

**GENERAL REGULATIONS**

- 90.10.10 **Definitions.** The following terms when used in this Chapter shall have the meanings set forth in this Section:
- 90.10.11 “Animal” - Any living creature, except humans and plants. “Animal” includes any mammal, bird, reptile, snake, turtle, crustacean or any other vertebrate or invertebrate.
- 90.10.15 “At Large” - An animal is at large when it is off the property of its owner and not under the reasonable control of a competent person.
- 90.10.20 “Cruelty” - includes:
- (a) an intentional act or omission that unjustifiably causes physical pain, suffering or death of an animal, or
  - (b) an intentional act or omission of failing to provide an animal with proper food, drink, air, space, veterinary care, shelter or sanitary and safe living environment, or
  - (c) tormenting an animal or causing, sponsoring or permitting an animal to engage in a fight or combat with another animal or human.
- 90.10.25 “Dangerous Animal” - A wild or feral animal, other than a dog, which because of its size, aggressive nature or other characteristics constitutes a danger to persons or property.
- 90.10.30 “Domestic Animal” - An animal, other than a dog, that is not feral in nature, including, but not limited to horses, cows, chickens, geese, pigeons, ducks, steers, ponies, mules, donkeys, sheep, swine, pigs and goats.
- 90.10.35 “House Pet” - A non-domestic and non-dangerous small animal normally kept confined as a pet, including but not limited to hamsters, fish and parakeets.
- 90.10.40 “Hunt” - includes, but is not limited to shooting, or attempting to shoot, seeking, provoking, pursuing or taking any animal.
- 90.10.45 “Impound” - An animal is impounded when an Officer places the animal in an Animal Shelter or other secure place for confinement.
- 90.10.50 “Neglect” - includes:
- (a) an unintentional or negligent act or omission, that unjustifiably causes physical pain, suffering or death of an animal, or

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- (b) an unintentional or negligent failure to provide proper food, drink, air, space, veterinary care, shelter, including adequate shelter to prevent escape, or a sanitary and safe living environment.
- 90.10.55 “Officer” - An Animal Control Officer, or Police Officer.
- 90.10.60 “Owner” - A person or a group of persons who owns, controls, harbors, keeps, or has a property interest in any animal.
- 90.10.65 “Person” - An individual, employee, corporation, partnership or association.
- 90.10.70 “Quarantine” - An animal is quarantined when an Officer orders the animal confined to prevent it from having contact with any other animal.
- 90.10.71 “Shelter” – A roofed structure of at least three sides which provides adequate protection to a dog from the elements and weather conditions so as to maintain the dog in a state of good health. “Shelter” includes a residence, garage, barn, shed, or dog house. “Adequate protection” from the elements includes, but is not limited to, dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- 90.10.72 “Tethering” – The restraint and confinement of a dog by use of a chain, rope, or similar device.
- 90.10.75 “Trap” - includes hunting, confining, taking or entrapping any animal by means of any trap, snare, bait, hook or other device.
- 90.10.80 “Veterinary Certificate” - is a certificate from a licensed veterinarian that states that an animal has been immunized for rabies and states the date the immunization expires.
- 90.10.85 “Vicious Animal” - An animal is vicious if the animal:
- (a) has committed an unprovoked attack on a person or animal, or
  - (b) approaches a person in an apparent attitude of attack when unprovoked, or
  - (c) has bitten a person or animal, or
  - (d) has contracted or is suspected of having contracted rabies.
- 90.10.90 “Wild Animal” – An animal that is not defined in this Chapter as a dangerous animal, domestic animal or house pet.

**PROHIBITED CONDUCT INVOLVING ANIMALS**

90.20.10 Cruelty to Animals. No person shall be cruel to an animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.20.20 Neglect to Animals. No person, who owns or controls an animal, shall neglect that animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.20.30 Injure Police Dog. No person shall torture, torment, beat, kick, strike, injure, disable or kill any dog used by the City of Troy Police Department or interfere with or meddle with any police dog in the performance of its duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500 or both.

90.20.31 Tethering a Dog. No person shall tether a dog unless all of the following conditions are satisfied:

- (a) The dog has access to shelter;
- (b) The tether is three times the length of the dog or ten feet in length, whichever is greater;
- (c) The tether, harness, collar or other type of collaring device when taken together weighs not more than one-eighth of the dog's body weight;
- (d) The harness, collar, or other type of collaring device being used is designed for the purpose of tethering, and is made from material that prevents injury to the dog;
- (e) The manner of tethering prevents injury, strangulation, or entanglement on fences, trees, or other objects;
- (f) Tethering shall occur only during daylight hours, provided the period of tethering does not exceed four continuous hours.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: This section shall not apply to a person who is walking a dog on a leash.

