



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1264**

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 14 "ANIMALS" TO REMOVE THOSE PROVISIONS WHICH ARE NO LONGER ENFORCED DUE TO THE LACK OF A CITY ANIMAL CONTROL OFFICER.

**THE CITY OF YPSILANTI HEREBY ORDAINS:**

**1. Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.** That Chapter 14 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Animals," is hereby amended as follows:

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means every nonhuman species of animal, both domestic and wild.

~~Animal control officer means any person who is qualified to perform such duties under the laws of this state, including the city ordinance officer, county dog officer when the city contracts with the county for the services of this individual, investigators of the Humane Society of Huron Valley when the city contracts with them for such services, and the city police department.~~

~~Animal shelter means any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption, or euthanasia.~~

~~Auction means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.~~

~~Circus means a commercial variety show featuring animal acts for public entertainment.~~

~~Commercial animal establishment means any pet shop, grooming shop, animal auction, stable, petting zoo, zoological park, circus, performing animal exhibition, or kennel.~~

~~Grooming shop means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.~~

~~Guard dog means any dog that will detect and warn its handler that an intruder is present in/or near an area that is being secured.~~

~~Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and/or cats, or any dwelling unit where four or more dogs and/or cats are harbored other than dogs and/or cats under four months of age.~~

~~Licensing authority means the city manager or his designee.~~

~~Owner means any person, partnership, or corporation owning, keeping, harboring, or having custody of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more except for wild birds fed from outdoor bird feeders.~~

~~Performing animal exhibition means any spectacle, display, act, or event, other than circuses and parades, in which performing animals are used.~~

~~Pet means any animal kept for pleasure rather than utility or any animal of a species that has been bred and raised to live in or about the habitation of human beings and is dependent on people for food or shelter.~~

~~Pet shop means any person, partnership, or corporation, except for a licensed kennel, veterinary hospital, or animal shelter, whether operated separately or in connection with another business enterprise, that buys, sells, or boards any species of animal.~~

~~Restraint means any animal secured by a leash or lead extending six feet or less and under the control of a responsible person and obedient to that person's commands, or when confined securely in a shipping receptacle, crate, or closed automobile, or when within the real property limits of its owner and under the control of a leash or being fenced in or by some other suitable physical means kept from leaving the property at any time.~~

~~Stable means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animals, including a racetrack, trotting track, or rodeo.~~

~~Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.~~

~~Wild animal means any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, nonpoisonous insects, and captive-bred species of rodents, common cage birds, nonpoisonous aquarium reptiles, aquarium amphibians, and aquarium fish.~~

~~Zoological park means any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals.~~

~~Sec. 14-2. Enforcement.~~

~~(a) The animal control officer shall enforce the civil and criminal provisions of this chapter. It shall be a violation of this chapter to interfere with any such officer in the performance of his duties.~~

~~(b) The animal control officer shall:~~

~~(1) Make arrangements with the Humane Society of Huron Valley or other suitable facility for the retention of animals impounded under this chapter;~~

~~(2) Seek an ex parte order in the district court any time an animal is to be confined in the Humane Society of Huron Valley for more than three days, ordering and requiring Humane Society of Huron Valley to hold the animal for the specified period of time;~~

~~(3) Make a report to the city clerk of all unlicensed animals not duly licensed found in the city, after May 1 of each year;~~

~~(4) Keep a record of the breed, sex, age, color and markings of every animal impounded together with the date and hour of its impounding and the name of the owner, if known;~~

~~(5) Use tranquilizers or other chemical means when reasonably necessary to capture and impound unrestrained animals. Furthermore, the animal control officer and humane society and the city shall not be liable for any accidental death as a result thereof.~~

~~(c) — The city police department shall also possess all the powers granted to the animal control officer and shall act in concert with the animal control officer at all times.~~

~~Sec. 14-3. Impoundment; release; adoption; violation notice.~~

~~(a) — The animal control officers shall take and impound in an animal shelter and there confine in a humane manner all:~~

~~(1) — Unrestrained dogs;~~

~~(2) — Public nuisance animals;~~

~~(3) — Animals not duly licensed as provided by article II of this chapter;~~

~~(4) — Animals not inoculated as provided by sections articles II and IV of this chapter;~~

