

**CHAPTER 433. ANIMALS RUNNING AT LARGE**

**ANIMALS RUNNING AT LARGE**

**Act 185 of 1867**

**433.1-433.6 Repealed. 1976, Act 328, Eff. Mar. 31, 1977.**

**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

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.

#### **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.

## ANIMALS RUNNING AT LARGE Act 248 of 1879

AN ACT to prevent animals from running at large in certain cities and villages within this state.

**History:** 1879, Act 248, Eff. Aug. 30, 1879.

*The People of the State of Michigan enact:*

### **433.51 Animals running at large in certain cities and villages; seizure by officers.**

Sec. 1. The owner of any cattle, horse, mule, sheep, swine, or goat shall not allow the animal to run at large in any public place in any city or village having a population of 7,000 or more inhabitants. A law enforcement officer or animal control officer for such a city or village may seize, and keep until disposed of as provided under this act, any such animal so found running at large.

**History:** 1879, Act 248, Eff. Aug. 30, 1879;—How. 3068;—CL 1897, 5613;—CL 1915, 7293;—CL 1929, 9047;—CL 1948, 433.51;—Am. 2010, Act 71, Imd. Eff. May 13, 2010.

### **433.52 Pounds; pound masters, appointments, duties; right to seize and impound animals.**

Sec. 2. It is hereby made the duty of the common council or board of trustees of every such city or village to provide 1 or more suitable and convenient pound or pounds, and to appoint 1 or more pound-masters who shall have charge thereof, and such pound-master or other person having charge of such pound, shall receive and keep therein any animal mentioned in the first section of this act, that may have been or may be found running at large contrary to said section, upon the request of any person. And it shall be lawful for any person to seize and take into custody and retain till disposed of as required by law, any animal mentioned in said first section of this act, which may be trespassing upon premises owned or occupied by such person, or such animal may be driven to and kept in said pound as herein provided, and any inhabitant of any such city or village may take into custody till disposed of as required by law, any animal found running at large contrary to said first section of this act, if at the time there shall not be kept and maintained within such city or village, a suitable pound within a distance of not more than 2 miles from the place where such animal may be found, or if there shall not be a pound-master in charge thereof, who will receive and keep the same as herein provided.

**History:** 1879, Act 248, Eff. Aug. 30, 1879;—How. 3069;—CL 1897, 5614;—CL 1915, 7294;—CL 1929, 9048;—CL 1948, 433.52.

### **433.53 Keeping animal after seizure; complaint against owner; summons; show cause hearing; sale of animal; costs and damages; disposition of surplus.**

Sec. 3. Whenever any such officer or person shall seize and take into his or her possession any animal under the preceding sections, such animal shall be received and kept in such pound, if there shall be one, and if not the same may be kept by any such officer or person in any other suitable place, and if such animal shall not be claimed, and the fees hereinafter provided for, paid within 2 days thereafter, the pound-master or other person in charge of the pound, if such animal shall have been received at such pound; and if not, then the person by whom such animal was seized or taken into custody shall make immediate complaint in writing, stating the name of the owner of such animal, if known to him or her, and the facts, to the district or municipal court having jurisdiction to hear and determine such matter and shall thereupon proceed in the same manner as in civil action, except as especially changed in this act, and shall forthwith issue a summons, directed to the owner if he or she shall have been named in said complaint, and stating the fact that such seizure has been made, and requiring the owner of such animal, or any party having an interest in the same, to show cause before the court, at a time and place to be specified in such summons, why such animal should not be sold and the proceeds applied as directed by this act, and such time shall not be less than 6 nor more than 12 days from the issuing of such summons. The summons may be served by any marshal, deputy marshal, or constable of the city or village, or by any elector thereof authorized so to do by the court in writing thereon. Such service shall be made by delivering a copy thereof to the owner, if named in the summons and if he or she can be found in the city or village 6 days before the return day thereof, and if the owner shall not be named in the summons, or if he or she cannot be found then the summons shall be served by posting copies thereof in at least 3 public and conspicuous places in the city or village, at least 5 days before the return day thereof, and 1 of the places shall be in the office of the clerk of such city or village. At the time and place appointed for the return of the summons, the officer or person by whom such complaint was made, shall appear, and any party or persons owning or having an interest in the animal shall be allowed by the court to appear in the proceeding, and on his or her filing with the court, an answer under oath, subscribed by him or her or by his or her agent, denying any or all of the facts in the complaint, an issue shall be deemed joined in the proceeding,

