

Councilman Fitzpatrick moved that an ordinance introduced June 6, 2011, entitled and reading as follows, be taken up and enacted, seconded by Councilman Scharffe:

O-120

AN ORDINANCE TO ADD § 94.11-§ 94.17, "DANGEROUS DOGS" TO CHAPTER 94, "NUISANCES: HEALTH AND SAFETY," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. § 94.11-§ 94.17, "Dangerous Dogs" of Chapter 94, "Nuisances: Health and Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1, is hereby added to read as follows:

#### *DANGEROUS DOGS*

##### § 94.11 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply. Words used in the present tense include the future, words used in the plural number include the singular number and words in the singular number include the plural number.

##### *DANGEROUS DOG*

(A) Any dog with a propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or

(B) Any dog that attacks, attempts to attack or that, by its actions, gives indication that it is liable to attack a human being or other domestic animal one or more times without provocation; or

(C) Any dog of a breed that appears consistently in the top five (5) of the breeds on credible, analytical listings of "Most Dangerous Dogs" as verified and supplemented by local data and records for Saginaw County. The "list" shall include any dog that by physical appearance could be believed by any reasonable person to have sufficient physical or temperamental characteristics or behaviors to be a "mix" of any of the breeds listed or a "mix" with a non-listed dog where the mixture exhibits the dominant physical appearance of a dog on the list, and any other dog that has the substantial physical characteristics and appearance of those breeds on the list. Such list shall be updated annually and available on the City's website and in the City Clerk's Office.

##### *GUIDE/SERVICE DOGS*

Any guide dog, signal dog, or other dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

##### *LAW ENFORCEMENT DOG*

A dog trained to aid the police, in duties such as tracking, disabling or detaining criminals or detecting controlled substances.

##### § 94.12 REGISTRATION.

(A) *Registration Required.* It shall be unlawful to keep, harbor, own, or in any way possess within the corporate limits of the City of Saginaw, any dangerous dog four (4) months of age or older, without first registering the dog with the City Clerk, paying the registration fee of \$20 and obtaining the necessary sign.

(B) *Registration Form.* Registration for Dangerous Dogs shall be made on a form provided by the City Clerk and shall include the following information:

- (1) Name, breed and Saginaw County license number of dog.

- (2) Name, address and phone number of owner.
- (3) Name, address and phone number of landlord/property owner if different from above.
- (4) Detail of any prior attacks or attempted attacks by the dog.

Such registration shall require the signature of the owner of the dangerous dog. A separate registration shall be required for each dog. Upon receipt of a registration application for a dangerous dog, the City Clerk shall issue the applicant a license permitting the applicant to own, harbor or possess the dangerous dog under the terms of this subsection. The owner of the dog must at all times be able to present the license upon request.

#### § 94.13 EXCLUSIONS

The following are excluded from complying with the terms and conditions of this ordinance:

- (A) Guide/service and law enforcement dogs, however, the owner of such dog, upon request, must provide pictured identification certifying that the dog was trained by a qualified organization or trainer.
- (B) Veterinarian Offices.
- (C) Animal Control Centers.
- (D) Humane Society and/or Animal Shelter Facilities, provided the dog(s) are securely contained.
- (E) Dog obedience schools.
- (F) Pet shops.

#### § 94.14 STANDARDS.

The keeping of such dog(s), and any other dangerous dog(s), is subject to the following standards:

(A) *Leash.* No person shall permit a dangerous dog to go outside its kennel, pen, or fenced yard, unless such dog is securely leashed with a leash of adequate strength to restrain the dog. No person shall permit such a dog to be kept on a chain, rope or other type of leash outside its kennel, pen or fenced yard, unless a person is in physical control of the leash. Dogs outside their kennel, pen or fenced yard may not be leashed to inanimate objects such as trees, posts, buildings, etc.

(B) *Confinement.* All dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed as above provided. Such pen, kennel or structure must have secure sides of at least 4' feet in height above ground. All structures used to confine such dogs must be locked with a key or combination lock when such dog(s) are within the structure. Such structure must be constructed and at all times maintained in such a manner as to effectively prevent the dog(s) from escaping the confines of the enclosure. Such pen or kennel shall not be constructed to interfere or obstruct access to any metering device provided by the City or other public agencies. All structures erected to house such dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(C) *Confinement Indoors.* No registered dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

(D) *Signs.* All owners, keepers or harborers of dangerous dogs within the City shall within five (5) days of registration display one (1) sign provided by the City Clerk at the time of registration, which shall be mounted in a prominent place on the front of the premises visible from the street. The charge for the signs shall be included in the registration fee at no additional cost to the applicant. A fee of ten (\$10.00) dollars shall be incurred by the licensee for the replacement of any sign due to loss or damage.

§ 94.15 REPORTING REQUIREMENTS

All owners, keepers or harborers of dangerous dogs must notify the City Clerk's Office within one (1) business day of the occurrence of any one of the following events:

- (A) The dog(s) have escaped;
- (B) The dog(s) have attacked a human being or other animal;
- (C) The dog(s) have been sold, given or transferred permanently to another person or address within the City;
- (D) The dog(s) have died;
- (E) There has been a birth of an offspring of the dog(s); or
- (F) The dog(s) are permanently leaving the City of Saginaw.

§ 94.16 AUTHORITY TO DEPUTIZE.

The City Manager may deputize and authorize any person of his/her choosing to write and issue citations for violations of this ordinance.

§ 94.17 VIOLATIONS

(A) No person shall violate any law of the State of Michigan nor any rule or regulation adopted by any duly authorized agency of the State of Michigan pertaining to dogs.

(B) *Municipal civil infraction.* A person who violates any provision of the *Dangerous Dogs* provisions is responsible for a Class D municipal civil infraction, subject to payment of a civil fine as set forth in § 37.07, plus costs and other sanctions for each infraction. Repeat offenses shall be subject to increased fines as provided by § 37.07. The following is a schedule of fines for a Class D offense:

First Offense: \$100.00

First Repeat Offense: \$200.00

Second or any Subsequent Repeat Offense: \$400.00

Section 2. This ordinance shall become effective June 30, 2011.

Enacted: June 20, 2011.

Adopted by the following vote:

Ayes: Councilpersons Fitzpatrick, Kitterman-Miller, Scharffe, Virciglio and Mayor Branch -5.

Nays: Councilpersons Browning, Coulouris and Wendt-3.

Absent: Councilman O'Neal-1.

Gregory L. Branch  
Mayor

Diane M. Herman  
City Clerk