALING IT IN IT’S ENTIRETY, AND REPLACING IT WITH AN ORDINANCE ADOPTING MACOMB COUNTY ANIMAL CONTROL BEST PRACTICES TO PROVIDE FOR DEFINITIONS, COLLECTION OF STRAY ANIMALS, IMPOUNDMENT PROCEDURES, LICENSING, DOG KENNELS, ANIMAL BEHAVIOR, KEEPING OF ANIMALS, ENFORCEMENT, GENERAL PROVISIONS, AND TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

THE CITY OF ROSEVILLE ORDAINS:

Section 1. Chapter 75 – Animals is repealed in its entirety and replaced as follows:

Chapter 75 – ANIMALS

Sec. 75-1 - Definitions.

- (1) **Abandon.** To desert, forsake, or give up an animal without having secured another owner or custodian for the animal or having transferred the animal to the Animal Care and Control Agency or Animal Protection Shelter.
- (2) **Adequate Care.** As defined in MCL 750.50 "Adequate care" 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. To the extent of responsible practice of animal husbandry, handling, confinement, protection, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal, and the provision of veterinary care when needed to prevent suffering, impairment of health, or the treatment of illness or injury.
- (3) **Adequate Shelter.** Provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, wood shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary

manner. Shelters whose wire, grid, or slat floors permit the animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not protect the animals' feet or toes from injury, are not adequate shelter.

- (4) **Animal.** Any living vertebrate creature, wild or domestic, except humans.
- (5) **Animal Breeder.** Any firm, person, or corporation which is engaged in the operation of breeding and raising animals for the purpose of selling, trading, bartering, giving away, or otherwise transferring same.
- (6) **Animal Control Officer.** Any employee who is certified by the Michigan Department of Agriculture to perform animal control duties who is under the direction of the Director.
- (7) **Animal Control Shelter.** A facility operated for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to violations of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter.
- (8) **Animal Protection Shelter.** A facility operated by a person, humane society, a society for the prevention of cruelty to animals, or another nonprofit organization for the care of homeless animals.
- (9) **Animal Shelter.** The animal kenneling facility used by Macomb County to house stray or unwanted animals.
- (10) **At Large.** At large shall mean the condition wherein an animal is off the premises of its owner and is not under secure restraint by a substantial leash, not to exceed six (6) feet in length, or is not otherwise under the charge and control of a person competent to keep such animal under effective charge and control.
- (11) **Cat.** An animal of the Felidae family of the order Carnivora.
- (12) **Community Cat.** Any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats may be distinguished from other cats by being sterilized, ear tipped and vaccinated for Rabies. A community cat may also be defined as a cat 'found' outside that is brought to the animal shelter and not yet sterilized, ear tipped or vaccinated for Rabies.
- (13) **Community Cat Caregiver.** A person who provides care, including food, shelter or medical care to a community cat and is actively involved in Macomb County Animal Control's Trap-Neuter-Return program, while not being considered the owner, custodian, harbinger, controller, or keeper of a community cat, or who has care or charge of a community cat.
- (14) **Dangerous Animal.** An animal whose behavior is dangerous. Dangerous behavior shall include, but not be limited to: biting or otherwise causing serious injury to a person or other animal on public or private property where the injured person or other animal is legally entitled to be, including the property of the animal's owner or custodian. An

animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or service purposes while engaged in the activities for which they were trained, shall be considered a dangerous animal.

- (15) **Department.** The Macomb County Animal Control Division.
- (16) **Director/ Chief Animal Control Deputy.** The Director or Chief Animal Control Deputy of the Macomb County Animal Control Division, and his/her designee.
- (17) **Dog.** An animal of the Canidae family of the order Carnivora.
- (18) **Dog License.** The registration of a rabies vaccinated dog that is four (4) or more months old, residing within Macomb County, as mandated by the Michigan State Law MCL 287.262.
- (19) **Dog Kennel.** Any establishment that keeps, harbors or boards more than the municipal limit whether for breeding, sale, animal rescue\protection or sporting purposes.
- (20) **Domesticated Animal.** Any animal which is accustomed to living in an environment managed by humans and is suitable for the purpose of human companionship or service.
- (21) **Ear-tipping.** The removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to be the universal identification that the community cat is sterilized and lawfully vaccinated for Rabies at least once.
- (22) **Exotic Animal.** Exotic animal means and includes any wild 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 human life or property. Dangerous or exotic animals include, but are not limited to:
 - (a) Reptiles, insects, or arachnids which are venomous and which are not indigenous to Macomb County; or any reptile not indigenous to Macomb County which weighs forty (40) pounds or more, whether venomous or not.
 - (b) Non-human primate.
 - (c) Animals covered under Michigan Wolf-Dog Cross Act as per MCL 287.1001-287.1023.
 - (d) Animals covered under Michigan Large Carnivore Act as per MCL 287.1101 - 287.1123.
- (23) **Ferret.** A domesticated animal of any age of the species *Mustela furo*.
- (24) **Health Certificate.** Pet Health Certificates must be issued by a veterinarian and are valid for thirty (30) days from the date of examination. The health certificate must be signed by an accredited veterinarian after examining your pet and determining that it is free of infectious diseases.

