

**AN ORDINANCE TO AMEND CHAPTER 92 OF TITLE IX
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 92 of Title IX of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 92: ANIMAL CONTROL

- Section: 9.35. General provisions
9.36. Definitions
9.37. Dogs
9.38. Cats
9.39. Impounding
9.40. Conditions governing animals and their care
9.41. Vicious animals
9.42. Prohibited animals

9.35. General Provisions.

- A. Construction of Chapter. It is deemed by the city that the ownership of an animal is a privilege which carries with it responsibilities to the city and its residents with regard to the care and custody of said animal. In interpretation and application, the provisions of this chapter shall be construed to impose a primary responsibility for compliance with the provisions of this chapter on the owner of said animal.
- B. Short Title. This chapter shall be known as, and may be cited and referred to as *THE ANIMAL CONTROL ORDINANCE OF EAST GRAND RAPIDS*.
- C. Responsibility for Enforcement. Responsibility for enforcement of this chapter shall be vested in the director of Kent County department of animal control, his or her agents and employees, and in the director of public safety department of the city, his or her officers and designees.
- D. Penalties for Violations. Any person violating any of the provisions of this chapter shall have committed a civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).
- E. Invalidity. If any part of this chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this chapter. (1982 Code §9.35; Ord.,9-14-1996)

- 9.36. Definitions. Whenever in this chapter the following terms are used they shall have the meanings as described to them in this section, unless it is apparent from the context thereof that some other meaning is intended:

ANIMAL shall mean dog, cat, bird, reptile, mammal, fish or any other dumb creature.

ANIMAL CONTROL OFFICER shall mean the agent of the director of the Kent County department of animal control and any other officers designated for such duties by the city.

ANIMAL SHELTER may mean either the Kent County animal shelter or the humane society of Kent County.

CITY shall mean the City of East Grand Rapids.

COUNTY shall mean the County of Kent.

DEPARTMENT shall refer to the Kent County department of animal control.

DIRECTOR shall refer to the director of the Kent County department of animal control.

IMPOUNDED. If any animal, pursuant to this chapter or any state statute, has been received into the custody of any animal shelter, such animal will have been “impounded” as that word is used in this chapter.

OWNER, when applied to the proprietorship of an animal, means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him. For the purposes of this act, any person keeping or harboring any animal for seven (7) consecutive days shall be deemed the owner thereof within the meaning of this chapter.

PERSON includes an individual, partnership, corporation, trust, and any association of persons. (1982 Code §9.36)

9.37. Dogs.

- A. License and Tag Required. All dogs over the age of six (6) months within the city shall at all times be currently licensed in accordance with the requirements of state law¹ and of the county animal control ordinance. A license tag issued by the county shall be securely affixed to a collar, harness or other device which shall be worn by the dog at all times unless the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner’s premises.

- B. Limit on Number of Dogs. No “owner”, as defined in section 9.36 of this chapter, of a dog, nor any person who owns, leases, or is otherwise in control of any premises within the city, shall keep

¹ M.C.L.A. §287.261 *et seq.*

dogs or permit dogs to be kept within the city except in compliance with the following:

1. Not more than two (2) dogs may be kept in or about the premises of a dwelling unit in a duplex, apartment, condominium, or other multi-family dwelling unit.
 2. Not more than three (3) dogs may be kept in or about the premises of any single-family dwelling.
 3. No dog may be kept in or about premises other than occupied dwelling units except upon application filed with the city clerk setting forth in detail the request and the reasons therefor, and upon the granting of a special permit by the city commission following a hearing and findings that a valid reason exists for granting the request and that the granting of a permit will not have an adverse effect on neighboring property or on the general public. Any permit granted hereunder shall be for such period of time as the city commission shall determine and may attach such conditions, including, but not limited to, the breed, nature and number of dogs and their care and maintenance as shall be deemed necessary for the protection of neighboring property and the public interest.
 4. Dogs born to a female dog kept in compliance with the provisions of this section may be kept on the premises with said female dog for a period of not more than six (6) months following the date of birth notwithstanding the provisions of subsections B1 and B2 above.
- C. Barking Dogs. No person owning or having charge, care, custody or control of a dog shall permit such dog at any time, by loud or frequent or habitual barking, yelping or howling, to cause annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood.²
- D. Dogs Running at Large. No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such dog, within the city, unless such dog is restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.
- E. Female Dogs in Heat. No person owning or having charge, care, custody or control of an unspayed female dog shall permit such dog to be or to run at large when said dog is in heat as that term is commonly understood unless such dog shall be restrained as

