

**THE CHARTER TOWNSHIP OF BEDFORD
ANIMAL CONTROL ORDINANCE
ORDINANCE NO. _____**

AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE WITHIN THE CHARTER TOWNSHIP OF BEDFORD BY REGULATING THE KEEPING AND TREATMENT OF ANIMALS AND TO PRESCRIBE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO REPEAL ORDINANCES INCONSISTENT HEREWITH; AND TO OTHERWISE PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

THE CHARTER TOWNSHIP OF BEDFORD ORDAINS:

Section 1. DEFINITIONS.

As used in this ordinance:

- (a) “Abandon” means to desert, surrender, relinquish or give up with the intent of never again resuming one's ownership rights or interest in an animal, provided that a lost animal will not be regarded as abandoned when the owner or custodian has made a reasonable effort to locate the animal. Abandoned also includes when an owner or custodian's animal remains on property which has been condemned or ordered to be vacated.
- (b) “Adequate care” means the provision of sufficient food, potable water, shelter, sanitary conditions, and medical attention to maintain an animal in a state of good health.
- (c) “Animal” means a vertebrate, other than a human being. When used in this ordinance, animal shall not include those animals considered exotic or wild.
- (d) “Americans with Disabilities Act” (ADA) means Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.
- (e) “Animal at large” means the unrestrained wandering or roaming of any animal on a public way or on property not owned or leased by its owner. This also includes animals on their owner's property not under direct control of the owner in populated areas, i.e. where homes are within 200 feet of each other.
- (f) “Animal Control Officer” (ACO) means an individual employed as an Animal Control Officer pursuant to Sections 29b and 29c of the dog law of 1919, Act 339 of the Public Acts of 1919, being M.C.L.A. 287.289b and 287.289c.
- (g) “Attack” means the intent to cause injury or otherwise forcefully endanger the safety of people or other animals.
- (h) “At-risk animal” means an animal that does any one or more of the following:
 - (1) Is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.
 - (2) Causes physical injury to any domestic animal while at large.

- (3) Repeatedly runs at large.
- (i) “Dangerous animal” means:
 - (1) An animal that:
 - A. Bites or attacks a person, or another animal;
 - B. Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more person or another animal;
 - C. Is used for fighting or other illegal activity; or
 - D. Escalates behavior that caused it to be adjudicated as an at risk-animal.
 - (2) “Dangerous animal” does not include any of the following:
 - A. An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner, or who bites and attacks another animal that is on the property of the animal's owner without permission;
 - B. An animal that bites or attacks a person who provokes or torments the animal;
 - C. An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault; or
 - D. Livestock, except those fitting the classifications in Section 29 of this ordinance.
- (j) “Domestic animals” means those animals that have traditionally, through a long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and which have been kept as tame pets, raised as livestock, or used for commercial breeding purposes.
- (k) “Exotic animal” means an animal of a non-domesticated species not commonly kept as a household pet or for food or fiber production. Exotic animals may or may not be native to the area and may or may not be governed by existing wildlife regulations.
- (l) “Ferret” means an animal of any age of the species *Mustela furo*.
- (m) “Fowl” means a type of animal that includes all wild and domestic birds, including, but not limited to, game birds, songbirds, turkeys, roosters, chickens, ducks, geese or other poultry.
- (n) “Hobby breeder” means a person who owns four or fewer ferrets that are at least six months of age or a litter of ferrets that is less than five months of age on a temporary basis for personal recreational purposes, such as competitions in shows or improving the breed, and who registers his or her ferrets with a national ferret registry organization.

- (o) “Kennel” means, unless stated otherwise, any establishment wherein or whereon dogs are kept for breeding, sale or sporting purposes.
- (p) “Leash” means a strap or cord for restraining or guiding an animal. “Leash” does not include shock collars (also called e-collars, Ecollars, remote training collars, Zap collars or electronic collars) that deliver electrical shocks to the neck of an animal.
- (q) “Livestock” means animals used for human food and fiber or animals used for service to human beings. "Livestock" includes, but is not limited to, equine, sheep, rams, cattle, mules, jacks, jennets, burros, goats, kids and swine, bison, poultry, privately owned cervids, ratites, new world camelids, aquaculture and fur-bearing animals being raised in captivity. "Livestock" does not include animals that are human companions, such as dogs and cats.
- (r) “Mutilate” means to destroy or disfigure a body part.
- (s) “Muzzle” means a commercially manufactured device which is placed over the mouth of an animal and strapped around its head or neck and is sold for the express purpose of preventing the animal from biting another animal or person.
- (t) “Neglect” means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.
- (u) “Owner” means a person having a right of property ownership in an animal, who keeps or harbors the animal or has the animal in his or her care or custody, or who permits the animal to remain on or about premises occupied by the person. An owner does not mean a person who harbors an animal in the course of conducting a boarding, grooming, or training business, or a veterinary hospital, or a person steals or takes without consent of the owner and without lawful authority a dog in violation of M.C.L.A. 287.308. “Owner” does not mean a person who feeds an animal that is a stray or without an owner as defined above.
- (v) “Permit” means knowledge, consent or willingness, or negligent conduct equivalent thereto.
- (w) “Person” means an individual, partnership, corporation, association, governmental entity or other legal entity.
- (x) “Pet” means any animal kept for pleasure rather than utility.
- (y) “Police Department” means the City of Battle Creek Police Department or other police department providing police services to Bedford Charter Township under contract.
- (z) “Poultry” means, but is not limited to, chickens, guinea fowl, turkeys, waterfowl, geese, ducks, pigeons, doves, peafowl, and game birds that are propagated and maintained under the husbandry of humans.
- (aa) “Provoke” means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate a bite or attack by an ordinary dog or animal.
- (bb) “Quarantine” means a state of enforced isolation. To detain in or exclude by quarantine, to isolate from normal relations or communication.

