
CHAPTER 124. ANIMALS**ARTICLE 1. TREATMENT OF ANIMALS**

9.130. Definitions. In the interpretation of this Chapter, the following definitions shall apply:

- (A) "Animal" shall mean any and all types of animals, including fowl and livestock, both domesticated and wild, male and female, singular and plural.
- (B) "Fowl" shall mean any and all fowl, domesticated and wild, male and female, singular and plural.
- (C) "At Large" shall mean off the premises of the owner or custodian of the animal or fowl, and not under the immediate control of the owner or custodian.
- (D) "Livestock" shall mean cattle, horses, sheep, goats, hogs, rabbits, swine or any farm animal.
- (E) "Vicious animal" shall mean any animal with a known propensity, tendency or disposition to attack unprovoked, or to cause injury to or otherwise threaten the safety of human beings or domestic animals; or any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being.

ARTICLE 2. TREATMENT OF ANIMALS

9.131. Cruelty to Animals. No person shall cruelly treat or abuse any animal, fowl or bird.

9.132. Poisoning Animals. No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal, fowl or bird.

9.133. Birds and Birds' Nests. No person, except a public officer acting in his official capacity, shall molest, injure, kill or capture any wild fowl or bird, or molest or disturb any wild bird's or fowl's nest or the contents thereof.

ARTICLE 3. KEEPING OF ANIMALS

9.140. Animals not to be Permitted At Large. No person owning or having in his custody animals shall permit same to go at large to the injury or annoyance of others, nor shall such animals be permitted at large. Such action is declared to be a nuisance and dangerous to the public health and safety.

Animals are at large when the animal is in any public street, right-of-way, alley, park or other public grounds, or when off the premises of the owner or person who has direct control of said animal. An animal shall be under the owner's or other person's direct control only under the following circumstances:

- (A) When confined within a house, pen or cage located on the owner's or other person's premises.
- (B) When enclosed or contained within a yard by fencing or other physical means of restraint adequate to confine the animal to the owner's or other person's premises; or
- (C) When under the manual control of a person capable of controlling such animal, by leash, cord or chain.

(D) In the case of a dog or cat (“pet”) only, when there is direct visual and audible contact between the pet and the owner, and the pet is so obedient to the owner’s or other person’s command that the pet does not run from the owner, trespass on others’ property, or annoy or disturb persons in the proximity of the owner of the pet.

Within one hour after a pet knowingly goes at large from either the owner or the person having custody of the animal, the owner or custodian of the animal shall report the escape of said animal to the Police Department.

9.141. Animals Prohibited. No person shall keep any vicious and/or wild animal(s), livestock or fowl within the city limits except for educational, amusement or exhibition purposes as approved by City Council resolution.

9.142. Restriction on the Number of Animals. No person shall keep more than two dogs and two cats or any combination thereof, six months or more of age, on that person’s premises within the city. The provisions of this section shall not apply to a licensed kennel that is in compliance with the Zoning Code.

9.143. Noisy Animals. No person shall own, harbor, keep or possess any animals which, by their loud and frequent howling, barking, yelping, bleating, braying or bawling, or by any other noise, cause serious annoyance to the public. This section shall not apply to any licensed kennel, licensed veterinarian or to the city impound.

9.144. Foul Smells. No person shall possess, keep, harbor within the city limits, animals, which cause noisome stench, odor or smell.

9.145. License Requirements for Dogs. All dogs shall be licensed in accordance with county ordinances and state law.

9.146. Unlicensed Dogs. Whenever any unlicensed dog is seized and impounded, as herein provided, one of the conditions of its redemption shall be the purchase of a license for said dog by the owner thereof.

9.147. Removal of Dog and other Animal Defecation from Public and Private Properties. An owner or person having custody of any dog or any other animal shall not permit said dog or any other animal to defecate on any school ground, public street, alley sidewalk, tree bank, park or any other public grounds or any private property within the city, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is immediately removed and properly disposed.

ARTICLE 4. IMPOUNDMENT

9.148. Property Owner May Impound. Any person finding any animal upon his property to his injury or annoyance may take up same and remove it to any private or other animal shelter that will take possession of it. If no such shelter is available, he may hold the animal in his own possession, and as soon as possible notify the police department of this custody, giving a description of the animal and the name of the owner if known.

9.149. Police to Take Possession. The police department as soon as possible after receiving notice will dispatch an officer to appear at the premises and take possession of the animal.

9.150. Return to Owner. If the officer has or with reasonable dispatch can obtain the name of the owner or custodian of the animal he will return it to the residence address. If there is no one at the address, he will leave a notice where the owner or custodian may reclaim the property. He will then proceed to the nearest animal hospital or shelter which will accept the animal and leave it.

9.151. Owner to Pay Board for Animal. The owner or custodian who redeems an animal from an animal hospital or shelter will pay a board bill on a per diem basis in an amount previously agreed to between the City and the owner of the hospital or shelter.

9.152. Officer May Impound. Any police officer or other person designated by the City for such purpose is authorized to capture and impound any animal found at large, impounding to be in accordance with the procedure authorized by this Chapter. In the event capture cannot be effected promptly, the officer or person is authorized to destroy the animal.

9.153. Disposition of Unredeemed Animals. Any animal not redeemed within twenty-four (24) hours will be disposed of in such manner as previously agreed upon between the City and owner of the animal hospital or shelter. The owner of the hospital or shelter is made an agent of the City for this purpose, and his actions in this regard are declared to be for a governmental purpose.

9.154. Disposition of Large Animals. Should any officer or designated person upon call or upon his own initiative pick up a large animal such as a horse, cow or mule or any other animal not acceptable by any animal hospital or shelter, he is authorized to call a trucking firm or company. The firm or company will convey the animal outside the corporate limits to one of the farms which has a working agreement with the City to handle such cases. The disposition of the animal in this case shall be handled in the same manner as though it were in an animal hospital or shelter.

9.155. Administrative Officer to Make Necessary Agreements. The City Manager of the City is instructed to enter into the necessary agreements with animal hospitals, shelters and farms to carry out the terms of this Chapter.

9.156. Violation; Municipal Civil Infraction. A person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$25.00 nor more than \$50.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The City Manager or his/her designee is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

(Ordinance No. 2002-05, 08-07-2002; Ordinance No. 2004-01, 02-03-2004; Ordinance No. 2005-06, 10-04-2005)