



CITY OF GROSSE POINTE WOODS

MEMORANDUM

Date: May 13, 2022
To: Mayor and Council
From: Frank Schulte, City Administrator FS
Subject: Vicious Dog Ordinance Amendment

Administration is requesting to amend City Ordinance Section 6-95 Administrative hearings concerning *vicious dogs*.

The ordinance requires an Administrative Hearing to be held by the City Administrator "whenever a violation ticket is issued by a member of the department of public safety or the animal warden of the city which complaint alleges that a person is in possession of or is harboring a *vicious dog*" in the city.

The hearing is held to allow the City Administrator to review all documents, hear statements from the complainant, dog owner and witnesses to make an interim decision about the vicious dog prior to the court date. The decision ranges from confinement in the home to having the animal removed from the city with documentation that it has been removed until the Vicious Dog Complaint is adjudicated by the Municipal Court.

The city's Municipal Court is held three times per month. Administration feels that there is not a need to have a separate hearing and recommend they be eliminated and propose the following ordinance amendment:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF GROSSE POINTE WOODS, CHAPTER 6, ANIMALS, ARTICLE II, DOGS, CATS, AND WILD ANIMALS; DIVISION 3, VICIOUS DOGS AND OTHER VICIOUS ANIMALS; TO AMEND SECTION 6-95 TO REQUIRE QUARANTINE OF AN ALLEGED VICIOUS DOG UNTIL THE NEXT AVAILABLE COURT DATE AND TO ELIMINATE A HEARING BY THE CITY ADMINISTRATOR (see attached for complete proposed ordinance)

It is Administration's recommendation to City Council to approve the proposed amendment to *City Ordinance Section 6-95* Administrative hearings concerning *vicious dogs*.

ORDINANCE # _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF GROSSE POINTE WOODS, CHAPTER 6, ANIMALS, ARTICLE II, DOGS, CATS, AND WILD ANIMALS; DIVISION 3, VICIOUS DOGS AND OTHER VICIOUS ANIMALS; TO AMEND SECTION 6-95 TO REQUIRE QUARANTINE OF AN ALLEGED VICIOUS DOG UNTIL THE NEXT AVAILABLE COURT DATE AND TO ELIMINATE A HEARING BY THE CITY ADMINISTRATOR

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Section 1. Ordinance Amendment.

Chapter 6, Animals, Article II, Dogs, Cats, and Wild Animals; Division 3, Vicious Dogs and Other Vicious Animals; Section 6-95 is hereby amended to read as follows:

Sec. 6-95. Hearings concerning vicious dogs.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, unless the context clearly indicates a different meaning.

Municipal judge means the judge in the 32F Municipal Court in Grosse Pointe Woods.

Vicious dog means:

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury to or otherwise threaten the safety of human beings or domestic animals;
or
- (2) Any dog which, without provocation, attacks or bites or has attacked or bitten a human being.

(b) *Quarantine pending hearing required.* Whenever a violation ticket is issued by a member of the department of public safety or the animal control officer of the city which complaint alleges that a person is in possession of or is harboring a vicious dog, the violation ticket will be issued for the person to appear at the next available Municipal Court date. Such person shall quarantine the dog at their residence until further order of the municipal judge, which means that the dog may only have access to a completely fenced rear yard with a closed gate to relieve itself and only when on a leash held by the owner, if that person is an adult, or other responsible adult.

- (c) *Violation.* Each day that the owner or person in possession of or harboring the alleged vicious dog which is required to be quarantined pending a hearing fails to confine and control the dog as set forth in (b) shall be deemed to be a separate violation of this Code, and upon conviction thereof such person shall be found guilty of a misdemeanor.

(Code 1975, §§ 8-21-1—8-21-6; Code 1997, § 6-102)

Section 2 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Effective Date.

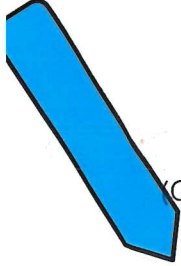
This ordinance shall be effective upon publication as required by law.

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Grosse Pointe Woods, County of Wayne, State of Michigan, at a regular meeting of the City Council duly called and held on _____ day of _____, 2022.

