

CHAPTER 90: ANIMALS

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Domestic animals in parks, see § 93.19

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GENERAL PROVISIONS White Cloud, MI Code of Ordinances

§ 90.01 KEEPING OR HOUSING OF ANIMALS OR FOWL.

(A) Any other provision of this chapter notwithstanding, the keeping, housing, raising, use or medical care of fowl or animals, other than house pets of an occupant of the premises, is prohibited in any R-2, R-3, R-4 or R-5 District. Where such activities are pursued in any other district, a lot area of one-half acre, exclusive of the lot area required for any dwelling thereon, shall be provided for each animal; provided, that a commercial kennel, an animal hospital or riding stable need not provide over four acres for such use; and further provided, that any other aforementioned activity need not provide over ten acres for such use. Where animals other than house pets of the owner of the premises are kept or allowed outside, a fence of such construction as to keep such animals from leaving the premises at will shall be provided and regularly maintained. Provided further before such animals are housed, an application shall be filed with and approved by the City Clerk. (Ord. passed 3-15-82)

(B) Except as specifically permitted by the provisions of division (A) of this section, as amended, no persons shall keep or house any animal within the city except dogs, cats, canaries or other animals or birds which are commonly kept and housed inside dwellings as household pets; provided that no person shall permanently keep or house more than two dogs or cats, six months old or older. For the purpose of this division (B), **PERMANENT** shall be defined as more than 30 days; however, extensions may be applied for in special cases. (Ord. 34, passed 3-15-82; Am. Ord. passed 5-17-82)

Penalty, see § 10.99

§ 90.02 RUNNING AT LARGE PROHIBITED; SEIZURE BY ENFORCING OFFICER.

(A) No person shall permit any domestic animal or any goose, chicken or other fowl to run or be at large in the public streets, lanes, alleys, vacant lots or other open or public places; nor upon any private premises other than the premises of the owner or custodian of such domestic animal or fowl, without the consent of the owner or occupant of such private premises; provided, that any such domestic animal may be permitted on public properties if in the immediate control of a competent person.

(B) The enforcing officer shall seize any animal or fowl running at large in the city.

(Ord. 34, passed 3-15-82) Penalty, see § 10.99

§ 90.03 ABANDONMENT OF ANIMALS PROHIBITED.

(A) No person shall abandon any animal or fowl in any public place or public highway or upon the property of another.

(Ord. 34, passed 3-15-82) Penalty, see § 10.99

Cross-reference:

Cruelty to animals, see § 130.01

§ 90.04 PRESUMPTION OF OWNERSHIP OF DOGS OR CATS.

Every person in possession of any dog or cat, who shall allow such dog or cat to remain about his premises for a period of five days, shall be deemed to be the owner thereof for the purpose of this chapter.

(Ord. 34, passed 3-15-82)

§ 90.05 NOISY DOGS AND CATS PROHIBITED.

No person shall own, keep, house or have charge of any dog or cat which by prolonged barking, howling or yelping becomes a nuisance. Prolonged barking, howling, yowling or yelping for a period of 15 minutes or longer shall be deemed a violation of this section.

(Ord. 34, passed 3-15-82) Penalty, see § 10.99

Cross-reference:

Noise nuisances enumerated; exceptions, see § 91.03 White Cloud, MI Code of Ordinances

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§ 90.06 CONFINEMENT AND TESTING OF ANIMAL THAT HAS BITTEN A PERSON.

Any dog or other animal that has bitten a person shall be held in confinement for a period of at least ten days from the date the person was bitten. If such dog or other animal is unlicensed such confinement shall be in the city dog pound. If the animal dies during the period of confinement, the head shall be sent to a laboratory for examination for evidence of rabies.

(Ord. 34, passed 3-15-82)

§ 90.07 KEEPING OF VICIOUS AND DANGEROUS DOGS.

(A) No person shall own, keep, house or have charge of any dog which exhibits an ugly or vicious disposition without provocation or is dangerous to persons or property. Any dog shall be deemed vicious which has bitten a person or domestic animal without provocation or which by its actions gives indications that it is likely to bite any person or domestic animal without provocation. This section shall not apply to dogs properly confined upon the owner's premises with proper warning signs posted and used for the purpose of guarding the premises, nor shall it apply to dogs used by the City Police Department in connection with its regular duties.