² See also subsection 9.14A of this Code.

provided in subsection D hereof at all times other than when the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises. (1982 Code §9.37)

9.38. Cats.

- A. Cats Running at Large. No person owning or having charge, care, custody or control of any cat shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such cat, within the city, unless such cat is restrained by leash not exceeding six (6) feet in length and is in the charge, care, custody or control of a person with the ability to restrain it. Any cat which is in violation of the provisions of this chapter shall be subject to being impounded and shall be held, cared for, released or disposed of in a manner provided under section 9.39 of this chapter.
- B. Notification of owner when cat in custody of animal shelter. Should a cat which comes into the custody of the animal shelter have attached a valid identification tag stating the owner's correct name and address, then the animal shelter shall, within twelve (12) working hours from the time of impounding, notify the owner of the fact that said cat is in the custody of the animal shelter.
- C. Limit on Number of Cats. No "owner", as defined in section 9.36 of this chapter, of a cat, nor any person who owns, leases, or is otherwise in control of any premises within the city, shall keep cats or permit cats to be kept within the city except in compliance with the following:
1. Not more than two (2) cats may be kept in or about the premises of a dwelling unit in a duplex, apartment, condominium, or other multi-family dwelling unit.
 2. Not more than three (3) cats may be kept in or about the premises of any single-family dwelling.
 3. No cat may be kept in or about premises other than occupied dwelling units except upon application filed with the city clerk setting forth in detail the request and the reasons therefor, and upon the granting of a special permit by the city commission following a hearing and findings that a valid reason exists for granting the request and that the granting of a permit will not have an adverse effect on neighboring property or on the general public. Any permit granted hereunder shall be for such period of time as the city commission shall determine and may attach such conditions, including, but not limited to, the breed, nature and number of cats and their care and maintenance as shall

be deemed necessary for the protection of neighboring property and the public interest.

4. Cats born to a female cat kept in compliance with the provisions of this section may be kept on the premises with said female cat for a period of not more than six (6) months following the date of birth notwithstanding the provisions of subsections C1 and C2 above.

D. Nuisance. A person having custody of a cat shall not permit such cat to create a nuisance by way of noise³, odor or in any other manner. (1982 Code §9.38; 1993 Code)

9.39. Impounding.

A. Any animal which is in violation of the provisions of this chapter shall be subject to being impounded and any animal which is so impounded shall be held at the county animal shelter and shall be cared for, released or disposed of as provided in the Kent County Animal Control Ordinance and the rules and regulations of the county for the operation of its animal shelter.

B. Persons other than animal control or public safety officers taking up and impounding any animal shall, within eight (8) hours thereafter, give notice to the county animal shelter of:

1. The fact that he has such animal in his possession;
2. The complete description of such animal.

C. If any person appears and claims any animal referred to in this section prior to the time disposition has been made of the animal, the animal shelter shall collect the fees set forth by the Kent County Board of Commissioners. For giving notice of the impounding of any animal, the actual cost of the publication of any notice published for such animal shall be collected.

D. When an animal wearing a current valid license tag issued by the county, or any municipality within the county, is impounded pursuant to this chapter, the director shall, within twelve (12) working hours after receiving such animal, give written notice of the whereabouts of such animal to the person to whom the current license for such animal was issued. (1982 Code §9.39)

9.40. Conditions Governing Animals and Their Care. Every animal and pet owner and every person shall in the care and custody of such animal comply with each of the following conditions:

A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

³ See also subsection 9.14A of this Code.

- B. All animals shall be supplied with sufficient good wholesome food and water as often as the feeding habits of the respective animals require.
- C. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- D. No animal shall be without attention more than twenty-four (24) consecutive hours.
- E. Every reasonable precaution shall be used to insure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.
- F. No condition shall be maintained or permitted that is or could be injurious to animals.
- G. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- H. Every building or enclosure wherein animals are maintained, shall be constructed of materials easily cleaned. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.
- I. The owner or custodian shall take any animal to a veterinarian for examination and treatment if the director or his agents find this is necessary in order to maintain the health of the animal and so orders.
- J. All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.
- K. Every violation of an applicable regulation shall be corrected within a reasonable time to be specified by the director.
- L. All animal buildings and enclosures shall provide proper shelter and protection from the weather at all times. This shall mean a roofed three (3) sided shelter of suitable size.
- M. No person shall give an animal any alcoholic beverage unless prescribed by a veterinarian.
- N. No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two (2) or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to the other, such animals shall be deemed not to be natural enemies.

