

May 28, 2015

## Article 20 General Provisions

### Section 20.16 DOG OWNERSHIP, CONFINEMENT AND CONTROL ORDINANCE

The Township of Sharon acknowledges that a dog not under reasonable physical and audio control may be inhumane to the dog, per se, as well as have a negative impact, on the health, safety and well-being of the township's citizens, domestic animals, livestock and wildlife. It is, therefore, considered a nuisance, per se to not have a dog under reasonable control within the township of Sharon. The keeping of a dog is permitted as an accessory use in any Residential District provided such ownership does not constitute a commercial/sport kennel and the keeping of the dog does not constitute a nuisance.

Unless otherwise stated, a violation of this ordinance is a nuisance per se, and the citation for the violation is a Municipal Civil Infraction.

#### DEFINITIONS

1. **Dog:** A domestic carnivorous mammal (*Canis lupus familiaris*; canis, "dog"; familiaris, "of a household" or "domestic"). For this ordinance, dogs that are crossed with a wild canine (i.e. wolf [*Canis lupus*], or any other non-domestic canine) falls under the wild is not considered a domesticated animal, unless there is proof of five generations between the cross generation and the current dog. A dog may be kept for the purpose of companionship, pleasure, sport, work, such as on in a farming operation, or a specific certified task such service dogs protected under the American's Disability Act, and dogs used for law enforcement and search and rescue.
2. **Owner:** In conjunction with and specifically applied to this ordinance, the proprietorship of a dog, means any person having a right of property to the dog, whether permanent or temporary, any person who keeps or harbors the dog, or has it in his or her care, and any person who permits the dog to remain on or about any premises owned or occupied by him or her, or is the landlord, tenant, or property owner where the dog was to have been confined, is by definition, the said dog's owner.
3. **Law Enforcement Officer:** Any person elected by the people of the State of Michigan or any person employed or appointed by its municipalities, counties, or townships, who has the lawful authority to preserve the peace and enforce its laws.
4. **Reasonable Control:** A dog shall be deemed under "reasonable control" when it does not have the ability to:
  - a. Harm or injure another person or animal, except when in defense of itself, its owner, its property or individuals lawfully on said property,
  - b. Damage the property of another, to include private and public lands and the livestock and wildlife therein,
  - c. Infringe on the peace and repose of others by having its bark or any other sound produced by the dog, project beyond the property lines in which it is being held and subsequently, onto a location where a person finds that sound to be objectionable.

5. **Lost Dog:** A dog that escapes from the control of its owner, either from the confines of its property, vehicle, or the direct control of its owner, is considered a lost dog. A dog is not defined as lost if the owner is actively seeking the whereabouts of the dog during daylight hours, and for the first 48 hours; after which, the dog is considered a stray.
6. **Stray Dog:** A dog that is not under reasonable control, that is not being actively sought by its owner, and that ranges freely with no regard for the boundaries of private property or public land.
7. **Vicious Dog:** Any dog that attacks, bites, or injures a human being, wildlife, livestock or domestic animal without provocation, or which, due to temperament, conditioning or training has a known propensity to attack, bite, or injure human beings, wildlife, livestock, or domesticated animals and such vicious temperament is displayed when not under direct order and control by its owner.
8. **Dog Kennel, Commercial/Sport:** A premises in which five (5) or more dogs four (4) months of age or older, are permanently or temporarily boarded in return for payment for boarding or training, or kept for the purpose of sport, rescue, foster care (in conjunction with a certified shelter association) or kept for the purpose of breeding or sale. This term does not include a premises where dogs are raised or kept as part of an active farm operation.
9. **Dog Kennel, Private:** An area or structure on private property, other than the residence, that is designed and built for the permanent or temporary keeping of no more than four (4) dogs six (6) months of age or older, which are household pets, certified service, search and rescue or law enforcement dogs, or dogs used as part of an active farm operation.
  - a. **Farm Exemption:** Owners of dogs used in conjunction with an active farm operation are not limited to four (4) working dogs on their property or in their private kennels.

**B. KENNEL REQUIREMENTS** The following shall apply to both private and commercial/sport kennels:

1. All structures used as a kennel must be soundproof. Noise created by the dogs cannot emanate beyond the owner's property lines.
2. All structures and areas must be designed to be and maintained as a humane environment. The premises must be kept in a clean and sanitary manner to prevent accumulation of flies, the spread of disease or offensive odor.
3. The residence designed for human habitat may not be used as a private or commercial/sport kennel. The boarding and hording of any animal within the confines of human habitat, which compromises the health, welfare and safety of the animals or humans within, may subject the owner to law enforcement and humane society interdiction.

**C. COMMERCIAL/SPORT KENNEL SITE DEVELOPMENT REQUIREMENTS**

1. The lot must be at least 10 acres in size.
2. The owner must obtain a kennel permit from the township prior to construction or prior to the dogs taking up occupancy of a previously constructed kennel.
3. Commercial/Sport kennels may not be located in a subdivision plat or condominium subdivision.
4. Buildings where the dogs are kept, the runs and exercise areas shall not be located nearer than one hundred (100) feet to a side or rear lot line and three hundred (300) feet to a public right-of-way.

**D. COMMERCIAL/SPORT SPECIAL PERFORMANCE STANDARDS**

1. Commercial/Sport kennels must be operated in conformance with all applicable county, state and federal regulations.
2. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 pm and 7:00 am.
3. During the hours of 7:00 am until 10:00 pm animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.

**D. CONTROL AND PROHIBITIONS**

**1. Reasonable Control** It shall be unlawful for the owner of any dog, not to have said dog under reasonable control at all times, whether on or off the premises of the owner.

a. **Barking Dog:** It is unlawful for an owner to allow his or her dog's voice or other sound produced by the dog, to be projected into the human habitat of another and where any reasonable person finds that sound to infringe on their peace and repose. A violation of this ordinance is a civil infraction.

b. **Stray Dog:** It is unlawful for the owner of any dog, located within the township to allow said dog to stray beyond the premises of its owner, unless the dog's owner has received permission by the encroached property owner. A violation of this ordinance is a civil infraction.

c. **Vicious Dog:** It is unlawful for any person in the township to own a vicious dog. A violation of this ordinance is a misdemeanor.

**2. Wolf Hybrid Canine:** It is unlawful to own or breed a wolf hybrid dog. A violation of this ordinance is a State of Michigan misdemeanor. Wild wolves in Michigan are protected under the federal Endangered Species Act and under the State's Natural Resources and Environmental Protection Act, Part 365. Thus, they cannot be "taken" or possessed in the state. Possession, importation or breeding of wolf-dog crosses is prohibited in the state. (See M.C.L.A 287.1004)

**3. Kennel Violation:** It is unlawful for an owner to build, house or maintain a private or commercial/sport kennel in violation of the specified requirements delineated in Ordinance Article 20.16, Sections B, C & D

**E. LICENSING OF DOGS** All residents of Sharon Township shall abide by the Washtenaw County ordinance on the licensing of dogs, to include proof of current rabies vaccination.