~~(5) — Any animal being treated in violation of section 14-10;~~

~~(6) — Any animal found to be in violation of this chapter.~~

~~(b) — Any animal exposed to rabies or any animal that has attacked any person or other animal shall be kept for such additional time and under such conditions as required by article IV of this chapter.~~

~~(c) — Any unlicensed animal or any animal not identified by a tag or other means shall be kept for not fewer than five working days after which any such animal not reclaimed by its owner shall become the property of the local government authority or humane society and shall be placed for adoption in a suitable home or humanely euthanized by sodium pentobarbital, FP-3, or cooled and bottled carbon monoxide only.~~

~~(d) — If, by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or first class mail. Any such animal not reclaimed by its owner within five working days after the animal officer has made a reasonable effort to notify the owner shall become the property of the local government authority or humane society and shall be placed for adoption in a suitable home or humanely euthanized by sodium pentobarbital, FP-3, or cooled and bottled carbon monoxide only.~~

~~(e) — An owner reclaiming an impounded animal shall pay a fee as set by resolution of the city council, plus:~~

~~(1) — For unlicensed animals, the license fee;~~

~~(2) — For animals not inoculated, the inoculation fee;~~

~~(3) — For the first day impounded, a fee as set by resolution of the city council;~~

~~(4) — For each additional day impounded, a fee as set by resolution of the city council.~~

~~(5) — The cost to the city for the animal being captured or taken into possession and delivered to the Humane Society or other holding facility.~~

~~Subsequent impounds occurring within 12 months shall be charged double.~~

- ~~(f) — Any animal impounded, seized, or delivered under this chapter that has not been inoculated as provided by articles II and IV of this chapter shall be inoculated by a veterinarian unless the animal is to be humanely euthanized under the provisions of this chapter. No such animal shall be released that has not been inoculated.~~
- ~~(g) — The shelter director shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded at the shelter, and all penalties paid and collected.~~
- ~~(h) — No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and at a specified date in the contract for pups and kittens. Adoption fees and, where applicable, sterilization fees or deposits as required and set by the Humane Society of Huron Valley must be paid at the time of adoption.~~
- ~~(i) — The owner of an impounded animal may also be proceeded against for violation of this chapter.~~

~~Sec. 14-4. — Removal of animal for four or more violations.~~

~~Any time the owner or keeper of an animal shall be convicted of four or more violations of this chapter relating to that animal in a two-year period, at the discretion of the court, the animal may be removed from the owner and turned over to the Humane Society of the Huron Valley to do with as it sees fit.~~

~~Sec. 14-5. — Additional liability.~~

~~Nothing in this chapter shall be construed as limiting the common law liability of the owner of a animal for damages committed by it.~~

~~Sec. 14-6. — Slaughterhouses and slaughtering.~~

- ~~(a) — Generally. No person, partnership or corporation shall keep, maintain or use or permit to be kept, maintained or used, any slaughterhouse within the limits of the city. No person, partnership or corporation shall slaughter any sheep, swine or cattle within the limits of the city.~~
- ~~(b) — Keeping slaughterhouses for purpose of slaughtering, declared nuisance. It is hereby declared that the keeping, maintaining or use of a slaughterhouse for the purpose of slaughtering sheep, swine or cattle within the limits of the city is a nuisance.~~

~~Sec. 14-27. - Restrictions on keeping certain animals.~~

- ~~(a) Pets. No owners shall keep or house any animals or domestic fowl within the city except dogs, cats, nonpoisonous insects, and captive-bred species of rodents, common cage birds, cage birds kept pursuant to license under state or federal law, including but not limited to Michigan Act 451, PA of 1994, as amended, and the Wildlife Conservation Order as amended and under the Code of Federal Regulation (CFR), including but not limited to 50CFF 13 subpart D and 50 CFR; 1.28 and 21.29, nonpoisonous aquarium reptiles, aquarium amphibians, and aquarium fish~~

commonly classified as pets and which are customarily kept or housed inside dwellings as household pets.

