

ORDINANCE NO. 300

AN ORDINANCE TO MAKE UNLAWFUL THE KEEPING, HARBORING, OWNING, OR POSSESSING ANY VICIOUS DOG; TO REQUIRE REGISTRATION OF VICIOUS DOGS ALREADY KEPT WITHIN THE TOWNSHIP; REQUIRING IDENTIFICATION, LICENSE FEE, CONTROL, REPORTING; AND ESTABLISHING PENALTY AND CONTINUING VIOLATION.

THE CHARTER TOWNSHIP OF REDFORD HEREBY ORDAINS:

Vicious dogs

1. Generally. It shall be unlawful to keep, harbor, own, or in any way possess within the corporate limits of the township any vicious dog; provided that vicious dogs, kept within the township, upon the effective date of this addition to the ordinance may be kept if registered with the city clerk, and subject to that standards and requirements set forth in this division.
2. Definition. For purposes hereof, "vicious dog" is defined to mean:
 - a. Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or
 - b. Any dog which attacks, attempts to attack, or which by its actions give indication that it is liable to attack a human being or other domestic animal
3. Determination. The animal control officer or any police officer shall investigate all complaints of a vicious dog. In the event that the animal control officer or any police officer has reasonable cause to believe that a dog is vicious, he or she shall institute proceedings in the Redford Township District Court, requesting the court to conduct a hearing as to whether or not the dog should be declared vicious under this division. The issue of whether the dog is vicious within the meaning of this division shall be decided based upon a preponderance of the evidence. If the court finds the dog to be vicious, it may order that the dog be confined to the owner's premises and the provisions of this division be fully complied with, or that such dog be euthanized. The court may establish a time schedule to assure compliance with this division, but in no case shall such time exceed 14 days after the date of the court's determination. Court costs for such actions shall be taxed against the owner of the dog. The Court may decide all issues for or against the owner of the dog regardless of the fact that the owner fails to appear at said hearing. In the event that the animal control officer or any police officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer or police officer

may seize and impound the dog pending the hearing. The owner of the dog shall be liable to the township for the cost and expenses of keeping such dog.

4. Requirements for registration. Upon finding by the court that a dog is vicious, its owner shall comply with the following requirements for licensing:

- a. License application: The owner shall apply to the township clerk for a vicious dog license which shall be valid for one year from the date of its approval and provided all conditions of this division and applicable court orders have been met. The license shall be renewable for successive one-year periods 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 division or any court order during the previous 12-month period. No such license shall be transferred to a new owner of the dog or to a new location or address where the dog will be kept. The fee for such license shall be determined by the township board resolution from time to time.
- b. Prior to receipt of the license, the owner shall present to the township clerk proof that the owner has procured liability insurance in an amount to be determined by the township board by resolution from time to time, covering any damage or injury which may be caused by such vicious dog during the 12-month period for which licensing is sought, unless the owner shall cease to keep or harbor the vicious dog prior to the expiration of such license.
- c. Prior to receipt of the license, the owner shall provide for the confinement of the vicious dog. Such dog shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as herein provided. Such pen, kennel or structure must have secure sides and a secure top attached to all sides. All structures used to confine such dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground to a depth of no less than two feet. All structures erected to house such dogs must comply with all zoning and building regulations of the township. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. If the vicious dog is to be confined indoors, the same shall not be kept on a porch or patio or in any other part of the house or structure that would allow the dog to exit of its own violation. In addition, no such animal may be kept in a house or structure when the windows are open or when the screen windows or screen doors are the only obstacle preventing the dog from exiting.

- d. Sign: Prior to the receipt of a license, the owner shall display a sign in a prominent place on his or her premises, which sign shall be easily readable by the public, using the words "Beware of Dog." In addition, a similar sign is required to be posed on the kennel or pen of such animal.
 - e. Identification photographs: Prior to the receipt of a license, the owner shall provide the township's police department with two recent colored photographs of the vicious dog, which clearly shows the color and approximate size of the animal.
 - f. License fee. The owner shall pay a license fee in the amount established from time to time by resolution of the township board.
5. Control. It shall be unlawful for any owner to allow any vicious dog to be outside of the dwelling of the owner or outside of the enclosure unless the dog shall be securely muzzled and restrained with a choker chain and leash, having a minimum tensile strength of 300 pounds and not exceeding four feet in length, and then only upon the private property of the owner, unless it is necessary for the owner to obtain veterinary care for the dog, to sell it or give it away, or to comply with commands or directions of the court, the animal control officer or any police officer. The muzzle should be made and fitted in a manner that will not cause injury to the dog or interfere with its vision respiration, but shall prevent it from biting any human or animal. The animal shall be under the direct control and supervision of the owner of the dog or his agent, either of whom shall be, in any event, a person of at least 18 years of age and physically capable of retraining the animal.
6. Reporting requirements.
- a. All owners, keepers or harborers of vicious dogs must, within ten days of the incident, report the following information in writing to the Township clerk:
 - 1. The removal from the township or death of a vicious dog.
 - 2. The birth of offspring of a vicious dog.
 - 3. The new address of the vicious dog should the owner move within the corporate limits of the township.
 - b. No person shall sell, barter, or in any other way dispose of a vicious dog to any person within the township, unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of the dog may sell or otherwise dispose of a registered dog to persons who do not reside within the township.

7. Acquisition. Any person who, subsequent to the effective date of this addition to the ordinance, shall acquire a dog and bring the same into the limits of the township, shall, if the dog is subsequently determined to be a vicious dog, within 48 hours, dispose of the dog either by euthanasia or moving the dog to a place outside the corporate limits of the township.
8. Penalty for violation. Any person violating or permitting the violation of any provision of this division shall, upon conviction, be fined a sum of not more than \$500.00. In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period of not to exceed 91 days. In addition, the court may order the dog which is the subject of a violation of this division to be:
 - a. Temporarily or permanently impounded.
 - b. Temporarily or permanently confined to the premises of the owner.
 - c. Temporarily or permanently removed from the township.
 - d. Killed.
9. Continuing Violation. Each day that a violation of this division continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this division shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of the division. Court costs for such action as taken shall be taxed against the owner of the dog against whom the complaint was issued.
10. Repeal. All Ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.
11. Savings Clause. If any section, paragraph, clause, or provision of this Ordinance is, for any reason, held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.
12. Effective Date. This Ordinance shall be immediately recorded by the township Clerk, and shall be published once in a newspaper of general circulation in said township within ten (10) days after its passage, and shall take effect immediately upon publication.

AYES:

NAYS:

ABSENT:

MOTION CARRIED: _____

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trustees for the Charter Township of Redford, Wayne County, Michigan, held on _____ 2008.
