

Chapter 3 ANIMALS

ARTICLE I. DOGS

3.01.01 Running at Large

It shall be unlawful for any person owning, possessing or harboring any dog to suffer or permit the same to run at large within the limits of the City of Sandusky. Dogs on leash or accompanied by the owner or custodian having reasonable control of such dog shall not be deemed to be running at large.

3.01.02 Barking or howling dogs

No person shall harbor any dog which, by loud and frequent or habitual barking, yelping or howling, shall cause serious annoyance to the neighborhood or to people passing to and from upon the streets.

3.01.03 Properly Licensed

It shall be unlawful for any person to own, possess or harbor any dog unless the same shall be properly licensed in accordance with the provisions of Act 388 of the Public Acts of Michigan for 1919 as amended. Any person allowing any dog to be lodged or to remain or to be fed within his or her house, store, building, enclosure or premises for a period of five days shall be held and deemed the keeper of such dog.

3.01.04 Spread of Disease

3.01.04A Control by proclamation

Whenever the Mayor of the City of Sandusky may apprehend that there is danger of the existence or spread of hydrophobia or the spread of other diseases within or near the City of Sandusky he shall issue a proclamation holding and requiring every person who shall own or keep a dog within the City of Sandusky to confine and muzzle said dog for a term of not less than thirty days or more than ninety days next after the date of such proclamation. Upon issuing such proclamation the Mayor of the City of Sandusky shall at once cause the same to be published in at least two successive issues of a legal newspaper published in the said City.

3.01.04B Duty of Residents

The second day next after the Mayor shall issue such proclamation provided for in the proceeding section, it shall be the duty of every person who shall own or keep a dog within said city to either confine such dog securely within some building or structure or to some substantial object upon the premises of the owner or keeper of said dog so as to prevent such dog from biting any person or animal and from being bitten by any other dog and to keep such dog so confined during the period specified in said proclamation or to cause such dog to be securely and effectively muzzled during said period and any muzzle shall not be sufficient unless it be of some form and strength and so attached and fastened as to

effectively prevent such dog from biting any person or animal.

3.01.04C Declaration of Nuisance

During the time mentioned in such proclamation as in section 3, any dog which may run at large or be upon said streets attached to a chain or leash and in the immediate control of some person without being muzzled as hereinbefore required is hereby declared to be a nuisance.

3.01.04D Authorization to Kill

The Chief of Police of the City of Sandusky, and any other officer appointed by the council of the City of Sandusky is hereby authorized to kill any dog or dogs found running at large in the City of Sandusky on and after the second day of such proclamation.

3.01.05 Impounding

The Chief of Police of the City of Sandusky, the County Animal Control Officer, and any other officer named by the council and the City of Sandusky is hereby authorized to catch and impound any dog or dogs found running at large within the City and to impound all such dogs so caught in some suitable place or pen and such dog or dogs shall be under the immediate care or inspection of the Chief of Police of the City of Sandusky, County Animal Control Officer, or any other officer named by the said council of the City of Sandusky. All dogs so impounded shall be fed and cared for; and the period of such impounding and the costs and expenses shall be determined by said Chief, Animal Control Officer or any other officer named by the council of the City of Sandusky. Such dogs shall be kept in such confinement for a period of not less than **10** days from the time of such impounding and that during said time any person claiming to own or keep any such dog may call upon the aforesaid officer and reclaim such dog or dogs by then and there paying to the officer the cost and expense of caring for such dog or dogs together with an impounding fee as set in the Annual Fee Resolution for each dog impounded; that upon the payment to such officer of such expense, costs and fees and any civil infraction penalties, he shall deliver to such person and persons which dogs so impounded. [Amended 2/1/99]

3.01.05A That if any dog so caught and impounded is not reclaimed within the period of **10** days from the date of such impounding such dog shall be killed by or under the direction of the Chief of Police of the City of Sandusky, County Animal Control Officer, or any other officer named by the council of the City of Sandusky, and the expense thereof together with the keeping thereof shall be paid out of the general funds of the said city.