- (b) Wild animals.
  - (1) No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities or cage birds kept under state or federal license.
  - (2) No person shall keep or permit to be kept any wild animal as a pet.
  - ~~(3) The licensing authority may grant temporary permits for the keeping of infant wild animals. However, the licensing authority shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.~~
- (c) Bees. No owner shall keep or possess any apiary containing any stands or hives of bees except as provided by Article II of this chapter 122.
- (d) Rights protected by the Michigan Right to Farm Act excluded. This section does not extend or revise in any manner the provisions of the Michigan Right to Farm Act or generally accepted agricultural and management practices developed under the Michigan Right to Farm Act. Specifically, the following are excepted from the prohibitions of this section: A farm or farm operation under the Michigan Right to Farm Act that conforms to generally accepted agricultural and management practices according to policy determined by the Michigan Commission of Agriculture and, therefore, is not a public nuisance pursuant to MCL 285.473; and a farm or farm operation that existed before a change in land use or occupancy of land within one mile of the boundaries of the farm land, and if before that change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.
- (e) Municipal civil infraction. A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38.

Sec. 14-~~38~~. - Restraint.

- (a) Generally. All animals shall be kept under restraint.
- (b) Dogs or cats in heat. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with an unneutered male of the same species except for planned breeding.
- (c) Impediment to pedestrian traffic. No animal shall be left unattended in a location so as to permit it to impede pedestrian traffic to and from sites of entrance and egress to public buildings or buildings to which the public is invited.
- (d) Municipal civil infraction. A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38.

Sec. 14-9. - Removal of animal waste.

- (a) Responsibility. The owner of every animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, or private property.
- (b) Municipal civil infraction. A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38.

~~Sec. 14-10. Animal care.~~

~~(a) The following acts are prohibited:~~

- ~~(1) No owner shall fail to provide to animals within the owner's custody 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.~~
- ~~(2) No owner of an animal which appears to be diseased or sick shall fail to procure proper veterinary treatment for the animal. The animal control officer upon seeing any diseased or sick animal shall inform its owner that the animal is diseased or sick and that proper veterinary care should be procured. If after three days following such warning, proof of receiving veterinary care has not been procured, the animal control officer shall seek an order in the district court, giving the animal control officer authority to seize the animal and confine it for treatment, with all costs for the entire process to be borne by the owner.~~
- ~~(3) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and human beings.~~
- ~~(4) No owner of an animal shall abandon such animal.~~
- ~~(5) No person shall crop or have cropped a dog's ears or dock or have docked a dog's tail, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort or when required to conform to American Kennel Club breed standards. In no event shall any person except a licensed veterinarian perform such an operation.~~
- ~~(6) Chickens, ducklings, or rabbits younger than eight weeks of age may not be sold in quantities of fewer than 25 to a single purchaser.~~
- ~~(7) No owner shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.~~
- ~~(8) No person shall molest, injure, kill or capture any wild bird, or molest or disturb any occupied wild bird's nest or its contents.~~
- ~~(9) Performing animal exhibitions:~~

a.— ~~No person may sponsor, promote, train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.~~

b.— ~~All equipment used on a performing animal shall fit properly and be in good working condition.~~

(10) — ~~Any person who, as the operator of a motor vehicle, strikes a mammal shall stop at once and render such assistance as may be possible and, for mammals other than wild mammals, shall immediately report the injury or death to the mammal's owner. If the owner cannot be ascertained and located, or the mammal is a wild mammal, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.~~

(11) — ~~No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall endanger or be likely to endanger any animal, provided that it shall be lawful for a person to expose on his own property common rat poison mixed only with vegetable substance and to use household and garden insect sprays, traps, granules, and powders as directed by their instructions. This subsection shall not apply to state licensed exterminators.~~

(12) — ~~No person shall use any leghold trap within the city.~~

(13) — ~~No person shall shoot, kill, cripple, hunt, chase or in any way injure any animal within the limits of the city; provided, however, this shall not prohibit an owner or occupant from exterminating rats or other pest animals.~~

