

CHAPTER 90: ANIMALS

Section

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GENERAL PROVISIONS

§ 90.01 EXCREMENT CONTROL.

(A) Every person having any dog, cat or horse under his or her ownership, custody, supervision or control shall promptly and thoroughly remove all excrement left by the animal upon any private or public property. Provided, however, a person may fail to remove such excrement from private property which that person owns or in which he or she has a lawful possessory interest or on which he or she is an invitee with permission of the owner or lawful possessor to not remove animal excrement.

(B) It shall be unlawful for any person to appear with any dog, cat or horse on any private or public property unless that person has then in his or her possession an appropriate device for the immediate and thorough removal of any excrement left by that animal. Provided, however, a person may fail to have in his or her possession an appropriate device for the immediate and thorough removal of animal excrement from private property which that person owns or in which he or she has a lawful possessory interest or on which he or she is an invitee with permission of the owner or lawful possessor to not have such a device.

(C) All police officers of the Spring Lake-Ferrysburg Police Department, all Ferrysburg Public Service Department technicians, and the Building Inspector and Zoning Administrator of the city are authorized to issue civil infraction citations pursuant to this section.

(Ord. 168, passed 1-19-98) Penalty, see § 90.99

DOG CONTROL

§ 90.10 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OWNER. When applied to the proprietorship of a dog shall include every person having a right of property in such a dog, and every person who keeps or harbors such dog or has it in his or her care, and every person who permits such a dog to remain in or about any premises occupied by him or her.

REASONABLE CONTROL. Keeping a dog on a suitable leash or under the oral control of the owner or custodian or some other person with the permission of the owner or custodian, in all cases other than while upon private property, or unless the dog is confined in a closed automobile or shipping receptacle.

(Ord. 15, passed 8-21-67)

§ 90.11 PROHIBITIONS AND RESTRICTIONS.

No person owning any dog four months of age or over shall permit such dog to be at large at any time in the city in violation of any of the following restrictions:

(A) No person shall permit any dog which is vicious or which appears vicious to remain outside of a secure building, structure or vehicle unless the dog is restrained by a leash or tether adequate to prevent escape, is muzzled with a full muzzle and is more than 25 feet from a public right-of-way. A dog is deemed vicious if it has bitten a person or domestic animal without provocation. A dog is deemed to appear vicious if by its size, actions, location, appearance or combination of such circumstances places a reasonable person in fear of imminent harm notwithstanding the fact that the dog may be restrained.

(B) No person who is the owner of any female dog shall permit or allow such female dog to go beyond the premises of the owner when said dog is in heat.

(C) No person who is the owner of any dog shall permit it to be unconfined at any time unless licensed as required by law and unless wearing its license tag and evidence of rabies immunization.

(D) No person who is the owner of any dog shall permit it to be unconfined unless under the reasonable control of some person.

(E) No person shall own any dog which by loud, frequent, or habitual barking, yelping, or howling shall cause annoyance to the people in the neighborhood.

(Ord. 15, passed 8-21-67; Am. Ord. 216, passed 10-18-04) Penalty, see § 90.99

§ 90.12 IMPOUNDMENT; NOTICE OF IMPOUNDMENT.

(A) *Impoundment.* Any dog found at large in the city which is doing any of the acts enumerated in § 90.11 may be seized and impounded by the Dog Warden or any police officer of the city.

(B) *Notice of impoundment.* It shall be the duty of the Police Department to notify the owner of every dog which shall be impounded, if the owner of such dog can be ascertained, as soon as possible after said dog has been impounded.
(Ord. 15, passed 8-21-67)

§ 90.13 DISPOSITION OF IMPOUNDED DOGS.

(A) All dogs so impounded shall be held in a place designated by the City Council of the city for a period of ten days, at the expiration of which, if said dog or dogs are not claimed by the owner thereof, the same may be sold by the city to recover the costs of impounding of said dog and the funds so received shall be credited to the general fund of the city.

(B) If said dog or dogs shall not be sold within 20 days after expiration of the ten-day period provided in division (A), the city shall cause the dog to be destroyed.
(Ord. 15, passed 8-21-67)

§ 90.14 REDEMPTION OF DOGS.

No dog shall be released from the pound unless the owner or person entitled to claim the same shall pay to the city the sum of \$10 together with the costs of boarding said dog during its period of impounding. Such payment shall be made to the City Clerk and upon proof of such payment, the place where the dog is impounded shall release said dog to the owner.
(Ord. 15, passed 8-21-67)

§ 90.99 PENALTY.

(A) A violation of § 90.01 is a civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a 6-month period. The civil fine for the first offense is \$50. The civil fine for the first repeat offense is \$250. The civil fine for the second repeat offense is \$500. (Ord. 168, passed 1-19-98)

(B) Any person convicted of a violation of §§ 90.10 et seq. shall be punished by a fine of not more than \$100 and costs of prosecution, by imprisonment for not more than 90 days, or by both such fine and imprisonment. (Ord. 15, passed 8-21-67)