- (cc) “Rabies suspect animal” means any animal other than wildlife, which has been determined by the Michigan Department of Community Health to be a potential rabies carrier and which has bitten or scratched a human, or any animal which has been in contact with or bitten by another animal which is a potential rabies carrier, or any animal which shows symptoms of rabies.
- (dd) “Rodent” unless otherwise stated, means a feral mammal of the order rodentia, including, but not limited to, mice, rats and squirrels.
- (ee) “Sanitary conditions” means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include a condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
- (ff) “Serious injury” means permanent, serious disfigurement, serious impairment of health or serious impairment of a bodily function of a person or animal.
- (gg) “Service animal” means any dog which is trained or being trained to aid a person who is blind, hearing impaired, or otherwise disabled under M.C.L.A. 287.291 (1970 PA 207). “Service animal” does not mean an animal that provides comfort just by being with a person.
- (hh) “Shelter” means: a leak-proof roofed structure of four sides which is suitable for the age, size, species, and physical condition of the animal and which provides adequate protection to an animal from the elements and weather conditions so as to maintain the animal in a state of good health. "Adequate protection" from the elements includes, but is not limited to, dry bedding from October 1 through May 31. Exemptions will be made for dogs who have veterinarian documentation stating that they cannot tolerate straw. As to livestock, "shelter" also includes those environments that comply with generally accepted agricultural and management principals adopted pursuant to the Right to Farm Act, M.C.L.A. 286.471 et seq., or as otherwise specifically provided for by State law. An animal must be able to stand up, sit down, lie down, and turn around inside the shelter. Interior must be protected from the elements; wind, rain, snow and sun. Interior must be clean and not moldy.
 - (1) “Inadequate shelter” includes, but is not limited to:
 - A. Crawl spaces under buildings or parts of buildings, such as steps, decks, or stoops;
 - B. The space under a vehicle or in truck caps;
 - C. The inside of a vehicle, other than a functional climate controlled motor home;
 - D. Shelters made from cardboard or other materials that are easily degraded by the elements;
 - E. Animal carriers or crates that are designed to provide temporary housing;
 - F. Barrels;
 - G. Cages with wire or chain-link floors; or

- H. Shelters surrounded by waste, debris, obstructions or impediments that could adversely affect an animal's health.
- (ii) "State of good health" means freedom from injury, disease, illness and parasite infestation, and in a condition of proper body weight, hydration, temperature and grooming for the age and species of the animal, unless the animal is undergoing appropriate veterinary treatment.
 - (jj) "Sterilized" means an animal which has, by virtue of a surgically performed castration or ovariectomy or other recognized veterinary procedure, been rendered incapable of sexual reproduction.
 - (kk) "Tethering" means the restraint and confinement of an animal by use of a chain, rope, or similar device. "Tethering" does not include shock collars (also called e-collars, Ecollars, remote training collars, Zap collars or electronic collars) that deliver electrical shocks to the neck of an animal. Chains rated grade 70 or more are prohibited.
 - (ll) "Torment" means an act or omission that causes unjustifiable pain, suffering, or distress to an animal, or that causes mental and emotional anguish in the animal; as evidenced by its altered behavior or condition.
 - (mm) "Torture" means to cause agony or intense pain with the intent to punish, coerce, or to afford sadistic pleasure.
 - (nn) "Township" means Bedford Charter Township.
 - (oo) "Veterinarian" means a person licensed to practice veterinary medicine under the laws of the State of Michigan or under a similar law of another state or Federal authority that is applicable to that person.
 - (pp) "Vicious dog" means an animal of the *Canis familiaris* species which, when either unmuzzled or unleashed or when not confined to the premises of the owner, menaces a person in a manner which an ordinary and reasonable person would conclude to be an apparent attitude of attack. No dog shall be deemed vicious if it menaces a trespasser on the premises of its owner or a person who has provoked or tormented it, or is a trained animal for law enforcement or guard duties acting pursuant to its official duties.
 - (qq) "Wild animal" means any animal normally found in the wild irrespective of geographic origin, or any crossbreeds of these animals with domestic animals, or any descendant of such crossbreeds which is 25% or more wild animal, and which because of its size or vicious propensity or other characteristic would constitute a danger to human life or domesticated animals. Any canine with a genetic make-up of 25% or higher wolf, coyote, or fox shall be considered a wild animal.

Section 2. [INTENTIONALLY LEFT BLANK].

Section 3. EXCEPTIONS.

The provisions of Section 2 shall not apply to:

- (a) Any animal properly contained, kept, maintained, and being displayed or offered for sale to the public in a properly licensed store;

- (b) Any animal properly kept and maintained at a zoological garden, a licensed circus, an educational institution or any Bedford Charter Township park.

Section 4. RELEASING OR SEIZING OTHER PERSONS' ANIMALS.

- (a) Except as otherwise permitted by this ordinance, no person shall let out, untie, unloose, take or seize any animal lawfully and rightfully kept by another in any stable, pasture, yard or other enclosure so as to allow such animal to run at large.
- (b) A person may seize and take into custody or possession any animal found running at large or trespassing upon the premises owned or occupied by such person. A person who takes an animal into custody or possession pursuant to this subsection shall notify the Police Department within 24 hours of his or her action. The Police Department shall promptly take custody or possession of the animal.

Section 5. [INTENTIONALLY LEFT BLANK].

Section 6. DUTY OF MOTORIST WHO STRIKES AN ANIMAL.

Any operator of a motor vehicle who knows or has reason to believe that he or she has struck an animal shall, at once, report the accident to the appropriate law enforcement agency.

Section 7. [INTENTIONALLY LEFT BLANK].

Section 8. [INTENTIONALLY LEFT BLANK].

Section 9. CRUELTY TO ANIMALS.

- (a) No person shall cruelly treat or abuse an animal in any of the following ways:
 - (1) Kill without just cause, willfully and maliciously kill, maim, disfigure, beat, torment, torture, overload, overwork, abandon or otherwise abuse an animal; cause, instigate or permit any fight or combat with or between animals; or cruelly drive or work an animal or cause an animal to be cruelly driven or worked;
 - (2) Abandon or willfully neglect an animal which he or she knows or has reason to believe is suffering due to age, disease, malnutrition, parasite infestation or injury, or fail to report such condition to the appropriate law enforcement agency for appropriate action;
 - (3) Fail to provide his or her animal with sufficient food, potable water, exercise, grooming, sanitary conditions, shelter, protection from the weather; or failure to provide an animal with sufficient food, potable water, exercise, grooming, sanitary conditions, shelter, protection from the weather; where that person has a duty to provide that care or has agreed to provide that care;
 - (4) Fail to provide veterinary or other medical care to an animal owned by that person or where there is a duty or relationship to care for that animal when

an animal is in pain or distress, including, but not limited to, the following when an animal is:

- A. In a state of emaciation;
 - B. Unable to rise or walk;
 - C. Crying out in pain;
 - D. Unable to eat or drink;
 - E. Suffering from unattended broken bones, wounds, burns, or contusions;
 - F. Painful or difficult breathing;
 - G. Passing blood in urine, feces, and/or vomit;
 - H. Infested with parasites or maggots; or
 - I. Infected with a skin disease.
- (5) Knowingly give or administer to an animal any poisonous substance, alcoholic beverage or controlled substance, unless prescribed by a veterinarian or as otherwise lawfully provided for in this ordinance or by State law;
- (6) Knowingly place, expose, or leave any poisonous substances at any public or private place, whether mixed with food or not, so that the same is reasonably likely to be eaten by an animal. However, it shall not be unlawful for a person to do the following:
- A. Place, on his or her own property, commonly recognized and lawfully obtained poisons, mixed only with vegetable substances, for the purpose of rodent extermination;
 - B. Place poisons, on his or her own property, for the purpose of controlling the depredations of designated animals pursuant to and in accordance with the rules governing a valid permit issued by the Michigan Department of Natural Resources, or other agency or authority as provided for by State law.
- (7) When transporting an animal:
- A. Failing to safely enclose the animal within the vehicle; or if in an unenclosed or partially enclosed vehicle, including but not limited to, convertibles, pick-up trucks, or flatbed trucks, failing to confine the animal in a container case or other device that is of proper and adequate size that will prevent the animal from falling from or jumping from the motor vehicle;
 - B. Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner;

