

## ORDINANCE 2024-002

### AN ORDINANCE AMENDING SECTION 10 – ANIMALS

**WHEREAS**, The Belleville City Council wishes to protect and promote the health, safety, and welfare of the City of Belleville, and;

**WHEREAS**, there exists a need to update and revise the regulations regarding animals within the city, and;

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF BELLEVILLE ORDAIN:**

**That Section 10 of the City of Bellville Code of Ordinances is amended as follows:**

## Section 10 – Animals

### Article I – General

#### §10.1 Scope and Purpose

The purpose of this chapter is to promote the proper control and care of animals by their owners and others, for the health, safety, and welfare of the citizens of the City of Belleville, Michigan.

#### §10.2 Definitions

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

*Animal* means every nonhuman species of animal, both domestic and wild.

*At large* means any animal when not on a leash or in a fenced (electronic or otherwise) area.

*Bears* means any animal belonging to the Ursidae family.

*Caring* means any act by any person:

- a) Allowing any animal to habitually remain or be lodged at one's premises; or
- b) Allowing any animal to be fed within or at one's premises on a regular basis; or
- c) Exercising control over an animal.

*Cat* means an animal of any age of the species *Felis Catus*.

*City* means City of Belleville, Michigan.

*Consistent Barking* means any bark, howl, or noise emanating from an animal that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort, or convenience of a person.

*County* means County of Wayne, State of Michigan.

*Crocodilian Reptiles* means crocodiles and alligators and any associated breeds or species.

*Dangerous animal* means a dog or other animal that bites or attacks a person, or an animal that bites or attacks and causes serious injury or death to another animal while the other animal is on the property or under the control of its owner. However, a 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.
- b) An animal that bites or attacks a person who provokes or torments the animal at time of the incident.
- 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.
- d) Livestock.

*Exotic animal* means any animal, reptile, or non-human species, other than livestock, that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad.

*Fostering* means a person providing temporary care to shelter animals who need to live in a home environment prior to adoption.

*Fowl* means any bird belonging to one of two biological orders, Galliformes (landfowl and/or gamefowl) and the Anseriformes (waterfowl).

*Harboring* – See *Caring*

*Hen* means a female chicken.

*Hive* means one colony of bees with only one queen.

*Humane manner* means the care required for an animal and includes but is not limited to the provision of an adequately heated ventilated and sanitary shelter and wholesome food and water consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

*Keeping* – See *Caring*

*Kennel* means any establishment wherein or whereon any person keeps or has possession of more than two dogs that are not owned by such person for a period of more than three days, but on a temporary

basis. *Kenel* does not include a veterinary hospital or clinic and does not include any pet shop or pet grooming shop.

*Kitten* means any cat under the age of six (6) months.

*Law enforcement officer* means a person employed or elected by the people of the City of Belleville, Michigan, to preserve peace, make arrests, and/or to enforce the law including city inspectors.

*Livestock* means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids (juvenile goats), rabbits, swine, and/or any other non-domesticated fur-bearing animals being raised in captivity.

*Miniature pig* means Chinese, Asian or Vietnamese pot-bellied pigs.

*Owner* means any person, partnership, or corporation owning, keeping, harboring, or having custody of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered at any time, except for wild birds fed from outdoor bird feeders.

*Person* means an adult individual, partnership, corporation, cooperative, association, joint venture, or other legal entity.

*Pet* means any animal kept for pleasure rather than utility or any animal of a species that has been bred and raised to live in or about the habitation of human beings and is dependent on people for food or shelter.

*Premises* means any house, residential unit, store, building, land, or other type of enclosure.

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

*Puppy (or pup)* means any dog under the age of six (6) months.

*Rescue organization* means a person or group of persons who hold themselves out as an animal rescue, accept or solicit dogs, cats or other animals with the intention of finding permanent adoptive homes or providing lifelong care for such dogs, cats or other animals, or who use foster homes as the primary means of housing dogs, cats, or other animals and is registered with federal, state and appropriate agencies for charitable solicitation purposes.

*Restraint* means any animal secured by a leash or lead extending six feet or less and under the control of a responsible person and obedient to that person's commands, or when confined securely in a shipping receptacle, crate, or closed automobile, or when within the real property limits of its owner and under the control of a leash or being fenced in or by some other suitable physical means kept from leaving the property at any time.

*Rooster* means a male chicken.

*Serious injury* means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

*Service Animal* means any animal defined as a service animal by the State of Michigan, as defined in 28 CFR §36.104, as amended.

*Temporary care* means accepting ownership of an animal for a period not to exceed six (6) consecutive months, or 9 months in any 12-month period.

*Tenant* means an individual person or group of persons who occupy a structure or premise that has no full ownership in a property they occupy or person or persons that lease but do not occupy said structure or premise.

*Torment* means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal 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.

*Under restraint* means that an animal is:

- a) Within the real property limits of its owner; or
- b) Secured by a leash or lead; or
- c) Confined in a closed vehicle or shipping receptacle.

*Venomous Animals* means a reptile, spider, or insect that is normally considered a venomous or poisonous species, where, found in its native habitat and that can inflict serious injury (as defined in this section) or death upon a human being, regardless of whether an individual animal has been surgically altered.

*Vicious animal* means:

- a) Any animal with a known propensity, tendency, or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of human beings or domestic animals; or
- b) Any animal which, without provocation, has attacked or bitten a human being or domestic animal; or
- c) Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting; or
- d) Any animal which, without provocation, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack; this subsection does not apply to any animal on the property of its owner or to 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.

*Vicious dog* – See Vicious Animal.

*Wild animal* means any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, nonpoisonous insects, and

captive-bred species of rodents, common cage birds, nonpoisonous aquarium reptiles, aquarium amphibians, and aquarium fish.

*Wild cat* means African Golden Cat, African Wildcat, Andean Mountain Cat, Asian Golden Cat, Black-footed Cat, bobcats, Bornean Bay Cat, Caracals, cheetahs, Chinese Desert Cats, cougars, Fishing Cats, Flat-headed Cats, Geoffroy's Cat, jaguars, jaguarundi, Jungle Cats, Kodkod Guina, leopards, lions, lynxes, Marbled Cats, Margays, mountain lions, ocelots, Palla's Cat, Pampas Cat, panthers, pumas, Rusty-spotted Cats, Sand Cats, servals, tigers, tiger cats, or wildcats.