(b) — ~~Any person convicted of a violation of section 14 10 on two or more occasions within a two year period shall incur a minimum penalty of five days in jail and/or a fine of not less than \$75.00 and not more than \$500.00, and if he is the owner of the maltreated animal, at the discretion of the court, the animal shall be turned over to the Humane Society of Huron Valley to do as it sees fit. An owner of a maltreated animal, if convicted of a violation of section 14 10 with respect to that animal, shall have all licenses and permits to own, keep, harbor, or have custody of animals automatically revoked and no new licenses and permits may be issued.~~

Sec. 14 11. — ~~Public nuisance animals.~~

(a) — ~~Any animal or animals that unreasonably annoy persons, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property is a public~~

nuisance. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- ~~(1) — Is repeatedly found not under restraint or repeatedly damages the property of anyone other than its owner;~~
- ~~(2) — Molests or unreasonably intimidates pedestrians or passersby;~~
- ~~(3) — Chases vehicles;~~
- ~~(4) — Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;~~
- ~~(5) — Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;~~
- ~~(6) — Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;~~
- ~~(7) — Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or~~
- ~~(8) — Attacks other domestic animals.~~

~~(b) — An owner shall exercise the proper care and control of his animals to prevent them from becoming a public nuisance.~~

~~(c) — No person shall own or feed or harbor an animal which is a public nuisance.~~

~~Sec. 14-12. Vicious animal.~~

~~(a) — Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals is a vicious animal.~~

~~(b) — No person, partnership or corporation shall own or feed or harbor a vicious animal.~~

~~(c) — Upon recommendation of the animal control officer, the court is authorized to have an animal destroyed for a violation of this section or whenever in the discretion of the court, the animal represents a danger to society.~~

~~Sec. 14-13. - Keeping of female chickens (hens).~~

~~(a) Any person who keeps hens in the City of Ypsilanti shall obtain a permit from the city prior to acquiring the hens and pay a permit fee set by city council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained by any property owner of a property whose principle use is as a single-family or two-family zoned property within the City of Ypsilanti. Permits issued prior to June 1, 2010 will expire on July 1, 2011 and be renewable for two-year periods.~~

Permits shall provide a limited license for the activity, and no vested zoning rights shall arise from said permit issuance.

- (b) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit keeping of hens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- (c) A person who keeps or houses hens on his or her property shall comply with the following requirements:
  - (1) Must obtain a permit pursuant to subsection (a) of this section.
  - (2) Keep no more than four hens.
  - (3) The principal use of the person's property must be for a single-family dwelling or two-family dwelling.
  - (4) No person shall keep a male chicken (rooster).
  - (5) No person shall slaughter any hens.
  - (6) Any person keeping hens shall remain subject to public nuisance animal controls codified in section 14-11 of the Ypsilanti Code of Ordinances.
  - (7) The hens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Fenced enclosures are subject to the provisions of section 122-714 of the Code of Ordinances.
  - (8) A person shall keep hens in the backyard only. For this subsection, "backyard" means the portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.
  - (9) All enclosures for the keeping of hens shall be constructed, repaired and maintained in a manner to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
  - (10) All feed and other items associated with the keeping of hens that are likely to attract or to become infested shall be so protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
  - (11) Chicken coops and enclosures shall be at least 20 feet from any residential structure not owned by the permittee unless written permission is granted from the owner of the affected residential structure.
- (d) If the requirements of subsection (c) are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.

~~Secs. 14-514—14-30. - Reserved.~~

~~ARTICLE II. — LICENSES~~

~~DIVISION 1. — GENERALLY~~

~~Sec. 14-31. — Municipal civil infraction.~~

~~A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

~~Sec. 14-32. — Licensing at owner's expense.~~

~~Any animal found not duly licensed under this chapter shall be so licensed at the owner's expense.~~

~~Sec. 14-33. — Review of violations.~~

~~The licensing authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations under this chapter have been assessed in a 12-month period.~~

