

**CITY OF ST. CLAIR SHORES  
MACOMB COUNTY, MI  
ORDINANCE NO. 0-2022-05**

**THE CITY OF ST. CLAIR SHORES ORDAINS THAT CHAPTER 6 ANIMALS, WHICH READS AS FOLLOWS:**

**Chapter 6 - ANIMALS**

**Sec. 6-1. - Purpose and intent.**

The purpose and intent of this chapter is to regulate the keeping and sale of animals within the City, and to provide for licensing of animals and animal establishments or businesses. It is hereby determined that the following provisions strike a balance between the right of persons to keep an animal and the public health, safety and welfare of the citizens and animals of the City.

(Comp. Ords. 1988, § 35.051; chap. 19 eff. Nov. 22, 1988)

**Sec. 6-2. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adequate shelter* means the provision of and access to shelter that is safe and protects each animal from injury, rain, sleet, snow, hail, the adverse effects of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around. For a dog confined outside, the term "adequate shelter" shall additionally mean that:

(1) When the temperature is at or below 40 degrees Fahrenheit, the dog has access to a shelter that has an entrance covered by a flexible wind-proofing material or self-closing door, that contains a platform for the dog at least four inches off the ground, and that contains dry bedding, which shall consist of an insulating material that does not retain moisture, such as straw, and is of a sufficient depth for the dog to burrow. Bedding material made of fabrics like blankets or towels are not allowed as they would retain moisture; and

(2) When the temperature is at or above 80 degrees Fahrenheit, the dog has access to a shelter shaded by trees, a roof, a tarp, or a tarp-like device.

*Animal* means any live, vertebrate creature, domestic or wild.

*Animal control officer* means any person designated by the City to enforce this chapter and applicable state law, including as a contracted service to another enforcement agency.

*Animal Ordinance Committee.* The Animal Ordinance Committee shall consist of three mayoral appointees who shall convene for the purpose of hearing appeals as provided in this ordinance, and two alternate appointees who shall serve in place of a committee member in the event of conflict or absence.

**Animal rescue organization. Any non-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. "Animal rescue organization" does not include any entity that breeds animals or that (1) obtains, in exchange for payment or any other form of compensation, dogs, cats, ferrets, or rabbits from, or (2) facilitates the sale of dogs, cats, ferrets, or rabbits, from any person, partnership, corporation, or other entity that regularly breeds animals.**

*Animal shelter* means any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

*Auction* means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.

*Circus* means a commercial variety show featuring animal acts for public entertainment.

*Commercial animal establishment* means any retail pet shop, grooming shop, auction, riding school or stable, laboratory, zoological park, circus, performing animal exhibition or kennel.

*Commercial animal establishment* means any **retail** pet shop, grooming shop, auction, riding school or stable, laboratory, zoological park, circus, performing animal exhibition or kennel.

*Dangerous animal* means a dog or other animal that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

- (1) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
- (2) An animal that bites or attacks a person who provokes or torments the animal.
- (3) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

*Farm animal* means any livestock, horse, swine, cattle, sheep, goat, llama, duck, chicken, turkey or rabbit. The term "farm animal" also means any other animal, other than a dog or cat, raised for commercial profit or slaughter.

*Grooming shop* means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

*Harboring or having custody or control of an animal* means feeding, sheltering or allowing an animal to remain on the premises for three or more consecutive days. Allowing an animal to remain on the premises shall include acquiescing in its remaining on the premises. Such allowance or acquiescence shall include the failure of an occupant of the premises to contact the Animal Control Officer to request the removal of the animal within the three day period. The term "harboring or having custody or control of an animal" shall not apply to cats who are cared for as a part of the trap/neuter/release or trap/shelter/release program.

*Kennel, commercial* means any lot or premise on which three or more dogs, cats, or other household pets are either permanently or temporarily boarded. The term "kennel" shall also include any lot or premise where household pets are bred or sold.

*Owner* means:

- (1) Every person having a right of property in an animal;
- (2) An authorized agent of the person having a right of property in an animal;
- (3) Every person who keeps or harbors an animal or has it in his care, custody or control;
- (4) Every person who has the apparent authority to have a right of property in an animal;
- (5) The person named in the licensing records of any animal as the owner;
- (6) 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;

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.

*Performing animal exhibition* means any spectacle, display, act or event other than circuses, in which performing animals are used.

