

Chapter 4

**ANIMALS\***

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\***State law references**—Authority to adopt animal control ordinance, MCL 287.290; crimes related to animals and birds, MCL 750.49 et seq.; wildlife conservation, MCL 324.40101 et seq.



**ARTICLE I. IN GENERAL****Sec. 4-1. Cruelty.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Adequate care* means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

*Animal* means one or more vertebrates other than a human being.

*Animal control shelter* means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the county, city, village, or township or state law.

*Animal protection shelter* means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.

*Neglect* means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

*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.

*Shelter* means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter for a dog shall include one or more of the following:

- (1) The residence of the dog's owner or other individual.
- (2) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- (3) A structure, including, but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (2) of this definition that is accessible to the dog.

*State of good health* means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

*Tethering* means the restraint and confinement of a dog by use of a chain, rope, or similar device.

*Water* means potable water that is suitable for the age and species of animal, made regularly available unless otherwise directed by a veterinarian licensed to practice veterinary medicine.

(b) *Prohibition.* An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

- (1) Fail to provide an animal with adequate care.
- (2) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.
- (3) 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.
- (4) Carry or cause to be carried a live animal in or upon a 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 subdivision, 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.
- (5) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, walking, hiking or hunting shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.
- (6) Willfully or negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.
- (7) Tether a dog unless the tether is at least three times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering.

(Code 1959, § 21.001)

**State law reference**—Similar provisions, MCL 750.50.

#### **Sec. 4-2. Poisoning animals.**

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.

(Code 1959, § 21.002)

**State law reference**—Similar provisions, MCL 750.437.

**Sec. 4-3. Birds and birds' nests.**

No person, except a police officer acting in his official capacity, shall molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof.

(Code 1959, § 21.003)

**Sec. 4-4. Keeping of livestock prohibited.**

No person shall keep or possess within the village limits of the village, fowl or livestock, including, but not limited to, cows, horses, mules, hogs, poultry or goats.

(Code 1959, § 21.004)

**Secs. 4-5—4-30. Reserved.****ARTICLE II. DOGS\*****Sec. 4-31. Presumption of ownership.**

Any person who shall permit any dog to remain about any premises owned or occupied by him for a period of five days shall be deemed the owner of such dog for the purposes of this article.

(Code 1959, § 21.051)

**Sec. 4-32. Restrictions.**

No person owning, possessing or having charge of any dog, four months of age or over, shall permit such dog:

- (1) To be unconfined between sunset and sunrise of the following day unless in the custody of some person;
- (2) If vicious, to be unconfined at any time unless securely muzzled and led by a leash and any dog shall be deemed vicious which has bitten a person or domestic animal without molestation, or which, by its actions, gives indication that it is liable to bite any person or domestic animal.
- (3) To be unconfined at any time unless vaccinated against rabies within the past year and unless such dog shall have a tag on its collar showing such current vaccination; provided, this subsection shall apply only to dogs six months of age or older;
- (4) If a female dog, to be unconfined when said dog is in heat;
- (5) To be an annoyance or nuisance in the vicinity where kept because of loud or frequent or habitual barking, yelping or howling, or by reason of damaging or trespassing on the property of others.

(Code 1959, § 21.052)

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\*State law reference—Dogs, MCL 287.261 et seq.