90.20.40 Hunting. No person shall hunt any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more

than 90 days or by a fine of not more than \$500 or both.

Exceptions:

- (a) Officers are authorized to use shell crackers or other noise making devices to control geese and migratory waterfowl.
- (b) Officials of the Michigan Department of Natural Resources (DNR), or persons permitted by the DNR pursuant to MCL 324.40114, are authorized to hunt Canada Geese or other nuisance migratory waterfowl in connection with the DNR Goose Round Up Program, Goose Egg Program, or other similar programs operated by the DNR.

90.20.50 Trapping. No person shall trap any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exceptions:

- (a) A person may trap small rodents such as mice, rats and moles.
- (b) A person licensed or authorized by the State to trap may trap subject to the following:
  - (1) Only live traps that cannot kill or injure animals or persons may be used.
  - (2) All traps must be permanently marked with the owner's name and a telephone number where the owner or owner's agent can be contacted 24 hours a day.
  - (3) All traps must be checked at least every 24 hours.
- (c) Officers are authorized to use traps to capture dangerous, wild or domestic birds or animals that are running at large or have become a public nuisance.
- (d) Officials of the Michigan Department of Natural Resources (DNR), or persons permitted by the DNR pursuant to MCL 324.40114, are authorized to trap Canada Geese or other nuisance migratory waterfowl in connection with the DNR Goose Round Up Program, Goose Egg Program, or other similar programs operated by the DNR.

90.20.60 Poisoning Animals. No person shall poison or attempt to poison any animal except rodents and insects. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

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90.20.70 Birds. No person, except Officers acting in their official capacity, shall molest, injure, kill or capture any wild bird. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.20.80 Birds' Nests. No person, except Officers acting in their official capacity, shall disturb any wild bird nest. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: Owners of private property may disturb a bird nest located on their property if disturbing the nest does not violate any federal, state laws.

90.20.90 Feeding Waterfowl. No person shall feed waterfowl, including Giant Race of Canada Goose, Mallard Duck and sea gulls. Feeding means providing food other than that which is growing naturally on the site. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

### DUTIES OF ANIMAL OWNERS

90.30.10 Number of Dogs Allowed. No person shall own, keep or control more than three (3) dogs, and no household or premises in the City shall have more than three (3) dogs total. This three (3) dog limit shall not apply to puppies, under the age of six (6) months, of a litter of a dog owned by the person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.30.15 Diseased Animals. Any animal with a contagious or infectious disease shall be isolated from all other animals to prevent the illness or disease from being transmitted to another animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.30.20 Domestic Animals on Public or Private Land. No person who owns or controls an animal shall allow that animal, to be on a municipal golf course, cemetery, public sidewalk, school district property, airport property, or a public or private parking lot. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: Animals may be allowed on public property if expressly authorized.

Exception: Officers are authorized to have horses in parades and for official City business.

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Exception: Animals may be allowed on private property with the express consent of the owner.

- 90.30.25 Noises. No person, who owns or controls an animal, shall allow that animal to disturb the peace by habitually making noises, including barking, yelping or howling. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.30 Odors. No person, who owns or controls an animal, shall allow that animal to create an odor that is offensive. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.35 Running at Large Prohibited. No person, who owns or controls an animal, except a domestic cat, shall permit that animal to run at large within the City of Troy. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.40 Animals in Parks. No person shall permit any dog owned by him or under his control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. No person shall permit any other animal either wild or domestic, owned by him or under his control or custody, to enter any park except when special permission is granted by the City Manager. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.45 Vicious Animal. No person shall own, keep or possess a vicious animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both and the Court may order the destruction of the animal.
- 90.30.50 Possession of Excrement Removal Device. No person, who is accompanying an animal, shall allow that animal to be on property owned by another unless the person has in his or her immediate possession, an appropriate device for the scooping and temporary storage of excrement. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.55 Removal of Animal Excrement. No person, who owns or controls an animal that deposits excrement on property owned by another, shall fail to immediately remove such excrement and immediately dispose of it in a receptacle located on the property of the person who owns or controls the animal and if the person is not aware that the animal deposited excrement on another property, shall upon

being made aware of such fact, immediately dispose of it in a receptacle located on the property of the person who owns or controls the animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

### **QUARANTINE**

90.40.10 Period of Quarantine. An animal shall be quarantined for a period of ten (10) days if an Officer has reasonable suspicion that:

- (a) the animal has bitten a person or another animal, or
- (b) the animal has rabies.