and the subsequent proceedings shall be as in civil actions so far as they can be except as otherwise provided in this act, and it is hereby made the duty of the city or village attorney of all cities and villages included within this act, to appear and conduct all proceedings under this act on behalf of the person making such complaint. If no one shall appear to show cause and the summons shall be returned duly served, or if the jury, or judge shall find, after a trial that no sufficient cause is shown why such sale should not be made, as directed by this act, then the judge shall issue his or her warrant under his or her hand, directed to any marshal, deputy marshal, or constable of the city or village, commanding him or her to sell the animal at public auction for the best price he or she can obtain therefor, and make return thereof to the court at a time and place therein specified, not less than 10 nor more than 20 days thereafter. The sale shall be on the like notice as on constable's sale on civil process, and the sheriff, deputy sheriff or constable shall make return as required by the warrant, and pay the proceeds of the sale to the court. The court shall thereupon adjudge the costs of the proceedings, the same amounts being allowed as in civil actions, and in addition, he or she shall allow to the officer or person making such seizure, for every horse, mule or colt, 1 dollar; for every cow, calf or other cattle, each 50 cents, and for every goat, sheep, or swine, 25 cents, together with the actual damages sustained by such person by reason of the trespass or breaking of such animal into his or her premises, and compensation to such person or officer for the care and keeping of such animals from the time of the seizure thereof to the sale at the rate specified in the next section of this act, and the marshal, deputy marshal, or constable, the same fees as for service of a summons and execution in civil actions. If, after paying the sums aforesaid, there shall be any surplus of the proceeds of the sale, the judge shall pay the same to the owner or person establishing before him or her, on the return of such summons, or at such other time as he or she shall appoint, the right to the same. If no person shall claim the surplus within 1 year after such seizure, the court shall pay the same to the treasurer of such city or village for the benefit of the contingent fund. If such owner or person interested, shall not appear and demand such surplus within the year, he or she shall be forever precluded from recovering any part of such moneys, and the receipt of the treasurer of the city or village, given at any time after the expiration of the year, shall be a full discharge to the court for the same.

**History:** 1879, Act 248, Eff. Aug. 30, 1879;—How. 3070;—CL 1897, 5615;—CL 1915, 7295;—CL 1929, 9049;—CL 1948, 433.53;—Am. 1991, Act 142, Imd. Eff. Nov. 25, 1991.

#### **433.54 Demand and claim by owner of seized or impounded animal; payment of fees, expenses, and compensation.**

Sec. 4. The owner of any animal which shall have been seized or impounded under and pursuant to the foregoing provisions, may at any time before the making of the complaint hereinbefore provided for, demand and shall be entitled to the possession of such animal upon the payment to the pound-master or the person in charge of such pound, if such animal shall have been impounded, and if not, then upon payment to the person or officer who shall have seized or taken such animals into his or her possession, the fees provided for in the preceding sections for the seizure of such animal; and if such animal shall have been impounded, the farther fee of 50 cents for every horse, mule, colt, cow, calf, or other cattle, and 25 cents for every goat, sheep, or swine, which fee shall belong to such pound-master or person in charge of such pound, and the farther sum of 1 dollar per day as compensation for keeping every such horse, mule, or colt, and 75 cents per day for every cow, calf, or other cattle, and 50 cents per day for every goat, sheep, or swine for each day since and including the day such animal was seized, impounded, or taken into possession as aforesaid. At any time after the making of the complaint and before the sale of the animal, the owner thereof may make demand and claim for such animal before the district court or municipal court at which the proceedings shall have been commenced; and upon making satisfactory proof of ownership of the animal and upon paying the fees and compensation for keeping such animal as provided for in this section, and other fees and expenses that shall have accrued up to the time of making such demand and proof, he or she shall be entitled to the custody and possession of such animal. The court shall fix and determine the amount of the fees, expenses, and compensation in accordance with the provisions of this act, and shall pay the same to the officer or person entitled thereto.