### §10.3 Restrictions on Keeping Certain Animals

- 1) *Pets*. No owners shall keep or house any animals or domestic fowl within the city except dogs, cats, nonpoisonous insects, and captive-bred species of rodents, common cage birds, cage birds kept pursuant to license under state or federal law, including but not limited to Michigan Act 451, PA of 1994, as amended, and the Wildlife Conservation Order as amended and under the Code of Federal Regulation (CFR), including but not limited to 50 CFF 13 subpart D and 50 CFR; 1.28 and 21.29, nonpoisonous aquarium reptiles, aquarium amphibians, and aquarium fish commonly classified as pets and which are customarily kept or housed inside dwellings as household pets.
- 2) *Dogs and Cats*.
  - a) A person shall be permitted to own, possess, or have custody on their premises dogs and cats, provided the person is compliant with all subsections of Section 10.
  - b) A person keeping dogs or cats must comply with all applicable noise and nuisance laws.
- 3) *Wild animals*.
  - a) No person shall own, possess, or have custody on their premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities or cage birds kept under state or federal license.
  - b) No person shall keep or permit to be kept any wild animal as a pet.
  - c) This section shall not apply to properly licensed and ensured animal rescues as outlined in §10.10.
- 4) *Bees*. No owner shall keep or possess any apiary containing any stands or hives of bees except as provided by Section 10.8.
- 5) *Keeping of Livestock*. The keeping of any livestock as defined in this section within the limits of the city is declared to be a nuisance and is prohibited; except as provided by Section 10.7.
  - a) *Horizon Park Clearing Exempt*. The utilization of goats to clear municipally owned lots is exempt.
- 6) *Keeping of Pigs*. The keeping of any miniature pig, hog, or swine within the limits of the city is declared to be a nuisance and is prohibited.

- 7) *Keeping of Poisonous Animals.* The keeping of all venomous animals as defined in this section within the limits of the city is declared a nuisance and is prohibited.
- 8) *Keeping of Fowl.* The keeping of any ducks, geese, doves, pigeons, roosters, or other fowl is prohibited and declared to be a nuisance except for no more than six (6) hen chickens as provided by Section 10.7.
- 9) *Keeping of Wild Cats.* The keeping of wild cats as defined in this section is declared a nuisance and is prohibited.
- 10) *Keeping of Crocodilian Reptiles.* The keeping of crocodilian reptiles as defined in this section is declared a nuisance and is prohibited.
- 11) *Keeping of Bears.* The keeping of bears as defined in this section is declared a nuisance and is prohibited.
- 12) *Sale of Wild or Exotic Animals.* The keeping or sale of all wild or exotic reptiles or animals is prohibited unless applicable state and/or federal licenses are obtained, and business is established in the appropriately zoned area.
- 13) *Rights protected by the Michigan Right to Farm Act excluded.* This section does not extend or revise in any manner the provisions of the Michigan Right to Farm Act or generally accepted agricultural and management practices developed under the Michigan Right to Farm Act. Specifically, the following are excepted from the prohibitions of this section: A farm or farm operation under the Michigan Right to Farm Act that conforms to generally accepted agricultural and management practices according to policy determined by the Michigan Commission of Agriculture and, therefore, is not a public nuisance pursuant to MCL 285.473; and a farm or farm operation that existed before a change in land use or occupancy of land within one mile of the boundaries of the farm land, and if before that change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.
- 14) *Compliance.* The owner(s) of all private real property shall comply with this section.
- 15) *Municipal civil infraction.* A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in this section. Repeat offenses under this section shall be subject to increased fines as set forth in this section.

## **§10.4        Restraint**

- 1) *Generally.* All animals shall be kept under restraint.

- 2) *Dogs or cats in heat.* Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot encounter an unneutered male of the same species except for planned breeding.
- 3) *Impediment to pedestrian traffic.* No animal shall be left unattended in a location to permit it to impede pedestrian traffic to and from sites of entrance and egress to public buildings or buildings to which the public is invited.
- 4) *Animals not on a leash.* It shall be unlawful for any person to suffer or permit any animal owned, possessed, harbored, or kept by a person to run at large, which shall mean to be unleashed in an unfenced area or allowed to wander unrestrained on any streets, alleys, parks, or public places within the city.
- 5) *Municipal civil infraction.* A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in this section. Repeat offenses under this section shall be subject to increased fines as set forth in this section.

## §10.5 Animal Waste

- 1) *Responsibility.* The owner of every animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, or private property.
- 2) *Municipal civil infraction.* A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in this section. Repeat offenses under this section shall be subject to increased fines as set forth in this section.

## §10.6 Care of Animals

No person shall:

- a) Fail to keep any premises where animals are kept in a clean and sanitary condition, or allow such premises to accumulate waste products to permit odors to be perceptible on any adjoining premises; or
- b) Confine any animal within an unoccupied vehicle that has no method of ventilation, air circulation, or heat/cold mediation (i.e. heat or air conditioning).
- c) Confine any animal on a leash or chain which fails to allow such animal sufficient room for movement to exercise; or
- d) Fail to keep any animal in other than a humane manner; or
- e) Own any animal which causes a disturbance by excessive barking, yelping, howling, or other noise making.
- f) Inappropriately tether a domesticated animal in violation of this subparagraph. As used herein, *tethering* means the practice of securing a domesticated animal to a stationary object by means

of a metal chain or coated steel cable for keeping a domesticated animal restrained. Tethering does not mean walking a domesticated animal on a leash, or for temporary grooming, or other professional service. It shall be unlawful for a person to:

- i) Continuously tether a domesticated animal for more than three hours per day; or
- ii) Tether a domesticated animal on a tether made of anything but a coated steel cable more than ten feet in length; or
- iii) Use a tether or any assembly or attachments thereto to tether a domesticated animal that shall weigh more than 10% of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or
- iv) Tether a domesticated animal on anything except a buckle-type collar or harness, or tethering on a choke chain or around the domesticated animal neck, or tethered to training collars such as choke or pinch-style collars, or in such a manner as to cause injury, strangulation, or entanglement of the domesticated animal on fences, trees, or other man made or natural obstacles; or
- v) Tether a domesticated animal without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether a domesticated animal without securing its food and water supply so that it cannot be tipped over by the tether; or
- vi) Tether a domesticated animal in an open area where it can be teased by persons or an open area that does not provide the domesticated animal protection from attack by other animals; or
- vii) Tether a domesticated animal in an area where bare earth is present, and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation; or
- viii) Tether a domesticated animal less than four months of age; or
- ix) Tether more than one domesticated animal to a single tether; or
- x) Tether a domesticated animal to a stationary object which would allow a domesticated animal to come within five feet of any property line; or
- xi) Tether a domesticated animal without a swivel attached and/or equipped on both ends.