*Public nuisance* means an owner's failure to remove animal waste from the property of others or the existence of malodorous or offensive waste conditions on the owner's premises or any animal which:

- (1) Molests passerby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds;
- (4) Is at large;
- (5) Damages private or public property;
- (6) Barks, whines, howls or makes any noise in an excessive continuous or untimely fashion;
- (7) Is defined as vicious by this chapter or state law.

*Remote, underground or nonbarrier fencing* means any method of animal restraint using technologies such as, but not limited to, radio waves, underground wiring, bark collars, remote trainers, ultrasonic pet trainers, citronella collars, and/or shock collars, intended to restrain an animal within a designated area.

*Restraint of animal* means secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

**Retail: The sale of dogs, cats, ferrets, or rabbits to the general public in any zoning classification other than residential:**

**Retail Pet shop means any person, partnership, corporation or other business entity, that buys, with the intent to sell at retail, offers to sell at retail, sells at retail any species of animal:**

*Riding school or stable* means any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule or burro.

*Show dog or animal* means any dog or animal that is pedigreed and has appeared in at least one competitive show in the preceding year.

*Veterinary hospital* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

*Vicious animal* means any fierce or dangerous animal that constitutes a physical threat to human beings or other animals.

*Vicious dog* means any dog which, when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to 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.

However, notwithstanding the above, a dog shall not be deemed vicious if any injury or damage is sustained by a person who, at the time of 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. Further, no dog shall be considered or deemed vicious if any injury or damage was sustained by a domestic animal which, at the time of such injury or damage, was teasing or tormenting, abusing or assaulting the dog. Additionally, no dog shall be considered vicious or deemed vicious if the dog was protecting or defending a human being within the immediate vicinity from an unjustified attack or assault by human or animal.

*Wild/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, which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property. The term "wild or exotic animal" includes, but is not limited to, any poisonous animals, including reptiles and insects; and animal covered under the state Large Carnivore Act (MCL 287.1101—287.1123 (without property federal, state or local permits)).

*Zoological park* means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals operated by a person, partnership, corporation, other business entity or government agency.

(Comp. Ords. 1988, § 35.052; chap. 19 eff. Nov. 22, 1988; amend. by Ord. eff. Jan 17, 1989; amend. eff. Nov. 19, 1996; amend. eff. Aug. 23, 2000; amend. eff. Nov. 30, 2016; Ord. of 8-17-2020(3), amd. eff. Nov. 23, 2020)

### **Sec. 6-3. - Licensing requirements of dogs.**

Any person owning, keeping, harboring, or having custody of any permitted dog over four months of age within the City shall obtain a license for each such dog as provided herein.

(1) A dog license shall be issued for only a dog that has a current rabies vaccination. All dogs shall be currently protected by a rabies vaccine active at the time of license issuance. Such vaccine shall be administered by a veterinarian except when a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated.

(2) Application for a license shall be made within 30 days after obtaining a dog over four months of age, except that this requirement shall not apply to a nonresident keeping a dog within the municipality for no longer than 30 days.

(3) The county chief animal control officer shall issue licenses as provided by MCL 287.274. License fees shall be established from time to time by the county board of commissioners.

(4) Failure to comply with the licensing requirements of this section will result in the imposition of such late fees and penalties as may be established from time to time by the county board of commissioners in addition to penalties established by state law or City ordinances.

(5) Dogs must wear valid license tags when off their owner's property. An owner whose dog is off his property without wearing a valid license tag is in violation of this chapter and MCL 287.262.

(6) No person may use any license for any animal other than the animal for which it was issued.

(7) The licensing or registration requirements of this chapter regarding any dog determined to be vicious shall supersede the requirements of this section insofar as they conflict.

(Comp. Ords. 1988, § 35.053; chap. 19 eff. Nov. 22, 1988; amend. by Ord. eff. Jan 17, 1989; further amended by Ord. eff. July 15, 2003; amend. eff. Nov. 30, 2016)

**Sec. 6-4. - Limitation on number of dogs or cats.**

Except as otherwise provided in this chapter, it shall be unlawful to own, possess, shelter, harbor, keep or have custody of more than three dogs which are over four months old on the same premises except in any commercial animal establishment, animal shelter or veterinary hospital or clinic. Except as otherwise provided in this chapter, it shall be unlawful to own, possess, shelter, harbor, keep or have custody of more than three cats which are over four months old on the same premises except in any commercial animal establishment, animal shelter or veterinary hospital or clinic.

