

**SUPERIOR TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 63 DOG CONTROL ORDINANCE
Amended by Ordinance No. 184 on May 21, 2012**

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

Section 63-01 – Short Title

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

Section 63-02 - Definitions

(1) **Animal Control Officer.** An animal control officer means any person employed by Washtenaw County whose duty it is to enforce local and state laws related to animal control.

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

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

(4) **Poultry.** The term "poultry" means all domestic fowl, ornamental birds and game birds possessed or being reared under authority of a breeder's license pursuant to Part 427 (Breeders and Dealers) of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended).

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

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

(b) When such dog, not being on the premises of its owner, is under the custody of a responsible person and is securely held upon a leash of leather or other material of a length of not over six (6) feet or is in a closed motor vehicle, and is controlled in such a way that the dog does not commit damage to the person or property of any person, other than its owner, except when in the defense of itself, its owner, his agent, or a member of his family, or their property.

(5) **Law Enforcement Officer.** A law enforcement officer means any person employed or elected by the people of the state or any municipality, county, or township, including the Superior Township Ordinance Enforcement Officer, whose duty it is to preserve peace or enforce township ordinances.

Section 63-03 - Enforcement

Except for duties specifically assigned by this ordinance to the animal control officer or a police officer, it shall be the duty of a law enforcement officer to enforce all

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

Section 63-04 - Complaints for Article Violations

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

Section 63-05 - Control

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

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

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

Section 63-06 - Noisy Dogs

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

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

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

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

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

Section 63-09 - Confinement for Rabies Observation

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

(2) Whenever a dog is reported to have bitten any person, it shall thereupon be the duty of the animal control officer to seize such animal and confine the same in one of the veterinarian hospitals in the township or the vicinity thereof, or the Washtenaw County Humane Society, for a period of at least ten (10) days for the purpose of ascertaining whether such animal is afflicted with rabies. The animal control officer may notify, in writing, the person owning or possessing such dog, to confine the same in one of the veterinarian hospitals of the township or the vicinity thereof, or with the Washtenaw County Humane Society, for a period of at least ten (10) days for the purpose of ascertaining whether such dog is afflicted with rabies, and it shall thereupon be the duty of such owner to accomplish the confinement of such dog within twelve (12) hours after receiving such

notice from the animal control officer in anyone of the places above indicated for such period of ten (10) days, for the purpose-of ascertaining whether such dog is afflicted with rabies. If such dog is not afflicted, it may be returned to its owner.

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

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

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

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

Section 63-11 - License Required

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

Section 63-12 - Unlawful Removal of Tag

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

Section 63-13 - Transfer

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

his record.

Section 63-14 - Impoundment Generally

(1) It shall be the duty of the animal control officer to pick up and impound:

- (a) Any dog which he finds running at large,
- (b) Any dog which he finds not to be under the reasonable control of its owner, his agent, or a member of his family,
- (c) Any dog not duly licensed,
- (d) Any dog not duly inoculated,
- (e) Any dog not wearing a collar with a tag for the current year attached thereto as provided in the article,
- (f) Any dog which he finds to be violating any of the provisions of this article.

(2) Delivery to Humane Society

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

(3) Notice to Owner

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

(4) Holding Period; Redemption By Owner

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

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

(5) Disposition of Unredeemed Dogs

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

(6) Records

The animal control officer shall keep a record of the breed, sex, age, color and markings of every dog impounded, together with the date and hour of such impounding

and the name of its owner, if known.

Section 63-15 - Maximum Number of Permitted Dogs

No person who owns, keeps, cares for or harbors dogs over six (6) months in age shall permit such dogs to remain on or about any premises in a manner that exceeds the following standards:”

Maximum Number of Permitted Dogs over Six (6) Months in Age	Minimum Requirements
Up to three (3) dogs	Less than two (2) acres of gross lot area
Four (4) or five (5) dogs	Two (2) acres or greater of gross lot area
More than five (5) dogs	Compliance with all requirements for a kennel per the Superior Charter Township Zoning Ordinance No. 174, as amended

Section 63-16- Penalty

1. **Violation as misdemeanor.** A violator shall be guilty of a misdemeanor and upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 calendar days, or both, and in addition, shall pay all costs and expenses involved in the case, including the cost of prosecution. Each day a violation continues shall be considered a separate offense. The imposition of any such fine or sentence shall not exempt the violator from compliance with this Ordinance.
2. **Violation as civil infraction.** The violator shall be responsible for a civil infraction for which the court may impose a civil fine of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township’s attorney fees. The imposition of any such fine shall not exempt the violator from compliance with this Ordinance.
3. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance.
 - a. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance.
 - b. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.
4. **Choice of remedy.** The decision to charge a violator with a misdemeanor or a civil infraction or to seek injunctive relief to enjoin violations of the Ordinance or any combination of these remedies shall be at the sole discretion of the Township.

Section 63-16 - Severability

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

Section 63-17 - Effective Date

This Ordinance shall be published by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – pursuant to Section 8 of the Charter Township Act, being MCL 42.8, 3(b) within 30 days following the final adoption thereof. This Ordinance shall become effective immediately upon said publication.

CERTIFICATION

I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of Ordinance 63 with amendments as adopted at a regular meeting of the Superior Charter Township Board held on May 21, 2012.

David Phillips, Superior Charter Township Clerk

William McFarlane, Superior Charter Township Supervisor