

## **Purpose Amendment to Chapter 3 Article III Sec. 3-076 through Sec. 3-084**

We purpose that the current Chapter 3, Article III, Sec. 3-076 – Sec. 3-084. Be removed and revised with Responsible Pet Ownership, where it pertains to Bull Terriers.

### **Purpose and Intent.**

It is the intent of the Charter of Waterford Twp. to protect the health and safety of the community against the risk of aggressive and potentially dangerous animals pose to persons and other animals in the Township. Further, it is the intent of the Charter Township of Waterford to afford animal owners due process when the owner's animal is classified as an aggressive or potentially dangerous animal.

### **Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them below.

- (a) Animal means any one (1) or more of a kingdom of living beings (except humans) differing from plants in a capacity for spontaneous movement and rapid motor response to stimulation.
- (b) Animal Control Officer means any person designated by the Township to enforce the provisions of this article.
- (c) Aggressive Animal means any animal that places fear in humans or other animals by its behavior.
- (d) Authorized Enforcement Officer means any police or animal control officer authorized to have jurisdiction in the Charter Township of Waterford.
- (e) Domesticated Animal means any of the various (as the horse or sheep) domesticated by humans so as to live and breed in tame conditions.
- (f) Owner or Possessor means any person, firm, corporation, or organization that owns or harbors a dog or animal.
- (g) Possess or Maintains means the act or ability of having or exerting control and influences over an animal regulated herein, without regard to ownership.
- (h) Potentially Dangerous Animals means a dog or animal that poses a threat to public safety **as demonstrated by any of the following behaviors:**
  - a. Causing injury to a person or domestic animal that is less severe than serious injury;
  - b. Without provocation, chasing, or menacing a person or domestic animal in an aggressive manner.
  - c. Running at large and impounded by an Oakland County Animal Control three (3) or more times within a 12 month period.
- (h) Provoke and Provocation mean to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate aggression, bite, or attack by an ordinary dog or other animal.
- (i) Serious Injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.
- (j) Township means the Township and/or its duly elected Board.
- (k) 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 evident 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 aggression, bite, or attack.

### **Determination of an aggressive animal**

- (1) A authorized enforcement officer shall have the authority to make a determination that animal is aggressive or potentially dangerous, as defined in this article, upon the complaint of any person that an animal is aggressive or potentially dangerous. When the authorized enforcement officer classifies any animal as an aggressive or potentially dangerous animal under this article, the authorized enforcement officer shall notify the owner of such animal classification. The owner shall meet the following:
  - a. The citation should be given at the time of incident to the owner. If the animal has more than one owner, a citation to one owner shall be sufficient for purpose of this article.
  - b. The citation should include a summary of the authorized enforcement officer's findings that form the basis for the animal's classification as an aggressive or potentially dangerous animal.
  - c. The citation shall be dated and shall state that the owner has 10 days to contact the 51<sup>st</sup> District court and request a hearing. From date of citation.
  - d. The citation shall state that if the owner does not contact the 51<sup>st</sup> District court within the 10 days, the classification of the animal as aggressive or potentially dangerous shall be final and conclusive for all purposes.
  
- (2) If the owner of an animal that the authorized enforcement officer has classified as aggressive or potentially dangerous animal cannot be determined, the animal shall be immediately confiscated with notice of same and a description of the animal given to the police department or Oakland County Animal Control. If the animal's owner claims such animal, the animal shall be released to its owner, together with a copy of the citation specified in subsection (a) of this section. If the animal remains unclaimed for seven (7) days, the animal shall be turned over to Oakland County Animal Control or examined by a veterinarian and/or local Michigan Human Society to determine the viability of the animal or appropriate course of destruction of the animal if necessary.

**Requirement for possession of an aggressive or potentially dangerous animal.**

- (a) Any owner of an aggressive or potentially dangerous animal shall be jointly and severally responsible with all other owners of such animal for compliance with the requirements of this section.
- (b) No animal deemed aggressive or potentially dangerous may reside in the Township without a Canine Good Citizen Certificate by a certified tester pursuant to the standard of the American Kennel Club or a certified obedience class.
- (c) No owner can own, keep, harbor, possess, or have custody or control of an aggressive or potentially dangerous animal except in compliance with this article and the following:
  - a. An aggressive animal shall not be permitted to remain in the Township unless it is properly registered as provided in this article and other wise required by state laws or ordinances.
  - b. The Owner of a potentially dangerous animal shall attend and successfully complete as available animal obedience class with the potentially dangerous animal, as offered through a certified program, and shall produce evidence of such attendance and successful completion.
  - c. The owner of an aggressive animal shall attend and successfully complete a Canine Good Citizen class with the aggressive animal, as offered through a certified tester and shall produce evidence of such attendance and successful completion.

**Transfer of ownership or possession.**

Upon the transfer of ownership or possession of any aggressive animal or potentially dangerous animal, the transferor shall provide the police chief with the name, address, and telephone number of the new owner of the animal and the effective date of the transfer. Any transferee of an aggressive or potentially dangerous animal shall be presumed to have notice of the animal's classification as such.

#### **Notice to police department.**

The owner of an aggressive or potentially dangerous animal shall notify the police department in person or by phone within 24 hours of the occurrence of any one of the following events:

- (a) Such animal has attacked a human being.
- (b) The animal has escaped or has otherwise ceased to be in the custody of the owner for any reason, unless the owner knows such animal to be physically secured and restrained or confined in the custody of another competent adult.
- (c) Such animal has been sold, given or otherwise transferred the ownership or possession of the animal.
- (d) The animal has died.
- (e) The animal is leaving the Charter Township of Waterford.

#### **Confiscation and disposition of animals.**

An aggressive or potentially dangerous animal shall be immediately confiscated by the authorized enforcement officer upon determination that the owner has not taken the animal to obedience classes or Good Citizenship Class as required by the court.

- (a) Any animal that is confiscated under this article shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of the actual cost of boarding the animal with local animal control, local human society, or local boarder, plus a \$50.00 confiscation fee upon the first confiscation of any animal, \$100.00 for the second and \$200.00 upon the third or subsequent confiscations. The foregoing should be in addition to the penalties otherwise provided in this article.

#### **District court action.**

- (a) In lieu of the citation and hearing requirements in this article, the authorized enforcement officer may file a sworn complaint in district court that an animal is a dangerous animal and that the animal has caused serious injury or death to a person or has cause serious injury or death to another domesticated animal, without provocation. The district court shall issue a summons to the owner ordering him or her to show cause why the animal should not be destroyed.
- (b) Upon the filing of a sworn complaint as provided in subsection (a), the district court shall order the owner to immediately turn the animal over to local animal shelter, local human society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person who retains the animal under this section of the complaint and order. The expense of the boarding and retention of the animal is to be borne by the owner.