3.01.05B It shall be the duty of the Chief of Police of the City of Sandusky, County Animal Control Officer, or any other officer appointed by the Council of the City of Sandusky to keep an accurate account of the date and time of impounding any dog together with the time and the person by whom it may be reclaimed and also make a monthly report thereof to the City Council and shall

account for all expenses and fees collected and pay same to the City Treasurer at the time of the account.

3.01.06 Definition

Where the term “immediate control” as used herein shall be construed to mean the physical control, such as having chain or leash and the owner or keeper thereof to have secure hold of such chain or leash. The term “person” as used herein, shall be construed to include co-partnership, company and corporation.

3.01.07 Violation

Every person who shall violate any of the provisions of this chapter shall be liable for a second degree civil infraction. [Amended 2/1/99]

ARTICLE II.

PROHIBITING HOUSING, SALE AND TRANSFER OF ANIMALS

3.02.01 Unlawful to sell or purchase

From and after the effective date of this chapter, it shall be unlawful for any person, firm or corporation to keep, harbor, solicit or offer to solicit the sale or purchase of any horses, cattle, calves, swine, sheep, goats, lambs, fowl or any other animals (other than cats or dogs) upon any of the streets, alley, or public owned grounds of the City of Sandusky, Michigan, without the specific approval of the City Council.

3.02.02 Unlawful Housing of Animals

3.01.02A Raising or harboring of horses, cattle, sheep, swine, mules, burros, goats, or poultry.

3.01.02B Keeping or maintaining more than a total of three adult dogs, cats, and/or rabbits or other animals per dwelling unless a variance is granted by the Board of Appeals after a public hearing. [Amended 2/1/99]

2.02.03 Unlawful to park vehicles containing live animals on streets.

From and after the effective date of this chapter, it shall be unlawful for any person, firm or corporation to park any vehicle, containing live horses, cattle, calves, swine, sheep, goats, lambs, fowl or any other animals upon any of the streets, alley or public owned grounds in the City of Sandusky for the purpose of transferring any of the said horses, cattle, calves, swine, sheep, goats, lambs, fowl, or any other animals from one vehicle to another, except in cases where the vehicle becomes defective and unfit to render it unsafe or impossible to further move the same upon the streets, alleys or public owned grounds of said City.

3.02.04 Violation

Every person who shall violate any of the provisions of this chapter shall be liable for a second degree civil infraction. [Amended 2/1/99]

ARTICLE III CATS

3.03.01 Title for citation

This Article shall be known and cited as the “cat ordinance”.

3.03.02 Purpose of provisions

The purpose of this chapter is to promote the public health, safety, morals, convenience, comfort and general welfare of the community through the proper control and care of cats by their owners and other.

3.03.03 Enabling authority

This chapter is adopted pursuant to the applicable provisions of Act 215 of 1895 and Act 18 of 1979.

3.03.04 Definitions

The words and phrases defined in this section, which used in this chapter, shall for the purpose of this chapter have the meanings respectively ascribed to them, except in those cases where the context clearly indicates a different meaning.

(A) “*Cat*” means carnivorous quadruped belonging to the family *Felis domestica*. the terms does not include wild cats (such as pumas, panthers, ocelots, cougars, lynx, etc.)

(B) “*City*” means the City of Sandusky.

(C) “*Department*” means the Sandusky Police Department representatives, including the animal control officer(s) for the city.

(D) “*At large*” means any cat off the premises of the owner therefore, provided, however, that a cat on a leash, tether, harness, or held in arm shall not be considered to be running at large.

(E) “*Owner*” Then applied to the proprietorship of a cat, “owner” and “owning” shall mean, include, and pertain to every person having the right of property in such domestic cat, and in every person who keeps or harbors such cat or has it in his/her care, and every person who permits such a cat to remain on or about any premises occupied by him/her.

(F) “*Vicious cat*” means:

i) Any cat, wild or domesticated, with a propensity to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

ii) Any kitten or cat which, because of its size, physical nature, or vicious propensity, is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter, or,

iii) Any cat which, without provocation, attacks or bites, or has attacked or bitten, a human or domestic animal.

3.03.05 Nuisance prohibited

It shall be unlawful to own, possess, shelter, keep, harbor or maintain any cat(s) under such conditions or in such a manner as to create a nuisance by way of noise, odor, menace to health or otherwise. The department or the animal control officer shall impound such cat(s) and impose of same as herein provided.