(Comp. Ords. 1988, § 35.054; chap. 19 eff. Nov. 22, 1988; amend. by Ord. eff. Jan. 17, 1989; further amend. eff. Nov. 30, 2016)

**Sec. 6-5. - Exception to limitation on number of dogs or cats.**

(a) Whenever any person does or desires to possess, harbor, shelter, keep or have custody of more than three dogs or three cats on the same premises in contravention of this chapter said person or establishments shall first make written application to the Animal Ordinance Committee in accordance with the procedure set forth in this chapter. The applicant shall be a resident of the premises where the animal is proposed to be kept. For each hearing on an application, the Animal Ordinance Committee shall request the attendance of the Animal Control Officer and shall notify the residents immediately surrounding the subject premises to the north, south, east and west. The Animal Ordinance Committee shall have the authority to review the application and grant the applicant's request after consideration of the following criteria:

(1) The total number of animals required to be licensed by this chapter which presently are kept or will be kept on the subject premises.

(2) Convictions, pending violations and complaints pertaining to this chapter or its predecessor made against the applicant or any resident of premises where the animals are proposed to be kept.

(3) The reasons for and circumstances surrounding the request.

(4) The risk of disturbing the peace and quiet of the neighborhood if the request is granted.

(b) The Animal Ordinance Committee shall have the authority to impose reasonable conditions upon a license for additional dogs or cats provided such conditions are designed to encourage compliance with this chapter, particularly the provisions prohibiting an animal's constituting a public nuisance.

(Comp. Ords. 1988, § 35.055; chap. 19 eff. Nov. 22, 1988; amend. by Ord. eff. Jan. 17, 1989)

**Sec. 6-6. - Permit requirements for commercial animal establishments, animal shelters or veterinary hospitals.**

(a) No person, partnership, corporation or entity shall operate a commercial animal establishment, animal shelter or veterinary hospital without first obtaining a permit in compliance with this section.

(b) No permit shall be issued for operation of a commercial animal establishment, animal shelter or veterinary hospital on property zoned for residential use. Further, no such business shall be conducted

unless the premises are properly zoned for the intended use or exist as a valid nonconforming use according to the City zoning ordinance.

(c) As a condition of the issuance of a permit, the applicant shall comply with applicable federal and state law and the rules and regulations of this chapter.

(d) The permit period shall begin with the calendar year and shall run for one year. Renewal applications for permits shall be made 30 days prior to, and up to 31 days after, the start of the year. Application for permit to establish a new commercial animal establishment under the provisions of this chapter may be made at any time and the full annual fee shall be paid.

(e) There shall be annual permit fees for the following, in amounts to be decided by resolution by the City Council from time to time:

- (1) Each kennel authorized to house less than ten dogs or cats.
- (2) Each kennel authorized to house ten or more but less than 50.
- (3) Each kennel authorized to house 50 or more dogs or cats.
- (4) Each pet shop.
- (5) Each riding stable.
- (6) Each auction.
- (7) Each zoological park.
- (8) Each circus.
- (9) Each performing animal exhibition.
- (10) Each grooming shop.

(f) If renewal application is not submitted before February 1, the applicant, in addition to the fee enumerated above, shall pay a late fee in an amount to be decided by resolution by the City Council from time to time.

(g) No permit shall be transferable.

(h) Every facility regulated by this chapter shall be considered a separate enterprise and requires an individual permit unless such facilities are part of one business enterprise and exist in the same structure. In such cases, the person, partnership, corporation or entity shall pay one permit fee which shall be equal to the highest permit fee of the facilities in operation in the structure.

(i) No fee shall be required of any veterinary hospital, animal shelter, laboratory or government-operated zoological park which are licensed and regulated by the state.

(j) Any person who experiences a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.

(Comp. Ords. 1988, § 35.056; chap. 19 eff. Nov. 22, 1988; further amend. eff. Nov. 30, 2016)

**Sec. 6-7. - License and permit denial and revocation.**

(a) The Police Department and/or Animal Control Officer may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this chapter or any law governing the protection and keeping of animals.

(b) Unless otherwise indicated by the Animal Ordinance Committee pursuant to procedures set forth in subsection (g) of this section, any person whose permit or license is revoked shall, within 30 days thereafter, remove from the City or humanely dispose of all animals owned, kept, or harbored by such person and no part of the permit or license fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license that the Police Department or the Animal Control Officer be permitted to inspect all animals and the premises where animals are kept at any reasonable time. If the permission for such inspections is refused, the Police Department or Animal Control Officer may revoke the permit or license of the refusing owner.

(d) If the applicant has withheld or falsified any material information on the application, the Police Department or Animal Control Officer shall refuse to issue or may revoke a permit or license.