~~Sec. 14-34. — License periods, issuance and revocation.~~

- ~~(a) — License periods shall begin on January 1 and shall run for one year. Renewal applications shall be made from 30 days before to 60 days after the end of the license period. New applications may be made at any time. Owners applying for a license after July 1 shall be required to pay 50 percent of the applicable fee. All applications shall be made as required by this chapter.~~
- ~~(b) — After an application is filed, the licensing authority may inspect facilities prior to issuing a license.~~
- ~~(c) — The licensing authority may revoke any permit or license if the owner holding the license refuses or fails to comply with this chapter, the regulations promulgated by the licensing authority, or any law governing the protection and keeping of animals. Any owner whose license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored. No part of the license fee shall be refunded.~~
- ~~(d) — It shall be a condition of the issuance of any license that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the license of the refusing owner.~~
- ~~(e) — If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a license or revoke any license already issued.~~
- ~~(f) — No person who has been convicted of a violation of section 14-10 shall be issued or have transferred to their name a license under this chapter.~~

~~(g) — Any person having been denied a license may not reapply for a period of 30 days. Each reapplication shall be accompanied by a fee as set by resolution of the city council.~~

~~Secs. 14 35 — 14 45. — Reserved.~~

~~DIVISION 2. — DOGS~~

~~Sec. 14 46. — Licensing.~~

~~An owner of any dog over four months of age within this municipality must obtain a license as provided by this chapter. This provision does not apply to animal shelters, veterinary hospitals, licensed animals boarded at kennels.~~

~~Sec. 14 47. — License application contents.~~

~~Written application for licenses must be made to the licensing authority and shall include:~~

- ~~(1) — The name and address of the applicant;~~
- ~~(2) — A description of the dog;~~
- ~~(3) — The appropriate fee;~~
- ~~(4) — A rabies certificate issued by a licensed veterinarian or antirabies clinic for a term equal to or exceeding the license term.~~

~~Sec. 14 48. — Required for dog four months of age.~~

~~Applications for a license must be made within 30 days after obtaining a dog over four months of age; this requirement does not apply to a dog owned by a nonresident and kept within the municipality for not longer than 60 days.~~

~~Sec. 14 49. — Exemption to license fees.~~

~~License fees shall not be required for certified seeing eye dogs, hearing dogs, other certified dogs that are trained to assist the physically handicapped, or governmental police dogs.~~

~~Sec. 14 50. — Issuance of tag or collar.~~

~~Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the dog's collar or harness.~~

~~Sec. 14 51. — Identification to be worn.~~

~~Dogs must wear identification tags or identification collars at all times when off the premises of the owners.~~

~~Sec. 14 52. — Record of licenses.~~

~~The licensing authority shall maintain a record of the identifying numbers of all tags and collars issued and shall make this record available to the public at all times.~~

~~Sec. 14-53.— License fees.~~

~~Annual licenses will not be issued until all conditions are met and the payment of the applicable fee as set by resolution of the city council for the following categories shall be made:~~

- ~~(1) — Unneutered male dog.~~
- ~~(2) — Neutered male dog.~~
- ~~(3) — Unspayed female dog.~~
- ~~(4) — Spayed female dog.~~

~~Sec. 14-54.— Duplicate licenses; fee.~~

~~A duplicate identification tag or collar may be obtained upon payment of a replacement fee as set by resolution of the city council.~~

~~Sec. 14-55.— Use of tag of another animal.~~

~~No owner or person may use any identification tag or collar for any animal other than the animal for which it was issued.~~

~~Sec. 14-56.— Exhibit of license upon request.~~

~~An owner must exhibit the license to a law enforcement officer upon request.~~

~~Secs. 14-57—14-80.— Reserved.~~

~~ARTICLE III.— PERMITS~~

~~DIVISION 1.— GENERALLY~~

~~Sec. 14-81.— Promulgation of regulations.~~

~~The licensing authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for the public health and welfare or for the protection of animals.~~

~~Sec. 14-82.— Municipal civil infraction.~~

~~A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

~~Sec. 14-83.— Separate permits.~~

~~Every facility regulated by this chapter shall be considered a separate enterprise requiring an individual permit.~~