(B) The owner or any person entitled to possession or control of such a dog shall deliver it to the enforcing officer for confinement or disposal.

(Ord. 34, passed 3-15-82) Penalty, see § 10.99

§ 90.08 CONFINEMENT OF FEMALE DOGS IN HEAT.

No person shall own, keep or house any female dog in the city, while such dog is in heat, except when confined within the dwelling of such person or a building which would prevent the ingress of other dogs.

(Ord. 34, passed 3-15-82) Penalty, see § 10.99

§ 90.09 LICENSING AND REGISTRATION OF DOGS; WEARING OF LICENSE TAG.

(A) No resident person shall own, keep or house any dog within the city, unless such person shall have complied with the laws of the state providing for the licensing and registration of such dog.

(B) No resident person shall own, keep or house any dog six months old or older that does not, at all times, wear a collar or harness with a license tag issued pursuant to the laws of the state.

(Ord. 34, passed 3-15-82) Penalty, see § 10.99

Statutory reference:

Dog law, see M.C.L.A. §§ 287.261 et seq.

§ 90.10 ESTABLISHMENT OR MAINTENANCE OF BOARDING OR BREEDING KENNELS.

No person shall establish or maintain any boarding kennel or any breeding kennel or permit any such kennel to be maintained on any premises owned, leased or occupied by him, except as an accessory use to an animal hospital or a doctor of veterinary medicine and then only if such use complies with the requirements of the zoning ordinance.

Cross-reference:

Zoning ordinance, see Title XV, Appendix

IMPOUNDMENT PROVISIONS; ENFORCEMENT

§ 90.20 IMPOUNDMENT; DISPOSITION WHEN UNCLAIMED; LIABILITY OF CITY.

(A) Any animal or fowl seized under the provisions of § 90.02(B) of this chapter shall be placed in the pound or delivered to the County Animal Control Officer. If the owner of the impounded animal or fowl can be White Cloud, MI Code of Ordinances

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determined, the Police Department shall notify such owner of the impoundment.

(B) All animals or fowl not claimed within four days after such notification or not claimed within four days after impoundment if the owner thereof cannot be determined shall be disposed of by the proper authority.

(C) It shall be lawful for the Animal Control Officer or any police officer to seize any animal or fowl running at large.

(D) The city and the enforcing officer shall incur no liability in the lawful seizure or disposal of any animal or fowl.

(Ord. 34, passed 3-15-82; Am. Ord. passed 5-17-82)

§ 90.21 RELEASE FROM IMPOUNDMENT; FINES.

No dog shall be released from the pound unless the owner or person entitled to demand such dog shall present a current valid license and pay pickup fees and pay board fees according to the current county rates for each day the dog is confined. However, owners of animals confined for health reasons under §§ 90.06 and 90.07 of this chapter shall not be fined.

(Ord. 34, passed 3-15-82; Am. Ord. passed 5-17-82)

§ 90.22 RECOVERY OF VALUE OF ILLEGALLY KILLED DOG.

Nothing in this chapter shall be construed to prevent the owner of a licensed dog from recovering, by action at law, from any enforcing officer or other person, the value of any dog illegally killed by such enforcing officer or other person.

(Ord. 34, passed 3-15-82)

§ 90.23 ENFORCEMENT OFFICERS; WARNINGS AND CITATIONS.

(A) This chapter shall be enforced by any police officer or the County Dog Warden.

(B) A written warning may be issued for the first violation. A citation, summons or appearance ticket shall be issued for each violation thereafter.

(Ord. 34, passed 3-15-82)

§ 90.24 INTERFERENCE WITH ENFORCING OFFICER PROHIBITED.

(A) No person shall hinder, obstruct or delay the enforcement officer or other person who is engaged in lawfully taking into custody any dog, other animal or any fowl found running-at-large or being possessed or housed by any person contrary to the provisions of this chapter.

(B) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, delay or interference alleged consisted of constitutionally protected speech only.

(Ord. 34, passed 3-15-82) Penalty, see § 10.99