**History:** 1879, Act 248, Eff. Aug. 30, 1879;—How. 3071;—CL 1897, 5616;—CL 1915, 7296;—CL 1929, 9050;—CL 1948, 433.54;—Am. 1991, Act 142, Imd. Eff. Nov. 25, 1991.

#### **433.55 Person wilfully causing animal to run at large; liability to owner.**

Sec. 5. In case the animal so seized under the foregoing provisions of this act shall have been so running at large by the willful act of any other person than the owner, such person shall be liable to the owner in a penalty not less than 25 dollars and not more than 100 dollars, which penalty may be recovered by such owner for his benefit, in an action on the case in any court of competent jurisdiction.

**History:** 1879, Act 248, Eff. Aug. 30, 1879;—How. 3072;—CL 1897, 5617;—CL 1915, 7297;—CL 1929, 9051;—CL 1948, 433.55.  
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#### **433.56 Appeals.**

Sec. 6. An appeal may be taken by either party who shall have appeared and contested in the proceeding to the circuit court for the county, and the jurisdiction, powers, and duties of circuit courts, to hear and determine such appeals, and the proceedings therein shall be applicable to appeals under this act, so far as the same can be applied and are consistent with this act. But such appeal can only be taken from the finding or determination that cause exists or does not exist for the sale aforesaid; and such appeal when made by the claimant shall not be effectual for any purpose unless the bond required on appeals to the circuit court contains a clause that in case the finding or determination shall be affirmed, the claimant will pay all such sums as the court shall determine and adjudge for the costs, penalties, and allowances, so as aforesaid authorized to be made. In case of appeal by a claimant as aforesaid, and after the approval by the district or municipal court of such bond, the judge shall forthwith direct the sale not to be had, and shall order the animal to be delivered to the appellant, if it shall appear to him or her that the appellant is the owner, or is entitled to the possession thereof.

**History:** 1879, Act 248, Eff. Aug. 30, 1879;—How. 3073;—CL 1897, 5618;—CL 1915, 7298;—CL 1929, 9052;—CL 1948, 433.56;—Am. 1991, Act 142, Imd. Eff. Nov. 25, 1991.

#### **433.57 Animals impounded; feeding; record, contents, inspection.**

Sec. 7. The pound-master or other person in charge of said pound shall purchase all necessary supplies for the sustenance of all animals impounded, and all animals impounded or seized under this act shall be supplied with suitable food and drink for their sustenance; and such pound-master or other person in charge of the pound, shall keep a record in a book kept for that purpose and which shall at all reasonable times be open for public inspection, of the time when each animal was received into such pound, and the time when discharged therefrom, and of the name of the person to whom the same was delivered, and also a record of all moneys paid to him.

**History:** 1879, Act 248, Eff. Aug. 30, 1879;—How. 3074;—CL 1897, 5619;—CL 1915, 7299;—CL 1929, 9053;—CL 1948, 433.57.

#### **433.58 Replevin.**

Sec. 8. The provisions of this act shall not be construed to deprive the party claiming the ownership of said property from bringing his action in replevin for the recovery of the same in case the same has been unlawfully seized.

**History:** 1879, Act 248, Eff. Aug. 30, 1879;—How. 3075;—CL 1897, 5620;—CL 1915, 7300;—CL 1929, 9054;—CL 1948, 433.58.

#### **433.61 Provisions governing.**

Sec. 11. The distraining and impounding of animals under this act shall be governed by chapter 214 of the Compiled Laws of 1871, for "distraining and replevying beasts," except as otherwise provided in this act.

**History:** Add. 1881, Act 196, Eff. Sept. 10, 1881;—How. 3078;—CL 1897, 5623;—CL 1915, 7303;—CL 1929, 9057;—CL 1948, 433.61.

**Compiler's note:** For provisions of chapter 214 of the Compiled Laws of 1871, referred to in this section, see MCL 433.101 et seq.

