

CHAPTER 107

(ANIMALS)

AN ORDINANCE TO AMEND CHAPTER 107 (ANIMALS) OF TITLE IX (POLICE REGULATIONS) OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor ordains that Chapter 107 of Title IX of the Code of the City of Ann Arbor be amended as follows:

Section 1: That Section 9:35 be amended to read as follows:

9:35. ~~Reserved Cruelty to animals.~~

~~No person shall torture, torment, cruelly beat, cruelly kill or otherwise inflict cruelty upon any animal or bird.~~

~~(Ord. No. 63-79, 12-17-79)~~

Section 2: That Section 9:36 be amended to read as follows:

9:36. Poisoning animals.

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird, except rats or mice.

A violation of this section shall be a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment for not more than 90 days, or both.

Section 3: That Section 9:37 be amended to read as follows:

9:37. Birds and birds' nests.

No person shall molest, injure, kill or capture any wild bird, or molest or disturb any occupied wild bird's nest or the contents thereof.

A violation of this section shall be a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment for not more than 90 days, or both.

Section 4: That Section 9:38 be amended to read as follows:

9:38. Domestic animals and fowl.

- (1) No person shall keep or house any animals or domestic fowl within the city except dogs, cats, rabbits, canaries or small animals commonly classified as pets which are customarily kept or housed inside dwellings as household pets.
- (3) Subsection (1) shall not apply to the keeping of chickens or ducks in compliance with all requirements of section 9:42.
- (3) Subsection (1) shall not apply to the keeping of chickens or ducks in compliance with all requirements of section 9:42.
- (4) Nothing in this chapter shall prohibit the city or a third party from bringing a nuisance action based on the keeping of animals.

(5) A violation of this section shall be a civil infraction, punishable by a fine of not more than \$500.00.

(Ord. No. 29-85, 8-5-85; Ord. No. 16-88, § 1, 4-18-88; Ord. No. 08-19, § 1, 6-2-08, eff. 8-7-08; Ord. No. 18-31, § 1, 11-8-18)

Section 5: That Section 9:39 be amended to read as follows:

9:39. Bees.

No person shall keep or possess an apiary containing more than 2 stands or hives of bees within the City of Ann Arbor, unless engaged in apiary education or research.

A violation of this section shall be a civil infraction, punishable by a fine of not more than \$500.00.

Section 6: That Section 9:40 be amended to read as follows:

9:40. Traps.

No person shall use a leghold, body-gripping, conibear, or snare trap within the city.

A violation of this section shall be a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment for not more than 90 days, or both.

Section 7: That Section 9:41 be amended to read as follows:

9:41. Injured animals.

No person who has injured or killed a dog or cat with a motor vehicle shall fail to, as soon as possible, stop said vehicle and notify either the police or the owner of the animal.

A violation of this section shall be a civil infraction, punishable by a fine of not more than \$500.00.

Section 8: That Section 9:42 be amended to read as follows:

9:42. Keeping of chickens or ducks.

(1) Any person who keeps chickens or ducks in the city shall obtain a 6-bird permit from the city prior to acquiring the chickens or ducks. Written statements waiving the distance requirement in subsection (3) below are required for 6-bird permits and shall be submitted at the time of application and become a part of the permit if issued. Application shall be made to the City Clerk and the fee for the permit shall be as determined by Council resolution.

Six-bird permits expire and become invalid 5 years after the date of issuance. A person who wishes to continue keeping birds shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

Only as used in this section, the term "bird" means only chickens or ducks or a combination of both.

(2) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of birds is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(3) A person who keeps or houses birds on a property shall comply with all of the following requirements:

(a) Have been issued the permit required under subsection (1) of this section.

(b) Keep no more than 6 birds.

(c) The principal use of the person's property is for a single-family dwelling, 2-family dwelling, or a primary or secondary school.

(d) No person shall keep any rooster (male chicken). Both drakes (male ducks) and hen ducks (female ducks) may be kept.

(e) No person shall slaughter any chickens or ducks.

(f) The birds shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure, except as otherwise provided in this section. Fenced enclosures are subject to all provisions of Chapter 55 (Unified Development Code).

(g) A person shall not keep birds in any location on the property other than in the rear yard, as defined in Chapter 55, except as otherwise provided in this section. For properties where the principal use is a primary or secondary

school, a person shall not keep birds in that property's front required setback area as defined under Chapter 55 of this Code.