- xii) A police officer or animal control officer, or their designee, may in their discretion order a more restrictive tethering requirement if circumstances require and it is not detrimental to the health, safety, or welfare of the domesticated animal.
- g) *Revocation.* Any permit or license may be suspended or revoked, by written notice to the permit holder or by posting on owner's premise, upon a finding that the permittee or licensee has violated applicable City ordinance provisions, permit or license conditions, or due to substantiated neighbor complaint(s), or at the request of the property owner.
- h) *Civil Infraction.* If the requirements of this subsection are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation as outlined in Section §10.11.
- i) *Animal Fighting.* No person shall own any animal for the purpose of fighting with any other animal, and no person shall permit, maintain, promote or in any manner allow animal fighting on any premises owned, leased or otherwise in control of such person, whether such animal fight is for profit, sport or otherwise.

## §10.7 Keeping of Livestock and Fowl

- 1) *Permit Required.* Any person who keeps hens, ducks, or rabbits in the City of Belleville shall obtain a permit from the city prior to acquiring the hens, ducks, or rabbits and pay a permit fee set by the city council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained by any property owner of a property whose principal use is as a single-family or two-family zoned property within the city. Permits are renewable for two-year periods. Permits shall provide a limited license for the activity, and no vested zoning rights shall arise from said permit issuance.
- 2) *Private Restrictions.* Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of hens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- 3) *Compliance.* A person who keeps or houses allowable livestock or fowl on their property shall comply with the following requirements:
  - a) Must obtain a permit pursuant to subsection 10.7.1 of this section.
  - b) Any person obtaining a permit pursuant to 10.7.3 of this section may be subject to inspection of the property to ensure compliance with this subsection 10.7.3. Any ordinance violations encountered during the process of the inspection are enforceable.

- c) Keep no more than a total of six (6) hens, six (6) female ducks, six (6) rabbits, or any combination totaling six (6) for personal use and may not use hens, ducks, or rabbits for any business or commercial purpose.
    - i) The showing of these animals at a sanctioned animal showing competition is allowed.
  - d) The principal use of the person's property must be for a single-family dwelling or two-family dwelling.
  - e) If the property is non-owner-occupied, the applicant must obtain signed, notarized consent from the property owner and any lessees to the property.
  - f) No person shall keep a male chicken (rooster), or male duck (mallard).
  - g) Any person keeping hens, ducks, or rabbits shall remain subject to public nuisance animal controls.
  - h) The hens, ducks, and rabbits shall be provided with a covered enclosure and must be kept in the covered enclosure for flighted species, or a fenced enclosure for flightless species. A person keeping hens, ducks, or rabbits is encouraged to utilize a covered enclosure for protection from wild predator birds. Fenced enclosures are subject to applicable zoning requirements and restrictions.
  - i) A person shall keep hens, ducks, and rabbits in the backyard only. For this subsection, *backyard* means the portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.
  - j) All enclosures for the keeping of hens, ducks, and rabbits shall be constructed, repaired, and maintained in a manner to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
  - k) All feed and other items associated with the keeping of hens, ducks, and rabbits that are likely to attract or to become infested shall be so protected to prevent rats, mice, or other rodents from gaining access to or encountering it.
  - l) Chicken coops, rabbit habitats, and enclosures designed to shelter hens, ducks, and rabbits shall be at least 20 feet from any residential structure not owned by the permittee unless notarized, written permission is granted from the owner of the affected residential structure.
  - m) Slaughtering, butchering, or otherwise killing of any animal at the property is prohibited.
- 4) *Revocation.* Any permit may be suspended or revoked, by written notice to the permit holder or by posting on owner's premise, upon a finding that the permittee has violated applicable City ordinance

provisions, permit conditions, or due to substantiated neighbor complaint(s), or at the request of the property owner.

- 5) *Civil Infraction.* If the requirements of subsection 10.7 are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation as outlined in Section §10.11.

## §10.8 Keeping of Honeybees

- 1) *Permit Required.* Any person who keeps honeybees in the City of Belleville shall obtain a permit from the city prior to acquiring the honeybees and pay a permit fee set by the city council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained by any property owner of a property whose principal use is as a single-family or two-family zoned property within the city. Permits are renewable for two-year periods. Permits shall provide a limited license for the activity, and no vested zoning rights shall arise from said permit issuance.
- 2) *Zoning.* Any person residing in a residentially zoned district property, on a property with an area no less than five thousand (5,000) square feet and obtaining a permit from the city, may keep not more than two (2) honeybee hives in the city for personal use only and not for any business or commercial use.
  - a) *Exemption.* The Belleville Area District Library is exempt from this provision. This exemption does not exempt compliance of all other provisions of Section 10.8
- 3) *Consent of neighboring property owners.* Applicants must obtain the notarized consent of all property owners within one hundred (100) feet and/or that share a common boundary with the applicant and submit this as part of the application.
- 4) *Confirmation of Beekeeping Course.* Applicants must also submit an affidavit of having completed a beekeeping course through a beekeeping club, a university extension office or other reputable source.
- 5) *Additionally Requested Information.* Plot plans and site drawings and any other information required by the building department must also be submitted with the application.
- 6) *Non-owner-occupied Residences.* If the property is non-owner-occupied, the applicant must obtain signed, notarized consent from the property owner and any lessees to the property.
- 7) *Private Restrictions.* Notwithstanding this section, private restrictions on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, neighborhood association by-laws, and covenant deeds.
- 8) *Compliance.* A permit holder shall comply with all the following requirements:

- a) The hives must be at least twenty-five (25) feet from any edge of a permit holder's property line unless one of the following circumstances applies, in which case the hives must be at least ten (10) feet from each property line:
  - i) The hives are at least eight feet above the adjacent ground.
  - ii) The hives are less than six (6) feet above the adjacent ground and are behind a flyaway barrier consisting of dense hedges, shrubbery, solid fencing, or combination thereof which is at least six (6) feet in height and parallel to any property within twenty-five (25) feet of the hives and extending at least twenty (20) feet beyond the hive in both directions.
- b) All honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition. No hive shall be taller than four (4) feet from the base of the hive stand unless secured with a ratchet strap.
- c) Each permit holder shall ensure that a convenient source of water is always available to the bees during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird, or domestic pet contact.
- d) Each permit holder shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container and placed within a building or other approved accessory bee-proof structure.
- e) In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the permit holder to promptly re-queen the colony with another queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.
- f) No more than two (2) hives shall be kept on any one premise, in the City.
- g) All permit holding beekeepers must post a weatherproof sign adjacent to the hive and along any public frontage, but in no instance beyond the front or side building line as defined in the City of Belleville zoning ordinance, notifying the public that honeybees are kept on the premises. This sign should contain the name of the permit holder and a current phone number to reach them and shall comply with City of Belleville sign regulations.
- h) Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the building inspector shall cause an investigation to be conducted. If they find that grounds exist to believe that one or more violations have occurred, they shall issue a civil infraction to the beekeepers.

- i) A civil infraction citation may be issued to the beekeepers once per week until such time as the bees are destroyed, removed, or the problem is corrected.
  - j) If, after a civil infraction is issued and the beekeeper does not cause the violation to be corrected in a prompt manner, the city may, at its discretion, revoke the beekeeper's permit and cause the colony or colonies to be destroyed.
  - k) The provisions of this section shall not prevent the city from destroying bees or a bee colony if there is an immediate need to protect public safety. Such circumstances include, but are not limited to:
    - i) A bee colony not residing in a hive structure intended for beekeeping; or
    - ii) A dangerous swarm of bees that poses an immediate risk to the safety of humans; or
    - iii) A colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.
- 9) *Michigan Law.* The beekeeper shall fully comply with all State of Michigan Apiary Laws, MCL 286.801 et al., including future revisions to Michigan Apiary Law. Additionally, a beekeeper selling honey must obtain and maintain a food establishment license if required to do so by the Michigan Food Law of 2000, MCL 289.4101 et al.
- 10) *Revocation.* Any permit may be suspended or revoked, by written notice to the permit holder or by posting on owner's premise, upon a finding that the permittee has violated applicable City ordinance provisions, permit conditions, or due to substantiated neighbor complaint(s), or at the request of the property owner.
- 11) *Civil Infraction.* If the requirements of subsection 10.8 are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation as outlined in Section §10.11.

## §10.9 Fostering Animals

- 1) *Permit Required.* Any person who wishes to foster animals in the City of Belleville shall obtain a permit from the city prior to fostering and pay a permit fee set by the city council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained by any property owner of a property whose principal use is as a single-family or two-family zoned property within the city. Permits are renewable for two-year periods. Permits shall provide a limited license for the activity, and no vested zoning rights shall arise from said permit issuance.
- 2) *Private Restrictions.* Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, and

covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit fostering is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

- 3) *Compliance.* A person who fosters on their property shall comply with the following requirements:
  - a) Must obtain a permit pursuant to subsection 10.9.1 of this section. The registration shall include:
    - i) Name of Person responsible for the fostered animals
    - ii) Address of the person responsible for.
      - (1) The address must be the address where the animals are kept.
    - iii) Capacity for the type and number of animals
    - iv) Proof of current liability insurance.
      - (1) The insured amount shall be sufficient to compensate and protect the public from any damage or harm caused by the animals.
  - b) Any person obtaining a permit pursuant to 10.9.3 of this section may be subject to inspection of the property to ensure compliance with this subsection 10.9.3. Any ordinance violations encountered during the process of the inspection are enforceable.
  - c) Permit holders must be at least 18 years of age.
  - d) For single-family properties, only one permit per parcel is allowed.
  - e) For multi-unit properties, only one permit shall be issued to each unit.
  - f) The principal use of the person's property must be for a single-family dwelling or two-family dwelling.
  - g) If the property is non-owner-occupied, the applicant must obtain signed, notarized consent from the property owner and any lessees to the property.
  - h) Any person fostering animals shall remain subject to public nuisance animal controls.
- 4) *Revocation.* Any permit may be suspended or revoked, by written notice to the permit holder or by posting on owner's premise, upon a finding that the permittee has violated applicable City ordinance provisions, permit conditions, or due to substantiated neighbor complaint(s), or at the request of the property owner.

- 5) *Civil Infraction.* If the requirements of subsection 10.9 are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation as outlined in Section §10.11.

## §10.10 Animal Rescue

- 1) *Registration Required.* It shall be unlawful to engage in the activity of a rescue organization within the City of Belleville, without first registering the rescue organization with the Building Department.
- 2) *Private Restrictions.* Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit fostering is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- 3) *Compliance.* A person who operates an animal rescue on their property shall comply with the following requirements:
  - a) Must obtain a permit pursuant to subsection 10.10.1 of this section. The registration shall include:
    - i) Name of Organization
    - ii) Address of the Animal Rescue
    - iii) Capacity for the type and number of animals
    - iv) Proof of current liability insurance.
      - (1) The insured amount shall be sufficient to compensate and protect the public from any damage or harm caused by the animals.
  - b) Must provide documentation of any required licensing or certification at the county, state, or federal level that outlines that person or organization is properly qualified to rescue animals.
  - c) Any person obtaining a permit pursuant to 10.10.3 of this section may be subject to inspection of the property to ensure compliance with this subsection 10.10.3. Any ordinance violations encountered during the process of the inspection are enforceable.
  - d) Permit holders must be at least 18 years of age.
  - e) The address must be a commercial building or single-family residence.
  - f) If the property is non-owner-occupied, the applicant must obtain signed, notarized consent from the property owner and any lessees to the property.

g) Any person rescuing animals shall remain subject to public nuisance animal controls.