- (25) **Hobby Breeder.** Any person, business, organization, or corporation that is registered with the Macomb County Animal Control Division and is in good standings, that does not meet the State (MDARD) requirements for the Large-Scale Breeder and has less than 15 intact animals over the age of 4 months, that breeds animals for sale, trade or giving away and whose primary source of income is not derived from the breeding and/or sale of animals.
- (26) **Impound.** An animal confined, kept, and maintained by the Macomb County Animal Control Division.
- (27) **Large Reptiles.** Members of the class reptilian including, but not limited to, monitor lizards, alligators, pythons, boa constrictors, venomous reptiles and constrictor snakes that grow to more than 72 inches long.
- (28) **Livestock.** Cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry (including egg-production poultry), fowl, llamas, alpacas, live fish, crawfish, and any other animals that are part of a foundation herd (including producing dairy cattle) or offspring.
- (29) **Long-lived Birds.** Any bird whose life expectancy is expected to exceed 25 years, including, but not limited to, cockatoos, macaws and amazons.
- (30) **Neuter/Castration.** Professional sterilization procedure performed by a veterinarian that renders a male animal incapable of reproducing.
- (31) **Owner.**
- (a) Every person having a right of property in an animal;
 - (b) An authorized agent of the person having a right of property in an animal;
 - (c) Every person who keeps or harbors an animal or has it in his or her care, custody or control;
 - (d) Every person who permits an animal to remain on or about the premises occupied by him or her;
 - (e) Every person who has the apparent authority to have a right of property in an animal;
 - (f) Any person having control or purporting to have control over an animal;
 - (g) The person named in the licensing records of any animal as the owner;
 - (h) The occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing records;
 - (i) The parent or guardian of an owner under 18 years of age shall be deemed the owner as defined in this Section. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner, even if the animal was in the possession of or under the control of a keeper at the time of the offense.
- (32) **Person.** An individual, firm, partnership, corporation, trust, or any association of persons.
- (33) **Rabbit.** A long-eared short-tailed lagomorph mammal with long hind legs of the Leporidae family.

- (34) **Spay.** Professional sterilization procedure performed by a veterinarian that renders a female dog, cat or ferret incapable of reproducing.
- (35) **Stray Animal.** Any animal running loose on public or private property without restraint.
- (36) **Tethering.** The restraint and confinement of an animal by use of a chain, rope or similar device.
- (37) **Trap-Neuter-Return.** The process of humanely trapping, sterilizing, vaccinating for Rabies, ear-tipping, and returning community cats to their original location.
- (38) **Wild Animal.** Any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, wolf, etc.

Sec. 75-2 - Collection of Stray Animals.

- (1) **Animals Running at Large.** A person who owns or has custody or control of an animal shall prevent the animal from running at large. A person who owns or has custody or control of an animal shall, at any time the animal is off that person's property, restrain the animal with a lead or leash of a length sufficient to maintain effective control of the animal.
- (2) **Capture.** The Director may capture or take into custody:
 - (a) Unlicensed dogs;
 - (b) Dogs and other domestic animals that are running at large in violation of local ordinance, county or state laws;
 - (c) Stray, abandoned, or abused animals;
 - (d) Animals maintained contrary to any city or township ordinance, or State or Federal Law other than an animal control ordinance adopted pursuant to MCL 287.290;
 - (e) Animals which the owner or custodian is not able to care for properly as a result of:
 - (i) Illness;
 - (ii) Bankruptcy;
 - (iii) Litigation;
 - (iv) Other contingencies;
 - (f) Any animal that has bitten a person.
- (3) **Observation.** The Director may capture and take into custody, or accept and care for, any animal to be held for observation at the recommendation of a doctor, veterinarian, or the Health Department.
- (4) **Private Property.** The Director is authorized to rescue any animal on any property, public or private, in conjunction with the fulfillment of the duties and responsibilities in

this Ordinance. No person shall refuse to permit the Director, after proper identification, to inspect any premises in accordance with MCL 333.2446 nor shall any person interfere with or resist the Director in the discharge of these duties and the protection of the public health.

- (5) **Proof of Animals Licenses or Certificates of Vaccination.** The Director may require that a person owning any dog provide proof of the required vaccination certificate, or the current license and license tag for the dog.
- (6) **Wearing of License Tag.** Dogs must wear valid license tags when off their owner's property. An owner whose dog is off his/her property without wearing a valid license tag is in violation of this Ordinance and MCL 287.262.
- (7) **Failure to Show License.** It is a violation of this Ordinance for a person upon whom a demand is made to fail or refuse to exhibit the dog certificate of vaccination or its license tag.
- (8) **Interference with an Animal Control Deputy.** No person shall interfere with, oppose, or resist an Animal Control Deputy while he/she is engaged in the performance of any act authorized by this Ordinance.
- (9) **Unauthorized Removal from the Shelter.** No person shall remove any animal from the custody of the Department nor shall any person remove any animal from the Animal Shelter without first receiving permission from the Director, or his/her designee.
- (10) **Reclamation.** All reclaimed animals must be licensed and microchipped as specified in Sec. 75-3 and Sec. 75-4.
- (11) **Stray Livestock.** A person who owns or has custody or control of livestock or poultry shall prevent such animals from running at large on public or private property without the consent of the property owner. However, this Section shall not prohibit the leading or driving of livestock, under the owner's or custodian's supervision, along a public roadway.