- (h) Notwithstanding other requirements of this section, the birds may be kept outside of the covered enclosure or fenced enclosure subject to the requirements they may only be in the rear yard or side yard, as defined in Chapter 55, and a person shall be present with the birds in the same location.
- (i) No covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an adjacent property.
- (j) All enclosures for the keeping of birds shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 40 feet to any residential structure on an adjacent property provided, however, this requirement can be waived as follows:
 - (i) If the principal use of applicant's property is for a single-family dwelling, or a primary or secondary school, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all owners of adjacent property that there is no objection to the issuance of the permit.
 - (ii) If the principal use of the applicant's property is for a 2-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of the occupants of the other dwelling stating that there is no objection to the issuance of the permit.
- (k) All enclosures for the keeping of birds shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- (l) All feed and other items associated with the keeping of birds that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- (m) If the above requirements are not complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.

For purposes of this section, "adjacent property" means all parcels of property that the applicant's property comes into contact with at 1 or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a street or private street.

- (4) A person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer.
- (5) Permits that were issued under this section when only chickens were allowed and before the effective date of the amendment adding ducks to this section shall continue to allow only chickens until the permit expires. A person may keep ducks

only by obtaining a new 6-bird permit on or after the effective date of the amendment to this section that added ducks to this section.

A violation of this section shall be a civil infraction, punishable by a fine of not more than \$500.00.

(Ord. No. 08-19, § 2, 6-2-08, eff. 8-7-08; Ord. No. 14-28, § 1, 2-2-15; Ord. No. 17-06, § 1, 5-15-17; Ord. No. 18-09, § 10, 7-16-18; Ord. No. 18-31, § 2, 11-8-18; Ord. No. 20-17, § 1, 5-18-20)

9:43. Taking of Wild Animals.

No person shall remove or attempt to remove any wild animal from city-owned property or any park, as defined in Chapter 39, Section 3:1.

This restriction does not apply to persons acting under the direction of the State of Michigan Department of Natural Resources or the City of Ann Arbor as part of a wildlife control protocol, or undertaking pest control at the request of the City of Ann Arbor.

A violation of this section shall be a civil infraction, punishable by a fine of not more than \$500.

9:44. Reserved.

Section 9: That Section 9:45 be amended to read as follows:

9:45. Definitions.

For the purpose of this chapter, the following terms shall have the following meanings respectively designated for each:

- (1) *Animal control officer.* Any city police officer or such other persons as the administrator may designate provided that such persons meet the qualifications specified by Act 339, Public Acts of 1919, as amended.
- (2) ~~*Dangerous animal.* An animal which has bitten a person so as to draw blood or caused a person broken bones or which has repeatedly attacked, chased or menaced any person or damaged the property (including animals) of persons other than the owner. An animal shall not be considered dangerous solely because it has bitten or attacked a person or any animal attacking its owner or its owner's family nor shall an animal be considered dangerous if it bites or injures a person who has, without justification, provoked it by attacking it or its young.~~

(2) Dangerous animal. An animal which has done any of the following:

- (a) Bitten a person so as to cause visible trauma such as a puncture wound, laceration, or other piercing of the skin, or caused broken bones;
- (b) Repeatedly attacked, chased, or menaced any person; or
- (c) Damaged the property (including animals) of persons other than the owner

An animal shall not be considered dangerous solely because:

- (a) It has bitten or attacked a person or any animal attacking its owner or its owner's family; ~~or~~
- (b) If it bites or injures a person who has, without justification, provoked it by attacking it or its young; or
- (c) Because of its breed or perceived breed.