4) *Revocation.*

a) Any permit may be suspended or revoked, by written notice to the permit holder or by posting on owner's premise, upon a finding that the permittee has violated applicable City ordinance provisions, permit conditions, or due to substantiated neighbor complaint(s), or at the request of the property owner.

b) Any permit may be revoked by notarized petition signed by at least 75% of the property owners or residents within a 300-foot radius of the animal rescue property.

5) *Civil Infraction.* If the requirements of subsection 10.10 are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation as outlined in Section §10.11.

## §10.11 Penalties

1) In addition to any remedy available under Michigan law, the City of Belleville Charter or the Belleville Code of Ordinances, a law enforcement officer may issue a civil infraction to the permit holder containing a fine for any violation of this section.

2) *Notice.* Prior to the issuance of a citation, notice of a violation of this section shall be posted on the front entrance of the structure on the property and provide that the cited violation be corrected in five (5) business days. If the property is non-owner-occupied, notice of the violation will be sent to the property owner of record.

3) *Fines.* Unless the violation is corrected within five (5) business days of the posting of the notice, a civil infraction shall be issued to the permit holder. Violations shall carry increased fines at the following schedule:

Violation	Fine	Additional Penalty
1	\$250.00	After 10 business days, Revocation of applicable licenses until violation is corrected
2	\$500.00	1-year revocation of applicable licenses
3	\$1,000.00	permanent revocation of applicable licenses

4) *Revocation of Permit.* Any violation of a provision of this Chapter which remains uncorrected for a period of (10) business days after the posting of a notice of violation shall result in the revocation of the permit holder's permit for the designated uses set forth in this section.



- 5) *Payment.* All fines shall be paid in person or by mail at the address outlined in the civil infraction.
- 6) *Authority to void.* The city attorney is authorized to void all civil infractions issued under this chapter as deemed necessary.

## §10.12 Cost Recovery

The city may recover all costs of abatement of any public nuisance either by action at law or by specially assessing the costs against the property where the abatement was performed.

## §10.13 Severability

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision will not affect the validity of any other section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

## §10.14 Inconsistent provisions repealed

Ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

## §10.15 Compliance Period

- 1) *Licensing.* All owners of animals must obtain proper licensing immediately upon the effective date of the ordinance.
- 2) *Compliance Period.* Except for licensing provisions, an owner who is not in compliance with any portion of this ordinance as of the effective date shall be granted a grace period of three (3) months from the effective date of the ordinance to become compliant with the requirements outlined in this ordinance.
  - a) During this compliance period, non-compliant owners are prohibited from acquiring or obtaining any additional animals.
- 3) *Penalties.* In addition to any remedy available under Michigan law, the City of Belleville Charter or the Belleville Code of Ordinances, a law enforcement officer may issue a civil infraction to an owner for any violation of this section.
- 4) *Notice.* Prior to the issuance of a citation, notice of a violation of this section shall be posted on the front entrance of the structure on the property and provide that the cited violation be corrected in five (5) business days. If the property is non-owner-occupied, notice of the violation will be sent to the property owner of record.

- 5) *Fines*. Unless the violation is corrected within five (5) business days of the posting of the notice, a civil infraction shall be issued to the permit holder. Violations shall carry increased fines at the following schedule:

Violation	Fine	Additional Penalty
1	\$250.00	After 10 business days, Revocation of applicable licenses until violation is corrected
2	\$500.00	1-year revocation of applicable licenses
3	\$1,000.00	permanent revocation of applicable licenses

- 6) *Revocation of Permit*. Each violation of a provision of this Chapter which remains uncorrected for a period of (10) business days after the posting of a notice of violation shall result in an additional violation and the revocation of the permit holder's permit for the designated uses set forth in this section.
- 7) *Payment*. All fines shall be paid in person or by mail at the address outlined in the civil infraction.
- 8) *Authority to void*. The city attorney is authorized to void all civil infractions issued under this chapter as deemed necessary.

§10.16-§10.30      Reserved

## Article II – Impoundment, Disposition, and Vicious Animals

### §10.31      Penalty

Any person who violates any of the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine not to exceed one thousand dollars (\$1,000.00) and costs of prosecution, or to imprisonment, impoundment or disposal of the animal, or any other punishment at the discretion of the court.

### §10.32      Impoundment Authorized

All animals found running at large or being kept or harbored in any place within the city contrary to this section, shall be seized by the police department and impounded at a location designated by the Chief of Police, and may thereafter be sold or otherwise adopted if not claimed by the owner per the terms of the impound location. When selecting a place of impoundment, the Chief of Police shall not select a shelter, pound, or other facility that engages in the euthanasia of non-violent animals (aka “kill” shelter),

unless said animal is deemed to be vicious and ordered by the court to be humanely euthanized under subsection 10.35.

### §10.33 Impoundment Fees

- 1) No animal shall be released from the impound location to the owner until the owner or authorized agent has paid to the impound location a fee as set by the impound location.
- 2) No animal shall be released from the impound location to the owner unless the animal is properly immunized, vaccinated, and licensed. The cost of such immunization, vaccination, and licensing shall be paid by the owner in addition to the fees set by the impound location.
- 3) Animals may be released from the impound location if all fees have been paid to the impound location, but any citations issued by the police department remain unpaid.
- 4) The police department shall keep a record of all seizures of animals.

### §10.34 Disposition of Impounded Animals

- 1) All animals not claimed within ten (10) calendar days after being impounded shall become property of the impound location to be rehomed. No non-violent animal impounded from within the city limits of the City of Belleville shall be euthanized by any impound location.
- 2) The City of Belleville shall pay costs associated with the housing of an impounded animal(s) that are not claimed by the owner. The city may recover all costs associated by any means allowable under applicable law.

### §10.35 Vicious Animals

- 1) *Definitions.* As used in Section 10.35

*Altered* means a dog that has undergone a professional sterilization procedure performed by a veterinarian that rendered the dog incapable of reproducing.