#### **433.62 City attorney; duty.**

Sec. 12. In all criminal matters under this act, it shall be the duty of the city attorney to appear before the magistrate entering [entertaining] the complaint and act as counsel on behalf of the people of this state, and in case of his absence, neglect, or refusal to so act on request of the magistrate, any attorney at law, on request of such magistrate, may act as such counsel for the people.

**History:** Add. 1881, Act 196, Eff. Sept. 10, 1881;—How. 3079;—CL 1897, 5624;—CL 1915, 7304;—CL 1929, 9058;—CL 1948, 433.62.

#### **433.63 Authority under MCL 433.14a not limited; swine running as public nuisance.**

Sec. 13. This act does not limit authority provided under section 4a of 1976 PA 328, MCL 433.14a, to kill swine running at large. Swine running at large are a public nuisance.

**History:** Add. 2010, Act 71, Imd. Eff. May 13, 2010.

### **BULLS, STALLIONS, BOARS, AND RAMS RUNNING AT LARGE Act 71 of 1867**

**433.81, 433.82 Repealed. 1984, Act 161, Imd. Eff. June 27, 1984.**

**REVISED STATUTES OF 1846**



## CHAPTER 125

### Chapter 125. Of distraining and replevying beasts.

#### Of Distraining Beasts.

##### **433.101 Beasts distrained; impounding.**

Sec. 1. When any beasts are taken up and distrained by any person, for going at large, contrary to law, or contrary to any by-law of a township, they shall be forthwith impounded in the township pound, and the keeper of such pound shall furnish them with suitable food and water, so long as they are detained in his custody.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5046;—CL 1871, 6767;—How. 8355;—CL 1897, 10688;—CL 1915, 14779;—CL 1929, 9061;—CL 1948, 433.101.

##### **433.102 Fees; distraining and impounding.**

Sec. 2. The person so taking up and distraining the same, shall be entitled to 50 cents per head for all horses, mules, asses and neat cattle, and 10 cents per head for all sheep, goats and swine, so distrained by him; and the pound keeper shall be entitled to 4 cents per head for all the said animals so impounded.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5047;—CL 1871, 6768;—How. 8356;—CL 1897, 10689;—CL 1915, 14780;—CL 1929, 9062;—CL 1948, 433.102.

##### **433.103 Fees; payment prerequisite to delivery of beast.**

Sec. 3. The pound keeper shall not deliver to the owner any beasts so impounded, until such owner shall pay him his fees and the expense of keeping such beasts, and also the fees due the person distraining said beasts, which last mentioned fees he shall pay to such person.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5048;—CL 1871, 6769;—How. 8357;—CL 1897, 10690;—CL 1915, 14781;—CL 1929, 9063;—CL 1948, 433.103.

##### **433.104 Recovery for damages caused by beasts.**

Sec. 4. When any person is injured in his land, by sheep, swine, horses, asses, mules, goats or neat cattle, he may recover his damages in an action of trespass, or trespass on the case, against the owner of the beasts, or against the person having the care and control of such beasts, or by distraining the beasts doing the damage, and proceeding therewith as hereinafter directed; but if the beasts shall have been lawfully on the adjoining lands, and shall have escaped therefrom in consequence of the neglect of the person who has suffered the damage, to maintain his part of the division fences, the owner or person having the control of the beasts shall not be liable for such damage.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5049;—CL 1871, 6770;—How. 8358;—CL 1897, 10691;—CL 1915, 14782;—CL 1929, 9064;—CL 1948, 433.104.

##### **433.105 Impounding beasts doing damage.**

Sec. 5. The beasts so distrained for doing damage, shall be impounded in the township pound, if there be one, and the distrainer shall leave with the pound keeper a memorandum in writing, signed by him, stating the cause of distraining, and the sum that he demands from the owner, for the damages done by the beasts.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5050;—CL 1871, 6771;—How. 8359;—CL 1897, 10692;—CL 1915, 14783;—CL 1929, 9065;—CL 1948, 433.105.