- O. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.
- P. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.
- Q. No person shall allow any animal to constitute or cause a hazard or be a menace to the health, peace or safety of the community.
- R. Any person who has injured or killed any dog or cat with a motor vehicle shall promptly notify the director or owner of the animal or the East Grand Rapids Public Safety Department.
- S. No person owning or having in his possession a female dog or cat in heat shall permit said animal to be contained in such a fashion that stray animals have access to the dog or cat, or that permits the dog or cat to escape
- T. No person shall confine an animal on a chain for more than four (4) hours unless that chain permits movement over at least thirty (30) square feet and allows the animal free access to a suitable shelter.
- U. A person shall not:
 - 1. Sell, offer for sale, barter, or give away, as pets, toys, premiums, or novelties any baby chickens, ducklings or other fowl under three (3) months of age, or rabbits under two (2) months of age;
 - 2. Color, dye, stain or otherwise change the natural color of the above described fowl or rabbits;
 - 3. Bring or transport the above described fowl or rabbits into the city;
 - 4. Molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof on either public or private property.
- V. A person having custody of any animal shall not permit, either willfully or through failure to exercise due care or control, such animal to commit any nuisance by defecating upon the sidewalk of any public highway or upon any building, fence or wall immediately abutting on a public sidewalk, or without the consent of the owner or person in lawful occupation thereof, any lawn, yard, or any other private property, which is either improved or occupied without picking it up and disposing of it properly.
- W. Representatives of the Kent County Animal Shelter, East Grand Rapids Public Safety Department or other duly designated representatives may enter any premises where animals are maintained for investigation or inspection as to whether or not any

portion of such premises, building, structure, enclosure, pen or cage is being used, kept or maintained in violation of this chapter or any other county ordinance. No person shall deny, prevent, obstruct, or attempt to deny, prevent or obstruct such access. This section does not permit any person to enter a private dwelling except where necessary to rescue an animal. (1982 Code 9.40)

9.41. Vicious Animals.

- A. Definition. Any animal which has attacked or bitten a person or domestic animal without molestation, or which by its actions gives indications that it is likely to attack or bite any person or domestic animal without molestation, shall be deemed a “vicious animal”.
- B. Muzzling or Restraint Required. A person owning or having charge, care, custody or control of a vicious animal shall at all times when said animal is not securely confined, keep said animal securely muzzled and led or restrained by a leash.
- C. Bites or Attacks. No person owning or having charge, care, custody or control of any animal shall permit or allow, by failure to exercise due control, the animal to bite or attack, or threaten to bite or attack, a person or domestic animal except in the defense of itself or in defense of a person during the commission of a crime by another.
- D. Quarantine of Animals. Every animal which has bitten a person shall be quarantined for a period of ten (10) days for the purpose of determining whether said animal is diseased. Such quarantine may be at the animal shelter, a veterinary office, or such other place as may be designated by the director. “Quarantine” shall mean isolating the animal from people and from other animals. The owner of such animal shall surrender such animal to an animal control officer upon request.
- E. Prosecution. On sworn complaint that a violation of subsection B, C or D of this section, has occurred, the city may issue a citation to the owner of said “animal”, as defined in this chapter, or may secure a summons against said person commanding him or her to appear and show cause why said animal shall not be ordered confined or destroyed. Upon such hearing, if the court shall determine said animal to be a “vicious animal”, as defined in this chapter, the court may order said animal confined to the premises of the owner or such other place as the court may determine or may order the director of animal control to cause said animal to be destroyed, or may enter such other order relative to the care and custody of such animal as the court shall determine to be appropriate. Any person who shall fail to comply with or otherwise violate such order shall have committed a civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).

F. Civil Liability. Nothing in this chapter shall be construed as limiting the common law liability of the owner of an animal for damages committed by the animal. (Ord., 6-20-1983; 1993 Code; Ord., 9-14-1996)

9.42. Prohibited Animals. No farm animal, wild animal or nondomestic animal, such as a horse, cow, swine, sheep, goat, chicken, goose, duck, snake, reptile, or bees, shall be kept in any dwelling or on the same lot or premises of any dwelling without obtaining prior written approval from the director of public works. In reviewing any such request, the policy adopted by the city regarding the keeping of such animals shall be used in determining the response to the request. If approval is denied, the applicant may appeal the decision of the director of public works to the city commission. Both the director of public works and the city commission are authorized to place conditions on any approval which is granted. (Ord., 8-30-1991; Ord., 8-14-1992)

Section 2. This Ordinance shall be effective on November 18, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.