Paul Antolin, City Clerk

First Reading:
Second Reading:
Published in GPN:
Adopted:
Effective:
Date Posted:

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- (3) Any *dog* which, without provocation, seriously injures or kills another *dog* or domestic animal.

(Code 1975, § 8-11-9; Code 1997, § 6-101)

Sec. 6-95. - Administrative hearings concerning *vicious dogs*.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, unless the context clearly indicates a different meaning.

Administrative hearing officer means the city administrator or the acting city administrator.

Vicious dog means:

- (1) Any *dog* with a known propensity, tendency or disposition to attack unprovoked, or to cause injury to or otherwise threaten the safety of human beings or domestic animals; or
 - (2) Any *dog* which, without provocation, attacks or bites or has attacked or bitten a human being.
- (b) *Hearing required.* Whenever a violation ticket is issued by a member of the department of public safety or the animal warden of the city which complaint alleges that a person is in possession of or is harboring a vicious *dog*, such person shall also be given a notice of administrative hearing, which notice shall contain a date and time for an administrative hearing whereat the administrative hearing officer will make a determination whether such animal meets the definition of a vicious *dog* and whether or not the animal shall be removed from the city pending the adjudication of the complaint by the court. The notice of hearing shall establish a hearing date not later than three working days from and after the date of the issuance of the complaint alleging the harboring or possession of a vicious *dog* and notify the person of the administrative hearing fee as set by council resolution from time to time. The fee shall be paid to the municipal court as court costs. The hearing date may be adjourned by the administrative hearing officer at the request of the party to whom the violation ticket was issued, but such adjournment shall not be for a period longer than five working days.
- (c) *Hearing procedure.*
- (1)

At the administrative hearing, the administrative hearing officer shall receive and review any reports of the public safety department concerning the events preceding the issuance of the complaint of possessing or harboring a vicious *dog*, and shall hear and consider any statement of the complainant in such matter or any witnesses to such events and any comments or statement of the owner or person alleged to be in possession or harboring the *dog* involved in the complaint.

- (2) The administrative hearing officer shall determine, based upon information received at the administrative hearing, the following:
 - a. The name of the owner or person in possession of or harboring the alleged vicious *dog*.
 - b. Whether such *dog* did or does meet the provisions of the definition of vicious *dog* contained in subsection (a) of this section.
- (d) *Determination.* After conducting the hearing provided for in subsection (b) of this section, the hearing officer shall prepare a written report of his findings of fact and conclusions as to whether the *dog* involved does in fact meet the definition of a vicious *dog*.
- (e) *Order to remove dog from city.* If the conclusion of the administrative hearing officer is that the *dog* is a vicious *dog* as defined in subsection (a) of this section, the administrative hearing officer may order that the owner or person harboring such *dog* shall cause such *dog* to be removed from the city and remain outside of the city until the original vicious *dog* complaint is adjudicated by the municipal court. A copy of the administrative hearing officer's order that the *dog* shall be removed from the city and remain outside of the city pending the adjudication of the court complaint shall be personally delivered and served upon the person found to be the owner of the *dog* or person in possession or harboring such *dog*. The order shall provide that the owner or person in possession of or harboring such *dog* shall have the *dog* removed from the city within 24 hours of receipt of such notice.
- (f) *Failure to abide by order of hearing officer.* Should the owner or person in possession or harboring such *dog* determined to be a vicious *dog*, after receiving the order of the administrative hearing officer directing that such *dog* be removed from the city and remain outside of the city until the court has adjudicated the original complaint that such *dog* is a vicious *dog*, fail to abide by such order, such person shall be deemed to be in violation of the provisions of this Code and may be proceeded against for such violation.
- (g)

Violation. Each day that the owner or person in possession of or harboring such vicious *dog* which has been ordered to be removed from the city fails to remove such *dog* from the city shall be deemed to be a separate violation of this Code, and upon conviction thereof such person shall be found guilty of a misdemeanor.

(Code 1975, §§ 8-21-1—8-21-6; Code 1997, § 6-102)

Sec. 6-96. - State law.

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Nothing in this division prevents the city from pursuing dangerous animal proceedings under state law.