##### **433.106 Delivery of beasts by poundmaster.**

Sec. 6. The pound keeper shall not deliver the beasts to the owner, until such owner shall pay him his fees, and the expense of keeping such beasts, together with the sum so demanded by the distrainer, and the expense of advertising such beasts, if they shall have been advertised, and all other legal costs and expenses.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5051;—CL 1871, 6772;—How. 8360;—CL 1897, 10693;—CL 1915, 14784;—CL 1929, 9066;—CL 1948, 433.106.

##### **433.107 Care of beasts by person distraining.**

Sec. 7. If there shall be no public pound within the township, the beasts shall be impounded in some suitable place under the immediate care and inspection of the person who distrained them, and he shall furnish them with suitable food and water so long as they remain impounded.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5052;—CL 1871, 6773;—How. 8361;—CL 1897, 10694;—CL 1915, 14785;—CL 1929, 9067;—CL 1948, 433.107.

#### **433.108 Notice of beasts distrained; delivery to owner.**

Sec. 8. When beasts are impounded for either of the causes aforesaid, the person impounding them shall, within 24 hours thereafter, give notice thereof to the owner or person having the care or control of them, if known, and living within 6 miles from the place of impounding, which notice shall be delivered to the party, or left at his place of abode, and shall contain a description of the beasts, and a statement of the time, place and cause of impounding.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5053;—CL 1871, 6774;—How. 8362;—CL 1897, 10695;—CL 1915, 14786;—CL 1929, 9068;—CL 1948, 433.108.

#### **433.109 Notice of beasts distrained; posting in certain cases.**

Sec. 9. If there shall be no person entitled to notice according to the provisions of the preceding section, the person impounding the beasts shall, within 48 hours thereafter, cause to be posted up in 3 public places in the township, and in a public place in each of any 2 adjoining townships, if within 4 miles from the place where they were taken, a written notice, containing a description of the beasts, and a statement of the time, place and cause of impounding.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5054;—CL 1871, 6775;—How. 8363;—CL 1897, 10697;—CL 1915, 14787;—CL 1929, 9069;—CL 1948, 433.109.

#### **433.110 Notice of beasts distrained; publication in newspaper.**

Sec. 10. In case notice shall be given by posting up the same, if no person shall appear to claim the beasts within 7 days after the day of impounding, a like notice shall be published for 3 successive weeks, in some public newspaper, if any shall be published within 20 miles of the place of impounding, the first publication to be within 15 days after the day of impounding.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5055;—CL 1871, 6776;—How. 8364;—CL 1897, 10697;—CL 1915, 14788;—CL 1929, 9070;—CL 1948, 433.110.

#### **433.111, 433.112 Repealed. 1991, Act 142, Imd. Eff. Nov. 25, 1991.**

**Compiler's note:** The repealed sections pertained to animals running at large.

#### **433.113 Sale of beasts; notice.**

Sec. 13. If the sum so found to be due, shall not be forthwith paid, the person who impounded the beasts shall cause them to be sold by auction in the township where they are impounded, first advertising the sale by posting up a notice thereof in 3 public places in the same township, at least 5 days before such sale.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5058;—CL 1871, 6779;—How. 8367;—CL 1897, 10700;—CL 1915, 14791;—CL 1929, 9073;—CL 1948, 433.113.

#### **433.114 Sale of beasts; proceeds.**

Sec. 14. The proceeds of the sale, after paying all the said damages, costs and expenses, with the charges for advertising and selling the beasts, shall be deposited in the treasury of the township, for the use of the owner of the beasts, in case he shall substantiate his claim thereto, within 2 years from the time of sale.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5059;—CL 1871, 6780;—How. 8368;—CL 1897, 10701;—CL 1915, 14792;—CL 1929, 9074;—CL 1948, 433.114.

#### **433.115 Beasts escaped or rescued; retaking.**

Sec. 15. If any beasts that shall have been lawfully distrained or impounded, shall escape or be rescued, the pound keeper or person who distrained them, may, at any time within 7 days thereafter retake such beasts, and hold and dispose thereof, as if no such escape or rescue had taken place.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5060;—CL 1871, 6781;—How. 8369;—CL 1897, 10702;—CL 1915, 14793;—CL 1929, 9075;—CL 1948, 433.115.

