

CHAPTER 612
Animals

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CROSS REFERENCES

Animal pounds - see M.C.L.A. 123.301 et seq., 750.70

Animal diseases generally - see M.C.L.A. 287.2 et seq.

Animals generally - see M.C.L.A. 287.2 et seq., 750.49 et seq., 752.21 et seq.

Zoning Code requirements - see P. & Z. 1268.26

612.01 DEFINITIONS.

As used in this section:

- (a) "Designee" means that entity or agency appointed by the Village of Franklin to enforce and administer the provisions of this chapter; "designee" may include a "Dog Control Officer" or "Animal Control Officer."
- (b) "Dog" means any dog, whether male, female or unsexed.
- (c) "Dog Control Officer" and "Animal Control Officer" mean the person or entity serving the Village of Franklin, or the person or entity designated by the Village of Franklin, for the purpose of enforcement and administration of this chapter.

- (d) "Owner," when applied to the proprietorship of a dog, means every person having a right or property in a dog, every person who keeps or harbors a dog or has it in his or her care, and every person who permits a dog to remain in or about any premises occupied or owned by such person.
- (e) "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.
- (f) "Reasonable control" means when a dog is held securely by a leash of suitable strength and length for the size of the dog, by the owner, possessor or harbinger thereof or any other responsible person of suitable age and strength, or when the dog is in an enclosed vehicle, in a container or on the owner's occupied property.
- (g) "Serious injury" means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.
- (h) "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 the bite or attack.
- (i) "Vicious dog" means a dog that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a vicious dog does not include any of the following:
 - (1) A dog that bites or attacks a person who is knowingly trespassing on the property of the dog's owner.
 - (2) A dog that bites or attacks a person who provokes or torments the dog.
 - (3) A dog 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.(Ord. 169. Passed 10-26-89.)

612.02 DOGS RUNNING AT LARGE.

No person owning a dog shall permit or allow the same to leave said person's premises and must take the proper measures to assure that the dog shall not leave the owner's property except when such dog is under reasonable control as defined in this chapter. No dog shall be permitted or allowed to run at large.

(Ord. 169. Passed 10-26-89.)

612.03 BARKING AND HOWLING ANIMALS.

No person shall own any dog or any other animal which, by loud, frequent or habitual barking, yelping, howling, calling or other similar utterance, shall cause an unreasonable threat or unreasonable annoyance to occupiers of neighboring property or to persons passing by upon the streets.

(Ord. 169. Passed 10-26-89; Ord. 2001-07. Passed 11-12-01.)

612.04 VICIOUS OR RABID DOGS; OWNER'S LIABILITY.

(a) No person shall own a fierce or vicious dog, as defined in this chapter, or a dog that has been bitten by any animal known to have been afflicted with rabies. A dog may be deemed fierce or vicious if the Village of Franklin or its designee has received more than one bite report involving the same dog. Any dog found to be vicious or afflicted with rabies shall be destroyed unless otherwise disposed of as provided herein.

(b) Upon a sworn complaint to the Village of Franklin or the entity serving the Village that a dog is vicious and has caused serious injury or death to a person or to a dog, the Village of Franklin or the entity serving the Village shall issue a summons to the dog owner ordering him or her to appear and show cause why the dog should not be destroyed.

Upon the filing of a sworn complaint, as provided above, the Village of Franklin or its designee shall order the owner to immediately turn the dog over to a proper animal control authority, to be determined, for proper observation as defined in this chapter.

Upon the filing of a sworn complaint, the court or magistrate shall order the owner to immediately turn the dog over to a proper animal control authority, an incorporated humane society, a licensed veterinarian or a boarding kennel, at the owner's option, to be retained by such entity until a hearing is held and a decision is made for the disposition of the dog. The owner shall notify the person who retains the dog of the 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 and a license as required by law.