(e) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

(f) Any person who has been denied a license or permit may not reapply for a period of 30 days. Each reapplication shall be accompanied by a fee in an amount to be decided by resolution by the City Council from time to time. A person who has had his license or permit revoked may not reapply for a period of one year.

(g) Any person who has been denied a license or permit or whose license or permit has been revoked may appeal to the Animal Ordinance Committee unless such denial or revocation occurred pursuant to the regulation of vicious dogs. An appeal shall be filed in writing within ten days of the denial or revocation and shall be accompanied by a fee in an amount established by the Council. For a hearing on an appeal, the Animal Ordinance Committee shall require the attendance of the person who issued the revocation. The Committee shall review the reasons for the denial and revocation and shall, in making its own determination, consider the following factors:

(1) Convictions, pending violations and complaints pertaining to this chapter or its predecessor made against the appellant.

(2) The reasons for and circumstances surrounding the denial or revocation.

(3) Given the nature of the incident causing the denial or revocation, the risk to the public health safety and welfare, as well as the humane treatment of the affected animal, if the license or permit were approved or reinstated.

(4) Where a person has been denied a license pursuant to this chapter, the Animal Ordinance Committee shall consider the criteria in this chapter.

(h) The Animal Ordinance Committee shall have the authority to affirm, reverse or modify the denial or revocation by limiting the time period before reinstatement or by imposing additional and reasonable conditions upon a license or permit which are designed to encourage chapter compliance. A revocation shall not exceed one year in length.

(Comp. Ords. 1988, § 35.057; chap. 19 eff. Nov. 22, 1988; amend. by Ord. eff. Jan. 17, 1989; amend. eff. Nov. 30, 2016)

**Sec. 6-8. - Restraint of animals.**

(a) All dogs shall be kept under restraint and shall not be permitted to be at large. Remote or underground fencing is not considered a method of physical control.

(b) No owner shall permit a dog to leave the owner's premises unless such animal is wearing a leash and is under the positive control of a person of suitable age and discretion. The leash shall be of sufficient strength and length to restrain the particular animal.

(c) While restrained by a leash, no animal shall be permitted to enter upon private property other than the animal owners without the permission of the private property owner.

(d) An owner shall exercise proper care, control and restraint of his animals to prevent them from becoming a public nuisance.

(e) A vicious animal shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

(f) Every female dog in heat shall be confined in a building or secure enclosure in a manner that such female dog cannot come into contact with another animal except for planned breeding.

(Comp. Ords. 1988, § 35.058; chap. 19 eff. Nov. 22, 1988; amend. eff. Aug. 23, 2000; further amend. eff. Jan. 31, 2014)

**Sec. 6-9. - Farm animals prohibited.**

No person shall own, keep, harbor, have custody or raise any farm animal, except that one rabbit shall be permitted per residential premises.

(Comp. Ords. 1988, § 35.059; chap. 19 eff. Nov. 22, 1988)

**Sec. 6-10. - Prohibition of Sale of Dogs, Cats, Ferrets, or Rabbits by Retail Pet Shops.**

- (a) **It is unlawful for a retail pet shop, as defined in Section 6-2, to sell or offer for sale a dog, cat, ferret, or rabbit.**

- (b) **Nothing in this section shall be construed to prohibit a retail pet shop from providing space to an animal rescue organization or an animal shelter, as defined in Section 6-2 to publicly showcase dogs, cats, ferrets, or rabbits available for adoption.**

**Sec. 6-11. - Wild/exotic animals prohibited.**

Wild/exotic animals shall not be allowed, kept, harbored, displayed, offered for sale, sold, or purchased on any premises within the City, except as follows:

- (1) The animals are part of a bona fide public zoo, zoological park or bona fide licensed circus,
- (2) The animals are in the possession of a person, commercial animal establishment or shelter, who or which is licensed by the state to temporarily harbor and treat an injured animal or endangered species until permanent quarters are found;
- (3) Any such animal permitted pursuant to subsections (1) and (2) of this section is under the care of a trained attendant at all times whose responsibility it shall be to see that the animal is securely confined;
- (4) Exhibition of exotic animals shall be permitted to organizations and/or entities that are accredited by the American Association of Zoological Parks and Aquariums (AZA).

(Comp. Ords. 1988, § 35.060; chap. 19 eff. Nov. 22, 1988; amend. eff. Nov. 30, 2016)

**Sec. 6-11A. - Vicious dogs prohibited.**

No person shall keep, maintain or harbor a vicious dog on any premises in the City.