- (3) *Dog play area regulation.* A regulation that provides rules and requirements for the use of designated dog play areas by dogs and dog owners. The Community Services Administrator or designee may make and issue dog play area regulations, which shall be effective upon approval by City Council and filing with the City Clerk.
- (4) *Noise nuisance.* Barking, howling, meowing, squawking or making other sounds, frequently or for a continued duration, which annoys, endangers, injures or disturbs a person of normal sensitivities on premises other than that occupied by the owner of the animal. After 10:00 p.m. and before 7:00 a.m., animal noises audible beyond the property line of the property where the animal is located are presumed to be an annoyance and disturbance and are presumed to constitute a noise nuisance.
- (5) *Sanitation nuisance.* Unsanitary conditions resulting from animal droppings, food waste, debris, or any other thing to cause vermin infestation, odors, or disease hazards.
- (6) *Own.* ~~To have possession or a right of property in an animal or to permit a dog or cat to remain on or about one's premises 5 days or more.~~ To have a right of property in an animal, keep or harbor a dog, have in one's care, act as a custodian, or to knowingly permit a dog to remain on any premises by a person.
- (7) *Under reasonable control.* A dog which is:
 - (a) Secured by a leash held by the owner ~~or the owner's agent or a person~~ having custody or possession of a dog;
 - (b) Secured by a leash which is attached to a stationary object and attended by the owner or person having custody or possession of a dog~~the owner's agent~~; or
 - (c) On the premises of the owner or person having custody or possession of a dog or confined in a vehicle.

(d) On the premises of a dog play area as designated by the Community Services Area Administrator or designee and upon approval by City Council.

(8) *Vicious animal.* An animal ~~which~~ that without provocation or justification:

(a) ~~Has killed~~ Bites or attacks a person ~~or and~~ caused a person serious bodily injury, including, but not limited to, injuries resulting in hospital confinement, ~~or~~ reconstructive surgery, or impairment of a bodily function.

(b) ~~Is owned, possessed, harbored or trained for the purpose of animal fighting.~~

(c) Repeatedly bites or in any way injures people or a domestic animal.

(Ord. No. 59-88, § 1, 12-19-88; Ord. No. 25-93, § 1, 8-16-93; Ord. No. 16-07, § 1, 6-18-07; Ord. No. 27-07, § 1, 8-6-07; Ord. No. 08-19, § 3, 6-2-08, eff. 8-7-08)

9:46. Dog licenses.

(1) The City Clerk shall issue dog licenses and tags to city residents who:

(a) Make application for such licenses on forms provided by the Clerk;

(b) Pay the city a license fee as established by resolution of City Council as for a 1 or 3-year tag to correspond with the dog's current rabies vaccination certificate.

(c) Present valid certification of rabies vaccination of the dog to be licensed.

(2) All dog licenses shall expire on the month and year corresponding with the animal's rabies vaccination. Tags may be issued for 1 or 3 years, but may not be issued for longer than the year of expiration of the rabies vaccination certificate.

(3) The City Clerk is authorized to establish procedures for issuing licenses through a humane society, veterinarians, online and by mail and for issuing license tags containing the name and address of the dog owner.

(Ord. No. 59-88, § 1, 12-19-88; Ord. No. 25-93, § 1, 8-16-93; Ord. No. 16-03, § 5, 5-19-03; Ord. No. 20-04, § 3, 6-21-04; Ord. No. 18-05, § 3, 5-16-05; Ord. No. 14-23, § 1, 10-6-14; Ord. No. 21-08, § 1, 4-5-21)

Section 10: That Section 9:47 be amended to read as follows:

9:47. Violations.

The owner or person having custody or possession of any dog or other animal shall be guilty of a violation of the chapter if:

(1) The dog is at any time not under reasonable control;

(2) The animal causes a noise nuisance;

(3) The animal causes a sanitation nuisance;

- (4) The dog is over 6 months old and is not currently licensed or is not wearing a license tag issued pursuant to this chapter;
- (5) The dog (except leader dogs for the blind) discharges its feces on property other than that of its owner and the owner does not immediately remove such feces;
- (6) The dog or dog-owner or person having custody or possession is in violation of any dog play area regulation.
- (7) The animal is vicious;
- (8) The dog is at a location other than as specified in a confinement order issued pursuant to this chapter;
- (9) The animal has symptoms of rabies or has bitten or been bitten by another animal showing symptoms of rabies and the owner fails to notify an animal control officer of that fact;
- (10) The owner fails to comply with all the terms of a confinement order;
- (11) The dog has been impounded and disposed of or sold pursuant to section 9:49(4) and the owner acquires another dog within 1 year of said impoundment;
- (12) The owner of a cat older than 6 months fails to have it at all times immunized against rabies;
- (13) The owner fails to provide the animal with proper food, drink or shelter from the weather;
- (14) The owner fails to provide the animal with medical attention necessary to prevent the animal from suffering;
- (15) The owner confines or leaves the animal in a vehicle or other enclosure without adequate ventilation to prevent the animal from suffering;
- (16) A dangerous dog, when kept out of doors, is not in a pen or kennel sufficient to restrain the dog and surrounded by a perimeter fence not sharing common fencing with the pen or kennel;
- (17) The animal, other than a dog, is dangerous and is not kept indoors;
- (18) The person is convicted of owning a vicious dog and then acquires another dog within 2 years of the date of the conviction.