#### **433.116 Rescuing beasts distrained; penalty.**

Sec. 16. If any person shall rescue any beasts, distrained or impounded for any cause, he shall be liable in an action on the case, to be brought by any person injured, to pay all damages which such person shall have sustained thereby, and all the fees and charges which shall have been incurred before the rescue, and shall also forfeit a sum not less than 5, nor more than 20 dollars.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5061;—CL 1871, 6782;—How. 8370;—CL 1897, 10703;—CL 1915, 14794;—CL 1929, 9076;—CL 1948, 433.116.



#### **433.117 Legality of distress determined in replevin action.**

Sec. 17. The defendant in any action brought for rescuing beasts distrained or impounded, shall not be allowed to allege or give in evidence the insufficiency of the fences, or any other fact or circumstance to show that the distress or impounding was illegal; but if there is any ground of objection to the proceeding, of which he is entitled to avail himself, he may have the advantage thereof in an action of replevin, to be brought as provided in the following sections.

**History:** R.S. 1846, Ch. 125;—CL 1857, 5062;—CL 1871, 6783;—How. 8371;—CL 1897, 10704;—CL 1915, 14795;—CL 1929, 9077;—CL 1948, 433.117.

**Compiler's note:** Former sections 18 to 22 of R.S. 1846, Ch. 125, pertaining to replevin of beasts distrained, were repealed by Act 267 of 1945.

### **REVISED STATUTES OF 1846**

#### **CHAPTER 18**

Chapter 18. Of fences and fence viewers; of pounds and the impounding of cattle.

#### **POUNDS**

#### **433.122 Pounds; maintenance by township.**

Sec. 22. Each township may, at its own expense, and in such places therein as the electors shall direct, provide and maintain 1 or more sufficient pounds, in which swine, sheep, horses, asses, mules, goats and neat cattle, may be restrained and kept from going at large contrary to law, or to any by-law of such township.

**History:** R.S. 1846, Ch. 18;—CL 1857, 626;—CL 1871, 789;—How. ORYDATA>;—CL 1897, 2437;—CL 1915, 2229;—CL 1929, 1085;—CL 1948, 433.122.

#### **433.123 Pounds; injury, penalty.**

Sec. 23. If any person shall wilfully injure any pound maintained by any township, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding 50 dollars, or by imprisonment in the county jail not exceeding 90 days at the discretion of the court.

**History:** R.S. 1846, Ch. 18;—CL 1857, 627;—CL 1871, 790;—How. 820;—CL 1897, 2438;—CL 1915, 2230;—CL 1929, 1086;—CL 1948, 433.123.

**DAMAGE BY BEASTS**  
**Act 109 of 1847**

AN ACT to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence.

**History:** 1847, Act 109, Imd. Eff. Mar. 17, 1847.

*Be it enacted by the Senate and House of Representatives of the State of Michigan:*

**433.151 Damages upon lands by beasts; barred unless enclosed.**

Sec. 1. No person shall be entitled to recover any sum of money, in any action at law, for damages done upon lands by any beast or beasts, unless the partition fences by which such lands are wholly or in part enclosed, and belonging to such person, or by him to be kept in repair, shall be of the same height and description as is required by the provisions of section 1, chapter 18, of the revised statutes of 1846, being section 605 of the Compiled Laws. No person shall be entitled to recovery in any action for such damages if the same was caused by any beast which gained access to such lands by reason of the failure of such person to erect or maintain that portion of the fence assigned to him therefor pursuant to the provisions of section 5 of chapter 18 of the revised statutes of 1846, being section 1068 of the Compiled Laws of 1929.

**History:** 1847, Act 109, Imd. Eff. Mar. 17, 1847;—CL 1857, 628;—Am. 1861, Act 179, Imd. Eff. Mar. 15, 1861;—CL 1871, 791;—How. 817;—CL 1897, 2436;—CL 1915, 2227;—CL 1929, 1087;—Am. 1941, Act 289, Eff. Jan. 10, 1942;—CL 1948, 433.151.

**Compiler's note:** For provisions of sections 1 and 5 of chapter 18 of the Revised Statutes of 1846, referred to in this section, see MCL 43.1 and 43.5.

