ANIMALS RUNNING AT LARGE
Act 328 of 1976

AN ACT to regulate animals running at large; to provide for compensation for damage done by animals running at large; to prescribe penalties; and to repeal certain acts and parts of acts.

History: 1976, Act 328, Eff. Mar. 31, 1977.

The People of the State of Michigan enact:

433.11 Definitions.

Sec. 1. As used in this act:

(a) "Animals" means cattle, horses, sheep, swine, mules, burros, or goats.

(b) "Owner" means a person who has a right of property in an animal, a person who keeps or harbors an animal or has it in his or her care, or a person who permits an animal to remain on or about the premises occupied by him or her.

(c) "Running at large" refers to an animal not under the control of an owner and not on an owner's premises.

History: 1976, Act 328, Eff. Mar. 31, 1977;—Am. 2010, Act 69, Imd. Eff. May 13, 2010.

433.12 Animals running at large prohibited; violation as misdemeanor.

Sec. 2. (1) An animal shall not run at large in this state.

(2) The owner of an animal shall not permit or enable his animal to run at large in this state.

(3) A person other than the owner of an animal shall not wilfully and knowingly enable an animal to run at large in this state.

(4) A person who violates this section is guilty of a misdemeanor.

History: 1976, Act 328, Eff. Mar. 31, 1977.

433.13 Loss of, or damage to, property by animal running at large; demand for compensation.

Sec. 3. (1) A person who sustains any loss of, or damage to, property by an animal running at large may demand reasonable compensation from the owner of the animal as reparation for the loss or damage or as ordered by the court.

(2) The demand for compensation shall be in writing and shall include:

(a) A statement of when, where, what, and how much damage was done.

(b) The identity or description of the animal and, if known, the identity of the owner of the animal.

(c) The amount of compensation demanded.

(3) The demand for compensation shall be verified by the claimant and submitted to the law enforcement agency which has the animal in its custody or possession.

History: 1976, Act 328, Eff. Mar. 31, 1977.

433.14 Seizure and taking into custody or possession animal running at large; notice to law enforcement agency.

Sec. 4. (1) A law enforcement officer may seize and take into custody or possession any animal running at large in violation of this act.

(2) A person may seize and take into custody or possession any animal found running at large or trespassing upon the premises owned or occupied by that person. A person who takes an animal into custody or possession pursuant to this subsection shall immediately notify a law enforcement agency of his action. The law enforcement agency shall promptly take custody or possession of the animal.

History: 1976, Act 328, Eff. Mar. 31, 1977.

433.14a Public nuisance; authority to kill swine running at large; prohibition.

Sec. 4a. (1) Swine running at large on public or private property are a public nuisance.

(2) A local animal control officer appointed under the dog law of 1919, 1919 PA 339, MCL 287.261 to 287.290, or a law enforcement officer may kill a swine running at large on public or private property.

(3) A person who possesses a license to carry a concealed pistol issued under 1927 PA 372, MCL 28.421 to 28.435, or a valid hunting license for any game issued under part 435 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43501 to 324.43561, may kill a swine running at large on public property. A person may kill swine running at large on private property if the person is, or is

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accompanied by or has the permission of, the owner or lessee of the property.

(4) Subsection (3) does not authorize the discharge of a bow and arrow, crossbow, or firearm in an area where the discharge of that weapon, or hunting with that weapon, is prohibited by an ordinance adopted pursuant to part 419 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41901 to 324.41905.

History: Add. 2010, Act 69, Imd. Eff. May 13, 2010.

433.15 Duties of law enforcement agency.

Sec. 5. A law enforcement agency which takes custody or possession of an animal under this act shall:

(a) If the owner of the animal is known, return the animal to its owner, unless the owner refuses to make reparation as provided in section 3.

(b) If the owner of the animal is not known, give notice in a newspaper of general circulation in the area that the animal is in the custody or possession of the law enforcement agency. The notice shall include a description of the animal and the location where the animal was seized. If the animal is not claimed within 15 days after publication of the notice, the animal may be sold at public auction pursuant to section 6.

History: 1976, Act 328, Eff. Mar. 31, 1977.

433.16 Sale of animal at public auction; notice; sale to highest bidder; disposition of proceeds; redemption of animal.

Sec. 6. (1) A law enforcement agency which has in its custody or possession an unclaimed animal for not less than 15 days after giving notice as required in section 5, may sell the animal at public auction.

(2) Notice of the public auction shall be given in a newspaper of general circulation in the area not less than 21 nor more than 30 days prior to the day of sale. The notice shall list the number and species of animals to be sold and shall specify the time and place of the sale.

(3) The animals shall be sold to the highest bidder at the auction. The proceeds derived from the sale of the animals shall be used first to pay any expenses incurred by the law enforcement agency in caring for and keeping the animals; second, to pay the expenses of the sale; and third, any balance remaining shall be paid to the city or township treasurer of the city or township in which the animal was seized and credited to the general fund of that city or township.

(4) An animal sold pursuant to this section may be redeemed at any time within 3 months following the sale, if the owner pays the sale purchaser the amount paid at the sale plus a reasonable compensation for the care and keeping of the animal.

History: 1976, Act 328, Eff. Mar. 31, 1977.

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433.17 Destruction of animal.

Sec. 7. An animal which is not purchased at a public auction held pursuant to section 6 may be destroyed by the law enforcement agency.

History: 1976, Act 328, Eff. Mar. 31, 1977.

433.18 Return of animal to owner; claim; conditions.

Sec. 8. The owner of an animal in the custody or possession of a law enforcement agency pursuant to this act, at any time prior to the sale thereof, may claim and be entitled to the possession of the animal. Upon payment to the law enforcement agency of reasonable compensation for the care and keeping of the animal, upon satisfactory proof of ownership of the animal, and upon making reparation as provided in section 3, the animal shall be returned to its owner.

History: 1976, Act 328, Eff. Mar. 31, 1977.

433.19 Ordinance prohibiting keeping of racing pigeons.

Sec. 9. A city, village, township, or county shall not enact an ordinance which prohibits the orderly keeping of racing pigeons.

History: 1976, Act 328, Eff. Mar. 31, 1977.

433.20 Repealed. 2010, Act 69, Imd. Eff. May 13, 2010.

Compiler's note: The repealed section pertained to repeal of MCL 433.1 to 433.6.

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