

**SUPERIOR TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 63

DOG CONTROL ORDINANCE

THE TOWNSHIP OF SUPERIOR, COUNTY OF WASHTENAW, STATE OF MICHIGAN, ORDAINS:

Section 63-01 – Short Title

This Ordinance shall be known and may be cited as: “The Superior Township Dog Control Ordinance”.

Section 63-02 - Definitions

(1) Livestock. The term "livestock" means and includes horses, stallions, colts, geldings, mares, sheep, rams; lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing animals being raised in captivity.

(2) Owner. The word "owner", when applied to the proprietorship of a dog, means every person having a right of property in the dog, and every person who keeps or harbors the dog or has it in his care, and every person who permits the dog to remain on or about any premises occupied by him for a period of five (5) days or more.

(3) Poultry. The term "poultry" means all domestic fowl, ornamental birds and game birds possessed or being reared under authority of a breeder's license pursuant to Act NQ 191 of the Public Act of 1929, as amended, being sections 317.71 to 317.85 of the Compiled Laws of 1948.

(4) Reasonable Control. A dog shall be deemed to be under "reasonable control" only under the following circumstances:

(a) When such dog is on the premises of its owner and is controlled by such owner in such a way that it does not do damage to the person or property of any person, other than it's owner, except when in the defense of itself, its owner, his agent, or a member of his family, or their property; and

(b) When such dog, not being on the premises of its owner, is under the custody of a responsible person and is securely held upon a leash of leather or other material of a length of not over six (6) feet or is in a closed

motor vehicle, and is controlled in such a way that the dog does not commit damage to the person or property of any person, other than its owner, except when in the defense of itself, its owner, his agent, or a member of his family, or their property.

(5) Law Enforcement Officer. A law enforcement officer means any person employed or elected by the people of the state or any municipality, county, or township, whose duty it is to preserve peace or to conservation officers and members of the state police.

Section 63-03 - Enforcement

It shall be the duty of a law enforcement officer to enforce all the provisions of this ordinance. It shall be the duty of the law enforcement officer to aid in the enforcement of all of the ordinances of the Township.

Section 63-04 - Complaints for Article Violations

A law enforcement officer may make complaint to a District Judge of the County in regard to any violation of this article of which he or she has knowledge.

Section 63-05 - Control

(1) It shall be unlawful for the owner of any dog not to have such dog under reasonable control at all times, whether on or off the premises of the owner.

(2) It shall be unlawful for the owner of any dog located within the township to allow such dog to stray beyond the premises of such owner, unless such dog is under reasonable control.

(3) It shall be unlawful for the owner of any female dog to permit such female dog to go beyond the premises of such owner when she is in heat, unless such female dog is held properly in leash and is under reasonable control.

Section 63-06 - Noisy Dogs

It shall be unlawful for any person to be the owner of a dog in the township, which dog, by loud and frequent barking, howling, yelping, growling or any other noise, causes serious annoyance to any of the people of the township.

Section 63-07 - Dogs Creating Unsanitary Conditions or Offensive Odors

It shall be unlawful for any person to be the owner or to have in his possession a dog that creates an unsanitary condition or an offensive odor that causes a hazard to the health and welfare of any of the people of the township.

Section 63-08 - Fierce Dogs and Dogs Bitten by Rabid Animals

It shall be unlawful for any person in the township to own a fierce dog, or a dog that has been bitten by any animal known to have been afflicted with rabies.

Section 63-09 - Confinement for Rabies Observation

(1) Any person who shall have in his possession a dog which has contracted rabies or has been subjected to the same, or which is suspected of having rabies, or which has bitten any person shall, upon demand of the dog warden or any police officer of the township, county or state, produce and surrender up such a dog to such officer to be held for observation as hereinafter provided. It shall be the duty of any person owning a dog which has been attacked or bitten by another dog or animal showing symptoms of rabies, or which has bitten any person or any other dog suspected of having rabies, to immediately notify the dog warden or the township clerk that such person has such dog in his possession.