Sec. 75-3 - Impoundment Procedures.

- (1) **Animal Shelter.** The Animal Shelter is the animal custodial care facility for Macomb County. The Director shall hold all animals impounded by him/her as provided in MCL 287.388. Any animal found stray in Macomb County, which is delivered to the Animal Shelter, shall be delivered during normal working hours.
- (2) **Relinquishing Strays.** Any person picking up any stray domestic animal or domestic animal found running at large shall deliver such animal to the Director by taking it to the Macomb County Animal Control in accordance with MCL Section 287.308, for required legal stray hold to be completed through Animal Control.
- (3) **Length of Impoundment.** The length of impoundment shall be computed by excluding the first day the animal is impounded at the shelter and including the last day of confinement. If the last day is a weekend or a County observed Holiday, the period shall

be extended to the next business day. Length of impoundment before the animal becomes County property shall be:

- (a) Unlicensed Animals. The Animal Shelter shall hold all healthy unlicensed animals for four (4) business days.
 - (b) Animals with Current Owner Information (including but not limited to microchip, dog license and ID tag that leads to the owner). Animal Control shall hold all healthy stray animals with current, valid identification seven (7) business days from the date notice is given.
 - (c) Sick or Injured Animals. Any animal that is suffering unduly may be euthanized at the discretion of the Director.
 - (d) Voluntarily Surrendered Animals. Any animal may be euthanized at the request of the owner for health reasons.
 - (e) Animals Deemed a Public Health Hazard. The Animal Shelter shall hold any animal deemed to be a public health hazard until such time as a court of competent jurisdiction makes a determination as to the disposition of the animal or the owner consents.
 - (f) Animals Confiscated for Neglect\Cruelty. Shall be subject to a “Show Cause” hearing. Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing must be conducted within 14 days of the filing of the civil action, or as soon as practicable. The hearing must be before a judge without a jury, as outlined in MCL 750.50 (3).
 - (g) Livestock. The Macomb County Animal Control shall hold livestock in accordance with MCL Act 328 Section 433.16.
- (4) **Records**. The Director shall keep a record of each animal impounded, the date of the impounding, the date and manner of its disposition and if redeemed, reclaimed or sold, the name and amount of all fees collected because of the impounding, reclaiming, or purchasing of the animal, together with the number of any license tag or kennel license exhibited or purchased upon the redemption or sale. Animals being impounded by Animal Control must be accompanied by specific information regarding how the animal was obtained, including but not limited to the point of origin and name of persons in possession of the animal.
- (5) **Compliance**. The Director shall not release or sell any animal that has been impounded in accordance with this Ordinance unless the person to whom the animal is released provides satisfactory proof that the animal will be maintained in accordance with this Ordinance and any other relevant ordinance or statute.
- (6) **Medical Attention**. The Director may employ a veterinarian whenever he deems it necessary in a medical emergency in order to care properly for an impounded animal. The County shall charge a fee for veterinary services and such animal shall not be redeemed without payment of such fee in addition to other impoundment fees and costs.
- (7) **Microchipping & Vaccinations**. All animals impounded by the Macomb County Animal Control are require to be microchipped and vaccinated prior to release, at the expense of their owner.
- (8) **Payment of Fees**. The Director shall not release any owned animal unless the fees and charges for animal shelter services in impound and caring for the animal, disposition and

redemption, dog licenses and any other services furnished has been paid in full. These fees and costs shall be periodically reviewed by the Macomb Office of the County Executive.

- (9) **Unclaimed Animals.** All animals not reclaimed within a period of time established for the holding of strays shall be dispositioned at the discretion of the Director.

Sec. 75-4 - Licensing.