- C. Carry or cause to be carried a live animal in or upon a motor vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subsection, for purposes of transportation of sled dogs, "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.
- (8) Confine an animal on a tether unless the tether allows the animal access to suitable shelter and:
- A. For dogs, the tether is at least ten feet in length; the tether and collar, harness or other type of collaring device when taken together does not, due to weight, inhibit the free movement of the dog.
 - B. For all other animals, the tether is at least three times the length of the animal as measured from the tip of its nose to the base of its tail, or the tether permits movement over at least 120 square feet, whichever is greater.
 - C. The manner of tethering does not allow an animal to become tangled, injured or to suffer undue stress, suffer strangulation, cause entanglement on fences, trees or other man-made or natural obstacles or objects.
 - D. The weight of the tether does not allow the animal to comfortably raise its head or move.
 - E. The tether has swivels on both ends.
 - F. The collar used with the tether is not a collar type that has prongs, or will pinch or choke the animal.
 - G. The collar, harness or any other type of collaring device being used is designed for that purpose and made from material that prevents injury to the dog.
 - H. The period of tethering does not exceed one continuous hour, except that tethering of the same dog may resume after a hiatus of three continuous hours; and the dog is tethered no more than a total of three hours per day.
- (9) Confine an animal:
- A. Without sufficient potable water made continuously available unless otherwise directed by a licensed veterinarian, or lack of food, or proper care;
 - B. Within or on a motor vehicle at any location under such conditions as may endanger the health or welfare of the animal, including, but not limited to ambient temperature above 80 degrees Fahrenheit or below 25 degrees Fahrenheit;
 - C. In such a fashion that the animal does not have a dry area to rest;

- D. If a dog, in an outdoor kennel, pen, or enclosure that is of a size that does not allow the dog to stand or adequately move around and in no instance shall the kennel be less than 32 square feet;
 - E. With another animal that is a natural enemy, temperamentally unsuited, or otherwise incompatible to be so near to each other as to cause injury, fear, or torment;
 - F. By use of a chain rated grade 70 or more; or
 - G. In a cage, carrier, or animal crate that does not allow an animal to stand or turn around.
- (10) Unless performed by a licensed veterinarian, to crop an animal's ears, dock a tail, neuter, castrate, or to perform any other surgical procedure upon an animal;
 - (11) Color, dye, stain or otherwise change the actual color of a fowl or rabbits;
 - (12) Intentionally run down or otherwise abuse, harass, or worry any animal with any vehicle including but not limited to a bicycle or motor vehicle, including an off-road vehicle, motorcycle, motorbike, or snow-mobile;
- (b) This section does not prohibit the lawful killing or other use of an animal, including, but not limited to, the following:
 - (1) Fishing, hunting, trapping or wildlife control pursuant to State or Federal regulation;
 - (2) Horse racing pursuant to local, state or federal regulation;
 - (3) The lawful operation of a zoological park or aquarium;
 - (4) Pest or rodent control pursuant to local, state or federal regulation;
 - (5) Farming or generally accepted animal husbandry or farming practices involving livestock; or
 - (6) Scientific research pursuant to State or Federal law.

Section 10. RESPONSIBILITY OF OWNERS FOR VIOLATIONS.

An owner of an animal shall be found by a court as having prima facie responsibility for any violations of this ordinance. This section does not preclude a person other than an owner, who has care, custody or responsibility for an animal from being found in violation of this ordinance.

Section 11. NUISANCE ANIMALS.

No person owning, possessing or having charge or control of an animal shall:

- (a) Permit such animal, whether licensed or unlicensed, to go beyond the premises of the owner unless the animal is held securely on a leash that is not longer than eight feet in length, or upon the premises of another, unless given permission by the owner or occupant thereof. Nothing in this subsection shall be construed to conflict with the provisions of the ADA as it relates to service animals.

- (b) Permit such animal if it is vicious to be unconfined, unless securely muzzled and led by a leash not exceeding three feet in length.
- (c) Permit such animal, if it is a female animal, to go beyond the premises of such owner when such dog or cat is in heat.
- (d) Own, harbor or keep any animal which, by frequent or loud habitual barking, yelping or howling, causes annoyance to other persons residing in the neighborhood.
- (e) Own, harbor or keep such animal if it has been bitten by an animal known to have been or reasonably suspected of having been afflicted with rabies at the time such animal was bitten, unless such bitten animal has been surrendered to the Police Department or an Animal Control Officer, held for observation and released by the Animal Control Officer.
- (f) Own or harbor any animal, either licensed or unlicensed, that, by the destruction of property or trespassing on the property of others, becomes a nuisance.
- (g) Permit such animal to be in a playground, school yard, beach, cemetery or other posted area, without the express permission of the authority in charge. This subsection shall not apply to police-owned dogs, or service animals, as defined by the ADA, when accompanied by their owner or his or her authorized agent, while actively engaged in an activity for which such dogs are certified and trained.
- (h) Fail to remove and dispose of, in a sanitary manner, any excreta deposited by such animal upon public or private property.
- (i) Except where agricultural uses are allowed by zoning, allow an animal to be unrestrained when outdoors on private property, unless a person capable of controlling the animal is in attendance with the animal or unless adequate measures have been taken to prevent the animal from leaving the property. As used in this subsection, "adequate measures" include, but are not limited to, confining the animal to a fenced area which may include all or a portion of the property; confinement on a chain, rope or tether which is sufficiently strong and secure considering the size of the animal confined; or use of an electronically activated collar which prevents the animal's escape from the property.

Section 12. RABID ANIMALS; SUSPECT ANIMALS; RESPONSIBILITIES OF OWNERS, ETC.

- (a) Any person who owns or has in his or her possession or charge an animal which has contracted rabies, which has been subjected to the same, which is suspected of having rabies, or which has bitten any person shall, upon demand of a police officer or an ACO, produce proof of license, evidence of rabies vaccination and information as to the animal's whereabouts and shall surrender such animal for seizure and impoundment as provided in Section 13 of this ordinance.
- (b) Any person who owns or has possession or charge of an animal which has been attacked or bitten by another animal showing the symptoms of rabies shall immediately notify an ACO or the Police Department of his or her possession of such animal. If directed by a police officer or ACO, such person shall surrender the animal for seizure and impoundment pursuant to Section 13 of this ordinance.