(Comp. Ords. 1988, § 35.060A; amend. eff. Nov. 19, 1996)

**Sec. 6-11B. - Attack dog training prohibited.**

Unless as part of or within the authority of Police Department, no person shall own any dog for the purpose of dog fighting, and/or no person shall train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to attack human beings or domestic animals.

(Comp. Ords. 1988, § 35.060B; amend. eff. Nov. 19, 1996)

**Sec. 6-12. - Performing animal exhibitions.**

No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering. All equipment used on a performing animal shall fit properly and be in good working condition.

(Comp. Ords. 1988, § 35.061; chap. 19 eff. Nov. 22, 1988)

**Sec. 6-13. - Construction and operation of pigeon lofts.**

(a) Any new pigeon loft established, constructed or operated within the City shall comply with the following requirements:

- (1) It shall be unlawful to establish, construct or operate a new pigeon loft within the City without first obtaining a permit therefor.
- (2) A permit application shall be filed in the form provided by the City Clerk and shall be accompanied with a drawing showing the size and location of the loft which shall be submitted to the Department of Community Development for approval.
- (3) A permit shall be valid for one year from the date of issuance. The permit fee shall be established by the Council.
- (4) The pigeon loft shall not be located nearer than 20 feet to a residential structure, and not less than 200 feet from a school, church or place of public assembly. It shall also be located and of a size in accordance with setback and lot coverage requirements of the City zoning ordinance.

(5) It shall be unlawful to have on the same premises more than one pigeon loft.

(b) All owners of pigeon lofts within the City shall comply with the following requirements:

- (1) Any loft which validly existed prior to the effective date of the ordinance from which this section is derived shall not be subject to the requirements of subsection (a) of this section, provided that neither the

loft as it exists nor the premises where it is located constitute a public nuisance or pose significant risk to the safety, health and public welfare of the general public.

(2) The owner of such lofts shall not allow the pigeons to become a public nuisance to the buildings or property of others in the vicinity.

(3) All lofts shall be subject to the inspection by the Department of Community Development and if not maintained in a reasonably clean and orderly manner and in a condition comparable to neighboring buildings, shall be subject to discontinuance at the order of the Department. In the event the Department of Community Development revokes or discontinues a permit under this section, the owner, upon written request to the City Clerk, shall be entitled to a review hearing before the Animal Ordinance Committee to show cause why such permit should not be discontinued or revoked.

(4) A copy of any violation shall be forwarded at least ten days prior to the date of hearing to the Secretary, Detroit Center of American Racing Pigeon Union, whose name and address shall be kept on file by the City Clerk.

(5) Refer to section 48-550.

(c) All pigeon lofts shall meet the specifications established by the Department of Community Development.

(Comp. Ords. 1988, § 35.062; chap. 19 eff. Nov. 22, 1988; amend. eff. March 4, 1997)

**Sec. 6-14. - Animal care.**

(a) Every owner shall provide his animal food and water and other sustenance necessary for maintenance of the animal's healthy life, with adequate shelter and protection from the weather, veterinary care when needed to prevent suffering and with human care and treatment.

(b) It shall be unlawful to feed any animal unwholesome or unsuitable food or unclean water to drink or to place same in unclean or unsuitable containers which are likely to cause or produce disease in the animal.

(c) It shall be unlawful to overdrive, overload, overwork, torture, torment, cruelly beat, mutilate, cruelly kill or otherwise abuse an animal or to cause or instigate any such conduct. The cropping of dogs' ears and tails shall be considered mutilation or cruelty unless such cropping is performed by a registered veterinary surgeon while the dog is under an anesthetic.

(d) It shall be unlawful to cruelly work or transport animals in violation of MCL 750.50, as amended.

(e) No owner shall abandon his animal.

(f) It shall be unlawful to cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(g) No person shall willfully and maliciously expose any known poisonous substance, whether mixed with food or not, so that the same is liable to be eaten by another animal, except that it shall not be unlawful to expose on one's own premises common rat poisons mixed only with vegetable substances.

(h) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(i) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(j) No person shall confine a dog on a tethering device for an unreasonable time unless the tethering device permits movement over at least 60 square feet and allow the dog free access to a suitable shelter and water. The tether shall be coated steel cable specifically designed for restraining dogs and attached to a harness or nonchoke 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. The owner shall ensure any water supply cannot be tipped over by the tethering device.

(k) No dog shall be left without attention for an unreasonable time. The dog must have access to water and shelter if left outdoors unattended for any extended period of time.