**COYOTES AND WOLVES**  
**Act 52 of 1937**

**433.201-433.207 Repealed. 1959, Act 23, Eff. Mar. 19, 1960;—1964, Act 256, Eff. Aug. 28, 1964;—1979, Act 7, Eff. Mar. 27, 1980.**

**RATS**  
**Act 50 of 1915**

**433.251-433.253 Repealed. 2000, Act 108, Imd. Eff. May 19, 2000.**

**ENGLISH SPARROWS**  
**Act 4 of 1885**

AN ACT to authorize the killing of "English sparrows."

**History:** 1885, Act 4, Imd. Eff. Feb. 17, 1885.

*The People of the State of Michigan enact:*

**433.271 English sparrows; lawful to kill.**

Sec. 1. That it shall be lawful to kill the birds commonly called "English sparrows."

**History:** 1885, Act 4, Imd. Eff. Feb. 17, 1885;—How. 2259a;—CL 1897, 5585;—CL 1915, 7258;—CL 1929, 9026;—CL 1948, 433.271.

**ENGLISH SPARROWS**  
**Act 226 of 1907**

**433.281-433.284 Repealed. 2000, Act 109, Imd. Eff. May 19, 2000.**

**STARLINGS AND CROWS**  
**Act 152 of 1941**

**433.301-433.304 Repealed. 2006, Act 585, Imd. Eff. Jan. 3, 2007.**

## **RACING AND CARRIER PIGEONS**

### **Act 57 of 1974**

AN ACT relating to the sport of racing and carrier pigeons; authorizing the flying of such pigeons; and providing for regulation thereof by cities, villages, townships, and counties.

**History:** 1974, Act 57, Imd. Eff. Apr. 1, 1974.

*The People of the State of Michigan enact:*

#### **433.351 Definitions.**

Sec. 1. As used in this act:

(1) "Carrier pigeon" means homing and racing pigeons which have the name of the owner stamped upon the wing or tail, or are banded upon the leg with the name or initials of the owner or with an identification or registration number stamped on the band.

(2) "Racing pigeon" means a pigeon registered with a national pigeon racing organization and used as a game competitive bird. The pigeons are not to be identified or classified as fowl when raised and used in the sport and hobby of racing carrier pigeons.

(3) "Department" means the health department of any city, village, township, or county and shall include the head of such department or any employee acting in his stead.

(4) "Loft" means any structure in which carrier pigeons are housed.

**History:** 1974, Act 57, Imd. Eff. Apr. 1, 1974.

#### **433.352 Carrier pigeon permit; issuance; requirements.**

Sec. 2. (1) The department shall issue a carrier pigeon permit to the owner of carrier pigeons who complies with the following requirements:

(a) The loft is found on inspection to be in compliance with regulations prescribed by the department and is maintained in a clean, orderly condition and kept in good repair.

(b) The construction of a loft complies with the building code regulations of the city, village, township, or county in which it is erected.

(2) The requirements of zoning regulations relating to restrictions on the location of stables and poultry enclosures shall not apply to a loft for which a permit has been issued.

**History:** 1974, Act 57, Imd. Eff. Apr. 1, 1974.

#### **433.353 Loft of carrier or racing pigeons; erection and maintenance.**

Sec. 3. A person to whom the department has issued a carrier pigeon permit may erect and maintain a loft of carrier or racing pigeons in the city, village, township, or county.

**History:** 1974, Act 57, Imd. Eff. Apr. 1, 1974.

#### **433.354 Authorization to fly pigeons for necessary exercise and training.**

Sec. 4. An owner of carrier pigeons, to whom the department has issued a carrier pigeon permit, or person acting for him, shall be allowed to fly the pigeons for necessary exercise and training.

**History:** 1974, Act 57, Imd. Eff. Apr. 1, 1974.

#### **433.355 Restricting training and conditioning programs.**

Sec. 5. The owner is not required to restrict his training and conditioning program to obtain successful results in competition unless duly proven to be in violation of a local health or nuisance ordinance.

**History:** 1974, Act 57, Imd. Eff. Apr. 1, 1974.