

CHAPTER 10: ANIMALS AND FOWL

Article

I. ANIMAL CONTROL REGULATIONS

Clio - Animals and Fowl

ARTICLE I: ANIMAL CONTROL REGULATIONS

Section

- 10.101 Title
- 10.102 Definitions
- 10.103 Farm, wild, and vicious animals prohibited
- 10.104 Barking and other loud animal noises prohibited
- 10.105 Animal care
- 10.106 Restraint of animals
- 10.107 Nuisance declaration

- 10.199 Violation; penalty

§ 10.101 TITLE.

Sections 10.102 through 10.108 of this Code, inclusive, will be known and cited as the “City of Clio Animal Control Regulations.”

(Ord. 106, passed 1-1-70; amended by Ord. 159, passed 6-20-77; Codification Ordinance)

§ 10.102 DEFINITIONS.

(A) *General rule.* Words and phrases take their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of these regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ANIMAL. Every non-human species of vertebrate or invertebrate creature, both domestic and wild.

AT-LARGE. To be anywhere other than on the property of the owner of such animal except when such animal is in the reasonable control of some person.

KEEPING, or HARBORING. To allow an animal habitually to remain and be lodged within one’s house, store, building, enclosure or premises.

OWNER. Every person having a right of property in a particular animal, and every person who

Clio - Animals and Fowl

keeps or harbors the animal or has it in his care, and every person who permits the animal to remain for any period of five consecutive days. Further, in all prosecutions for violation of these regulations, the records of the Genesee County Treasurer's office showing the name of the owner and the license number to whom any license was issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership of any dog.

PET or COMPANION ANIMAL. An animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter; any animal kept for pleasure rather than utility.

REASONABLE CONTROL. The keeping of such animal on a suitable leash or under the oral control of the owner or custodian or some other person with the permission of the owner or custodian, unless the animal is confined in a closed automobile or shipping receptacle.

VICIOUS ANIMAL. Any animal that meets one or more of the following conditions:

- (1) Any animal having poisonous bites;
 - (2) Any animal that has rabies or has been bitten by an animal known to have or suspected of having rabies;
 - (3) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal, dangerous or undomesticated animal which is not of a species customarily used as a pet or companion animal, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage (including non human primates, raccoons, skunks, foxes and wild exotic cats);
 - (4) Any animal with a propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals;
 - (5) Any animal which attacked or bit a human being or a domestic animal previously, other than under the type of circumstances that would be justifiable; or
 - (6) Any animal that behaves in such a manner that the person keeping or harboring such animal knows or should reasonably know that the animal has tendencies to attack or bite human beings or domestic animals other than under the type of circumstances that would be justifiable.
- (Codification Ordinance)

§10.103 FARM, WILD, AND VICIOUS ANIMALS PROHIBITED.

(A) No person shall own, keep, harbor, have custody or raise any cattle, cows, horses, sheep, swine, goats, or other livestock in areas of the city not zoned for agricultural land uses.

Animal Control Regulations

(B) No person shall own, possess, keep or harbor any wild animal contrary to state or federal law or regulations or any vicious animal.

(C) Rabbits, limited to four in number, and poultry and fowl species, limited to two in number, may be kept.

(D) This section does not apply to animals displayed in circuses or petting zoos, to animals used for giving rides or pulling carriages or carts in parades or as part of a festival, or to similar ventures, if such display or use is permitted under provisions of the City of Clio Zoning Ordinance, as amended and this Code and if such display or use is five days or less in duration.

(Codification Ordinance)

§ 10.104 BARKING AND OTHER LOUD ANIMAL NOISES PROHIBITED.

No person shall harbor or keep any dog, cat, or other animal, which by loud or frequent or habitual barking, meowing, yelping, howling, cackling, crowing or other loud noises shall cause a serious annoyance in the neighborhood, or to people passing to and fro upon the streets and sidewalks, or public highways.

(Codification Ordinance)

§ 10.105 ANIMAL CARE.

(A) Every person keeping or harboring any animal shall provide such animal with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(B) No person shall beat, ill-treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight, cockfight, bullfight, other combat between animals or animals and humans.

(C) No person keeping or harboring an animal shall abandon such animal.

(D) Every person keeping or harboring any animal shall keep or harbor such animal in a sanitary and clean space that is free from all refuse, obnoxious odors and animal offal, or spoiled food.

(E) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop and render such assistance as may be possible and shall immediately report such injury or death to the person keeping or harboring such animal; in the event the person keeping or harboring such animal cannot be ascertained or located, or both, such operator will immediately report the accident to the Clio Police Department.

Clio - Animals and Fowl

(F) No person shall willfully and maliciously expose any known poisonous substance, whether mixed with food or not, so that such substance is liable to be eaten by any animal, except that it shall not be unlawful to expose on one's own property common rat poison mixed only with vegetable substances. (Codification Ordinance)

§ 10.106 RESTRAINT OF ANIMALS.

(A) All animals shall be kept under restraint and shall not be permitted to be at-large. All dogs must be licensed with the county and have a tag affixed to a collar, which with the tag attached, shall at all times be kept on the dog for which the license is issued.

(B) No person shall fail to exercise proper care and control of his animals in order to prevent them from becoming a public nuisance.

(C) It is unlawful for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash.

(D) While under restraint, no animal shall be permitted to enter upon private property without the permission of the private property owner.
(Codification Ordinance; Am. Ord. 414, passed 8-17-09) Penalty, see § 10.199

§ 10.107 NUISANCE DECLARATION.

Any animal owned, kept, or harbored in violation of any provision of these regulations is hereby declared to be a nuisance per se.
(Codification Ordinance; Am. Ord. 392, passed 9-18-06)

§ 10.199 VIOLATION; PENALTY.

Any person who shall violate any provision of this article shall, upon conviction, be punished with a fine of not to exceed \$500 and cost of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court.
(Codification Ordinance; Am. Ord. 414, passed 8-17-09)