~~Sec. 14-84.— Permit periods, issuance and revocation.~~

- (a) ~~Permit periods shall begin on January 1 and shall run for one year. Renewal applications shall be made from 30 days before to 60 days after the end of the permit period. New applications may be made at any time. Owners applying for a permit after July 1 shall be required to pay 50 percent of the applicable fee. All applications shall be made as required by this chapter.~~
- (b) ~~After an application is filed, the licensing authority shall inspect facilities prior to issuing a permit.~~
- (c) ~~The licensing authority may revoke any permit if the owner holding the permit refuses or fails to comply with this chapter, the regulations promulgated by the licensing authority, or any law governing the protection and keeping of animals. Any owner whose permit is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored. No part of the permit fee shall be refunded.~~
- (d) ~~It shall be a condition of the issuance of any permit that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit of the refusing owner.~~
- (e) ~~If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or revoke any permit already issued.~~
- (f) ~~No person, nor a commercial animal establishment that employees such a person in a position that cares for animals, who has been convicted of a violation of section 14-10 shall be issued or have transferred to their name a permit under this chapter.~~
- (g) ~~Any person, partnership, or corporation having been denied a permit may not reapply for a period of 30 days. Each reapplication shall be accompanied by a fee as set by resolution of the city council.~~

~~Sec. 14-85. Permit fees.~~

- (a) ~~When an applicant has shown willingness and ability to comply with the regulations promulgated by the licensing authority and with this chapter, an annual permit shall be issued or renewed upon payment of the applicable fee as set by resolution of the city council for each of the following categories:~~
  - (1) ~~Kennel authorized to house or train fewer than ten dogs and/or cats.~~
  - (2) ~~Kennel authorized to house or train ten or more but fewer than 50 dogs and/or cats.~~
  - (3) ~~Kennel authorized to house or train 50 or more dogs and/or cats.~~
  - (4) ~~Pet shop.~~
  - (5) ~~Riding stable.~~
  - (6) ~~Auction.~~
  - (7) ~~Zoological park.~~
  - (8) ~~Circus.~~

~~(9) — Grooming shop.~~

~~(10) — Petting zoo.~~

~~(11) — Guard dog training center.~~

~~(b) — No fee shall be required of any veterinary hospital, animal shelter, or government-operated zoological park.~~

~~Sec. 14-86. — Transfer of permit.~~

~~Permits shall be transferred upon a change in ownership upon the payment of a transfer fee as set by resolution of the city council and a showing of willingness and ability by the new owner to comply with the regulations promulgated by the licensing authority and with this chapter.~~

~~Sec. 14-87. — Failure to obtain permit.~~

~~No person shall fail to obtain the appropriate permit before opening or reclassifying any facility covered in this article.~~

~~Secs. 14-88 — 14-100. — Reserved.~~

~~DIVISION 2. — COMMERCIAL ANIMAL ESTABLISHMENTS AND ANIMAL SHELTERS~~

~~Sec. 14-101. — Permits.~~

~~No person shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this article.~~

~~Sec. 14-102. — Reclassification.~~

~~Commercial animal establishments and animal shelters shall be reclassified upon change in circumstances. Adjustments shall be made for increased permit fees and must be paid before permits are reclassified.~~

~~Secs. 14-103 — 14-115. — Reserved.~~

~~DIVISION 3. — GUARD DOG TRAINING CENTERS~~

~~Sec. 14-116. — Permit required.~~

~~No person shall train guard dogs in the city without having first secured a permit to operate a guard dog training center pursuant to sections 14-84 through 14-87.~~

~~Sec. 14-117. — Guard dog training; license required; contents of application.~~

~~No person shall train any dog to be used as a guard dog without possessing a valid license. This division shall not apply to the city/county/state government or any of its agencies. The applications for a guard dog training license shall state the name and address of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility.~~

~~Secs. 14-118 — 14-130. — Reserved.~~

~~DIVISION 4. — KENNELS~~

~~Sec. 14-131. — Permit required.~~

~~No person shall operate a kennel in the city without having first secured a permit to operate such kennel as required by sections 14-84 through 14-87.~~

~~Sec. 14-132. Requirements, limitations and regulations.~~

~~No person shall be permitted to operate a kennel unless he shall comply with the following requirements, limitations and regulations:~~