(2) Whenever a dog is reported to have bitten any person, it shall thereupon be the duty of the dog warden to seize such animal and confine the same in one of the veterinarian hospitals in the township or the vicinity thereof, or the Washtenaw County Humane Society, for a period of at least ten (10) days for the purpose of ascertaining whether such animal is afflicted with rabies. The dog warden may notify, in writing, the person owning or possessing such dog, to confine the same in one of the veterinarian hospitals of the township or the vicinity thereof, or with the Washtenaw County Humane Society, for a period of at least ten (10) days for the purpose of ascertaining whether such dog is afflicted with rabies, and it shall thereupon be the duty of such owner to accomplish the confinement of such dog within twelve (12) hours after receiving such notice from the dog warden in anyone of the places above indicated for such period of ten (10) days, for the purpose-of ascertaining whether such dog is afflicted with rabies. If such dog is not afflicted, it may be returned to its owner.

(3) In the event any dog is confined under the provisions of this section, the owner thereof shall be liable for any fees and costs which accrue because of the detention of such dog.

(4) Whenever a dog confined under this section is suspected of having rabies, it shall be the duty of its custodian or the dog warden to arrange for the delivery of such dog to the state department of health for a laboratory diagnosis' of the presence or absence of rabies.

Section 63-10 - Procedure For Recovery Of Damages For Loss Of or Injury To Livestock or Poultry Caused By Dogs

(1) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or whenever any livestock of any person is necessarily destroyed because of having been bitten by a dog, such person or his agent or attorney, may

complain to the township supervisor or appointed trustee of the township within which the damage occurred. The complaint shall be writing, signed by the person making it, and shall state when, where, what and how much damage was done, and, if known, by whose dog or dogs. The township supervisor or a township trustee appointed by the township board shall at once examine the place where the alleged damage was sustained and the livestock or poultry injured or killed, if practicable. He shall also examine under oath, or affirmation, any witness called before him. After making diligent inquiry in relation to the claim, the township supervisor or appointed trustee shall determine whether any damage has been sustained and the amount thereof, and, if possible, who was the owner of the dog or dogs by which the damage was done. If during the course of the proceedings it shall appear who is the owner of the dog causing the loss or damage to the livestock, the township supervisor or appointed trustee shall request the District Court Judge to forthwith issue a summons against the owner commanding him to appear before the township supervisor or appointed trustee and show cause why the dog should not be killed. The summons may be served anyplace within the county in which the damage occurred, and shall be made returnable not less than two (2) nor more than six (6) days from the date therein and shall be served at least two (2) days before the time of appearance mentioned therein. Upon the return day fixed in the summons the township supervisor or appointed trustee shall proceed to determine whether the loss or damage to the livestock was caused by said dog, and if he shall so find he shall forthwith notify the sheriff or the animal control officer of the county of that fact whereupon it shall be the duty of the sheriff or the animal control officer to kill the dog wherever found. Any owner or keeper of the dog or dogs shall be liable to the county in a civil action for all damages and costs paid by the county on any claims as hereinafter provided.

(2) Any person or law enforcement officer, violating or refusing to comply with any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall pay a fine not less than \$10.00 nor more than \$500.00, or shall be imprisoned in the county jail for not exceeding three (3) months, or both such fine and imprisonment. Any person presenting a false claim, knowing it to be false, or receiving any money on such false claim, shall be guilty of a misdemeanor and upon conviction shall pay a fine of not less than \$10.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding three (3) months or both such fine and imprisonment.

Section 63-11 - License Required

It shall be unlawful for any person to be the owner of any dog over the age of six (6) months, located within the township, unless such dog is currently licensed in accord with the provisions of this division.

Section 63-12 - Application; Proof Of Rabies Vaccination

(1) On or before the first day of March of each year, the owner of any dog six (6) months old or over, located within the township, shall apply to the township treasurer, in writing, for a license for such dog. Such application shall state the breed, sex, age, color and markings of such dog, and the name and address of the last previous owner.

(2) Any person becoming the owner, after the first day of March of any year, of any dog six (6) months old or over, which has not already been licensed, and any person owning a dog which becomes six (6) months old at anytime, after the first day of March of any year, shall forthwith apply for a license for such dog in the manner set out in this section.