(Comp. Ords. 1988, § 35.063; chap. 19 eff. Nov. 22, 1988; amend. eff. Nov. 30, 2016)

**Sec. 6-15. - Animal waste.**

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal on public walks, recreation areas, or private property. Any fecal matter deposited by the animal on the owner's property shall be properly disposed of in a timely manner to prevent it from being scattered off the premises and to prevent any offensive condition to exist. Such condition shall constitute a nuisance.

(Comp. Ords. 1988, § 35.064; chap. 19 eff. Nov. 22, 1988; amend. eff. Nov. 30, 2016)

**Sec. 6-16. - Public nuisance prohibited.**

No owner shall permit an animal to become a public nuisance, as defined in this chapter.

(Comp. Ords. 1988, § 35.065; chap. 19 eff. Nov. 22, 1988)

**Sec. 6-17. - Disturbing birds prohibited.**

It shall be unlawful for any person to willfully injure, molest or disturb in any way any birds or fowl or the nest eggs, young or brood of any such birds, except that this provision shall not apply to any birds declared by any law or ordinance to be pests.

(Comp. Ords. 1988, § 35.066; chap. 19 eff. Nov. 22, 1988; amend. eff. Nov. 30, 2016)

**Sec. 6-18. - Coloring birds prohibited.**

It shall be unlawful for any person to artificially color, spray or paint any live bird or fowl or to sell, offer for sale, or otherwise dispose of any such colored bird or fowl.

(Comp. Ords. 1988, § 35.067; chap. 19 eff. Nov. 22, 1988; amend. by Ord. eff. Jan. 17, 1989)

**Sec. 6-19. - Sick or dead animals.**

It shall be unlawful for any person to deposit, throw or place any dead or fatally sick or injured animal, or part thereof on any public or private place, or into or on the banks of any stream, lake, pond, sewer or other body of water.

(Comp. Ords. 1988, § 35.068; chap. 19 eff. Nov. 22, 1988)

**State Law reference**— Similar provisions, MCL 750.57.

**Sec. 6-20. - Poisonous substances prohibited.**

It shall be unlawful to throw or deposit poisoned meat, or any poison or harmful substances in any street, alley or public place, or on any private premises within the City, for the purpose of destroying any animal unless such activity is supervised or performed by a licensed professional who is eliminating a pest as recognized by the Department of Natural Resources regulations in this regard.

(Comp. Ords. 1988, § 35.069; chap. 19 eff. Nov. 22, 1988)

**Sec. 6-21. - Regulation of vicious dogs.**

(a) *Declaration of purpose.* It is hereby declared that vicious dogs, as defined in this chapter, have become a serious and widespread threat to the safety and welfare of the members of the general public, in that vicious dogs have in recent years assaulted without provocation and seriously injured numerous individuals, particularly children, and have killed people and animals. Some of these attacks have occurred in public places. The number and severity of these attacks are also attributable to the failure of owners to register, confine and properly control vicious dogs. It is further declared that the regulation and control of vicious dogs is necessary and requires City-wide regulation, and that existing laws are inadequate to deal with the threat to public health and safety posed by vicious dogs. It is further declared that the owning, keeping and harboring of vicious dogs is a nuisance which should be regulated in the interest of public safety and/or abated. It is further declared that because of the danger posed to the public health, safety and welfare by vicious dogs this section constitutes an emergency measure providing for the immediate preservation of the public health, safety and welfare.

(b) *Impoundment of suspected vicious dog.* In the event the Animal Control Officer or any law enforcement officer has probable cause to believe that a particular dog is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Animal Control Officer or law enforcement officer may seize and impound the dog pending hearing or trial on this issue or trial pertaining to prosecution of the dog owner for harboring a vicious dog. In the case of a dog bite,

impoundment procedures set forth in section 6-22 be followed. In any event, the owner of the dog shall pay all costs and expenses incurred in conjunction with the impoundment of the dog.

(c) *Upon conviction of harboring a vicious dog.* Upon conviction of an owner for keeping, maintaining or harboring a vicious dog, the dog shall be destroyed, removed from the City or subject to the requirements set forth in subsection (d) of this section, as the court deems appropriate. The owner shall comply with such court order or conditions.