- ~~(1) No kennel shall operate with less than 2,000 square feet of open ground or enclosed building available and in use for such animals.~~
- ~~(2) All kennels located within 1,000 feet of any dwelling house or property known as residential property under chapter 122, shall also have to provide a completely enclosed building within which animals shall be confined each day during the time between sunset and 9:00 a.m. of the following day. Such enclosed building shall be constructed as nearly soundproof as may be through ordinary building construction.~~
- ~~(3) All outdoor enclosures shall be either wire fence and heavy shrubbery, or solid fencing. Fencing must be at least eight feet in height so that there shall be a complete barricade to sight from the inside of the enclosure to the outside.~~
- ~~(4) If four or more dogs are maintained or kept in such kennels, the ground area required under subsection (1) of this section shall be increased by 400 square feet for each additional dog over six months of age.~~
- ~~(5) All kennel animals shall be fed, maintained and housed in separate compartments so that animals shall not come in physical contact with other animals except when breeding is taking place, and further, except in the cases of a mother and her young or animals boarded together at their owner's request. All kennel dogs must have separate outdoor runways and their compartments must be constructed so that they cannot see dogs in adjacent compartments.~~
- ~~(6) All inside and outside spaces shall be completely and entirely cleaned of all refuse matter at least twice a day.~~
- ~~(7) In case any kennel is located within 500 feet of one or more buildings used or occupied as residences by others than the operators of the kennel, the animals shall be continuously confined within the kennel building and not allowed to run unrestrained or to be in the outdoor enclosure of the kennel.~~

~~Sec. 14-133. Maintenance of premises.~~

~~Kennel premises shall be maintained in a clean, sanitary condition at all times and sanitary methods shall be used to obliterate or prevent any offensive odors. Any dogs which are habitual barkers shall be confined inside the enclosed building at all times. The animal control officer of the city shall have the right to inspect such kennels at all reasonable hours.~~

~~Secs. 14-134-14-150. Reserved.~~

~~ARTICLE IV. RABIES CONTROL~~

~~Sec. 14 151.—Vaccination.~~

~~No owner of a dog or cat shall permit the dog or cat to be on a highway or street or other public place at any time, even where permitted by this chapter, unless the dog or cat shall have been immunized against rabies. Proof of the dog or cat having a rabies vaccination effective for the present time shall be presented to an animal control officer upon request.~~

~~Sec. 14 152.—Prevention.~~

- ~~(a) No person, partnership or corporation shall own, keep or harbor an animal that has been bitten by any animal known to have been afflicted with rabies or which shall have bitten any person or other animal. Any owner of an animal which has contracted rabies or which is suspected of having rabies or which has bitten or injured any person or other animal, shall upon demand of an animal control officer of the city, produce and surrender the animal to the officer to be held for observation. It shall be the duty of any owner of an animal which has been attacked or bitten by an animal showing symptoms of rabies or which has bitten or injured any person or any other animal suspected of having rabies, to immediately notify the animal control officer or police department of the city, that the owner has possession of the animal.~~
- ~~(b) Whenever an animal is reported to have bitten any person or other animal, it shall be thereupon the duty of the animal control officer to make a reasonable effort to notify the owner of the animal and to either:~~
- ~~(1) Notify the owner of the animal in person or in writing to quarantine the animal on the owner's premises for a period of not less than ten nor more than 15 days;~~
  - ~~(2) Notify the owner of the animal in person or in writing to confine the animal in a veterinary hospital in the city, or the vicinity thereof, or with the Humane Society of Huron Valley, for a period of not less than ten days nor more than 15 days; or~~
  - ~~(3) Seize and confine the animal in a veterinary hospital in the city or vicinity thereof, for a period of not less than ten days nor more than 15 days, for the purpose of ascertaining whether such animal is afflicted with rabies.~~
- ~~(c) Whenever an animal is found to be afflicted with rabies, it shall be destroyed under the direction of the animal control officer. When a animal is confined pursuant to subsection (b) of this section, and is found not to be afflicted with rabies, it may be returned to the owner as hereinafter provided. If any animal is confined under the provisions of this section, the owner thereof shall be liable to the confining institution for any fees and costs which are incurred because of the retention of the animal.~~
- ~~(d) If an animal is to be confined by the owner, pursuant to subsection (b) of this section, the owner shall be responsible to see to it that the animal remains confined for the required period. If the animal is not confined as required, the animal shall be seized and impounded for the required observation period.~~

~~Secs. 14-153—14-170. —Reserved.~~

ARTICLE IIV. - BEEKEEPING

Sec. 14-~~31~~71. - Definitions.

