



Section 287.322

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DANGEROUS ANIMALS (EXCERPT) Act 426 of 1988

287.322 Sworn complaint; summons; surrender of animal; expense; rabies vaccination and license required; destruction of animal; notification of animal control authority; ordering owner of animals to take certain actions.

Sec. 2.

(1) Upon a sworn complaint that an animal is a dangerous animal and the animal has caused serious injury or death to a person or has caused serious injury or death to a dog, a district court magistrate, district court, or a municipal court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.

(2) Upon the filing of a sworn complaint as provided in subsection (1), the court or magistrate shall order the owner to immediately turn the animal over to a proper animal control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person who retains the animal under this section of the complaint and order. The expense of the boarding and retention of the animal is to be borne by the owner. The animal shall not be returned to the owner until it has a current rabies vaccination and a license as required by law.

(3) After a hearing, the magistrate or court shall order the destruction of the animal, at the expense of the owner, if the animal is found to be a dangerous animal that caused serious injury or death to a person or a dog. After a hearing, the court may order the destruction of the animal, at the expense of the owner, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal.

(4) If the court or magistrate finds that an animal is a dangerous animal but has not caused serious injury or death to a person, the court or magistrate shall notify the animal control authority for the county in which the complaint was filed of the finding of the court, the name of the owner of the dangerous animal, and the address at which the animal was kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of that animal to do 1 or more of the following:

(a) If the animal that has been found to be a dangerous animal is of the *canis familiaris* species, have an identification number tattooed upon the animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the animal by the Michigan department of agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink.

(b) Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the animal cannot escape or nonauthorized individuals cannot enter the premises.

(c) Have the animal sterilized.

(d) Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the animal.

(e) Take any other action appropriate to protect the public.

History: 1988, Act 426, Eff. Mar. 30, 1989

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