(d) *Requirements for harboring a vicious dog.* Upon conviction of an owner for keeping, maintaining or harboring a vicious dog which does not result in an order to destroy the dog, and/or upon a determination by a court of appropriate authority that a particular dog is vicious but is not subject to destruction, the following requirements shall apply:

(1) *License application.* The owner shall apply to the police department for a vicious dog license which shall be valid for one year from the date of its approval provided all conditions of this section and applicable court order have been met. The license shall be renewable, provided that the dog is to be kept on the same premises under the same conditions and its owner has not violated any condition of this section or court order during the previous license year. No such license shall be transferable to a new owner or the dog or to a new location or address where the dog will be kept.

(2) *Insurance.* Prior to the receipt of a license, the owner shall present to the Police Department proof that the owner has procured liability insurance in the amount of at least \$100,000.00 covering any damage or injury which may be caused by such vicious dog during the 12-month period for which licensing is sought, which policy shall contain a provision requiring the City to be named as additional insured for the sole purpose of the City to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy. In addition, the owner shall sign a statement attesting that the owner shall maintain and not voluntarily cancel the liability insurance during the 12-month period for which licensing is sought, unless the owner shall cease to own the vicious dog prior to expiration of such license.

(3) *Tattooing dog.* Prior to receipt of a license, the owner shall at his own expense, have the licensing number assigned to such vicious dog, or such other identification number as the Police Department shall determine, tattooed upon such vicious dog by a licensed veterinarian or person trained as a tattooist and authorized as such by any state or City police department. The tattoo shall be placed either on the upper lip or upper left rear thigh of the vicious dog. The Animal Control Officer may, in his discretion, designate the particular location of said tattoo. Said number shall be noted on the City licensing files for such vicious dog, if it is different from the license number of such vicious dog. For the purpose of this section, the term "tattoo" means any permanent numbering of a vicious dog by means of indelible or permanent ink with the number designated by the licensing authority or any other permanent, acceptable method of tattooing.

(4) *Signs.* Prior to receipt of a license, the owner shall display a sign in a prominent place on his premises warning of a vicious dog on the premises. Said sign shall be visible and capable of being read from the public highway.

(5) *Confinement outdoors.* Prior to receipt of a license, the owner shall provide for the confinement of the vicious dog. Specifically, when outdoors, the dog shall be confined in a pen or structure with secure sides and top attached to the sides. The structure shall be embedded in the ground no less than two feet and constructed in accordance with standards set forth in the City building code. Such structure shall not exceed 6 feet in height. It shall, in addition, be constructed of materials and consist of a design suitable to prevent escape of the animal and entry of young children. Additionally, the size and location of the structure shall comply with zoning ordinance provisions, including lot coverage and setback requirements, applicable to accessory structures on the premises. Whenever the animal is inside the structure, the structure shall be locked with a padlock or key lock. Such pens or structures must be adequately lit and kept in a clean and sanitary condition.

(6) *Confinement indoors.* No vicious dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit of 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 are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting.

(7) *Identification photographs.* Prior to receipt of a license, the owner shall provide the police department with two color photographs of the vicious dog which clearly show the color and approximate size of the animal.

(8) *License fee.* The owner shall pay a license fee in an amount established by the council.

(9) *Leash and muzzle requirement.* It shall be unlawful for any owner to allow or cause, by acquiescence or other means, any vicious dog to be outside of the dwelling of the owner or outside the enclosure unless

it is necessary for the owner to obtain veterinary care for the vicious dog or to sell or give away the vicious dog or to comply with the commands or directions of the court or Animal Control Officer with respect to the vicious dog, or to comply with the licensing provisions of this chapter. In such event, the vicious dog shall be securely muzzled and restrained with a choker chain leash having a minimum tensile strength of 300 pounds and not exceeding three feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal. The animal shall be under direct control and supervision of the owner of the vicious dog or his agent, either of whom shall be, in any event, a person of 18 years of age and physically capable of restraining the animal.

(10) *Reporting requirements.* An owner shall notify the police department and Animal Control Officer immediately upon discovery that a vicious dog is on the loose, is unconfined, has attacked an animal or human being or has been stolen. An owner shall notify the police department and Animal Control Officer in writing within one day of the removal of a vicious dog from the City or the dog's death; the birth of the animal's offspring within the City; the new address of a vicious dog should the owner move within the corporate City limits, and the name, address and telephone number of a new owner of the dog.

(e) *Penalties for failing to abide by requirements of this section.*

(1) In the event any owner fails to comply with any condition set forth in this section regarding the destruction, removal or harboring of a vicious dog, the Animal Control Officer or a law enforcement officer shall have the authority to confiscate the dog and impound it pending:

- a. A hearing requiring the owner of the dog to show cause why it should not be immediately destroyed;
- b. A probation violation hearing; or
- c. Other hearing as may be permitted by law.