- (c) Any person who owns or has possession or charge of an animal which has bitten or scratched and broken the skin a human being, or another animal, shall immediately place and keep such animal on a tether, or otherwise similarly restrained, even though the animal remains on the owner's property, and shall immediately notify the Police Department or an ACO of all the facts known to the person concerning the incident. The person shall keep the animal continually under such supervision and control as may be required by the Police Department or an ACO, or upon the direction of a police officer or ACO, shall turn the animal over to the Police Department or ACO for seizure and impoundment pursuant to Section 13 of this ordinance. An animal that has bitten shall be kept in the owner's home or a secure structure authorized by a person enforcing this ordinance that would not allow any other person or animal to come in contact with it except for family members. At the owner's expense, animals may be quarantined at a veterinarian's office or, at the discretion of an ACO, at the facility with whom the Township contracts, or the agency with whom the Township contracts to provide police services contracts, to provide animal shelter services.

Section 13. SEIZURE AND IMPOUNDMENT OF ANIMALS; CIRCUMSTANCES AUTHORIZING.

A police officer or ACO is authorized to seize animals under the following circumstances and impound such seized animals as provided in Section 14, as applicable:

- (a) Any animal found in the Township which is doing any of the acts enumerated in Section 11(a) through (c), (e), (f), and (i) of this ordinance;
- (b) All animals in the custody of persons in violation of Section 9 of this ordinance at the time of their arrest, whether physical arrest or by appearance ticket;
- (c) Any animal which has attacked a person or another animal, causing serious injury or death, or any animal which, when found, is not on the premises of the owner and has attacked a person or another animal and caused an injury that is not a serious injury;
- (d) An animal which:
 - (1) Has contracted rabies;
 - (2) Has been subjected to rabies;
 - (3) Is reasonably suspected of having rabies;
 - (4) Has bitten or scratched and broken the skin of a human being or another animal; or
 - (5) Has been attacked or bitten by another animal showing the symptoms of rabies.
- (e) Any animal that appears from all of the circumstances to be abandoned, whether or not the animal appears to be in a state of good health, provided that if the animal is on private property, the seizure is under the authority of a search warrant;
- (f) All animals in the custody of persons in violation of Section 18 of this ordinance.

Section 14. IMPOUNDMENTS; PROCEDURES; TIME PERIODS; NOTIFICATION; DISPOSITION OF ANIMAL; COSTS.

- (a) Search Warrants. Whenever an animal is found on private property, a search warrant shall be obtained before a police officer, ACO, or other Township agent may go onto the private property and remove the animal. Provided, however, that under the following circumstances, an animal may be removed from private property without first obtaining a search warrant:
- (1) When a reasonable person would believe that the animal's life is in imminent danger;
 - (2) When a reasonable person would believe that an animal is suffering in excruciating pain;
 - (3) When a reasonable person would believe that the animal poses an imminent danger to persons or other animals;
 - (4) When seizure has been ordered by a court order.
- (b) Length of Time Animal Held in Impound.
- (1) Except as otherwise provided in subsection (2), animals impounded under this ordinance shall be held for the following applicable periods:
 - A. Any animal impounded under the provisions of Section 13(a) or (e) of this ordinance, shall be held for not less than four days, except that if the animal has evidence of ownership, or ownership is otherwise ascertained, notification to the owner shall be made in writing and the animal shall be kept for not less than seven days from the date of the notification as provided for in subsection (c) of this section.
 - B. Any animal impounded pursuant to Section 13(b) of this ordinance, shall be held until disposed of pursuant to court order at the conclusion of court proceedings, or until the owner or other responsible person releases ownership of the animal.
 - C. Any animal impounded pursuant to Section 13(c) of this ordinance shall be held for not less than seven days, unless a complaint has been made before a court having jurisdiction of such cases, whereby an order that such animal be destroyed or confined is sought pursuant to Section 23 of this ordinance, in which case such animal shall be held until the case is finally disposed of in accordance with any order entered by the court in the matter.
 - D. Any animal impounded pursuant to Section 13(d) of this ordinance shall be held until an ACO or the County Health Department determines that it is safe to release the animal; or, if an animal impounded pursuant to Section 13(d) is also the subject of a complaint made before a court having jurisdiction of such cases, whereby an order that such animal be killed or confined is sought pursuant to Section 23 of this ordinance, then the animal shall be held until the case is finally disposed of, or until otherwise ordered by the court.

- (2) Any animal which, in the opinion of the licensed veterinarian, is in a condition of health that is not likely to benefit from any reasonable treatment, and which has no evidence of ownership or whose owner, after reasonable efforts, has been unreachable, may be humanely destroyed before the time established in this section.
- (c) Notification of Impoundment. Written notification of impoundment shall be given to every owner of an animal impounded pursuant to Section 13 of this ordinance if the animal has evidence of ownership or ownership is actually otherwise ascertained. Such written notification shall either be personally served upon the owner or shall be posted on the premises of the animal's owner and sent by first class mail to the owner's last known address and shall contain all of the following:
 - (1) A description of the animal;
 - (2) The date the animal was first impounded;
 - (3) The reason for impoundment;
 - (4) The name, address, and telephone number of the place of impoundment;
 - (5) The maximum time that the animal will be held before release or being disposed of;
 - (6) The requirement that the owner provide proof of current license and vaccinations, where required by ordinance or other law;
 - (7) The name of the impounding police officer or ACO;
 - (8) Date that the notice was personally served or posted and mailed, and a notation of which type of service was used.
- (d) Requirements to Redeem Animal From Impound. In addition to any other requirement set forth in this ordinance or by court order, in order to redeem an animal from impound, all of the following requirements must be met:
 - (1) Microchip. Unless an animal already has one, a microchip shall be implanted prior to the animal being redeemed, unless a licensed veterinarian signs an affidavit stating that such implantation would jeopardize the health of the animal;
 - (2) Unaltered animals.
 - A. Sterilization. Upon a third or subsequent time an animal is impounded, any animal six months of age or older shall be sterilized prior to the animal being redeemed from impound, unless a licensed veterinarian signs an affidavit stating that such sterilization would jeopardize the health of the animal;
 - B. Unaltered Fee. When an animal is impounded for the second or subsequent time, the owner or other person responsible for that animal must pay an unaltered animal fee in order to redeem the animal. The unaltered fee is in addition to all other fees, fines, and costs provided for otherwise under these ordinances.
 - C. Voucher. The person paying the unaltered animal fee will receive a voucher, on a form prepared by the agency with whom the Township

contracts for police and animal control services in the amount of the unaltered fee paid, which will be redeemable as follows:

1. Second Impound of Animal. The voucher may be applied up to the full amount toward spaying or neutering the animal redeemed if the spay or neuter is done within 30 days of redemption. If the spay or neuter is done before redemption any difference between the cost of the spay or neuter and the voucher amount will be refunded to the voucher owner upon request. There is no refund of any unused voucher amount if the spay or neuter is not done before redemption.
 2. Third or Subsequent Impound. The voucher may be applied up to the full amount of the spaying or neutering of the animal. The spay or neuter must be done before redemption. There is no refund of any unused portion of the voucher.
- D. Unaltered Fee Not Redeemed. The portion of an unaltered fee not redeemed as set forth above, is to be placed in the Township Animal Control budget for use for any animal control purpose.
- E. Township Not Responsible for Cost of Altering. Nothing herein makes the Township responsible for any costs of spaying or neutering an animal. This provision only allows the unaltered fee to be redeemed for the cost of spay or neuter, up to the amount of the unaltered fee paid, in accordance with these provisions.
- F. Circumstances for Warning on First Impound. If an animal is being redeemed from impound for the first time, the owner or other responsible party will receive a warning, instead of the Class C ticket for a violation of Section 11(a) of this ordinance, Allowing an Animal to Stray, if the animal is voluntarily spayed or neutered prior to redemption. The person may still be cited for any other violation provided for under these ordinances.
- (3) Payment of Costs. Payment in full of all costs while impounded, including but not limited to, microchip implantation, sterilization and for the entire cost of care for the animal while the animal was impounded;
 - (4) Proof of Ownership. Proof of ownership may be accomplished by a current valid license, veterinary records, or proof of purchase or adoption, which reasonably identifies the animal; and
 - (5) Proof of License; Immunization. Proof of current valid license and immunizations, if required by local or State law must be provided.
- (e) If an owner does not complete all of the above requirements listed in subsection (d) hereof within seven days, the animal will be deemed abandoned and forfeited.
- (f) Action for Forfeiture. If an animal is impounded under this ordinance and is being held pending the outcome of a criminal action charging a violation of Section 9 of this ordinance, before final disposition of the criminal charge:
- (1) The Township Attorney may file a civil action in the court that has jurisdiction of the criminal action, requesting that the court issue an order

forfeiting the animal to the Township or its designee before final disposition of the criminal charge.

- (2) The Township Attorney shall cause to be served a copy of the summons and complaint upon the defendant and upon a person with a known ownership interest or known security interest in the animal or a person who has filed a lien with the Secretary of State in an animal involved in the pending action. The forfeiture of an animal under this section encumbered by a securing interest is subject to the interest of the holder of the security interest who did not have prior knowledge of, or consent to the Board of the crime.
- (3) Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing shall be conducted within fourteen (14) days of the filing of the civil action, or as soon as practicable. The hearing shall be before a judge without a jury. At the hearing, the Township Attorney has the burden of establishing by a preponderance of the evidence that a violation of Section 9 of this ordinance has occurred.
- (4) If the court finds that the Township Attorney has met this burden, the court shall order immediate forfeiture of the animal to the Township or its designee unless the defendant, within 72 hours of the hearing, submits to the Court Clerk cash or other form of security in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the Township or its designee in caring for the animal from the date of initial impoundment to the date of trial. If cash or other security has been submitted, and the trial in the action is continued at a later date, any order of continuance shall require the defendant to submit additional reasonable costs anticipated to be incurred by the Township or its designee in caring for the animal until the new date of trial.
- (5) If the defendant submits cash or other security to the court under this subsection the court may enter an order authorizing the use of that money or other security before final disposition of the criminal charges to pay the reasonable costs incurred by the Township or its designee in caring for the animal from the date of initial impoundment to the date of final disposition of the criminal charges.
- (6) The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this subsection does not waive the person's constitutional right against self-incrimination.
- (7) An animal seized under this ordinance is not subject to any other subsequent civil action by the Township related to the animal pending the final judgment of the forfeiture action under this subsection.

Section 15. KEEPING STRAY ANIMALS; FAILURE TO SURRENDER STRAY ANIMAL.

It shall be unlawful for any person in the Township to knowingly and intentionally harbor or keep in possession by confinement or otherwise any animal that does not belong to such person without permission of the owner. Within twenty-four (24) hours from the time such animal came

into his or her possession must surrender the animal to a facility with whom the Township contracts to provide animal shelter service or to an ACO. Upon receiving said animal, an ACO shall take such animal and place it in a facility with whom the Township contracts to provide animal shelter service for a required legal stray hold period of seven (7) days. If such animal is not reclaimed after seven (7) days, the person who possessed and surrendered the animal may apply through normal process and fees to become the adoptive owner of the animal. The expense of sheltering fees, license fee and rabies inoculation must be assumed by the owner if the animal is reclaimed prior to the end of the five (5) days. No person harboring such an animal shall refuse to relinquish such animal to its legal owner prior to the expiration of said seven (7) days.

Section 16. LICENSING; INTERPRETATION.

It being necessary to promote the effective enforcement of licensing and control of dogs and cats within the Township, so that the public health, safety and welfare may be protected, it is the intent of the Township Board that the following sections relating to pet licensing be liberally construed, provided that the provisions are not in conflict with any other law of the Township or other appropriate governmental unit.

Section 17. LICENSE REQUIREMENT; FEES; TERM.

- (a) No person shall own, harbor or keep a dog or cat over the age of six months within the Township, without first obtaining a license from the Township Treasurer or the Calhoun County Treasurer. No person shall own, harbor or keep any other animal required by this ordinance to be licensed without first obtaining a license within the time required by this ordinance from the Township Treasurer, the authorized agent of the Township or the Calhoun County Treasurer. The application for such license shall state the breed, sex, age, color and markings of such animal to be licensed, and the name and address of the owner. The application for a license under this section shall be accompanied by a valid certificate of vaccination for rabies, where required, stating the name of the veterinarian who administered the inoculation to the animal, the date it was given, and the length of time during which such inoculation is effective.
 - (1) Exception. No dog or cat shall be exempt from the rabies vaccination requirement set forth in this ordinance, unless:
 - A. There is a valid medical reason supplied in writing by a licensed veterinarian; or
 - B. A titer test is performed on the dog or cat that proves the animal's titer is sufficient to adequately protect against the rabies virus. The veterinarian performing the titer test must put into writing the results of the test, which will be accompanied by a copy of the titer test results. The titer test must be done each year on the exempt dog or cat before a current license will be issued. If the exempt dog or cat's titer is not sufficient to protect the dog or cat from the rabies virus the dog or cat will be required to have a rabies vaccination or be euthanized. All cost incurred under this section will be paid by the owner of the dog or cat.
- (b) The license fee shall be as prescribed in the schedule of fees as adopted by the Calhoun County Treasurer and in conformance with this section. An application for

