

STATE OF MICHIGAN, COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C- 231-D

DOG ORDINANCE AMENDMENT

An Ordinance to amend the Township regulations regarding dogs by amending existing provisions and adding provisions regarding dangerous dogs.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Sections 7-16 and 7-20 in Article II, Dogs, of Chapter 2, Animals, of the West Bloomfield Charter Township Code, are amended to read as follows.

Sec. 7-16. Definitions.

The following terms when used in this Article shall have the meanings set forth in this section:

Attack means the use of force by a dog against a person, another dog or domesticated animal (a "victim") consisting of either two or more bites, one bite combined with pulling, shredding and/or shaking, one bite with a refusal to release, leaving the property of its owner to chase after a victim, or knocking a person to the ground.

Bite means the use of force by a dog against a person, another dog or domesticated animal (a "victim") by seizing or grabbing a victim, by use of the dog's mouth or teeth, causing the breaking, tearing or puncturing of the victim's skin, animal coat or equivalent, or the breaking, tearing or damaging of the victim's bones, muscles, arteries, veins or other body part.

Dog means an animal of the species *Canis familiaris* or *Canis lupus familiaris*, whether male, female or unsexed.

Domesticated animal means a personal domestic pet (such as a dog, cat and other common household pet), as defined in chapter 26, article IV, section 26-75 of the township code of ordinances.

Dangerous dog means a dog that is afflicted with rabies or a dog that bites or attacks a person, causing serious injury, or a dog that bites or attacks a dog or domesticated animal, causing serious injury, while the other dog or domesticated animal is on the property or under the control of its owner. However, a dangerous dog does not include any of the following:

(a) A dog that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.

(b) A dog that bites or attacks a person who provokes or torments the dog.

(c) A dog that is responding in a manner that an ordinary and reasonable person would conclude that the dog was acting in self defense or in defense of a person, if that person is engaged in a lawful activity or is the subject of an assault.

Owner means any person having a right or property interest in a dog, any person who keeps or harbors a dog or has it in his or her care, or any person who permits a dog to remain in or about any premises occupied or owned by such person.

Provoke means a willful act or omission that an ordinary reasonable person would conclude is likely to precipitate a bite or attack by an ordinary dog.

Reasonable control means held securely on a leash of adequate strength and length by a responsible person of suitable age and strength in relationship to the size and strength of the dog, confined in an enclosed vehicle or container or lawfully in a dog park as defined and provided for in Chapter 16.

Serious injury means permanent, serious disfigurement, serious impairment of health, serious impairment of a bodily function, or death of a person, dog or domesticated animal.

Torment means an act or omission that causes unjustifiable pain, suffering and distress to a dog, or causes mental and emotional anguish in the dog as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion or punishment that an ordinary and reasonable person would conclude is likely to precipitate a bite or attack.

Sec. 7-20. Confinement and reasonable control.

An owner of a dog shall keep such dog confined upon the premises of an owner or under reasonable control at all times.

Section 2 of Ordinance

Sections 7-22 and 7-23 are added to Article II, Dogs, of Chapter 2, Animals, of the West Bloomfield Charter Township Code, to read as follows.

Sec. 7-22. Dangerous dogs.

(a) Upon a sworn complaint that a dog is a dangerous dog by virtue of being afflicted by rabies or is a dangerous dog that has caused serious injury or death to a person or has caused serious injury or death to a dog or domesticated animal, a district court magistrate or a district court shall issue a summons to the owner ordering him or her to appear to show cause why the dog should not be destroyed.

(b) Upon the filing of a sworn complaint as provided in subsection (a), the district court magistrate or district court shall order the owner to immediately turn the dog over, within a period of time not to exceed 24 hours from the date of service or notice of the sworn complaint, to a proper animal control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel (collectively "the Facility"), at the owner's option, to be retained by the Facility until a hearing is held and a decision

is made for the disposition of the dog. The owner shall notify the Facility who retains the dog under this subsection of the sworn complaint and order. The expense of the boarding and retention of the dog is to be borne by the owner. The dog shall not be returned to the owner until it has a current rabies vaccination as required by law and a license as required by ordinance. Upon failure of the owner to turn the dog over, in a timely and proper fashion as required above, the district court magistrate or district court may issue an order to seize the dog for placement, at the expense of the owner.