(3) Each application filed under this section shall be accompanied by proof of vaccination of the dog for rabies within the year preceding the date of application. When a dog is vaccinated with modified live rabies virus of chick embryo origin, proof of vaccination within two (2) years preceding the date of the application shall be deemed compliance with this section.

Section 63-13 - Fee

(1) At the time of making application for a dog license, the owner shall pay the fee as set by the county.

(2) All money collected under this section shall be deposited in the General Township Fund.

Section 63-14 - Issuance and Contents

Upon the making of proper application, the payment of the license fee and the presentation of proof of vaccination of the dog for rabies, as required by this Section, the township treasurer shall issue and deliver to the owner a dog license. Such license shall be dated and shall bear a serial number and the name of this township and shall contain a full description of the dog.

Section 63-15 - Issuance, Size and Contents of Tag; Tag to be Worn by Dog

At the time a dog license is issued, the township treasurer shall also issue a license tag, not more than one and half (1 1/2) inches in length, which tag shall have impressed upon it the calendar year for which it is issued and the serial number of the license issued for the dog. The owner shall cause such tag to be affixed to a substantial collar to be furnished by him, which, with the tag attached, shall at all times be kept on the dog for which the license issued. It shall be unlawful for any person to be the owner of any dog six (6) months or over, located within the township, that does not, at all times, wear a collar with a tag attached as provided in this section.

Section 63-16 - Unlawful Removal of Tag

It shall be unlawful for any person, except the owner or his authorized agent, to remove any license tag from a dog.

Section 63-17 - Transfer

No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the township, the license of such dog may be likewise transferred, upon notice give to the township treasurer, who shall note such transfer upon his record.

Section 63-18 - Report of Unlicensed Dogs

It shall be the duty of the law enforcement officer to make a report to the township treasurer of all unlicensed dogs he finds in the township after the first day of March of each year.

Section 63-19 - Impoundment Generally

(1) It shall be the duty of the dog warden to pick up and impound:

(a) Any dog which he finds running at large,

(b) Any dog which he finds not to be under the reasonable control of its owner, his agent, or a member of his family,

(c) Any dog not duly licensed,

(d) Any dog not duly inoculated,

(e) Any dog not wearing a collar with a tag for the current year attached thereto as provided in the article,

(f) Any dog which he finds to be violating any of the provisions of this article.

(2) Delivery to Humane Society

The law enforcement officer shall turn over all dogs picked up or impounded to the Humane Society and make arrangements for the delivery of all such dogs to the Humane Society.

(3) Notice to Owner

The dog warden shall serve notice in writing upon the owner of any dog impounded under the provisions of this division, if such owner is known, and he shall make a reasonable effort to ascertain the owner of any dog so impounded. .

(4) Holding Period; Redemption By Owner

The Humane Society shall hold a dog delivered to it under this division in custody for a period of three (3) days, excluding Sundays and legal holidays, within which time the owner may reclaim such dog. Such dog shall be released to the owner upon the fulfillment of all of the following conditions:

(a) The showing of a current license, or in a case of an unlicensed dog, the owner shall procure a license in the manner provided in this article.

(b) The showing of a proper certificate from a veterinarian showing the dog has been inoculated during the current year, or in the case of an unimmunized dog, the owner shall pay the costs of having the dog then and there immunized before it is released.

(5) Disposition of Unredeemed Dogs

If an impounded dog is not reclaimed by its owner at the E of the period prescribed in section 4-53, the Humane Society me destroy the dog; provided, however, if in the judgment of the Humane Society, the dog is valuable or desirable for keeping, the Humane Society may dispose of the dog to any responsible person who will remove the dog from the township or keep the dog within the township in accordance with the provisions of this article.

(6) Records

The law enforcement officer shall keep a record of the breed, sex, age, color and markings of every dog impounded, together with the date and hour of such impounding and the Dam! of its owner, if known.

Section 63-20 – Effective Date

This Ordinance, No. 63, shall take effect and be in force 30 days after publication in the Ypsilanti Press, a newspaper published in the City of Ypsilanti, and in the Ann Arbor News, a newspaper published in the City of Ann Arbor, Washtenaw County, Michigan.

Adopted by the Township Board of Superior on the 5th day of March, A.D. 1979.