After a hearing, the magistrate or court shall order the destruction of the dog, at the expense of the owner, if the dog is found to be dangerous and the cause of serious injury or death to a person or a dog. After a hearing, the court may order the destruction of the dog, at the expense of the owner, if the court finds that the dog is dangerous and that although it did not cause serious injury or death to a person, it is likely in the future to do so or in the past has been adjudicated a dangerous dog.

If the court or magistrate finds that a dog is dangerous, but has not caused serious injury or death to a person, the court or magistrate shall notify the animal control authority of the finding of the court, the name of the owner of the dangerous dog, and the address at which the dog was kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of the dog to do one or more of the following:

- (1) 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.
 - (2) Have the dog sterilized.
 - (3) Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the dog.
 - (4) Take any other action appropriate to protect the public.
- (Ord. 169. Passed 10-26-89.)

612.05 DOG HOUSES.

All dog houses shall be in a strategically located place so as to provide adequate shade in the summer months and shall be maintained in a clean and sanitary condition, devoid of rodents, vermin, debris and excrement, and free from objectionable odors. (Ord. 169. Passed 10-26-89.)

612.06 FECAL MATTER; SANITARY CONDITIONS.

No person shall permit a dog owned, harbored or possessed by him or her to deposit fecal matter in any place other than the premises where the dog is harbored or kept, unless such fecal matter is immediately collected and removed to the premises where the dog is harbored or kept. Yards and exercise runs shall be kept free of dog droppings or uneaten food, and maintained in a sanitary manner so as not to be a nuisance because of odor or attraction for flies and vermin. (Ord. 169. Passed 10-26-89.)

612.07 TREATMENT OF DOGS.

No person owning, possessing or harboring any dog, nor any other person, shall treat a dog in a cruel or inhumane manner, negligently cause or permit a dog to suffer unnecessary torture or pain or otherwise harm a dog. (Ord. 169. Passed 10-26-89.)

612.08 DISPOSAL OF DEAD DOGS.

The owner of any dead dog shall promptly dispose of the remains in such manner as not to cause a nuisance. (Ord. 169. Passed 10-26-89.)

612.09 LICENSING OF DOGS; TAGS.

No person shall own, possess or harbor any dog six months of age or over in the Village, unless such dog is licensed by the Township of Southfield, or own, possess or harbor any dog six months of age or over that does not at all times wear a collar or harness with a current license tag attached thereto, as issued by the Township. Such license tag shall be nontransferable to any other dog.

612.10 RESPONSIBILITY FOR DAMAGES.

Every owner, possessor or harbinger of a dog shall be liable for damages for any and all injuries to person or property caused by such dog, to be determined and collected in appropriate civil proceedings, and nothing in this chapter shall be construed to impose any liability upon the Village of Franklin, or its officers, agents or employees, for any damages to persons or property caused by such dog. (Ord. 169. Passed 10-26-89.)

612.11 DOG POUND.

The Village of Franklin will not establish a dog pound but will use the facilities of the entity serving the Village of Franklin. (Ord. 169. Passed 10-26-89.)

612.12 IMPOUNDING OF DOGS BY ANIMAL CONTROL OFFICER.

It shall be the duty of the Village of Franklin's designated Animal Control Officer to take up, seize and place in the dog pound all dogs that may be found running at large or being kept or harbored in any place within the Village of Franklin contrary to the provisions of this chapter. (Ord. 169. Passed 10-26-89.)

612.13 RELEASE OF DOGS; FEE.

No dog shall be released from the dog pound unless the owner, possessor or harbinger, or his or her authorized agent, shall pay a fee as set forth by the Village of Franklin or the entity serving the Village of Franklin. (Ord. 169. Passed 10-26-89.)

612.14 DESTRUCTION OF DOGS.

All dogs not claimed and released within four days, not including the first day of impoundment, shall be destroyed, or if the dog is deemed valuable, the same may be sold for the amount of boarding fees for four days, provided that said dog is properly immunized and licensed at the cost of the purchaser.