- (1) **Licensing Required.** All dogs shall be licensed in accordance with state law (MCL 287.266) except:
- (a) A dog under four (4) months of age;
 - (b) A dog licensed by another state in which the dog and owner reside, if the owner will be present in Macomb County for thirty days or less.
- (2) **Rabies Vaccination.** All dogs shall be protected by a rabies vaccine at the time of license issuance. Such vaccine shall be administered by a veterinarian except when a veterinarian states annually in writing that the dog should not be vaccinated for medical reasons and indicates when/if the dog can be vaccinated.
- (3) **Licensing Limitations.** A dog license shall be issued for only an animal that has a current rabies vaccination. A one (1) year license may be issued to an unvaccinated dog if the required veterinarian certification has been obtained.
- (4) **Individual Licenses.** The Director shall issue licenses as provided by MCL 287.274. License fees shall be periodically reviewed by the Macomb Office of the County Executive.
- (5) **License Late Fees.** Failure to comply with the licensing requirements of Section 75-4 (1) will result in the imposition of such late fees and penalties as may be periodically reviewed by the Macomb Office of the County Executives, in addition to penalties established by local and state laws.
- (6) **Hobby Breeder Registration.** A County permitted Hobby Breeder may sell, trade, exchange or otherwise place up to 20 animals per calendar year.
- (a) Registration. Hobby Breeder registrations are limited annually to one per person, entity, corporation and location. The applicant must not have been convicted of animal negligence, cruelty, abuse, or in violation of Macomb County Animal Control Best Practices. All registration requests are subject to approval. Registration fees shall be periodically reviewed by the Macomb Office of the County Executives.
 - (b) Inspection. A recipient of a Hobby Breeder permit shall allow an inspection performed by Animal Control as specified in Subsection 75-2(4) annually, without a warrant of the premises used for sheltering, harboring, and/or maintaining, except for those portions of the premises used solely for human habitation or to house personal pets not used for breeding. Conditions are specified in Section 75-5 and Section 75-7. Hobby breeders shall maintain current verifiable records for a period of at least two (2) years. The records shall include:

- (i) The verified name and address of the person from whom the animal was acquired, where the animal was acquired, and the date that the animal was acquired.
 - (ii) A description and identification of the animal, including the animal's identification information, color, breed, sex, alteration status, and approximate weight and age.
 - (iii) The date and method of disposition of the animal. If the animal is adopted, transferred, or sold, the records shall also include the verified name and address of the person to whom the dog is adopted, transferred, or sold.
 - (iv) The number of intact breeding adult animal.
 - (v) Breeding records for each female intact animal that include the approximate date the animal was bred and the birth date and size of each litter.
- (c) Medical Care. Every Hobby Breeder permittee shall have a primary veterinarian responsible for the veterinary care of the animals. All animals on the premises must be current on required rabies, and species/age specific vaccinations and licensed. Pet Health Certificates must be issued by a veterinarian; a copy must be provided when selling, trading, exchanging or otherwise placing the animal, and a copy must be kept for the breeder's records and provided during inspections. Animals involved in interstate transport will be required to have a valid Certificate of Veterinary Inspection.

Sec. 75-5 - Dog Kennels.

- (1) **Kennel License.** Any person operating a dog kennel shall obtain a kennel license annually in accordance with MCL 287.270, subject to the City Zoning Ordinance.
- (2) **Rabies Vaccination.** Each dog kept in a kennel shall be up to date on age-appropriate vaccinations including but not limited to rabies vaccination as specified in Section 75-4(2).
- (3) **Display of License.** Every person having a kennel license shall keep the license posted in a conspicuous manner at the kennel and obtain individual dog licenses for each qualifying dog (over 4 months old).
- (4) **Conditions of Kennel.**
 - (a) Building. Whenever a commercial animal facility is unattended, the name, address and telephone number of the owner of the facility and the person responsible for the care of animals shall be posted in a conspicuous place at the front of the facility. Enclosures that give adequate protection against weather extremes shall be provided. Floors and walls of buildings shall be of an impervious material to enable proper cleaning and disinfecting. The building temperature shall be maintained at a reasonable level and adequate ventilation shall be provided.
 - (b) Cages. Cages shall provide enough space to let each dog stand up, lie down, and turnaround without touching the top or sides of the cage. Cages shall be of a material and construction that permits cleaning and sanitizing. Cage floors, unless

radiantly heated, shall have either a resting area above the cage floor or some type of bedding.

- (c) Runs. Dog runs shall be of concrete or pea gravel. Concrete runs shall have adequate slopes for sanitation. If pea gravel is used, droppings must be collected and removed. All runs must be periodically disinfected.
- (d) Feeding. All food shall be free of contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the daily requirements determined by the condition and size of the animal.
- (e) Water. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping.

Sec. 75-6 - Animal Behavior.

- (1) **Quarantine.** Every animal that has bitten a person/animal shall be quarantined for a period of not less than ten (10) days. Such quarantine shall be at the Macomb County Animal Control, a veterinary office, or a place designated by the Director. The owner shall surrender the dog to the Director upon request. Should the owner refuse to cooperate, the Director may seek a court order or warrant to enforce the quarantine in accordance with Sections 2241 and 2242 of the Public Health Code.
- (2) **Public Health Hazard.** The Director may declare any animal that is known to have bitten a person or other animal, or be infected with/exposed to a zoonotic disease, a public health hazard. At their discretion, the Director may require that the animal be removed from the community, quarantined or confined in a manner specified by the Director. Should the owner refuse to cooperate, the Director may seek a court order or warrant to enforce the removal, quarantine, or confinement in accordance with Sections 2241 and 2242 of the Public Health Code. The Director shall give written notice to the owner of their intent to petition a court of competent jurisdiction for authorization to euthanize or otherwise dispose of the animal. The owner shall then have forty-eight (48) hours to respond before the petition is filed.
- (3) **Defecation.** A person who owns or has custody or control of an animal shall prevent the animal from defecating on any public or private property other than their own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his property.
- (4) **Nuisance or Dangerous Animal.** A person who owns or has custody of an animal shall prevent the animal from engaging in nuisance or dangerous behavior. An animal whose behavior constitutes a nuisance shall include, but not be limited to:
 - (a) Making physical contact with a person or other animal in a harassing manner;
 - (b) Urinating or defecating;
 - (c) Damaging inanimate personal property; and
 - (d) Incessant barking as to unreasonably disturb the peace.
 - (i) Evidence that the dog(s) has/have barked or howled for an aggregate period of twenty (20) minutes out of one (1) hour shall be sufficient for

