

## CHAPTER 95: ANIMALS

### Section

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#### *DOGS*

### **§95.01 PRESUMPTION OF OWNERSHIP.**

Any person who shall permit any dog to remain about any premises owned or occupied by him or her for a period of five (5) days shall be deemed the owner of such dog for the purposes of this subchapter.

(Ord. 89-1, passed 6-5-1989)

### **§ 95.02 RESTRICTIONS.**

(A) No person owning, possessing, or having charge of any dog four (4) months of age or over shall permit such dog:

(1) To be unconfined between sunset and sunrise of the following day unless in the custody of some person;

(2) If vicious, to be unconfined at any time unless securely muzzled and led by a leash, and any dog shall be deemed vicious which has bitten a person or domestic animal without

molestation, or which, by its action, gives indication that it is liable to bite any person or domestic animal;

(3) To be unconfined at any time unless vaccinated against rabies within the past year and unless the dog shall have a tag on its collar showing the current vaccination; provided, this division shall apply only to dogs six (6) months of age or older;

(4) If a female dog, to be unconfined when the dog is in heat;

(5) To be an annoyance or nuisance in the vicinity where kept because of loud or frequent or habitual barking, yelping or howling, or by reason of damaging or trespassing on the property of others;  
and

(6) To be unconfined at any time when not on the owner's lands, regardless of zoning of the lands or surrounding lands, unless led by a leash.

(B) Unless approved as a commercial kennel, the keeping of more than three (3) dogs and/or cats or the keeping of poultry, hogs, horses, or other livestock is prohibited within any RR, R-1, R-2, and R-3 Zoning District, provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth. Wild mammals, wild birds (emus, ostriches) and reptiles or any species considered an exotic pet are not allowed as a domestic pet within the Residential and Commercial Districts. Any animal, in any zoned district, engaged in an unprovoked attack on a human or animal, is deemed vicious and will be banned from Caseville Township.

(Ord. 89-1, passed 6-5-1989; Ord. § 11.09, passed 4-5-2004; Am. Ord. - -, passed 11-1-2010; Am. Ord. - -, passed 8-1-2011) Penalty, see § 95.99

### **§ 95.03 SEIZURE AND IMPOUNDING OF DOGS.**

Any dog found at large in the township which is doing any of the acts enumerated in, or at large under circumstances prohibited by § 95.02, or which is suspected of having bitten any person or animal, may be seized and impounded by any police officer of the township.

(Ord. 89-1, passed 6-5-1989)

### **§ 95.04 RABIES PREVENTION.**

Any person who shall have in his or her possession a dog which has contracted rabies, which has been subjected to the same, which is suspected of having rabies or which has bitten any person, shall upon demand of any police officer produce and surrender up such dog to be held for observation as hereinafter provided.

(Ord. 89-1, passed 6-5-1989) Penalty, see § 95.99

### **§ 95.05 EXPOSURE TO RABIES.**

It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or other animal showing the symptoms of rabies, immediately to notify the Police Department of his or her possession of the dog.  
(Ord. 89-1, passed 6-5-1989) Penalty, see § 95.99

### **§ 95.06 IMPOUNDING AND RELEASE; POUND FEES.**

(A) Any dog impounded for observation for rabies shall be held until released by the Chief of Police or otherwise disposed of. Any dog impounded for having bitten any person shall be held for not less than five (5) days in case any complaint shall have been made before any court having jurisdiction of the cases shall be filed, whereby an order that the dog be killed or confined is sought, then such further time until the case is finally disposed of.

(B) All other dogs which may be impounded under the provisions of this subchapter shall be held for not less than one hundred twenty (120) hours and shall be released to respective owners upon payment of the following fees:

(1) Payment of a fee of \$3 in the case of an immunized dog the first time the dog is seized or impounded, and \$10 for each subsequent time;

(2) Payment of the cost of boarding the dog if the same is impounded for more than twenty-four (24) hours;

(3) The showing of a license, or if the dog has no license, the making of an application for same; and

(4) In the case of an un-immunized dog, the owner shall pay the cost of having the dog immunized before the dog is released.  
(Ord. 89-1, passed 6-5-1989) Penalty, see § 95.99

### **§ 95.07 NOTICE TO OWNER.**

It shall be the duty of the Police Department to notify the owner of every dog which shall be impounded, if the owner of the dog can be ascertained, as soon as possible after the dog has been impounded. If the owner of the dog cannot be readily ascertained, a description of the animal impounded shall be published.  
(Ord. 89-1, passed 6-5-1989)

## **§ 95.08 DISPOSITION OF DOGS.**

After a dog has been kept for forty-eight (48) hours and has not been redeemed by the dog's owner, any dog may be destroyed in a humane manner if diseased, injured or of little known value, or any such dog may, in the discretion of the Chief of Police, be sold or given away to any person whom the Township Police believe will keep and care for the dog in a proper and humane manner.

(Ord. 89-1, passed 6-5-1989; Am. Ord. passed - -)

## **§ 95.09 PAYMENT OF CLAIMS.**

(A) Whenever any person sustains any loss or damage to any livestock or poultry by dogs within the township, the person or his or her agent or attorney may file a written complaint with the Police Department. The complaint shall be signed by the person making the same and shall state when, where and what and how the damage was done, and, if known, by whose dog or dogs. The Police Department shall at once examine the place where the alleged damage was sustained and the livestock and poultry injured or killed if practicable, and shall make diligent inquiry in relation to such claim to determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which the damage was done. Any owner or keeper of the dog or dogs shall be liable to the township in a civil action for all damages paid the township on any such claim, as hereinafter provided.

(B) If it appears from such report and inquiry that a certain amount of damage has been sustained by the claimant, the Board shall authorize the payment by the Township Treasurer to the claimant of the amount determined by the Township Board to be the loss or damage the claimant has sustained. No payment shall be made for any item which has already been paid by the owner of the dog or dogs doing the injury. When any payment is made by the township hereunder, the payment shall not exceed \$100 for each animal killed or injured.

(Ord. 89-1, passed 6-5-1989)

## **§ 95.10 ENFORCEMENT.**

The Township Board may also resolve and authorize county officials to enforce or assist in the enforcement of this subchapter.

(Ord. 89-1, passed 6-5-1989)

## **§95.11 EFFECTIVE DATE.**

This subchapter shall take effect on the thirtieth day after publication following adoption, as required by law.

(Ord. 89-1, passed 6-5-1989)

**§ 95.99 PENALTY.**

(A) The violation of any provision of this chapter for which no specific penalty is set forth shall be subject to the provisions of § 10.99.

(B) Any person or persons violating any of the provisions of §§ 95.01 through 95.11 shall, upon conviction thereof, be subject to a fine not exceeding \$100, or imprisonment not to exceed thirty (30) days in the Huron County Jail, the fine and imprisonment in the discretion of the court.

(Ord. 89-1, passed 6-5-1989)