90.40.20 Place of Quarantine. At the Officer's discretion, an animal may be quarantined:

- (a) in an animal shelter, or
- (b) at the premises of the owner, if the owner has proof that the animal has had a rabies vaccination, or
- (c) in a licensed veterinary hospital.

90.40.30 Expenses of Quarantine. The owner of a quarantined animal shall pay the expenses of the quarantine. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.40.40 Refuse to Follow Quarantine Orders. No person, who owns or controls an animal, shall refuse to follow the quarantine orders of an Officer. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

### **IMPOUND**

90.50.10 Grounds for Impoundment. An animal may be impounded if the Officer has reasonable suspicion that:

- (a) the animal is vicious, or
- (b) the animal has been neglected, or
- (c) the animal was running at large, or
- (d) the animal was treated with cruelty.

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- 90.50.20 Release from Impoundment. An impounded animal shall be released to the owner upon satisfaction of the following conditions:
- (a) the animal owner has paid any fees required by Chapter 60 of the Troy City Code, and
  - (b) if a dog, proof that the dog has been immunized against rabies, and
  - (c) if a dog, proof that the dog has a current license, and
  - (d) the owner has paid for the cost of boarding the animal, and
  - (e) the Officer has been adequately assured of the safety of the animal, it's owners, and the public and has consented to the release of the animal or a court of competent jurisdiction has ordered the animal released.
- 90.50.30 Unclaimed Animal. If the ownership of an impounded animal cannot reasonably be ascertained or the owner of the impounded animal does not claim the animal within 5 days after the date the animal could otherwise be released, then the animal may be made available for adoption or destroyed in a humane manner.

### DOG LICENSES

- 90.60.10 Dog License Tag. No person shall own or control a dog six (6) months of age or older in the City of Troy, unless the person who owns or controls the dog is issued a dog license tag by the City of Troy. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- Exception: a person who runs a properly licensed dog kennel need not apply for individual dog licenses under this chapter.
- 90.60.20 Issuance of License Tag. Dog license tags shall be issued by the City Clerk, upon application, presentation of a veterinary certificate stating that the dog has been properly immunized against rabies, and payment of the license fees and applicable late fees, in accordance with Chapter 60 of the Troy City Code.
- 90.60.30 Transfer of License Tag. A person who becomes the owner of a dog, which was previously licensed in the City of Troy, shall file an application for a City of Troy dog license tag within thirty (30) days of ownership.
- 90.60.40 License Tag Expiration. Dog license tags expire on the immunization expiration date stated in the veterinary certification. A dog license is not valid in the City if the current rabies vaccination for the dog expires more than one month before the dog license expires. In order to insure a valid rabies vaccination for each licensed dog during the license period, the license expiration date for each dog will be converted to the last day of the month in which the rabies vaccination expires. The City Clerk

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may issue monthly licenses to accommodate the conversion to rabies expiration date. The City Clerk may also issue up to a three-year license for each dog, depending upon the expiration date for the rabies vaccination.

90.60.50 Dog License Tag. No person shall own, or control a dog six (6) months of age or older that does not at all times wear a collar or harness with a valid City of Troy dog license tag attached. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.60.60 Removal of Dog License Tag. No person shall remove a dog license tag from a dog without the consent of the owner. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

### PERMITS

90.70.10 Permit Required for Domestic, Dangerous and Wild Animals. No person shall own or control a domestic animal or a dangerous animal or a wild animal, other than a dog or a house pet, within the City of Troy, without having obtained an animal permit from the Clerk for the City of Troy. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

#### Exception:

- (a) a permit is not required for a dog, house pet or domestic cat.
- (b) permits are not required for wild animals if the Animal Control Officer determines that the wild animal, because of its size, the number of animals, temperament or other characteristics does not create a hazard or nuisance.

90.70.20 Permit Application Process. An applicant for a domestic, dangerous or wild animal permit shall:

- (a) furnish the Animal Control Officer a list of the species of animals to be kept and the maximum number of each species to be kept at any one time, and
- (b) demonstrate that the animals will be treated humanely and will not be neglected or treated with cruelty, and
- (c) demonstrate that the animals will be maintained in quarters constructed to prevent their escape, and
- (d) demonstrate that reasonable precautions shall be taken to protect the public from the animals and the animals from the public, and

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- (e) demonstrate that he or she can comply with the ordinance and any regulations promulgated by the Animal Control Appeal Board, and
- (f) in the case of domestic animals, demonstrate to the Animal Control Officer that the lot or parcel that animals will be kept on is three-quarters ( $\frac{3}{4}$ ) of one (1) acre or larger. This requirement may be waived by the Animal Control Appeal Board if the applicant can demonstrate circumstances that allow for waiver pursuant to regulations promulgated by the Animal Control Appeal Board. Waivers will not be granted for animals that are loud or likely to be detrimental to the neighborhood.