conviction. If the nuisance barking or howling complaint is determined to be provoked by any other animal or nearby pedestrian(s), it may be excluded from the aggregate time if the owner:

- A. Provides documentation that the provocation exists and cannot be avoided; and
- B. Takes remedial steps to change the environment of the dog(s) and abate the nuisance within a three-month period from the date of the complaint.

- (ii) Upon evaluation of the report, if in the opinion of the animal control officer the dog is creating a nuisance by barking or howling incessantly or continuously, the animal control officer shall issue a citation to the owner of said animal for a violation of this Section. Personal appearance before the court shall be mandatory.

(5) **Potentially Dangerous Dog.** The purpose of this Section is to establish a procedure for identifying dogs that pose a potential or significant threat to the safety of people, animals, or property, to impose precautionary restrictions on such dogs in an effort to prevent a serious injury from occurring, and to promote responsible ownership of all dogs within the County.

(a) Determination of a Potentially Dangerous Dog. The determination that a dog is potentially dangerous shall be based on the following specific behaviors exhibited by the dog:

- (i) Menaces, chases, displays threatening or aggressive behavior toward, or otherwise threatens or endangers the safety of a person or domestic animal.
- (ii) Causes injury to a person or domestic animal that is less than a severe injury. For purposes of this Section, the term "severe" injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function.
- (iii) Aggressively bites a person or domestic animal. For purposes of this Section, the term "aggressively bites" means the dog physically bit the person or animal in a manner not normally associated with playfulness or accidental behavior while exhibiting objective signs of aggression, attack behavior, or intent to harm. The damage inflicted by a bite, or lack thereof, may also be used by animal control officials as a factor in determining whether a bite was aggressive.
- (iv) Any of the behaviors listed above exhibited in another community and documented in an official report of any law enforcement or animal control agency.

(b) Notice of Determination. An Animal Control Deputy shall have the authority to make a determination that a dog is potentially dangerous if the Animal Control Deputy concludes the dog has exhibited the behaviors specified in this Section. The owner or keeper of a dog determined to be potentially dangerous shall be provided with a notice containing the following information:

- (i) A summary of the findings that form the basis for the determination that the dog is potentially dangerous.
- (ii) Notice of requirements necessary to possess a potentially dangerous dog in

the City or County.

- (iii) Notice of the right to request removal of the potentially dangerous classification after the dog has resided and been licensed within the County for a minimum of three full years following the date that the dog is licensed with the County as a potentially dangerous dog without any violations of the conditions required for keeping the potentially dangerous dog and without any new incidents involving behavior by the dog that would qualify for a potentially dangerous determination pursuant to this Section. The removal request shall be sent in writing to animal control. The decision to remove the potentially dangerous classification shall be made in the first instance by animal control upon a review of the history of the dog and its residence for the three years preceding the date of the removal request, including a premises inspection and an inspection of the dog to ensure that the conditions set forth in this Section have been followed.

- (c) Mitigating Circumstances. An Animal Control Deputy shall have discretion to refrain from making a potentially dangerous determination if the animal control officer determines that the behavior was the result of the victim abusing or tormenting the dog, was directed toward a trespasser or person committing or attempting to commit a crime, involved accidental or instinctive behavior while playing, did not involve a significant injury, or other similar mitigating or extenuating circumstances.

- (d) Impoundment. A dog that is determined to be potentially dangerous shall be removed from the City and placed with the Department or, in the discretion of Animal Control, the owner may authorize placement of the dog at a residential home outside of the City, or with a qualified rescue organization or qualified dog lodging business, during any quarantine period and until the owner has either confirmed a new place of residence for the dog outside of the City. If the dog is not being housed at the Department, it must first be microchipped with all information required by animal control. All impoundment, lodging, and microchipping costs are the sole responsibility of the dog's owner.

- (e) Requirements for Possession of a Potentially Dangerous Dog. If the owner of the dog requests that the dog be permitted to return to the City, its return shall not be permitted until the following requirements have been satisfied:
 - (i) Animal control shall confirm the following:
 - A. The owner or keeper shall install secure fencing at the property where the dog will reside which is maintained in good repair with self-locking ingress or egress gates. The fencing may be any combination of chain link fencing and/or privacy fencing, shall only be installed upon obtaining all required fence permits from the City, and shall pass all required inspections prior to the dog's return to the property.
 - B. When removed from the property of the owner or keeper, a potentially dangerous dog shall always be restrained by a secure leash of no more than four feet in length and under the control of a capable person.