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

Apiary means the assembly of one or more colonies of bees at a single location.

Beekeeper means a person who owns or has charge of one or more colonies of bees.

Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Colony/hive means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees.

Honey bee means all life stages of the common domestic honey bee, *Apis Mellifera* species.

Tract means a contiguous parcel of land under common ownership.

Sec. 14-~~32~~72. - Purpose.

The purpose of this article is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

Sec. 14-~~33~~73. - Other beekeeping unlawful.

Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeeper to keep any colony or colonies of bees and the beekeeper and/or property owner may be cited for a civil infraction pursuant to section 14-183 of this article.

Sec. 14-~~34~~74. - Permit Required.

Any person who wishes to keep bees in the city shall obtain a permit from the city prior to acquiring the bees or constructing the bee hive and pay a permit fee set by city council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained by any property owner of a property whose principal use is single-family or two-family. Permits shall expire after two years unless renewed before their expiration. A permit

constitutes a limited license granted to the beekeeper by the city and in no way creates a vested zoning right.

Sec. 14-~~35~~<sup>175</sup>. - Private restrictions still apply.

Private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of bees is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

Sec. 14-~~36~~<sup>176</sup>. - Hive type.

All honey bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.

Sec. 14-~~37~~<sup>177</sup>. - Flyways.

In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in the height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.

Sec. 14-~~38~~<sup>178</sup>. - Water.

Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.

Sec. 14-~~39~~<sup>179</sup>. - General maintenance.

Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

Sec. 14-~~40~~<sup>180</sup>. - Queens.

In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

Sec. 14-~~41~~~~18~~1. - Colony density and posting.

- (a) It shall be unlawful to keep more than two colonies on any tract within the city.
- (b) The beekeeper shall conspicuously post a sign setting forth his/her name and phone number. It is a defense against prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.
- (c) Unless marked in accordance with subsection (b), it shall be presumed for the purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

Sec. 14-~~42~~~~18~~2. - Michigan law.

The beekeeper shall fully comply with all State of Michigan Apiary Laws, MCLS 286.801 et al., including future revisions to Michigan Apiary Law. Additionally, a beekeeper selling honey must obtain and maintain a food establishment license if required to do so by the Michigan Food Law of 2000, MCLS 289.4101 et al.

Sec. 14-~~43~~~~18~~3. - Compliance.

- (a) Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the building inspector shall cause an investigation to be conducted. If he/she finds that grounds exist to believe that one or more violations have occurred, he/she shall issue a civil infraction to the beekeepers.
- (b) A civil infraction citation may be issued to the beekeepers once a day until such time as the bees are destroyed, removed, or the problem is corrected.
- (c) If, after a civil infraction is issued and the beekeeper does not cause the violation to be corrected in a prompt manner, the city may, at its discretion, revoke the beekeeper's permit and cause the colony or colonies to be destroyed.
- (d) The provisions of this section shall not prevent the city from destroying bees or a bee colony in the event that there is an immediate need to protect the public safety. Such circumstances include, but are not limited to:
  - (1) A bee colony not residing in a hive structure intended for beekeeping;
  - (2) A dangerous swarm of bees that poses an immediate risk to the safety of humans; or
  - (3) A colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the

remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 19th DAY OF April, 2016.

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1264 was published according to Section 11.13 of the City Charter on the 27th day of April, 2016.

\_\_\_\_\_  
Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 19th day of April, 2016.

\_\_\_\_\_  
Frances McMullan, City Clerk

Notice Published: March 29, 2016

First Reading: April 5, 2016

Second Reading: April 19, 2016

Published: April 27, 2016

Effective Date: May 19, 2017