(2) Further, the violation of any provision set forth in this section 6-11A shall constitute a misdemeanor punishable by a fine not to exceed \$500 or jail not to exceed 90 days or both. Section 6-24 regarding penalties for violation of other ordinance sections shall not apply to these sections.

(Comp. Ords. 1988, § 35.070; chap. 19 eff. Nov. 22, 1988; amend. eff. Nov. 19, 1996)

**Sec. 6-22. - Impoundment and violation notice.**

(a) Unrestrained animals shall be confiscated by a law enforcement officer or the Animal Control Officer and impounded in an animal shelter and there confined in a humane manner. This shall not apply to cats who are cared for as a part of a trap/neuter/release or trap/shelter/release program.

(b) Unless a dog or animal is reasonably believed to be vicious or has been impounded pursuant to section 6-21 the dog or animal shall be released to the owner or the owner's agent anytime during the five working day period immediately succeeding the impoundment, provided costs and fees entailed in this procedure have been paid.

(c) If by a license tag or other means (including, but not limited to, microchip or ID tag), the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or by certified mail, return receipt requested.

(d) An owner reclaiming an impounded animal shall pay all costs and expenses incurred for each day the animal has been impounded.

(e) Any animal not reclaimed by its owner within five working days of impoundment or within five working days of any court proceeding regarding same or within five days of receipt of notice by certified mail, whichever is later, shall become the property of the local government authority, or humane society, and shall be placed for adoption in a suitable home or humanely euthanized.

(f) In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer, Humane Officer, or Police Officer may return the animal to the known owner and issue to the known owner of such animal a notice of ordinance violation and may institute proceedings in district court to subject the owner to the penalties described in this chapter.

(g) The police department or Animal Control Officer shall maintain a complete record of all dogs impounded under the provisions of this section and the disposition of same.

(Comp. Ords. 1988, § 35.071; chap. 19 eff. Nov. 22, 1988; amend. eff. Nov. 30, 2016)

**Sec. 6-23. - Dog bite procedure.**

(a) *Report to police department required.* If any person is bitten by a dog, it shall be the duty of that person, or the owner of the dog having knowledge of same to report same to the Police Department or Animal Control Officer within 12 hours thereafter. If the owner of any dog has any reason to believe or suspect that such dog has become infected with rabies, it shall be the duty of that person to report the same to the Police Department or Animal Control Officer within 12 hours thereafter.

(b) *Quarantine procedure.* In the event of any report of a dog bite, the police department or Animal Control Officer shall seize such dog and deliver it to an animal shelter which shall hold such dog in quarantine until a laboratory analysis by a licensed veterinarian is made to determine whether the dog is infected. The owner of the dog shall pay all costs and expenses incurred during and for the impoundment.

(Comp. Ords. 1988, § 35.072; chap. 19 eff. Nov. 22, 1988)

**Sec. 6-24. - Penalties for violation.**

Except as specified in the municipal civil infractions ordinance, article II, chapter 1 of this Code, any person who shall be convicted of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished according to section 1-4. Each day a violation continues shall be considered a separate offense and may be punished accordingly except as specified in the municipal civil infractions ordinance, article II, chapter 1.

(Comp. Ords. 1988, § 35.073; chap. 19 eff. Nov. 22, 1988; amend. eff. Aug. 11, 1992)

**Sec. 6-25. - Enforcement by animal control officer and police department.**

The animal control officer and police department shall have the authority to enforce the provisions of this ordinance and to pursue prosecution in the event of violation.

(Comp. Ords. 1988, § 35.075; chap. 19 eff. Nov. 22, 1988; amend. by Ord. eff. Jan. 17, 1989)

Any ordinance or parts of any ordinance in conflict with any provision of this ordinance are hereby repealed.

The ordinance shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in three (3) public places within the City of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin boards in the Police Station, 27665 Jefferson Avenue, the Fire Hall, 26700 Harper Avenue, and the City Hall, 27600 Jefferson Circle Drive.

STATE OF MICHIGAN )

) ss

COUNTY OF MACOMB )

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the City Council on the 22<sup>nd</sup> day of February, 2022, and that the necessary Charter provisions have been observed.

  
KIP G. WALBY, MAYOR

  
ABRIAL J. BARRETT, INTERIM CITY CLERK

I, Abrial J. Barrett, Interim Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 3<sup>rd</sup> day of March 2022

  
ABRIAL J. BARRETT, INTERIM CITY CLERK