If the dog meets the definition of a vicious dog, as set forth in Section 612.01, causing serious injury, the dog shall be destroyed and the dog owner, exclusive of other liability, will be subject to the penalty provided in Section 612.99. (Ord. 169. Passed 10-26-89.)

612.15 CONFINEMENT OF DOGS FOR OBSERVATION.

Any person who owns a dog which has contracted rabies, has been subjected to the same, is suspected of having rabies, has bitten any person, or is found to be vicious, shall, upon demand of the Animal Control Officer designated by the Village, produce and surrender up such dog to the Dog Control Officer to be held at a licensed veterinarian for treatment and observation for whatever period of time necessary to ascertain the extent of the rabies or the mental temperament. During this observation period, the owner shall not transfer, sell, give away or dispose of the dog. (Ord. 169. Passed 10-26-89.)

612.16 DOGS BITTEN BY OTHER ANIMALS.

It shall be the duty of any person owning a dog which has been attacked or bitten by another dog or other animal showing symptoms of rabies, to immediately notify the Animal Control Officer designated by the Village of Franklin that such person has such dog in his or her possession and shall comply with all lawful orders and requirements of the Animal Control Officer regarding treatment of such dog for rabies. (Ord. 169. Passed 10-26-89.)

612.17 QUARANTINE OF DOGS.

The Village of Franklin or its designee is hereby authorized to require that any dog be quarantined or that a quarantine be established by the Village for a defined period, whenever such measures are necessary in order to protect the health, safety and welfare of the people of the Village. (Ord. 169. Passed 10-26-89.)

612.18 ENFORCEMENT; ANIMAL CONTROL OFFICER.

The Village of Franklin or the entity serving the Village may employ an Animal Control Officer to enforce and administer the provisions of this chapter. The Animal Control Officer shall be invested, by the Village Clerk, with approval of the Village Marshall and Village Council, with such powers as are necessary for the limited purpose of enforcing the provisions of this chapter. This chapter may be enforced by the entity serving the Village of Franklin as well as by the Police Department.
(Ord. 169. Passed 10-26-89.)

612.19 DETERMINATION OF VIOLATIONS; NOTICE; SEIZURE OF DOGS.

It shall be the duty of the Village of Franklin or its designee to make diligent inquiry as to the dogs owned, harbored or kept within the Village, whether such dogs are licensed and whether such owner, possessor or harbored is in violation of any other provision of this chapter. Any dog found unlicensed may be seized and impounded by the Animal Control Officer. If the owner, possessor or harbored of such dog be known, the Village of Franklin or its designee may issue a notice of violation to appear at the office of the Village Clerk, or his or her agent, within seventy-two hours, not including Saturday, Sunday or holidays, to procure a license for such dog. Failure of such owner, possessor or harbored to appear and procure such license may result in the issuance of an ordinance violation by the Village of Franklin or its designee for a violation of Section 612.09. (Ord. 169. Passed 10-26-89.)

612.20 ISSUANCE OF CITATIONS.

The Village of Franklin or its designee is hereby authorized, upon witnessing a violation of this chapter, in addition to seizing and impounding the dog, to issue to the owner, possessor or harbored of such dog a violation citation, which shall include the date, time and location of the offense and the applicable section number of this chapter of which the owner, possessor or harbored of such dog is in violation, wherein the Village of Franklin or its designee has determined that the owner, possessor or harbored of such dog has been in violation of the same offense one or more times within the previous one-year period. (Ord. 169. Passed 10-26-89.)

612.21 KEEPING OF ANIMALS; KENNELS; DOMESTIC PETS.

(a) No person shall keep or maintain animals in any zone of the Village, except that for each dwelling unit the occupant may keep for his or her personal use domestic pets so long as they are not kept or used for breeding or commercial purposes and do not constitute a kennel as below defined.

(b) As used in this section:

- (1) "Kennel" means any land area on which three or more animals, including offspring if more than sixty days old, are permanently or temporarily quartered.

