

Chapter 301 – Animal Control

Section 301.1 – Title

This Ordinance shall be known as the “Animal Control Ordinance.”

Section 301.2 – Intent

An Ordinance to the Lenox Township Code of Ordinances (as amended) to safeguard the public health of Lenox Township by Providing for the regulation of animal behavior and the keeping of animals, and to allow for the collection of stray and unwanted animals, licensing, and rabies vaccination of dogs, impoundment of animals, and enforcement of this Ordinance by the County Animal Control Division.

Section 301.3 – Enabling Authority

This Ordinance is adopted pursuant to and in accordance with the provisions of Act 246, Public Acts of 1945, as amended.

Section 301.4 – Definitions

Domestic Pet – Animals which are ordinary household pets such as dogs or cats which are kept for pleasure.

Exotic or Wild Animal – Any animal not defined as a farm animal or domestic pet which is not native to Southeast Michigan nor commonly found in the wild in Southeast Michigan.

Farm Animal – Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals, including but not limited to mink.

Kennel, Commercial – Any lot or premises on which three (3) or more dogs or domesticated animals, not owned by the proprietor, are either permanently or temporarily boarded.

Kennel, Private – Any lot or premises on which four (4) or more dogs or domesticated animals over the age of one (1) year, owned by the proprietor, are housed.

Nuisance Animal – An animal running at large on public or private property other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to (1) making physical contact with a person or other animal in a harassing manner; (2) urinating or defecating on property other than that of its owner or keeper when not under the direct supervision of its owner or keeper; or (3) damaging inanimate personal property.

Dangerous Animal – An animal whose behavior is dangerous. Dangerous behavior shall include, but not be limited to biting or otherwise causing serious injury to a person or other animal on public or private property where the injured person or other animal is legally entitled to be, including the property of the animal's owner or custodian. An animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or service purposes while engaged in the activities for which they were trained, shall be considered a dangerous animal.

A. Exceptions: An animal shall not be considered a nuisance or dangerous where its action is caused by:

1. An illness or injury suffered by the animal at the time of the act.
2. The negligent or reckless conduct of any person to whom the act is directed.
3. Lawful hunting while the animal is under the control of its owner or custodian.
4. Defense of an animal's owner, members of the owner's family or household, or their property.

Ordinance Enforcement Officer – Any agent of the Township of Lenox who is authorized to enforce the provisions of this Ordinance and/or any Macomb County Sheriff's Deputy on duty in Lenox Township or Animal Control Officer of Macomb County, Michigan.

Owner – Every person having a right or property to the animal, an authorized agent of the owner, every person who keeps or harbors the animal or has it in his care, custody, or control, and every person who permits the animal to remain on or about premises owned or occupied by the person. Owner shall further mean every person named in the licensing records of any animal as the owner who has control of the animal, and the occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing records. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner as defined in this Section. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner, even if the animal was in the possession of or under the control of a keeper at the time of the offense.

Section 301.5 – Nuisance or Dangerous Animals

It shall be unlawful for any person to permit an animal to engage in nuisance or dangerous behavior as defined in Section 301.4 above, permit such animal to go unconfined or on the unrestrained owner's premises, or permit such animal to run at large.

Section 301.6 – Stray Livestock

A person who owns or has custody or control of livestock or poultry shall prevent such animals from running at large on public or private property without the consent of the property owner. This section shall not prohibit the leading or driving of livestock, under the owner's or custodian's supervision, along a public highway.

Section 301.7 – Exotic or Wild Animals

No person shall own, possess, or harbor any dangerous, wild, or exotic animals without proper Federal, State, or Local permits.

Section 301.8 – Animal Care

Every person who owns or has charge, care, or custody of an animal shall provide each animal with water, good and wholesome food appropriate to the species, proper and sanitary shelter and protection from the weather, veterinary care, sufficient exercise, and humane care and treatment in accordance with Article VIII of the Macomb County Animal Control Ordinance.

Section 301.9 – Animal Cruelty

- A. No person shall beat, kick, hit, bite, burn, teaser or entice, or give animal alcohol or a controlled drug unless prescribed by a veterinarian, use any equipment, device, or substance that could be injurious or cause unnecessary cruelty to an animal, or in any manner cause an animal to suffer needlessly.
- B. No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible to be quartered together or so near each other as to cause injury, fear, or torment. Animals trained so that they can be placed together without attacking each other, or performing, shall not be considered enemies for purposes of this Section.

- C. No person shall work or use any animal that is overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.
- D. No person shall confine a dog on a chain for an unreasonable time unless such confinement is in accord with Article VIII of the Macomb County Animal Control Ordinance. No person shall confine a dog in heat in a fashion that fives stray animals' access to her or that permits her to escape.
- E. No person shall abandon any animal.

Section 301.10 – Compliance with State and County License Requirements

All animals legally possessed must have and wear a current valid license when required by Macomb County, Michigan Ordinance or State of Michigan Statute or Regulation, and must have all shots and inoculations required by County Ordinance or State Statute or Regulation. Evidence of all shots or inoculations shall be shown upon request to an enforcement officer. Any person operating a private or commercial kennel shall have and display a kennel license as required by County Ordinance or State Statute or Regulation.

Section 301.11 – Seizure and Impoundment

Animals found within Lenox Township may be quarantined, seized, and impounded by the Macomb County Animal Control Department in accordance with County Ordinance including, but not limited to:

- A. Unlicensed dogs.
- B. Dogs running at large or not on a leash or lead while off the owner's property.
- C. Stray, unwanted, abandoned, or abused animals.
- D. Animals in violation of or maintained contrary to any township ordinance, Macomb County Animal Control Ordinance, or State law.
- E. Animals which the owner or custodian is not able to care for properly.
- F. Any animal that has scratched or bitten a person.

G. Any animal upon the recommendation of a doctor, veterinarian, or the Health Department.

Section 301.12 – Penalties

Any person or persons who are convicted of a violation of this ordinance is guilty of a misdemeanor and shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00), or ninety (90) days imprisonment in the county jail, or both, together with all court costs and the cost of prosecution. Each day that a violation continues may be considered a separate offense by a court of competent jurisdiction.