an animal license, if for a dog or cat, is accompanied by written proof that dog or cat has been neutered or spayed shall result in a reduced license fee as prescribed in the above-mentioned schedule of fees. However, any waiver or reduction of the license fee as permitted by the schedule of fees or by this ordinance shall not remove or abrogate the obligation of an owner to obtain a license for an animal in conformity with this ordinance. If an animal becomes six months of age after March 1st of any year, the owner shall apply for a license forthwith and be charged the same fee as specified in this subsection unless the animal becomes six months of age after July 1st in any year, in which case the owner shall be charged a license fee of one-half of the fee specified in this subsection. If a licensed dog is transferred to another owner within the Township the last registered owner shall notify the Township Treasurer or County Treasurer (as appropriate) within ten (10) days after transfer so that the license transfer may be documented. A dog with a license from another jurisdiction within the State of Michigan shall not be required to be licensed until the next license year as provided in subsection (b) provided the dog remains with the owner to whom the license was issued.

- (c) The license year for animals shall commence on January 1st and end on the following December 31st, or on the expiration of the rabies certificate of vaccination, whichever occurs first. Licenses issued under this ordinance are not transferable and license fees are not prorated or refundable except as provided in subsection (b) hereof. Applications for licenses shall be made in the December prior to the next licensing year or within 30 days of acquiring a licensable animal. If an animal, pursuant to this ordinance, should have been registered by March 1st of any given year, but is registered after March 1st, the license fee shall be that as set forth in Section 24 hereof.
- (d) There shall be no license fee for a dog used as a service animal as provided for pursuant to the ADA. There shall be no license fee for a dog being trained under contract as an ADA service animal upon presentation to the Township Treasurer or Calhoun County Treasurer (as appropriate) of such contract with a qualified organization recognized by the Michigan Department of Labor and presentation of the record of the dog's health and vaccination history, together with the application described in subsection (a) hereof.
- (e) None of the provisions of this Section shall be construed as requiring the licensing of any dog imported into the Township from outside the State of Michigan for a period not to exceed 30 days for show, trial, breeding or hunting purposes.
- (f) A person who owns, harbors or keeps an animal shall produce a valid animal license upon the request of any person who is authorized to enforce this ordinance.
- (g) If a person has received a citation for a violation of this section, the court shall waive fines, costs, and assessments upon receipt of certification by an ACO or Police Officer that a license was obtained before the appearance date on the citation.

Section 18. LICENSE TAGS.

Dogs and cats shall wear collars affixed with their license tags at all times when off the premises of their owners, except as otherwise permitted by this ordinance or unless the dog is engaged in

lawful sport hunting and is accompanied by its owner. No person other than the owner, an ACO, or a Police Officer, in the line of duty shall remove a license tag from a dog or cat.

Section 19. LIMITATION UPON NUMBER OF DOGS AND CATS; KENNEL LICENSES.

- (a) No person shall suffer, allow or permit to remain on the same or adjacent premises controlled by him or her, within the Township, more than four dogs or five cats, unless he or she obtains a conditional use permit for a commercial kennel as may be allowed by Township zoning ordinances.
- (b) The limitation set forth in subsection (a) hereof shall not apply to the owner of a female dog which has given birth to puppies, which owner may keep such female and such puppies for a period not to exceed three months from the date of birth of the litter. Neither shall such limitation apply to a properly licensed store engaged in the display and sale of dogs.
- (c) The limitation set forth in subsection (a) hereof shall not apply to the owner of a female cat which has given birth to kittens, which owner may keep such female and such kittens for a period not to exceed three months from the date of birth of the litter. Neither shall such limitation apply to a properly licensed store engaged in the display and sale of cats.
- (d) A kennel shall be construed as an establishment wherein or whereon five or more dogs or six or more cats are confined. Any person who keeps or operates an annual kennel shall, in lieu of individual licenses required under this ordinance, apply to the Township Planning Commission for a commercial kennel license as may be permitted under the Township zoning ordinance.
- (e) [Intentionally left blank].
- (f) Any animal kept in a kennel that is six months or older must possess a valid rabies vaccination before a new or renewal license shall be issued.
- (g) The operator of a kennel shall, at all times, keep one tag attached to a collar on each dog six months old or older kept by him or her under a commercial kennel conditional use permit. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel. This section does not prohibit the taking of dogs having a commercial kennel conditional use permit outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show.
- (h)-(k) [Intentionally left blank].
- (l) Nothing in this section shall authorize the existence of a kennel in violation of zoning or health requirements of State law or of other provisions of Township Ordinances.

Section 20. ANIMAL CONTROL OFFICERS.

- (a) The Township shall maintain at least one full-time Animal Control Officer (ACO) who shall be under the control of the supervisor or his or her delegate.

Alternatively, the Township may contract with the City of Battle Creek or other outside agency to provide such services.

- (b) It shall be a violation of this ordinance to:
 - (1) Interfere with, hinder, oppose, obstruct, or molest an ACO in the performance of his or her duties.
 - (2) Remove a collar or tag from any animal without the permission of the owner.
 - (3) Decoy or entice an animal out of an enclosure or off the property of the owner.
 - (4) Seize, molest, or tease any animal while held or led by any person or while on the property of its owner.
 - (5) Refuse to identify or provide one's name to an ACO or Police Officer, or to give a false name in connection with the issuance of a citation under this ordinance or State statute.

Section 21. MINIMUM STANDARDS FOR ANIMAL CONTROL OFFICERS.

The minimum standards for Animal Control Officers shall be:

- (a) The same as for a police officer as to the requirements for physical, educational, mental and moral fitness; and
- (b) A minimum course of study of not less than 100 instructional hours, as described by the Department of Agriculture, unless the ACO is a police officer or has at least three years' experience as an ACO.

Section 22. [INTENTIONALLY LEFT BLANK].

Section 23. ORDER TO SHOW CAUSE; KILLING OR CONFINING ANIMALS; COURT ORDERS TO PROTECT PUBLIC.

- (a) A District Court judge or magistrate shall issue a summons to the owner of an animal to show cause why an animal should not be destroyed, upon a sworn complaint that any of the following exists:
 - (1) A dog is engaged in lawful hunting but is not under the reasonable control of its owner and does not have a license tag attached to its collar.
 - (2) An animal, licensed or unlicensed, has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner of such animal.
 - (3) An animal is a dangerous animal.
 - (4) An animal has shown vicious habits or has, without provocation, molested a person when such person was lawfully on a public highway.
 - (5) An animal, whether duly licensed and wearing a license tag or not, has run at large contrary to this ordinance.