- C. A potentially dangerous dog shall have a microchip implanted by a licensed veterinarian. The microchip shall contain the name and approximate age of the dog, its classification as potentially dangerous, and the name, address, and telephone number of the registered owner.
 - D. The owner shall obtain and maintain public liability insurance with policy coverage in the minimum amount of \$250,000.
 - E. Two recent color photographs of the dog, which clearly show the color and approximate size of the animal, shall be provided to animal control.
 - F. The potentially dangerous dog shall meet the requirements of the AKC's Canine Good Citizen Program, or its equivalent, to the satisfaction of animal control. Dogs that are under one year of age are ineligible for the AKC Canine Good Citizen Program, so such dogs must be enrolled in or have completed the AKC START Program or an equivalent approved by animal control. The dog may not return to its City residence until these requirements have been met, but it may be kept at a qualified rescue or dog housing business until proof of successful completion of the program is submitted to, and acknowledged by, animal control. For every future violation of this chapter for which a dog may be determined to be potentially dangerous which occurs after the dog has completed the requirements of this Subsection and been properly registered under this Section, additional training or testing, including but not limited to renewing the dog's compliance with this division, may be imposed by animal control as a condition of continuing to keep the dog within the City, unless the dog's status is changed to dangerous due to the nature or frequency of the new violation(s).
 - G. The potentially dangerous dog, if over twelve (12) weeks old, has been spayed or neutered.
 - H. All impoundment and lodging costs have been paid by the owner.
- (ii) Before the dog returns to any property within the City other than a qualified rescue organization or a boarding business, the owner of a potentially dangerous dog shall ensure that the dog's license is current and shall register the dog with the Macomb County Animal Control as a potentially dangerous dog with all information required by this Ordinance, as well as the following:
- A. Proof of animal control's certification that the required fence, self-locking gate, and leash have all been procured for the dog.
 - B. Proof of microchipping and the information contained on the microchip. The owner shall ensure that the microchip information is kept up to date.
 - C. Proof of the required insurance policy.
 - D. Proof of the successful completion of the required training and temperament testing.
 - E. Two recent color photographs of the dog, which clearly show the color and approximate size of the animal.
- (iii) The owner or keeper of a potentially dangerous dog must, within ten (10)

business days, report to the Macomb County Animal Control if the dog has been permanently removed from the City, has died, or has relocated within the City. The new address of a relocated potentially dangerous dog shall be provided as part of the report.

- (iv) After its initial registration, a potentially dangerous dog shall be registered with the Department annually and its owner or keeper shall pay a registration fee established by the Macomb Office of the County Executives annual discretionary fees approval process. This registration and fee shall be in addition to any other requirements for annual licensing of an animal.

- (f) Visiting Dogs. Any dog that does not reside within the City and is licensed by another community but which is determined to be a potentially dangerous dog pursuant to this Section shall not be subject to the conditions for possessing a potentially dangerous dog within the City, except that the dog shall be microchipped before its release, all impound and microchipping costs shall be paid by the owner, and its owner and keeper shall be advised by animal control that the dog is not to return unless all of the conditions for possessing a potentially dangerous dog are first satisfied. In the event the dog is subsequently in the City without full compliance with the requirements for possessing a potentially dangerous dog, the person harboring or possessing the dog shall be subject to the penalties set forth in Section 8-8.

- (g) Penalties.
 - (i) Any person who owns, harbors, keeps, or possesses a potentially dangerous dog in violation of any of the requirements of this Section for possessing a potentially dangerous dog, or who in any way aids or abets such ownership, harboring, keeping, or possession, shall be in violation set forth in Section 75-8.

Sec. 75-7 - Keeping of Animals.

- (1) **General Best Practices.** Every person who owns or who has charge, care or custody of an animal shall comply with each of the following requirements:
 - (a) Feeding. Each animal shall be supplied with sufficient, good, wholesome food and water as established by USDA animal welfare act and Best Practices.
 - (b) Cleanliness. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

- (2) **Unattended Animals.** No animal shall be without attention\supervision for an unreasonable period of time.

- (3) **Severe Weather Conditions.** It shall be unlawful for any person to leave any dog outside and unattended during any period in which a severe weather warning has been issued for Macomb County, Michigan by the National or Local Weather Service for a unreasonable about of time, if the temperature during such period remains entirely either below 32° F. or above 90° F. "Outside," for purposes of this Section, shall mean any dog that is outdoors subject to the weather and elements, which expressly includes, but is not limited

to, a dog in a securely fenced-in yard, a dog in a carrier, or a dog tethered or tied-out. The dog shall be considered "outside" regardless of access to an outdoor doghouse or similar structure, unless such structure is a properly functioning climate-controlled and weather-resistant structure.

