

**CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2016-03**

ANIMAL REGULATIONS ORDINANCE AMENDMENT

An Ordinance to update, correct, amend, and add definitions, and amend determination guidelines related to pit bull terriers, in the Animal Regulations in Chapter 3 of the Waterford Charter Township Code.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The definitions of Animal Control Officer and Pit Bull or Pit Bull Terrier in Section 3-001 in Article I of Chapter 3 of the Waterford Charter Township Code are amended, and new definitions of Substantially conform and Township approved veterinarian are added to read as follows:

Sec. 3-001. Definitions

Animal Control Officer means a Township official, employee, or contractor authorized by the Township Board to enforce the provisions of this Chapter who: (i) satisfies the minimum requirements for physical, educational, mental and moral fitness for an animal control officer, and (ii) is a police officer, has served as an animal control officer for at least 3 years, or has completed a minimum course of study of not less than 100 instructional hours as prescribed by the State Department of Agriculture for animal control officers. For determinations or verifications under Section 3-024, but not for issuance of citations or notices of violations, animal control officer also means an animal control officer approved by the State Department of Agriculture as having satisfied the minimum employment standards in MCL 287.289b.

Pit Bull or Pit Bull Terrier means any dog which exhibits those phenotypical characteristics which:

- (1) Substantially conform to the breed standards established by the American Kennel Club for American Staffordshire Terriers that are part of this Ordinance as Appendix A, or Staffordshire Bull Terrier that are part of this Ordinance as Appendix B; or,
- (2) Substantially conform to the breed standards established by the United Kennel Club for American Pit Bull Terriers that are part of this Ordinance as Appendix C.

Substantially conform means that the characteristics of the dog, essentially and without material deviation or qualification, meet a majority of the specific standards for a breed in Appendices A, B, or C, so as to predominate. Technical deficiencies in a dog's conformance to one or more breed standards shall not be construed to indicate that the subject dog is not a "pit bull terrier" under this Article.

Township approved veterinarian means a veterinarian licensed to practice in the State of Michigan whose license has not been suspended or revoked at the time of an examination of a dog, who in an affidavit provided under Section 3-024(c), acknowledges that the veterinarian has a copy of, has read, understands, and in the examination of a dog, has applied the

definitions of "Pit Bull or Pit Bull Terrier" and "Substantially conform" in this Section, and the breed standards for American Staffordshire Terriers, Staffordshire Bull Terriers, and American Pit Bull Terriers in Appendices A, B, and C.

Section 2 of Ordinance

The Appendices to Chapter 3 of the Waterford Charter Township Code are amended by replacing the existing Appendix A with Appendices A, B, and C that are attached to and part of this Ordinance Amendment.

Section 3 of Ordinance

Section 3-024 in Article III of Chapter 3 of the Waterford Charter Township Code is amended to read as follows:

Sec. 3-024. Pit bull terrier determination guidelines.

The following procedures and standards shall be used by all animal control officers in determining whether a particular dog is subject to the prohibition in Section 3-023.

(a) An animal control officer will initially determine why the dog is being considered as possibly prohibited. Factors that maybe considered include, but are not limited to the following or a combination of the following:

- (1) Registration or licensing as a pit bull terrier.
- (2) Identification as a pit bull terrier by an owner of the dog.
- (3) Identification as a pit bull terrier by an animal control officer pursuant to the procedures set forth in this section.
- (4) Identification as a pit bull terrier by a licensed veterinarian or in veterinary records for the dog.

(b) If the initial determination under subsection (a) is that a dog appears to be prohibited by Section 3-023, positive identification of the dog as prohibited by that Section shall be by an animal control officer based on one or more of the following:

- (1) Verification by the animal control officer that the dog substantially conforms to the breed standards in Appendices A, B, or C based on physical observation of the dog.
- (2) Personal and professional experience of the officer in having observed known pit bull terriers in the past.
- (3) Identification as a pit bull terrier by an owner of the dog.
- (4) Written verification by a licensed veterinarian or veterinary records for the dog.

Written notice of the animal control officer's positive identification of a dog as prohibited by Section 3-023 shall be provided to each known owner of the dog by issuance of a notice of violation that specifies a time for the dog to be removed from the Township or for the notice of violation to be challenged as provided in subsection (c), a written explanation of which shall be provided with the notice of violation.

(c) Within the time specified in a notice of violation of Section 3-023, if an owner of the dog denies or wants to dispute that the dog is a pit bull, the owner may support that denial or dispute by submitting a Township approved veterinarian affidavit on or in a form approved by the Township that complies with the following requirements:

- (1) Is under oath and penalties of perjury.
- (2) Contains information confirming that the veterinarian meets the standards to be a Township approved veterinarian as that term is defined in Section 3-001.
- (3) Is based on a personal examination of the dog by the veterinarian on a date that is specified.
- (4) Specifically identifies the dog examined and attaches photographs of the dog taken on the date of the examination.
- (5) Acknowledges that the veterinarian has a copy of, has read, understands, and has applied the definitions of "Pit Bull or Pit Bull Terrier" and "Substantially conform" in Section 3-001, and the breed standards for American Staffordshire Terriers, Staffordshire Bull Terriers, and American Pit Bull Terriers in Appendices A, B, and C in the examination of the dog.
- (6) Certifies to the Township, based on the examination and application of the Ordinance definitions and breed standards, that the dog examined is not a Pit Bull or Pit Bull Terrier, and identifies the specific breed standards that the dog does not substantially conform to.
- (7) If the dog is certified as not being a Pit Bull or Pit Bull Terrier, identifies the dog's breed.

The examination of a dog by a Township approved veterinarian under this subsection, as an optional opportunity to the owner, shall be arranged by and at the expense of the owner even if the dog is certified to not be a Pit Bull or Pit Bull Terrier.

(d) An animal control officer shall not proceed with issuance of a court citation, ticket, or complaint for a violation of Section 3-023 to an owner of a dog that has been certified as not being a Pit Bull or Pit Bull Terrier in a Township approved veterinarian affidavit submitted under and in conformity with subsection (c) unless the officer's identification of the dog as a pit bull is verified in writing by:

- (1) Another animal control officer as substantially conforming to the breed standards in Appendices A, B, or C; and
- (2) A different Township approved veterinarian.

(e) All animal control officers involved in enforcing Section 3-023, shall be familiar with and consult the breed identification standards in Appendices A, B, and C, and shall become familiar with the pit bull terrier, as defined, by reference to photographs, physiological diagrams and breed behavior patterns. If an officer cannot determine the predominate breed of the dog in question as pit bull terrier, the dog shall not be subject to the prohibition in Section 3-023 unless the dog is later positively identified as a pit bull by a Township approved veterinarian.

Section 3 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 4 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on _____, 2016.

CHARTER TOWNSHIP OF WATERFORD

Date

By: _____
Sue Camilleri, Township Clerk

Introduced: August 8, 2016