3.03.06 Number of cats

It shall be unlawful for any person to own, possess, shelter, keep, harbor, or maintain more than a total of three adult dogs, cats, and/or rabbits or other animals per dwelling unless a variance is granted by the Board of Appeals after a public hearing. However, this provision does not apply to duly licensed pet shops, veterinarians or veterinarian hospitals. [Amended 2/1/99]

3.03.07 Running at large prohibited

(A) It shall be unlawful for the owner or any other person having the possession, care, custody, or control thereof to permit any cat to be at large upon the public streets, walks, parks or any other public place within the city.

(B) It shall be unlawful for the owner or any other person having the possession, care, custody, or control thereof to permit any cat to go upon any private property within the city without the permission of the owner or occupant of such private property.

3.03.8 Rabies precautions

If a cat is believed to have rabies or has been bitten by another animal suspected of having rabies, such cat shall be confined by a leash or chain on the owner's premises, and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the animal control officer of the fact that his/her cat has been exposed to rabies and at his/her discretion, the animal control officer is empowered to have such cat removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner. It is unlawful for any person knowing or suspecting that a cat has rabies to allow such cat to be taken off his premises or beyond the limits of the city without the written permission of the animal control officer. Every owner or other person, upon ascertaining a cat is rabid, shall immediately notify the animal control officer or a police officer who shall either remove the cat to the pound or summarily destroy it.

3.03.9 Cruelty prohibited

No person shall treat any cat in a cruel or inhumane manner. No person owning, keeping, or harboring any cat, in a kennel, home, shelter, or otherwise, shall willfully or negligently cause or permit any cat to suffer torture or unnecessary pain. Shelters must be kept lighted, clean and sanitary, with adequate food and water provided.

3.03.10 Trespass or destruction of property prohibited

No person shall own, keep, or harbor any cat, which has destroyed or damaged property of any other person, or which habitually trespasses on such property

3.03.11 Vicious cats—Requirements

A vicious cat (as defined above) is “unconfined” if the cat is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the cat. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

03.03.11A Confinement

The owner of a vicious cat shall not permit the cat to go unconfined.

03.03.11B Leash

The owner of a vicious cat shall not permit the cat to go beyond the premises of the owner unless the cat is securely restrained by a harness or leash, and under the physical restraint of the person.

03.03.11C Signs

The owner of a vicious cat shall display in a prominent or clearly visible place on the premises a warning sign.

3.03.12 Owner liability for damages and injuries

All persons shall be liable for damages for any and all injuries to persons or property that may be caused by any cat owned by them, which damages may be determined and collected in appropriate civil proceedings therefore, in which proceedings the proof of the failure or refusal by such owner to comply with the provisions of this chapter shall constitute *prima facie* evidence of negligence on the part of such owners.

3.03.13 Department records required

The department or the animal control officers shall maintain a complete record of all cats impounded under the provisions of this chapter.

3.03.14 Violation

Any keeping or harboring of any cat contrary to the provisions of this chapter is declared to be a nuisance *per se*.

3.03.15 Interfering with officers and other violations deemed misdemeanors

Any person who violates or fails to comply with any of the provisions of this chapter or any of the rules and regulations adopted in pursuance hereof, or who hampers, impedes, or interferes with the performance of the duties of the animal control officer of the department under the provisions of this chapter, shall be responsible for a Grade B

civil infraction and upon conviction hereof shall be punished as in this code provided.
(amendment recommended 6/7/99)

3.03.16 Violation—Penalty—Other remedies

In addition to all other remedies, including penalties provided in this code, whenever there has been more than one violation of the provisions of this cat control ordinance, the court may order such cat be destroyed by the animal control officer in a humane manner. In addition to all remedies heretofore mentioned, the city may commence and prosecute appropriate actions or proceedings in the circuit court for the count; or any other county having jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this chapter or to correct, remedy, or abate such noncompliance or violation.

3.03.17 Effective Date

This article of the Sandusky Code of Ordinances shall be published within twenty (20) days of its adoption and shall be effective sixty days after adoption.