

## **ORDINANCE NO. 96-2**

### **AN ORDINANCE TO AMEND CHAPTER 5 OF THE ALLEN PARK CODE OF ORDINANCES TO PROVIDE NEW TITLES, RE-CODIFICATION, CLARIFICATION AND NEW PENALTIES FOR VIOLATIONS CONCERNING ANIMALS, DOGS AND CATS**

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#### **The City of Allen Park Ordains:**

#### **SECTION 1. AMENDMENT TO CODE**

The following sections of Chapter 5 of the Allen Park Code of Ordinances are hereby amended as follows:

##### **Section 5-2. Animals or Fowl at Large.**

a. No person owning or having custody of animals or fowl shall permit the same to go or be at large to the injury or annoyance of others, nor shall such animals or fowl be permitted at large upon the streets or other public ways of the City. Such action is declared to be a nuisance and dangerous to the public health and safety.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established by Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, section 1-7 (a).

##### **Section 5-11. Proper disposition of Manure required.**

a. Every person keeping or harboring any animal shall promptly collect and remove all manure or feces left by such animal before any offensive condition exists) All manure or feces so collected shall be deposited in a closed or sealed container for collection with other household waste or may be buried upon the person's property. If burial is used as a means of disposal, no burial shall take place within ten (10) feet of any property line. A person shall also be responsible for the collection and removal of manure or feces left by the person's animal upon public property or the property of another.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established by Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, section 1-7 (a).

**Section 5-43. License required.**

a. It shall be unlawful for any person to own, maintain, keep or harbor any dog or cat over (6) months of age within the City limits without first obtaining a license for the dog or cat as provided in this Article.

b. A person's first or second violation of this section shall be a municipal-civil infraction with a civil fine as established by Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, section 1-7 (a).

**Section 5-44A. License; Application; Proof of vaccination; Fee; License tag.**

1. Application for a license shall be made to the City Clerk and shall state the breed, sex, age, color and markings of the dog or cat, and the name and address of the applicant and the last known previous owner. The application shall be accompanied by a certificate of a licensed veterinarian, showing that the dog or cat has been vaccinated against rabies.

2. Each dog or cat license shall expire on the thirty-first (31st) day of December next, succeeding the date of issuance of the license. The license fee for each dog or cat shall be as prescribed by council resolution. Upon the granting of the application for the license, the City Clerk shall issue a durable metal or plastic tag with the number of the license imprinted upon it, the calendar year and the words, "Allen Park, Michigan."

**Section 5-44B. Dog and cat collars required.**

1. The owner of each dog or cat shall provide each dog or cat with a substantial collar and shall attach the dog or cat license tag issued by the City to the collar. Such collar shall be kept on the dog or cat at all times.

2. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established by Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, section 1-7 (a).

**Section 5-44C. Removal of Collar or License tag.**

1. No person, except the owner or custodian of the dog or cat, shall remove any collar or License tag from any dog or cat wearing such collar or license tag.

2. A person violating this ordinance shall be guilty of a misdemeanor and subject to the penalties provided in Chapter 1, Section 1-7a of the Allen Park Code of Ordinances.

**Section 5-51. Dogs and Cats at Large prohibited.**

a. It shall be unlawful for the owner, or any other person having the possession, care, custody or control thereof, to permit any dog or cat to go or be at large upon the public streets, walks or other public places within the city, unless such dog or cat shall be attached to a leash of less than ten (10) feet in length and of sufficient strength to restrain such dog or cat in such a manner as to be kept under the control of the person accompanying it.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established by Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, section 1-7 (a).

**Section 5-52. Annoying dogs or cats prohibited.**

a. It shall be unlawful for any person to own, harbor or keep any dog or cat which shall cause annoyance or disturbance to persons by frequent and habitual barking, howling or yelping which lasts for extended periods of time.

b. A person's first or second violation of this section shall be a municipal civil infraction with a civil fine as established by Chapter 1, Section 1-7(b). A person's subsequent violations of this section shall be a misdemeanor and subject to the penalties of Chapter 1, section 1-7 (a).

**SECTION 2. REPEAL.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect and specifically, Sections 5-2, 5-11, 5-43, 5-44, 5-51 and 5-52 are hereby repealed.

**SECTION 3. SAVING CLAUSE.**

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 4. SEVERABILITY.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 5. IMMEDIATE EFFECT.**

To preserve the public peace, health, welfare and safety, it is necessary that this Ordinance become immediately operative. It is, therefore, declared to be an emergency measure to take effect immediately.

**SECTION 6. ADOPTION.**

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 22<sup>nd</sup> day of October, 1996 and ordered to be given publication in the manner prescribed by law.

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KENNETH E. FORD, Mayor  
City of Allen Park

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BEVERLY KELLEY, City Clerk  
City of Allen Park