- (b) Upon the filing of a sworn complaint as provided in this section the judge or magistrate shall order the owner of the animal in question to immediately turn the animal over to a registered animal control shelter, a registered animal protection shelter, a licensed veterinarian, or a boarding kennel properly licensed in the Township, at the owner's option. The animal shall be retained by such authority until a hearing is held and a decision is made for the disposition of the animal, including any appeal period. The owner shall notify the person(s) who retain the animal under this section of the complaint and order. The expense of the boarding and retention of the animal is to be borne by the owner. The animal shall not be returned to the owner in any case until it has a current rabies vaccination and a license as required by law.
- (c) After a hearing, the court shall order one of the following dispositions:
- (1) If the animal has been found to have violated Section 23(a)(1), (2), (4), or (5) hereof, the court shall either order the dog destroyed, at the expense of the owner, or confined to the premises as provided for in Section 23(d).
 - (2) If the animal is found to be a dangerous animal under Section 23(a)(3) hereof that has caused serious injury or death to a person or another animal, the magistrate or judge shall order the destruction of the animal, at the expense of the owner.
 - (3) If the court finds that the animal is a dangerous animal under Section 23(a)(3) hereof but that did not cause serious injury or death to a person or another animal, but is likely in the future to cause serious injury or death to a person or another animal, or in the past has been adjudicated a dangerous animal, the court may order the destruction of the animal, at the expense of the owner. If destruction is not ordered, the court shall order the animal confined to the premises as provided for in Section 23(d) and shall notify the animal control authority for the county in which the complaint was filed of the finding of the court, the name of the owner of the dangerous animal, and the address at which the animal was kept at the time of the finding of the court. The court may also order the owner to comply with one or more of the provisions of Section 23(e).
- (d) "Confinement to premises" means that the owner must install an escape-proof fence or enclosure, including a top or roof, to ensure that the animal cannot escape or that nonauthorized individuals cannot enter the premises.
- (e) In addition to the dispositions ordered by the court in Section 23(c) hereof the court may order one or more of the following:
- (1) Order the owner to have an identification chip inserted in the animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The microchip identification number shall be provided to Animal Control in writing within seven days of insertion.
 - (2) Order the owner to have the animal sterilized.
 - (3) Order the owner to obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the animal.

- (4) Order the owner to obtain and maintain current rabies vaccination and a license, as required by law.
- (5) Order the owner to pay all costs of boarding and retention of the animal, including medical expenses, that were incurred from the date of the impoundment until the animal is released pursuant to court order, including any time that the animal is retained for the purposes of an appeal period running.
- (6) Order the owner to pay the actual costs of the Township in prosecuting this matter.
- (7) Any other action appropriate to protect the public.

Section 24. [INTENTIONALLY LEFT BLANK].

Section 25. [INTENTIONALLY LEFT BLANK].

Section 26. [INTENTIONALLY LEFT BLANK].

Section 27. GIVING ANIMALS AS PRIZES.

- (a) No person shall give away any live vertebrae animal as a prize for, or as an inducement to enter any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer any vertebrae animal as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.
- (b) As used in this section, "vertebrae animal" means any fish, amphibian, reptile, bird or mammal.
- (c) Whoever violates this section is responsible for a Class D Municipal civil infraction and shall be subject to the civil fine set forth in the Bedford Charter Township Municipal Civil Infraction Ordinance and shall be subject to the equitable powers of the District Court to enjoin further violations of this section.

Section 28. WILD ANIMALS.

No person shall keep, harbor, or allow a wild animal to remain on his or her property unless he or she:

- (a) Obtains and maintains all State and Federal permits required to keep this animal.
- (b) Allows ACO's to inspect the animals and the area they are being kept in order to best ensure the health and safety of the animals and the community. Inspections can be done at any time and as often as the officer deems necessary.
- (c) Maintains an adequate area where the wild animal is kept depending on biological and social need of the species to prevent escape and to keep the animal safe and in sanitary conditions.
- (d) Provides veterinary care to keep the animal in good health.
- (e) Be presumed liable for damage or injury caused by the animal.
- (f) If the animal escapes, it is the duty of the owner to immediately report the escape to the Police Department and to recapture the animal. However, if the animal poses a danger to the public safety, then Animal Control will assist at the owner's expense with whatever means are available to recapture the escaped animal, including the destruction of the animal. For purposes of this section, "immediately" shall mean within one hour after becoming aware of the escape or within one hour after the owner should reasonably be aware of the escape.
- (g) Complies with applicable zoning laws.

Section 29. CLASSIFICATION OF ANIMALS.

- (a) Purpose: The purpose of this section is to establish a procedure whereby animals that pose a significant threat of causing serious injury to humans, other animals or property are identified and subjected to precautionary restrictions before any such serious injury occurs.
- (b) Classification of Levels of Dangerousness: An animal shall be classified as potentially dangerous or dangerous based upon specific behaviors exhibited by the animal. An animal will be considered a potentially dangerous animal if it exhibits behavior described in subsections (1) and/or (2) of this section. An animal will be considered a dangerous animal if it exhibits behavior described in subsections (3), (4), and/or (5).
 - (1) Level 1 behavior is established if an animal at-large is found to menace, chase, display threatening or aggressive behavior, or otherwise threaten or endanger the safety of any domestic animal.
 - (2) Level 2 behavior is established if an animal at-large is found to menace, chase, display threatening or aggressive behavior, or otherwise threaten or endanger the safety of any person.
 - (3) Level 3 behavior is established if an animal, while confined due to posing a significant threat as determined by an ACO or Police Officer, aggressively bites or causes physical injury less than serious injury to any person.

- (4) Level 4 behavior is established if an animal, while at-large, aggressively bites or causes physical injury less than serious injury to any person or domestic animal.
- (5) Level 5 behavior is established if:
 - A. An animal, whether or not confined, causes the serious injury or death of any person; or
 - B. An animal, while at-large, kills or causes serious injury to any domestic animal; or
 - C. An animal engages in or is found to have been trained to engage in exhibitions of fighting; or
 - D. An animal that has been classified as a Level 3 or 4 dangerous animal repeats the behavior described in subsection (3) and (4) of this section after the owner receives notice of the classification level.
- (6) Notwithstanding subsection (1) through (5) of this section, the ACO or a Police Officer shall have discretionary authority to refrain from classifying an animal as potentially dangerous or dangerous even if the animal has engaged in the behaviors specific in subsections (1) through (5) of this section, if the ACO or Police Officer determines that the behavior was the result of:
 - A. A person trespassing on the property of the animal's owner;
 - B. A person provoking or tormenting the animal;
 - C. The animal responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault; or
 - D. An injury to the animal.
- (c) Identification of Potentially Dangerous, Animals; Appeals; Restrictions Pending Appeal.
 - (1) The ACO or a Police Officer shall have authority to determine the classification of any animal. This determination shall be based upon an investigation that includes a person's observation of, and testimony regarding, the animal's behavior, including the animal's upbringing and control of the animal. These observations and testimony can be provided by ACO's or by other witnesses who personally observed the behavior. The witness(es) shall sign a written statement attesting to the observed behavior and agree to provide testimony, if necessary, regarding the animal's behavior.
 - (2) The ACO shall notify the owner or agent in control by certified mail or personal service of the animal's behavior and classification as a potentially dangerous or dangerous animal and of the additional restrictions applicable to that animal by reason of its classification. If the owner denies that the behavior in question occurred, proceedings may begin pursuant to Act 426

of the Public Acts of 1988, as amended, being Sections 287.321 - 287.323 of the Michigan Compiled Laws.