*Animal Control Department* means an animal control shelter as that term is defined in section 1 of 1969 PA 287, MCL 287.331.

*Attack* means the deliberate act of an animal, whether in response to a command by its owner, to bite, seize with its teeth, or pursue an individual or domestic animal with the intent to kill, wound, injure, or harm.

*Domestic Animal* means a dog, cat, poultry, farm animal, or any other animal that is kept, bred, bought, sold, or considered by the owner to be a pet.

*Impound* means to seize and take into the custody of an animal control department.

*Owner's Real Property* means real property owned or leased by the owner of a dog or other animal. Owner's real property does not include a public right-of-way or a common area of a condominium complex, manufactured home park, apartment complex, or townhouse development.

*State Veterinarian* means the chief animal health official of this state as appointed by the director of the department of agriculture and rural development under section 7 of the animal industry act, 1988 PA 466, MCL 287.707, or the state veterinarian's authorized representative.

*Veterinarian* means an individual licensed to engage in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

2) *Determination of a Vicious Animal.*

- a) Upon a sworn complaint that an animal is a vicious animal and has caused injury or death to an individual or domestic animal, a district court magistrate, district court, or municipal court shall issue a summons to the owner ordering the owner to appear to show cause why the animal should not be destroyed.
- b) Upon the filing of a sworn complaint as provided in 10.35, Subsection 1, Part a, the district court magistrate, district court, or municipal court shall order the owner to immediately turn the animal over to an animal control department, incorporated humane society, veterinarian, or boarding kennel, at the owner's option, to be retained until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person that retains the animal under this subsection of the complaint and order. The owner is responsible for the expense of the boarding and retention of the animal. The animal must not be returned to the owner until the animal has a current rabies vaccination and license as required by ordinance, if applicable.
- c) After a hearing, if the animal is found to be a vicious animal that caused injury or death to an individual or a domestic animal, the district court magistrate, district court, or municipal court shall order the destruction of the animal, at the owner's expense. After a hearing, the court finds that the animal is a vicious animal that did not cause severe injury or death to an individual or domestic animal but is likely to cause severe injury or death to an individual or domestic animal in the future, the district court magistrate, district court, or municipal court may order the destruction of the animal, at the owner's expense.
- d) If the district court magistrate, district court, or municipal court finds that an animal is a dangerous animal that has not caused severe injury or death to an individual or domestic animal, the district court magistrate, district court, or municipal court shall notify the animal control department for the county in which the complaint was filed of all the following information:
  - i) The finding of the court.
  - ii) The name of the owner of the dangerous animal.

- iii) The address at which the animal was kept at the time of the finding.
- e) If the district court magistrate, district court, or municipal court finds that an animal is a vicious animal that has not caused severe injury or death to an individual or a domestic animal, the district court magistrate, district court, or municipal court shall order the owner of that animal to do 1 or more of the following:
  - i) Take specific steps, such as escape proof fencing or an enclosure, that provides protection from the elements and includes a top or roof, to ensure that the animal cannot escape, and unauthorized individuals cannot enter the premises.
  - ii) Have the animal sterilized.
  - iii) Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the animal.
  - iv) Take any other action appropriate to protect the public.
- 3) *Potentially Vicious Animal.* Upon the filing of a sworn complaint that an animal is a potentially vicious animal, a district court magistrate, district court, or municipal court shall do both of the following:
  - a) Issue a summons to the owner ordering the owner to appear to show cause why the animal should not be declared a potentially vicious animal or vicious animal at a time and place specified in the summons.
  - b) If the animal poses an immediate threat to public safety, order that the animal control department or law enforcement agency impound the animal, at the owner's expense, until a hearing is held, and a decision is made for the disposition of the animal.
  - c) After a hearing under section 10.35, Subsection 3a, if the district court magistrate, district court, or municipal court finds that an animal is a potentially vicious animal, the district court magistrate, district court, or municipal court shall order the owner to do all the following:
    - i) Have the animal sterilized and vaccinated for rabies.
    - ii) Obtain a license for the animal as provided in the animal law of 1919, 1919 PA 339, MCL 287.261 to 287.290.
  - d) Not later than 30 days after the district court magistrate, district court, or municipal court issues its finding, give written notice of the finding to the local branch of the United States Post Office and all utility companies that provide services to the owner's real property. The

owner shall provide a copy of each notice given under this section to the animal control department.

- e) Disclose the findings in writing to each provider of service or treatment to the animal. As used in this subdivision, "provider of service or treatment" includes, but is not limited to, all the following:
  - i) A veterinarian.
  - ii) An animal groomer.
  - iii) A staff member of a humane society or other animal welfare agency.
  - iv) An animal care facility worker.
  - v) A professional animal handler or trainer.
- f) While on the owner's real property, keep the animal indoors or in a securely fenced yard from which the animal cannot escape and into which children cannot trespass.
- g) While outside the owner's real property, keep the animal under the control of a responsible adult and restrained on a leash that is not longer than 6 feet.
- h) if the district court magistrate, district court, or municipal court finds that an animal is a vicious animal and if the release of the animal would pose a significant threat to public health, safety, or welfare, the district court magistrate, district court, or municipal court shall order 1 or both of the following, and in addition, may prohibit the owner from owning, possessing, controlling, or having custody of any animal for a time period of up to 3 years:
  - i) The owner to relinquish the animal to the animal control department, veterinarian, or animal shelter.
  - ii) The animal control department, veterinarian, or animal shelter to euthanize the animal.
- i) If the district court magistrate, district court, or municipal court finds that the animal is a vicious animal but does not order the animal to be euthanized under subsection 10.35, part 3h, the district court magistrate, district court, or municipal court shall order the owner to do all the following:
  - i) Complete the requirements under subsection 10.35, part 3c-3e.
  - ii) Have a veterinarian implant the animal with a microchip.