Except for owning a vicious dog, a violation of this section shall be a civil infraction, punishable by a fine of not more than \$500.00. A violation of owning a vicious dog shall be a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment for not more than 90 days, or both.

(Ord. No. 63-79, 12-17-79; Ord. No. 59-88, § 2, 12-19-88; Ord. No. 25-93, § 2, 8-16-93; Ord. No. 16-07, § 2, 6-18-07; Ord. No. 27-07, § 2, 8-6-07)

9:48. Authority of animal control officer.

An animal control officer shall have authority to:

- (1) Impound any dog not under reasonable control;
- (2) Impound any dog which has bitten a person;
- (3) Impound any dangerous animal;
- (4) Humanely kill any domestic or wild animal when such action is needed to protect persons or property or to prevent suffering by the animal;
- (5) Impound any unlicensed dog;
- (6) Impound any animal causing a noise nuisance;
- (7) Impound any animal causing a sanitation nuisance;
- (8) Impound any animal showing symptoms of rabies or which has bitten or been bitten by another animal showing symptoms of rabies.

(Ord. No. 25-93, § 3, 8-16-93)

9:49. Impounding and release procedures.

- (1) Animals impounded pursuant to this chapter shall be confined at a city pound or at such animal shelter or veterinary hospitals which arrange with the city to perform confinement and release procedures established by this chapter.

Council by resolution shall designate an agency which shall provide impounded animals with a safe and sanitary environment and also which shall provide adequate water and wholesome food during the period of impoundment.

- (2) Animals impounded for biting a person or because they are suspected of having rabies shall be confined for 10 days to determine whether or not they have rabies.
- (3) Animals impounded pursuant to this chapter may be released to the owners, after any required confinement period, upon the following conditions:
 - (a) Payment to the city of a fee of \$65.00 or as established by Council resolution.
 - (b) Payment of a boarding fee of \$4.00 on the first day or fractional day and \$3.00 for each subsequent day or fractional day or such other fees as Council may establish by resolution;
 - (c) Presentation of proof that the animal has been inoculated and licensed if such is required by this chapter.
- (4) If the owner of an animal does not obtain its release within 4 days of the time it was impounded or of the end of a rabies confinement, it may be disposed of or sold. If such animal has a license or other indication of the name and address of the owner, the disposal or sale may occur only after 7 days from the time the owner is notified of the impoundment.

(Ord. No. 70-80, 11-3-80; Ord. No. 17-02, § 1, 5-20-02)

Editor's note(s)—It should be noted that the provisions of Ord. No. 17-02 become effective July 1, 2002.

9:50. Alternative confinement.

- (1) Where this chapter provides that an animal be impounded and confined for rabies examination, an animal control officer may issue a confinement order on the following terms:
 - (a) The owner shall securely confine the animal for 10 days at the owner's premises or at a veterinary hospital as specified in the order;
 - (b) If confined at the owner's premises, the animal shall be kept within the dwelling, or, when outside, be securely chained of a length to keep the animal at least 5 feet away from any street, sidewalk or property line;
 - (c) The owner shall pay the city a \$30.00 inspection fee or an amount as established by Council resolution;
 - (d) If the animal dies, its remains shall be examined by a veterinarian and the report of said examination presented to the animal control officer.
- (2) Such an order for alternative confinement may be issued on the sole discretion of the animal control officer upon finding that:
 - (a) The owner is willing to comply with the terms of the order;
 - (b) The owner has the means to comply with the order;
 - (c) The public will not be endangered by such alternative confinement;
 - (d) The animal is not vicious;
 - (e) The animal has not previously been the subject of an order for alternative confinement.

(Ord. No. 59-88, § 3, 12-19-88; Ord. No. 18-02, § 1, 5-20-02)

Editor's note(s)—It should be noted that the provisions of Ord. No. 18-02 become effective July 1, 2002.

Section 11: That Section 9:51 be amended to read as follows:

9:51. Interference with animal control officer.

