

CHARTER TOWNSHIP OF BROWNSTOWN

WAYNE COUNTY, MICHIGAN

ORDINANCE NO. 173-9

AN ORDINANCE TO AMEND ORDINANCE NO. 173, SECTION 133.806, "VICIOUS ACTS" - TO REFLECT STATE STANDARDS REGARDING DANGEROUS ANIMALS, AND SECTION 133.303, "FEES" TO REFLECT UPDATES IN THE COST OF FEES PROVIDED BY THE ANIMAL CONTROL DEPARTMENT.

The Charter Township of Brownstown ordains:

Section 1. Ordinance No. 173, "ANIMAL CONTROL", SECTION 8.06 (133.806) "VICIOUS ACTS" is hereby replaced in its entirety to read as follows:

133.806 - Vicious Animals

Section 8.06

1. **Prohibition.** No person shall own, keep, or harbor a vicious animal.
2. **Vicious Animal Defined.** "Vicious animal" means:
 - (a) A dog or other animal with a known propensity, tendency, or disposition to attack without provocation, to cause injury or to threaten the safety of a person or domestic animal; or,
 - (b) A dog or other animal which has attacked or bitten, without provocation, a person or domestic animal. A first occurrence of an attack or bite may serve to define a dog or other animal as vicious such that no prior instance of attack or bite need be shown to establish a violation of this ordinance; or,
 - (c) Any dog or other animal owned or harbored, primarily or in part, for the purpose of fighting.
3. **Affirmative Defenses.** A dog or other animal shall not be considered a "vicious animal" if:
 - (a) The dog or other animal bites or attacks a person or domestic animal who is trespassing on the property of the dog or other animal's owner. Trespass for purposes of this section shall not include instances in which the person or domestic animal was attacked or bitten while upon a public sidewalk, public easement, or other public egress that may be within, upon, or adjacent to the property owned or occupied by the attacking dog's (or other animal's) owner; or,

(b) The dog or other animal bites or attacks a person who provokes or torments the dog or animal; or,

(c) The dog or other animal responds in a manner that an ordinary and reasonable person would conclude was intended to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

4. **Violation.** The owner of any dog or other animal who attacks or bites any person or other domestic animal and is otherwise deemed "vicious" pursuant to these ordinance sections, such owner shall be deemed to be in violation of this ordinance.

5. **Enforcement.** Upon a determination of a violation, the Township may undertake any enforcement provisions within this ordinance including, but not limited to, a court appearance ticket procedure as described in Section 8.25 (133.825), or may invoke any other remedies available to the Township pursuant to State statute including, but not limited to, MCL 287.322 and MCL 287.286a.

6. **Choice of Remedies.** Remedies sought by the Township through either the ordinance or State statutes are not preconditions for each other, are not mutually exclusive of each other, and may be pursued concurrently. The Township specifically reserves for itself its choice of remedies.

Section 2. Ordinance No. 173, "ANIMAL CONTROL", SECTION 3.03 (133.303), "FEES", subsections A through E only (and not subsection G., Live Trap Fees), are hereby replaced to read as follows:

133.303 – Fees.

Sec. 3.03.

A. Dog Licenses:

1. New licenses obtained before April 30th of any year, \$10.00/1 year. Proof of rabies vaccination is required prior to issuance of license.
2. Renewal of licenses after April 30th of any year, \$20.00/1 year. Proof of rabies vaccination is required prior to issuance of license.
3. Owner release fee:

\$10.00 for First pick up, plus \$10.00 per day boarding fee after notification.

\$20.00 for Second pick up within 3 months, plus \$10.00 per day boarding fee after notification.

\$50.00 for Third and each subsequent pick up within 3 months, plus \$10.00 per day boarding fee after notification.

B. Cat Licenses:

1. New licenses obtained before April 30th of any year, \$5.00/1 year. Proof of rabies vaccination is required prior to issuance of license.
2. Renewal of licenses after April 30th of any year, \$10.00/1 year. Proof of rabies vaccination is required prior to issuance of license.
3. Owner release fee:

\$10.00 for First pick up, plus \$10.00 per day boarding fee after notification.

\$20.00 for Second pick up within 3 months, plus \$10.00 per day boarding fee after notification.

\$50.00 for Third and each subsequent pick up within 3 months, plus \$10.00 per day boarding fee after notification.

C. Animal Adoption Fee: \$55.00 for cats and \$70.00 for dogs (subject to change with notice posted at Township Animal Shelter), plus license fee. This adoption fee includes cost of Township Animal Shelter performing spay/neuter services. If a person adopting animal declines spay/neuter services for any reason, a state-mandated deposit fee of \$25.00 must be rendered at time of adoption. Said spay/neuter deposit is refundable upon written proof that animal has been spayed/neutered within 4 weeks of adoption.

D. Senior Citizens (65 or over) shall be issued either one dog or cat license without cost. Each additional animal license or any lost animal license shall be issued at ½ the regular cost of a license of the current fee schedule.

E. Euthanasia Fee: \$210.00 per animal, and the Township has discretion on lowering the fee for demonstrated financial hardship.

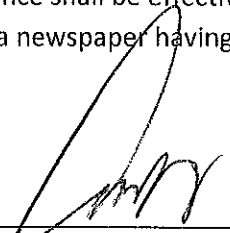
F. Voluntary surrender of an animal: \$40.00 if the animal has a valid license, \$50.00 if no valid license. The service is provided only for animal owners who are residents to Brownstown Township.

Section 3. Severability. If any article, section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such article, section, paragraph, clause or provision shall not affect any of the other provisions or this Ordinance.

Section 4. Repealer. All ordinances, resolutions or orders, or parts of ordinances in conflict with the provisions of this Ordinance to the extent of such conflict, are hereby repealed.

Section 5.

Effective Date; Publication. This Ordinance was approved and adopted by the Township Board of Brownstown Charter Township, Wayne County, Michigan, on May 18, 2015 after introduction and a first reading on April 6, 2015, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication, in The News Herald, a newspaper having general circulation in the Township.

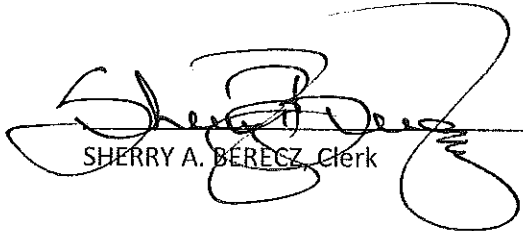


ANDREW LINKO, Supervisor



SHERRY A. BERE CZ, Clerk

I further certify that the foregoing was published in The News Herald, a newspaper of general circulation in the Charter Township of Brownstown, on the 24, day of May, 2015.



SHERRY A. BERE CZ, Clerk