(Ord. 103. Passed 9-8-69.)

- (2) "Domestic pet" means an animal normally maintained within a dwelling, plus horses, but excluding those animals customarily raised as livestock, maintained for purposes of performing some task or burden, normally and typically raised or used for consumption and wildlife. However, no domestic pet shall be maintained on any property in such a fashion as to create unsightliness, an odor or noise nuisance, drainage problem or a public health or safety hazard, or in such a way as to be detrimental or harmful to the safety and well-being of the domestic pet.
(Ord. 156. Passed 10-29-87.)

612.22 LARGE ANIMALS.

(a) This section shall be known as the Village of Franklin large animal ordinance and shall apply to the keeping of horses and similar animals which are not normally kept within a residential structure.

(b) No horse or other large animal shall be kept or maintained upon any property within the Village of Franklin unless there shall be a minimum of one acre of pasture or unobstructed land for such animal. Such pasture shall be exclusive of any buildings or structures, including driveways, sheds, utility facilities or other types of structures with the sole exception of stables. Not more than two such animals, including offspring kept for more than ninety days, shall be kept per dwelling unit irrespective of acreage. All large animals living on property in the Village of Franklin as of the time of the enactment of this section, regardless of number per dwelling unit, shall be permitted until the animal no longer lives on the property.

(c) The acreage which is provided for the keeping of a horse or other large animal shall be enclosed by a fence which shall be a minimum of four feet in height and shall not exceed six feet in height, which shall be made of wood and shall be consistent with the ordinances of the Village of Franklin. The fences constructed after enactment of this section shall be set back a minimum of ten feet from the property line.

(d) No person owning, keeping or maintaining any horse or similar animal shall permit such loud and unreasonable noises or noxious and constant odors to emanate from the property where such animal is kept in such a manner so as to cause an unreasonable interference with the rights, enjoyment and quietude of surrounding properties.

(e) No person keeping such horse or large animal shall cause the conditions of keeping such animal to lead to the deterioration of the health and well-being of any such animal, nor abandon such animal or keep it without adequate care or permit an aged, diseased, maimed, sick or disabled animal to suffer unnecessary torture or pain; nor shall such animal be kept or maintained without providing sufficient food, water, shelter and medical attention in order to maintain such animal in a state of good health.

(f) No person keeping or maintaining a horse or a similar animal within the Village of Franklin shall permit such animal to enter upon the property of another without the consent of such property owner, nor knowingly or willingly permit such animal to deposit or leave excrement upon the private property of another.

(g) The Village of Franklin may employ an Animal Control Officer or designate such other person to enforce and administer the provisions of this section, who shall be invested with such powers by approval of the Village Marshal and Village Council as are necessary for the purpose of enforcing the provisions of this section.
(Ord. 181. Passed 9-14-92.)

(h) All horses shall be confined as provided in subsection (c) hereof unless they are being led or ridden on public lands. (Ord. 103. Passed 9-8-69.)

(i) All large animals living on property in the Village as of the date of the enactment of this section (Ordinance 181, passed September 14, 1992), regardless of the number per dwelling unit, shall be permitted until the animal no longer lives on the property.

612.23 STABLES.

(a) Stables erected after the enactment of this section shall not be located closer than fifty feet from any side lot line or twenty-five feet from the rear lot line of any adjoining property. Where the side and/or rear lot lines are not positively identifiable, as on a vacant corner lot, the greater distance shall apply.

(b) Public stables are specifically prohibited in the Village of Franklin.

(c) As used in this section, stables are defined as follows:

- (1) A private stable is a structure or building for the keeping of horses for the non-commercial use of the occupants of the adjoining dwelling unit and shall not include the boarding or keeping of horses for other than the occupants of said dwelling unit.
- (2) A public stable is any stable other than a private stable as defined herein. (Ord. 103. Passed 9-8-69.)

612.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)