90.70.30 Issuance of Permit for Domestic, Dangerous or Wild Animal. The City Clerk shall issue a domestic, dangerous or wild animal permit upon showing by the applicant that he or she has obtained the approval of the Animal Control Officer and has paid the applicable fee. The permit shall list with specificity the animals subject to the permit, the location of the animals in the City of Troy and may contain limitations and conditions required by the Animal Control Officer or the Animal Control Appeal Board.

90.70.40 Duties of Permit Holder. The holder of a domestic, dangerous or wild animal permit shall:

- (a) comply with all present and future ordinances in this Chapter and comply with the regulations promulgated by the Animal Control Appeal Board, and
- (b) apply for a new permit prior to changing their address or changing the location of the animals, and
- (c) indemnify and hold the City of Troy harmless from any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.
- (d) consent to inspection of the applicant's facilities by an Animal Control Officer before and after the granting of the permit.

90.70.50 Expiration of Permit. A permit shall expire:

- (a) 5 years from the date of issuance, or
- (b) when ownership or control of the animal or animals is transferred to another person, or
- (c) when the animal or animals are moved to another location, or
- (d) upon death of the animal for which the permit is issued, unless the permit specifically provides for replacement of the animal, or

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(e) when the terms of the permit require that the permit expires.

90.70.60 Revocation of Permit. An Animal Control Officer may revoke a permit:

- (a) if the permit holder fails to comply with the requirements of this Chapter, or
- (b) if the permit holder fails to comply with regulations promulgated by the Animal Control Appeal Board, or,
- (c) if a permit holder fails to comply with federal, state or local laws governing cruelty to animals or the keeping of animals, or
- (d) if a species of animal not listed in the permit application is acquired, or
- (e) the maximum number of animals allowed pursuant to the permit is exceeded.

90.70.70 Removal of Animals. A person whose permit is revoked or has expired, shall immediately remove all animals subject to the permit, from the City of Troy, unless the permit holder has filed a timely appeal with the Animal Control Appeal Board in which case the revocation shall be postponed pending the outcome of the appeal.

### **ANIMAL CONTROL APPEAL BOARD**

90.80.10 Animal Control Appeal Board. There is hereby created an Animal Control Appeal Board.

90.80.20 This Board shall:

- (a) consist of five (5) members appointed by the City Council for three (3) year overlapping terms, and
- (b) annually elect from among its members a Chair, a Vice Chair and a Secretary.

90.80.30 All Board Members, including the Chair, Vice Chair and Secretary shall have voting privileges.

90.80.40 The Chair shall preside over meetings of the Board.

90.80.50 The Vice Chair shall preside over meetings of the Board in the absence of the Chair.

90.80.60 The Secretary shall record and file with the City Clerk accurate and complete resolutions, rules and interpretations rendered by the Board.

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90.80.70 Duties Of Animal Control Appeal Board. The Animal Control Appeal Board shall:

- (a) promulgate regulations regarding dangerous animal permits and domestic animal permits, and
- (b) interpret and determine the application of provisions contained in this Chapter as they relate to specific fact situations presented to the Animal Control Appeal Board, and
- (c) adjudicate appeals from an Animal Control Officer's decision regarding the issuance or denial of a permit for dangerous animals, domestic animals and wild animals, and
- (d) adjudicate appeals from an Animal Control Officer's decision regarding the revocation of a permit for dangerous animals, domestic animals or wild animals.

90.80.80 Procedure for Appeals.

Appeals from the decisions of the Animal Control Officer to the Animal Control Appeal Board must be:

- (a) filed at the office of the Troy City Clerk on forms provided by the Clerk, and
- (b) filed within seven (7) days of the date of the Animal Control Officer's decision regarding the issuance or denial of a permit for dangerous animals or domestic animals, and
- (c) filed within seven (7) days of the date of the Animal Control Officer's decision regarding the revocation of a permit for dangerous animals or domestic animals.
- (d) upon acceptance of an appeal, the City Clerk shall provide notice of the time, date and place of the appeal to all property owners within 300 feet of the appellant's property.

90.80.90. Rulings and interpretations of the Animal Control Appeal Board shall be final.

(Amended & Rewritten: 03-05-2007)