(c) After a hearing, a district court magistrate or district court shall order the destruction of the dog, at the expense of the owner, if the dog is found to be a dangerous dog afflicted with rabies or a dangerous dog that caused serious injury or death to a person. After a hearing, the court may order the destruction of the dog, at the expense of the owner, if the court finds that the animal is a dangerous dog 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 dog.

(d) After a hearing, a district court magistrate or district court may order the destruction of the dog, at the expense of the owner, if the dog is found to be a dangerous dog that caused serious injury or death to a dog or domesticated animal. After a hearing, the court may order the destruction of the dog, at the expense of the owner, if the court finds that the animal is a dangerous dog that did not cause serious injury or death to a dog or domesticated animal but is likely in the future to cause serious injury or death to a dog or domesticated animal or in the past has been adjudicated a dangerous dog.

(e) In those cases described in subparagraph (d) above, a district court magistrate or district court may order, in lieu of destroying the dog, some or all of the requirements specified in subsections (f) and (f)(i)-(vi) below be imposed; provided, however, the owner shall submit evidence satisfactory to the district court magistrate or district court that said requirements in subsections (f) and (f)(i)-(v) will be sufficient to prevent a reoccurrence and that owner will comply with said requirements as ordered by the court.

(f) If the district court magistrate or district court judge finds that a dog is a dangerous dog but has not caused serious injury or death to a person or has not caused serious injury or death to a dog or domesticated animal, the district court magistrate or district court 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 dog was kept at the time of the finding of the court. In addition, the district court magistrate or district court shall order the owner of that dog to do 1 or more of the following:

(i) Have an identification number, either tattooed upon the dog and/or by insertion of a microchip under the skin between the shoulder blades of the dog, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the dog by the Michigan Department of Agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws. If, the identification number is a tattoo, the tattoo shall be placed on the upper inner left rear thigh of the animal by means of indelible or permanent ink.

(ii) Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the dog cannot escape or non-authorized individuals cannot enter the premises.

(iii) Have the dog sterilized.

(iv) Have the dog muzzled.

(v) Obtain and maintain liability insurance coverage, in amounts determined by the court, sufficient to protect the public from any damage or harm caused by the animal.

(vi) Take any other action appropriate to protect the public.

Sec. 7-23. Violations and penalties.

In addition to the sanctions against a dangerous dog specified above, violations of the provisions of this article are designated as a municipal civil infraction against the owner, with the penalties being as provided in chapter 1, section 1-10(b)-(d) of the township code of ordinances, unless the dangerous dog bites or attacks a person, in which case a violation of these provisions shall constitute a criminal misdemeanor against the owner, with the penalties being as provided in chapter 1, section 1-10(a), (c) and (d) of the township code of ordinances. In either case, the court may order a defendant to pay full restitution to the victim or owner of the victim dog or domesticated animal for actual costs and expenses incurred.

Section 3 of Ordinance

All other parts of this ordinance, not otherwise amended herein, including sections 7-17, 7-18, 7-19, 7-21, shall remain in full force and effect.

Section 4 of Ordinance

All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

Section 5 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance, be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 6 of Ordinance

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

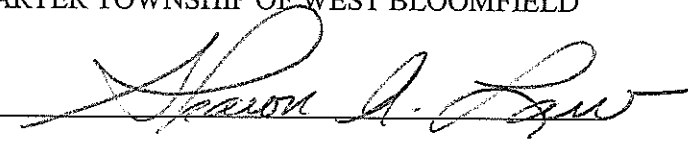
Section 7 of Ordinance

The provisions of this Ordinance are hereby ordered to take effect immediately upon publication.

CERTIFICATION

It is certified that the Ordinance set forth above was duly adopted by the Board of Trustees of the Charter Township of West Bloomfield at a meeting duly called and held on September 11, 2006, to be effective upon publication as provided by law.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: 

RE-INTRODUCED: 08/28/06
RE-ADOPTED: 09/11/06
EFFECTIVE: 09/18/06
PUBLISHED: 09/17/06