- (a) Dangerous Surroundings. No condition shall be maintained or permitted that is, or could reasonably be expected to be, injurious to the animal.
- (b) Teasing. Every reasonable precaution shall be taken to ensure that animals are not teased, abused, mistreated, annoyed, tormented or made to suffer by any person or means.
- (c) Protection. All reasonable precautions shall be taken to protect the public from animals and animals from the public.
- (d) Sick Animals. Every animal facility shall isolate sick animals sufficiently so as not to endanger the health of other animals.
- (e) Ventilation and Light. Every building or enclosure where animals are maintained shall be constructed of materials easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals with sufficient light to allow observation of the animals.
- (f) Veterinarian Attention. The owner or custodian shall take an animal to a veterinarian for an examination and treatment if the Director finds this is necessary in order to maintain the health of the animal and so orders.
- (g) Cages. All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodation for the animals.
- (h) Shelter. Proper shelter of suitable size and protection from the weather shall be provided at all times as established by USDA animal welfare act and regulations.
- (i) Structural Strength. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals.
- (j) Tethering. It shall be unlawful for any person to attach chains or tethers, restraints or implements directly to a dog without the proper use of a collar, harness or other device designed for that purpose and made from a material that prevents injury to the animal. In addition, no person shall:
 - (i) Tether a dog without the continuous presence of an adult on the premises at all times that the dog is restrained; or
 - (ii) Leave a dog outdoors without the continuous presence of an adult on the premises at all times; or
 - (iii) Tether a dog unless the tether is a coated steel cable specifically designed for restraining dogs and is at least three times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or non-choke collar specifically designed for tethering, with a swivel attached to both ends, done in such a manner as to not cause injury, strangulation or entanglement of the dog on fences, trees, another tethered dog, or any other manmade or natural objects; or
 - (iv) Tether more than one dog to a single tether or tether one dog to a single tether that would allow the dog to come within three (3) feet of another tethered dog or a property line; or

- (v) Use a tether or any assembly or attachments thereto to tether a dog that shall weigh more than one-eighth of the animal's body weight, or due to weight, inhibit the free movement for the animal within the area tethered; or
- (vi) Tether a dog on a choke chain or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other man made or natural obstacles; or
- (vii) Tether a dog without access to shade when sunlight is likely to cause overheating; or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether a dog without securing its water supply so that it cannot be tipped over by the tether; or
- (viii) Tether a dog in an open area where it can be teased by persons or an open area that does not provide the dog protection from attack by other animals; or
- (ix) Tether an animal in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.

(4) **Leaving Animal in Unattended Vehicle.** It shall be unlawful to leave or confine an animal in an unattended motor vehicle under conditions that endanger the health or well-being of the animal. A person owes a duty of care to an animal that the person leaves confined in an unattended vehicle.

- (a) No police officer, Animal Control Deputy or firefighter who enters into an unattended vehicle in order to rescue an animal, nor the employer of any such person, shall be liable for any damage caused by the rescue, provided that the person.
 - (i) Prior to entry, makes a reasonable effort to locate the person who owes a duty of care to the animal.
 - (ii) Acts under a reasonable belief that the animal is in severe physical distress.
 - (iii) Takes reasonable steps to ensure or restore the well-being of the animal.
 - (iv) Leaves a note on or in the vehicle directing the person to the law enforcement agency having custody of the animal including the address where the animal can be located.
- (b) The immunity provided shall apply regardless of whether the person is charged with or found guilty of committing an offense under this Section.

(5) **Cruelty.** In accordance with MCL 750.50b, it shall be unlawful for a person to perform acts of cruelty on an animal, including but not limited to the following:

- (a) Beating. No person shall beat, kick, hit, bite, burn, or in any manner cause an animal to suffer needlessly.
- (b) Injury. No person shall cause abusive injury to an animal.
- (c) Teasing. No person shall tease or entice a dog or other animal.

- (d) Alcohol. No person shall give an animal any alcoholic beverage or controlled drug unless prescribed by a veterinarian.
 - (e) Incompatible Animals. No person shall allow animals, which are natural enemies, temperamentally unsuited, or otherwise incompatible to be quartered together, or so near each other as to cause injury, fear, or torment. Animals shall not be considered enemies if two or more animals are trained so that they can be placed together without attacking each other, or performing, or attempting any hostile act toward each other.
 - (f) Injurious Tack. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to an animal.
 - (g) Proper Exercise. Working animals shall be given exercise proper for the individual animal under the particular conditions.
 - (h) Working Sick Animals. No person shall work or use any animal that is overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.
 - (i) Female in Heat. No person having a bitch in heat shall permit her to be contained in a fashion that gives stray animals access to her or that permits her to escape.
 - (j) Confinement. No person shall confine a dog on a chain for an unreasonable time unless the chain permits movement over at least thirty (30) square feet and allows the dog free access to a suitable shelter.
 - (k) Abandonment. No person shall abandon any animal.
- (6) **Dangerous or Exotic Animals**. No person shall own, possess, breed, exchange, buy, sell or harbor any dangerous or exotic animals without proper federal, state or local permits, and City approval.
- (a) Inspection. An inspection shall be performed by Macomb County Animal Control, regardless of exception, as specified in Section 75-2(4) annually, without a warrant, of the premises used for sheltering, harboring, and/or maintaining, except for those portions of the premises used solely for human habitation. The provisions of this Section shall not apply to:
 - (i) Exceptions. Exotic animals shall be permitted to organizations and/or entities that are accredited by the American Association of Zoological Parks and Aquariums (AZA).
- (7) **Wild Animals**. Wild animals are not allowed to be confined on any premises in any zoning district without City approval except in conjunction with the following situations:
- (a) Inspection. An inspection shall be performed by Macomb County Animal Control, regardless of exception, as specified in Section 75-2(4) annually, without a warrant, of the premises used for sheltering, harboring, and/or maintaining, except for those portions of the premises used solely for human habitation.
 - (b) Exceptions. The provisions of this Section shall not apply to:
 - (i) Wild animals shall be permitted to organizations and/or entities that are accredited by the American Association of Zoological Parks and Aquariums (AZA).