- (3) Once the owner has received notice of the animal's classification as a Level 1, 2, 3 or 4 animal pursuant to Section 28(b) hereof, the owner shall comply with the restrictions specified in the notice.
 - (4) If the ACO finds that an animal has engaged in Level 5 behavior, he shall order the owner to immediately turn the animal over to the facility with whom the Township contracts to provide animal shelter services, an incorporated humane society, or a licensed veterinarian, at the owner's option, to be retained until a hearing regarding the disposition of the animal. The owner shall notify the person who retains the animal of the pending hearing and shall notify the ACO as to where the animal is to be held. The expense of the boarding, veterinary care, testing for rabies, and retention of the animal is the obligation of the animal's owner.
 - (5) The imposition of regulations pursuant to this section shall not prevent an ACO from also filing a complaint with the District Court.
- (d) Regulation of Potentially Dangerous Animals: In addition to the other requirements of this ordinance, the owner of a potentially dangerous animal shall comply with the following regulations:
- (1) If the animal has engaged in Level 1 behavior, the animal shall be restrained by a physical device or structure that prevents the animal from reaching any public sidewalk or adjoining property whenever that animal is outside the owner's home and not on a leash. The Township Board may adopt administrative rules establishing specifications for the required device or structure.
 - (2) If the animal has engaged in Level 2 behavior, the owner shall confine the animal within a secure enclosure whenever the animal is not held on a leash or inside the home of the owner. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's property.
 - (3) If the animal has engaged in Level 3 behavior, the owner shall meet the requirements of subsection (2) of this section, and shall also post warning signs on the property in conformance with administrative rules to be adopted by the Township Board.
 - (4) If the animal has engaged in Level 4 behavior, the owner shall meet the requirements of subsection (2) and (3) of this section and shall not permit the animal to be off the owner's property unless the animal is muzzled and restrained by an adequate leash and under the control of the owner or agent in control, or is within a securely fastened enclosed structure.
 - (5) Any animal that has been found to have engaged in Level 5 behavior as described in Section 28(b) hereof, may be euthanized upon a court order sought by Animal Control. After a show cause hearing the court shall order the destruction of the animal, at the expense of the owner if the animal is found to be a dangerous animal that caused serious injury or death to a person or an animal.

- (6) The court may order the destruction of the animal, at the expense of the owner, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal.
- (7) To insure correct identification, all animals that have been classified as dangerous shall have a microchip placed in the animal, at the owner's expense, by or under the supervision of a licensed veterinarian and the microchip number shall be provided to Animal Control in writing within seven days of placement. The microchip shall be placed in the area recommended by the veterinarian in conjunction with the type of animal being micro chipped.
- (e) Reporting of Potentially Dangerous or Dangerous Animal: Any person who observes or has evidence of dangerous animal behavior shall forthwith notify the Township or ACO or Police Department with whom the Township contracts for police services.

Section 30. PENALTY; EQUITABLE REMEDIES.

- (a) Except as otherwise provided, a person who violates or fails to comply with any of the provisions of this ordinance is responsible for a Class C Municipal civil infraction and shall be subject to the civil fine set forth in the Bedford Charter Township Municipal Civil Infraction Ordinance. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) A person who violates or fails to comply with Section 9, 11(b), 12, 23(b), or 26 hereof is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 90 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (c) In addition to the penalties provided in this section, the court may prohibit or restrict a person convicted of a violation for cruelty from owning, possessing or harboring an animal or fowl for a period of up to two years.
- (d) Except for a licensed veterinarian with a valid medical purpose, anyone who removes or attempts to remove an implanted microchip from an animal is guilty of a misdemeanor and shall be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than 90 days, or both, for each offense.
- (e) If an animal, previously adjudicated to be a dangerous animal, pursuant to Section 23(c)(2) or (3) hereof, or Act 426 of the Public Acts of 1988, attacks or bites a person and causes an injury that is not a serious injury, the owner of the animal is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not less than five hundred dollars (\$500.00), or community service work for not less than 240 hours, or any combination of these penalties, plus the costs of the prosecution.

- (f) If the owner of an animal that has been previously adjudicated to be a dangerous animal, pursuant to Section 23(c)(2) or (3) hereof or Act 426 of the Public Acts of 1988, allows the animal to run at large, such owner is guilty of a misdemeanor, punishable by imprisonment for not less than 90 days, a fine of not less than five hundred dollars (\$500.00), or community service work for not less than 240 hours, or any combination of these penalties, plus the costs of prosecution.
- (g) In addition to the penalties provided for in this section, this ordinance may be enforced by suit for injunction, action for damages or any equitable relief appropriate to the enforcement of this ordinance, and including any relief provided for a Municipal Civil Infraction violation under Act 12 of the Public Acts of 1994, being M.C.L.A. 600.101 et seq.

Section 31. SEVERABILITY OF INVALID PROVISIONS.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid section, paragraph, clause, or provision, and for this purpose, the sections, paragraphs, clauses, and provisions of this Ordinance are hereby declared to be severable.

Section 32. REPEAL.

Ordinance number 608, adopted June 9, 2005 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 33. SAVINGS.

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 34. EFFECTIVE DATE.

This Ordinance shall take effect on the date of publication pursuant to MCL 42.22, which publication shall take place within thirty days from the date of adoption and shall be in a local newspaper of general circulation. Publication of a summary of this Ordinance, as part of the published proceedings of the Township Board, shall constitute publication of the Ordinance.

This Ordinance is hereby declared to have been passed and adopted by Bedford Charter Township, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this _____ day of _____, 2018.

Adam Heikkila, Supervisor

ATTEST:

Joyce Feraco, Clerk

Prepared by:
John H. Macfarlane (P29075)
Mumford, Schubel, Macfarlane & Barnett, PLLC

/dlm