No person shall willfully interfere with an animal control officer who is attempting to perform the functions specified by this chapter.

A violation of this section shall be a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment for not more than 90 days, or both.

Section 12: That Section 9:52 be deleted.

9:52. Penalty.

~~Violation of this chapter shall be punished by a fine of not less than \$25.00 nor more than \$500.00. For the second and subsequent violations of this chapter within a 2-year period, the fine shall not be less than \$50.00 nor more than \$500.00. In addition, violation of section 9:35 and subsection 9:47(7) may be punished by imprisonment for up to 90 days. However, violation of subsections 9:47(1), (2), (3), (4) and (5) shall be punishable by only a civil fine of not less than \$25.00 nor more than \$500.00 for a first offense and for a second offense not less than \$50.00 nor more than \$500.00.~~

~~(Ord. No. 70-80, 11-3-80; Ord. No. 59-88, § 4, 12-19-88; Ord. No. 60-92, § 1, 9-8-92; Ord. No. 25-93, § 4, 8-16-93; Ord. No. 08-19, § 4, 6-2-08, eff. 8-7-08)~~

9:53. Permit.

Sections 9:36 and 9:37 shall not apply to actions taken pursuant to a permit issued by the City Administrator for the control or eradication of animals or birds that are causing property damage or are creating a nuisance or health hazard. No such permit shall be issued unless a permit for the actions has been issued by the Michigan Department of Natural Resources under the authority of 1929 PA 286, being MCLA 311.1 et seq.

(Ord. No. 5-81, 2-2-81)

Section 13: That Section 9:54 be amended to read as follows:

9:54. Deer feeding prohibition.

(1) Purpose and findings.

The purpose of this artificial feeding ban is to eliminate deer attractions which, when combined with other management strategies, should reduce, over time, the depredation impacts on residents, as well as assure the safety of the traveling public on city streets.

The City Council finds:

- (a) Recreational feeding of deer often causes deer concentrations which develop into depredation and other public safety problems;
- (b) Depredation of garden crops and landscaping plants is increasing as deer habitat decreases and deer populations increase within particular areas and neighborhoods in the city;
- (c) High deer populations can result in increased car/deer crashes within the community, causing public safety concerns.

(2) Acts prohibited.

No person may place or permit to be placed on the ground, or less than 5 feet above the ground surface any grain, fodder, salt licks, fruit, vegetables, nuts, hay or

other edible materials which may reasonably be expected to result in deer feeding, unless such items are screened or protected in a manner that prevents deer from feeding on them. Living fruit trees and other live vegetation shall not be considered as deer feeding.

(3) Exceptions.

This prohibition shall not apply to:

- (a) Veterinarians, city/county animal control officers, parks maintenance staff, or county, state or federal game officials who are in the course of their duties, have deer in custody or under their management.
- (b) Persons authorized by the City of Ann Arbor to implement the Deer Management Program approved by the City Council; or
- (c) Any food placed upon the property for purposes of trapping or otherwise taking deer where such trapping or taking is pursuant to a permit issued by the Michigan Department of Natural Resources.
- (d) Persons feeding domestic animals or wild birds using feeding devices or containers.
- (e) The use of straw, hay or straw-related materials for erosion control, mulching, gardening or other landscape purposes.
- (f) Persons keeping of chickens as provided for under Section 9:42 of this Code.

(4) Enforcement.

(a) Injunctions.

- (i) Violations of this chapter are hereby declared to constitute a public nuisance.
- (ii) If, after written notice to comply, the proper owner fails to abate the nuisance, the City Attorney is authorized to commence civil proceedings for the purpose of obtaining injunctive relief or any other appropriate civil remedy to abate or eliminate the public nuisance.

(b) A violation of this section shall be a civil infraction, punishable by a fine of not more than \$500.00.

~~Penalties.~~

- ~~(i) A violation of any provision of this chapter is a civil infraction punishable by a fine of not more than \$100.00, for each day upon which a violation occurs after written notice is provided, plus all costs of the action.~~
- ~~(ii) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.~~
- ~~(iii) Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the city or any other person for the prevention or elimination of a public nuisance.~~

(Ord. No. 15-21, § 1, 9-8-15)

9:55—9:60. Reserved.

Section 14. This ordinance shall take effect 10 days after passage and publication.