- iii) While on the owner's real property, confine the animal indoors or in a securely enclosed and locked structure of a sufficient height and design to prevent the animal's escape or direct contact with or entry by an individual or other animal, and that is designed to provide shelter from the elements.
- iv) While outside the owner's real property, the owner shall do all the following:
  - (1) Ensure that the animal is wearing a muzzle that prevents the animal from biting an individual or another animal, but that does not injure the animal or interfere with its breathing.
  - (2) Keep the animal under the control of a responsible adult.
  - (3) Restrain the animal on a leash that is not longer than 6 feet.
- 4) *Control of a Vicious Animal.* The owner of an animal that is found to be a potentially vicious animal or vicious animal under subsection 10.35 shall notify the animal control department and local law enforcement if any of the following occur:
  - a) The animal is loose or unconfined.
  - b) The animal bites an individual or attacks an animal.
  - c) The animal is sold, given away, or dies.
  - d) If the owner of an animal that is found to be a potentially vicious animal or vicious animal moves to a new address, the owner shall notify the animal control department and law enforcement having jurisdiction of the owner's previous address and the animal control department and law enforcement having jurisdiction of the owner's new address within 10 days after the owner moves.
- 5) *Transfer of Ownership of a Vicious Animal.*
  - a) The owner of a vicious animal shall not sell or otherwise transfer ownership of the animal.
  - b) The owner of a vicious animal shall not relinquish the animal to an animal control department except for the purposes of euthanasia.
- 6) *Record Keeping of Vicious Animals.* The animal control department shall maintain a list of all animals within its jurisdiction that have been found to be potentially vicious animals under section for 5 years.

- a) The animal control department may remove a potentially vicious animal from the list maintained under subsection 10.35 if the owner demonstrates to the satisfaction of the animal control department that a change in circumstances or an action taken by the owner has mitigated the risk the animal poses to public safety.
- b) Not later than 10 days after an animal is found to be a vicious animal under this section, the owner shall obtain a vicious animal registration certificate and tag that identifies the animal as a vicious animal from the animal control department for a fee of not less than \$100.00, to be determined by the City Council.
  - i) The tag described in this subsection must be of a uniform design developed by the same entity that develops the animal licenses for the animal control department issuing the tag, and must specify, in large letters, the phrase "vicious animal".
  - ii) A registration certificate or renewal of a registration certificate under this subsection must only be issued to an individual who is 18 years of age or older. The department assigned to issue animal licenses shall only issue a registration certificate or renewal of a registration certificate to an owner who presents satisfactory evidence of all the following:
    - (1) That the animal is vaccinated for rabies, altered, and microchipped as required under subsection 10.35.
    - (2) That the animal is confined indoors or in a securely enclosed and locked structure of a sufficient height and design to prevent the animal's escape or direct contact with or entry by an individual or other animal, and that is designed to provide shelter from the elements.
    - (3) That the owner posts clearly visible signs on the owner's property warning individuals that a vicious animal is present on the property.
    - (4) That the owner has 1 of the following:
      - (a) Liability insurance coverage that covers animal bites in an amount of at least \$100,000.00.
      - (b) A surety bond in an amount of at least \$100,000.00.
      - (c) The owner shall affix all necessary tags described in subsection 10.35 to the animal's collar and ensure that the animal always wears the collar and tag.



(d) The owner shall, for a fee, annually renew a registration certificate under subsection 10.35 in the same way the initial registration certificate was obtained.

(e) The issuing department shall provide a copy of each vicious animal registration issued under this section and verification of compliance with subsection 10.35 to the state veterinarian.

7) *Rabid Animal.* Any animal which has contracted rabies, or is suspected of having rabies is considered vicious, and shall be seized and impounded for treatment and observation for up to ten (10) days. The owner of the animal shall be liable to the city or impounding shelter for the costs and expenses of keeping such an animal. If the court rules, it may be ordered that the animal be euthanized.

8) *Possession of Certain Animals Prohibited.* It is unlawful for any person to possess, harbor, breed, exchange, buy or sell any animals prohibited in Section 10.3.

9) *Proximity to schools.* If the court rules an animal to be vicious, and the owner of the animal lives within 500 feet of a school, the court may impose additional regulations to safeguard the public, up to and including ordering the animal permanently removed from the area.

10) *Control of vicious animals.* All vicious animals shall be confined as previously described in this section. It shall be unlawful for any owner to maintain a vicious animal upon any premises which does not have a locked enclosure, unless such a vicious animal is at all times maintained in the owner's dwelling. It shall be unlawful for any owner to allow any vicious animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care for the vicious animal or to sell or give away the vicious animal or to comply with commands or directions of the court, the law enforcement officer, with respect to the vicious animal, or to comply with licensing provisions of this section. In such an event, the vicious animal shall be securely muzzled and restrained with a choker chain and leash having a minimum tensile strength of 300 pounds and not exceeding three feet in length. The muzzle shall be made and fitted in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any human or animal. The animal shall be under the direct control and supervision of the owner of a vicious animal or his agent, either of whom shall be, in any event, a person of 18 years of age and physically capable of restraining the animal.

11) *Exceptions.* Subsection 10.35 shall not apply to the following:

a) Animals under the control of a law enforcement or military agency

b) Animals under display or exhibition to the public, provided that:

i) Such animals are restrained by a leash or chain, cage, fence, or other adequate means, from contact with the public; AND

ii) The display or exhibition is for a period of not exceeding ten days; AND

- iii) The display or exhibition is conducted in full compliance with the city zoning ordinance; AND
- iv) Animals kept in a licensed veterinary hospital for treatment; and
- v) Animals for sale in a legally zoned and compliant commercial establishment.