- (ii) Pursuant to a possession permit issued by the state department of natural resources as defined in the Wildlife Conservation Order, in good standing, authorizing temporary noncommercial shelter and/or treatment for an injured or abandoned wild animal until the animal can feasibly be released from captivity.
- (8) **Community Cats.** The preferred method for controlling the community cat population is through Trap-Neuter-Return (“TNR”). TNR is a method for humanely and effectively managing cat colonies and reducing free-roaming cat populations. The process involves trapping the cats in a colony, having them spayed/neutered, ear-tipped for identification, vaccinating against rabies, then releasing them back into their original territory.
- (a) All community cats shall be sterilized, ear tipped and vaccinated in accordance with the Trap-Neuter-Return process.
 - (b) All community cats living in colonies shall be cared for on the private property of the community cat caregiver or with the permission of the property owner or property manager.
 - (c) All community cats may be managed and maintained by a community cat caregiver under the following requirements:
 - (i) Food. Feeding areas may not be located within thirty (30) feet of a primary residential or commercial structure.
 - A. Food shall be provided in the proper quantity for the number of cats being managed and is to be supplied no more than twice per day, for only 30 minutes each feeding time.
 - B. Food must be placed in feeding containers that are maintained and secure.
 - C. All feeding stations shall be kept in a clean, sanitary manner.
 - D. Food may only be placed out between the hours of dawn and dusk. No food shall be left out overnight.
 - (ii) Water. Supplied water must be clean, potable, and free from debris and algae.
 - (iii) Shelter. If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the cat(s). Shelters may not be located within thirty (30) feet of a primary residential or commercial structure.
 - (d) Trapping of free-roaming or community cats is permitted only for the purpose of Trap-Neuter-Return unless the community cat is injured and veterinary care is required.
 - (e) An ear tipped cat received by Animal Control shall be returned to the location where it was trapped with no hold periods, unless veterinary care is required.

Sec. 75-8 - Enforcement.

- (1) **Criminal Penalties.** A violation of this Ordinance is a misdemeanor as adjudicated by a court of competent jurisdiction, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than \$500.00 or both pursuant to Section 2441 (2) of the Michigan Public Health Code, Act 368 of 1978, as amended. Each day that a violation of this Ordinance continues may be deemed a separate offense by a court of competent jurisdiction.

- (2) **Civil Penalties.** The Macomb Office of the County Executive may adopt a schedule of monetary civil penalties to be assessed for violations of this Ordinance as provided in Sections 2461-2462 of the Michigan Public Health Code, Act 368 of 1978, as amended.
- (3) **Injunctive Proceedings.** If a person has violated a provision of this Ordinance, the Director may seek injunctive relief from a court of competent jurisdiction to restrain, enjoin, prevent or correct the violation as provided in Section 2465 of the Michigan Public Health Code, Act 368 of 1978, as amended.

Sec. 75-9 - General Provisions.

- (1) **General Provisions.** Any person taking exception to, or aggrieved by, a decision, ruling, requirement, notice, or violation issued under this Ordinance, after an opportunity for an Administrative Conference with the Director, has the right to a contested case hearing in the matter. The contested case hearing shall be conducted in accordance with written policies and procedures adopted by the department and applicable provisions of the Administrative Procedures Act of 1969. Any person taking exception to or aggrieved by any administrative action shall have the right to seek judicial review.

Section 2. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, being the intent of the City that this ordinance shall be fully severable.

Section 4. Effective Date. This ordinance shall be deemed an emergency ordinance and become immediately effective.

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I, Jennifer A. Zelmanski, City Clerk for the City of Roseville, County of Macomb, State of Michigan, do hereby certify that Ordinance No. 1334 was adopted by the City Council of Roseville, assembled in regular session on April 23, 2024. Said Ordinance was posted in the following places:

Notice of said posting was published in *The Macomb Daily or C & G Eastsider* May 8, 2024.

Roseville Police Station, 29753 Gratiot Avenue
Roseville Public Library, 29777 Gratiot Avenue
Roseville Civic Center, 29777 Gratiot Avenue

Jennifer A. Zelmanski, City Clerk