12) *Penalties for violation.*

- a) *Failure to comply/show cause hearing.* Upon an owner's failure to comply with any condition in the court order finding an animal to be vicious, the law enforcement officer shall confiscate the animal and impound same pending a hearing requiring the owner of the animal to show cause why the animal should not be immediately destroyed. The owner of the animal shall be liable to the city for the costs and expenses of keeping such an animal. Failure to comply shall, among other things, include:
  - i) The failure to obtain a vicious animal license in accordance with this section; or
  - ii) The failure to secure liability insurance in accordance with this section; or
  - iii) The failure to confine the vicious animal to the premises with appropriate signage in accordance with this section; or
  - iv) The animal's presence outside of the owner's dwelling or the enclosure except as provided in this section; or
  - v) The failure to comply with the reporting requirements of this section.
- b) *Vicious Animal Causing Death.* The owner of vicious animal that causes the death of an individual is guilty of involuntary manslaughter, punishable under section 321 of the Michigan penal code, 1931 PA 328, MCL 750.321.
- c) *Vicious Animal Causing Injury.* The owner of a vicious animal that attacks an individual and causes severe injury other than death is guilty of a felony punishable by 1 or more of the following:
  - i) Imprisonment for not more than 4 years.
  - ii) A fine of not less than \$2,000.00.
  - iii) Not less than 500 hours of community service.
- d) *Post-Adjudication Attack.*

- i) The owner of a previously adjudicated vicious animal that after the previous adjudication attacks or bites an individual and causes an injury that is not a severe injury is guilty of a misdemeanor punishable by 1 or more of the following:
  - (1) Imprisonment for not more than 90 days.
  - (2) A fine of not less than \$250.00 or more than \$500.00.
  - (3) Not less than 240 hours of community service.
- ii) The owner of a previously adjudicated vicious animal that after the previous adjudication is allowed to run at large is guilty of a misdemeanor punishable by 1 or more of the following:
  - (1) Imprisonment for not more than 90 days
  - (2) A fine of not less than \$250.00 or more than \$500.00.
  - (3) Not less than 240 hours of community service.
- iii) If a potentially vicious animal or vicious animal attacks an individual after a finding is made under section 10.35, the owner shall relinquish the animal to the appropriate animal control department within 7 days. The animal control department shall euthanize the animal.
- e) *Additional Costs.* The court may order an individual convicted under this section to pay the costs of the prosecution.
- f) *Failure to Comply.* If the owner of a potentially vicious animal or vicious animal fails to comply with this act, the owner is guilty of a felony punishable by 1 or more of the following:
  - i) Imprisonment for not more than 4 years.
  - ii) A fine of not less than \$2,000.00.
  - iii) Not less than 500 hours of community service.

§10.36-10.60      Reserved

## Article III – Dogs

### §10.61      License Required

No person shall own, possess, or harbor any dog four months old or over in the city limits unless the dog is licensed.

## §10.62 Application

- 1) *Required Application Information.* Every owner, as defined in this section, of a dog residing within the city shall file an application with the city clerk or their designee giving their legal name and address, and the breed, sex, age, color, and markings of the dog. Additionally, the owner shall identify whether the dog has been spayed or neutered.
- 2) *Required Proof of Vaccination.* Every owner, as defined in this section, or their authorized designee applying for a license for any dog shall present to the city clerk or their designee at the time of filing such application a certificate of rabies vaccination signed by a licensed and registered veterinarian. The certificate shall state the type of vaccine, the date administered; and the veterinarian's name, address, phone number; the name and address of the dog owner and a description of the dog vaccinated.

## §10.63 Fee; issuance of tag; duplicate licenses

- 1) *Fee.* Upon payment of license fee, the city clerk or their designee shall issue to each applicant a license to own or harbor a dog for the term commencing July 1 and terminating on June 30 next following. The city clerk or their designee, at the time of issuing the license or renewal of an expiring license, shall collect the license fee, as set by resolution of the city council. An additional fee as set by resolution of the city council, shall be collected after August 1 of each year unless the applicant shows proof that a license was not required as of the previous July 1.
- 2) *Issuance of Tag.* Upon issuance of the license, the city clerk or their designee shall provide to the applicant a tag made of durable material, which shall be dated and bear a serial number together with the words "City of Belleville". No tag shall be used on the collar or harness of any dog other than the dog for which it was issued.
- 3) *Duplicate licenses.* Duplicate licenses can be obtained upon application and payment of a fee as set by resolution of the city council.
- 4) *Exceptions.*
  - a) A dog is not subject to any fee for licensing if either of the following applies:
    - i) The dog is a service animal, as defined by this section.
    - ii) The dog is owned by a partnership, corporation, or other legal entity that trains service animals.
- 5) *Transfer.* No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is transferred from one person to another within the city, the license of such dog may be likewise transferred, upon proper notice, in writing, by the last registered owner, given to the city clerk or their designee, who shall note such transfer upon the record. This chapter does not require the procurement of a new license, or the transfer of a license

already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting, game, breeding, trial, or show.

- 6) *Lost Tag.* If the dog license tag is lost, it shall be replaced by the city clerk or their designee, upon application by the owner of the dog, and upon production of such license and a sworn statement of the fact regarding the loss of such tag. The cost of such replacement shall be as established by resolution of the city council.
- 7) *Evidence of Ownership.* In all prosecutions for violation of this section, the records of the clerk's office, or lack of such records, showing the name of the owner to whom any license was issued and the license number, and the license tags affixed to the collar or harness of the dog showing a corresponding number, shall be prima facie evidence of ownership or non-ownership of any dog and of issuance or non-issuance of a dog license or tag.

#### §10.64      Wearing of Collar and Tag

- 1) *Collar and Tag Required.* No person shall own, possess, or harbor any dog four months old or older in the city that does not always wear a collar or harness with the license tag issued by the city properly and securely affixed to it.

#### §10.65      Kennels; Kennel Licenses

- 1) *License Required.* No person shall operate a kennel in the City without first applying for and obtaining a kennel license from the City Clerk.
- 2) *Restrictions.* No person, other than a licensed veterinarian, shall operate a kennel in the City except in areas zoned industrial.
- 3) *Fee.* An applicant for a kennel license shall pay to the City Clerk the sum set by resolution of the City Council.
- 4) *License Posting.* The person operating a kennel shall post the license required by this section upon the premises so licensed.
- 5) The kennel license required by this section shall not be transferable.
- 6) No kennel shall have more than ten dogs at any time.

#### **§10.66        Penalty**

Any person who violates the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$100 and the costs of prosecution, or to imprisonment, at the discretion of the court.

#### **§10.67-10.999        Reserved**

***THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK***

This ordinance shall take effect 30 days from the date of its passage.

The foregoing ordinance was duly adopted at a regular meeting of the Belleville City Council held on May 6, 2024.

---

Briana Hootman, Clerk

---

Kenneth Voigt, Mayor

Date of First Reading	April 15, 2024
Date of Second Reading	May 6, 2024
Date of Adoption	May 6, 2024
Effective Date	June 6, 2024