



THE COUNTY OF EMMET
ANIMAL CONTROL ORDINANCE
NUMBER 79-15



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ORDINANCE NO. 79-15

ANIMAL CONTROL ENFORCEMENT ORDINANCE
Emmet County, Michigan

AN ORDINANCE RELATING TO AND PROVIDING FOR ANIMAL CONTROL WITHIN THE BOUNDARIES OF EMMET COUNTY; PURPOSE OF ORDINANCE; DEFINITIONS; ANIMAL CONTROL OFFICER AND DUTIES, AUTHORITY AND RESPONSIBILITIES; LICENSING AND VACCINATION OF DOGS; CONFINEMENT OF DOGS AND OTHER ANIMALS UNDER CERTAIN CIRCUMSTANCES; SHELTER, IMPOUNDMENT AND REDEMPTION OF DOGS AND OTHER ANIMALS; WOLF-DOG CROSSES; LARGE CARNIVORES; VIOLATIONS; PENALTY; PRESERVATION OF CERTAIN RIGHTS; CERTAIN DUTIES AND RECORD KEEPING OF THE COUNTY TREASURER; FEES AND EXPENSES; RECEIPT AND DISBURSEMENT OF FUNDS; CONSTRUCTION; SEVERABILITY AND REPEAL.

THE COUNTY OF EMMET ORDAINS:

ARTICLE I
PURPOSE

The purpose of this Ordinance is to protect the public health, safety, convenience and welfare; and to provide for the orderly and uniform administration of the dog licensing provisions of the laws of the State of Michigan, and in particular, the Dog Law of 1919, 1919 PA 339, as amended, being MCL 287.261 *et seq.*; MSA 12.511 *et seq.*; and to create the position of Animal Control Officer and define the duties, authority and responsibilities therefor; and to regulate the conduct, keeping and care of dogs and other animals, wolf-dog crosses, large carnivores, livestock and poultry.

ARTICLE II
DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the following meanings:

- (A) “ANIMAL,” unless otherwise provided herein, includes any bird, fish, or mammal or reptile, except a “LARGE CARNIVORE” or “WOLF-DOG CROSS.”

(b) “ANIMAL CONTROL OFFICER” means any person employed by the County of Emmet for the purpose of enforcing this Ordinance or state statutes pertaining to dogs or other animals, as well as deputies and assistants of the Animal Control Officer who are employed by the County to act in the animal control function.

(c) “BOARD OF COMMISSIONERS” means the Board of Commissioners of the County of Emmet.

(d) “DAY” as used in Articles III, IV and V of this Ordinance means a working day, including Saturday, but not including Sunday or a County observed holiday.

(e) “DOG” means an animal of the species *Canis familiaris* or *Canis lupus familiaris*.

(f) “KENNEL” means any establishment where dogs are kept for purposes of breeding, boarding, sale, lease, trade, sport or training, except a duly licensed pet shop.

(g) “LARGE CARNIVORE” means that term as defined in Section 2 of the Large Carnivore Act, 2000 PA 274, as amended, being MCL 287.1102; MSA 12.597(1).

(h) “LAW ENFORCEMENT OFFICER” means any person employed or elected by the people of the state, or any municipality, county, or township, whose duty it is to preserve the peace or to make arrests or to enforce the law, and includes conservation officers and members of the state police.

(i) “LIVESTOCK” means that term as defined in Section 5 of the Animal Industry Act of 1987, 1988 PA 466, being MCL 287.705; MSA 12.399(75).

(j) “PERSON” means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(k) “POULTRY” means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeder’s license pursuant to Part 427 (breeders and dealers) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, being MCL 324.42701 *et seq.*; MSA 13A.42701 *et seq.*

(l) “OWNER” means both the property owner of title of record and a person occupying or in possession of any property or premises. When applied to the proprietorship of an animal, “OWNER” means any person having a right of property in the animal; an authorized agent of the owner; any person who keeps or harbors the animal or has it in his or her care, custody and control; and/or any person who permits the animal to remain on or about the premises occupied by him or her.

(m) “RABIES SUSPECT ANIMAL” means any animal which has bitten a human or any animal which has been in contact with or has been bitten by a rabid animal, or any animal which shows symptoms suggestive of rabies

(o) “TREASURER” means the Treasurer of the County of Emmet.

(p) “WOLF-DOG CROSS” means that term as defined in Section 2 of the Wolf-Cross Dog Act, 2000 PA 246, as amended, being MCL 287.1002; MSA 12.546(2).

ARTICLE III
ANIMAL CONTROL OFFICER
DUTIES, AUTHORITY AND RESPONSIBILITIES

SECTION 1. An Animal Control Officer position shall be established by the Board of Commissioners, and shall be assigned to the Emmet County Sheriff’s Department to operate within that Department as a member of the same. The position shall be filled by appointment of the Emmet County Sheriff, and shall meet the requirements of MCL 287.289b; MSA 12.540(2).

SECTION 2. The Animal Control Officer shall fulfill the following duties:

(a) The Animal Control Officer shall promptly seize and impound in the animal shelter all dogs or other animals, livestock or poultry found running at large, or being kept or harbored, in any place within the County contrary to the provisions of this Ordinance or state statute.

(b) The Animal Control Officer shall be properly deputized as a law enforcement officer for the purpose of this Ordinance, and shall be legally authorized to issue appearance tickets, citations or summonses to persons owning, keeping or harboring dogs contrary to the provisions of this Ordinance.

(c) The Animal Control Officer shall destroy in a humane manner all impounded dogs or other animals that are not claimed and released within seven (7) days after being impounded, or after notice of impoundment is given under Article VI of this Ordinance, if applicable; provided, however, that, if in the Animal Control Officer’s best judgment, such dog or other animal is valuable or otherwise desirable for keeping, the Animal Control Officer may release the dog or other animal to any person who will remove the animal from the County, or will keep the animal within the County in accordance with the provisions of this Ordinance or state statute, including the licensing and vaccination requirements, upon payment of the proper charge for the care and treatment of the animal while kept in the animal shelter; or the Animal Control Officer may, at the expiration of the seven (7) day period, dispose of the dog or other animal as approved by the Board of Commissioners. Rules and regulations concerning the sale of such dogs or other animals from the animal shelter, including boarding and other charges, shall be approved by a resolution of Board of Commissioners, and shall be posted in a conspicuous place at the animal shelter.

The bodies of all animals destroyed at the animal shelter or elsewhere in the County shall be disposed of by the Animal Control Officer in a manner approved by the Northwest Michigan Community Health Agency and the Board of Commissioners.

Any animal voluntarily turned in to the animal shelter by the owner of the animal for disposition need not be kept for seven (7) days before release or disposal of such animal by the Animal Control Officer.

(a) The Animal Control Officer shall investigate all animal bite incidents which potentially expose a human to disease, and shall search out and attempt to discover the animal involved, and shall impound or quarantine said animal for examination for disease in accordance with the provisions of this Ordinance and state statute. The Animal Control Officer shall impound any rabies suspect animal.

(b) The Animal Control Officer shall assume the duty under Section 16 of the Dog Law of 1919, 1919 PA 339, as amended, being MCL 287.276; MSA 12.526, to determine and locate all unlicensed dogs in the County, to list such dogs, and to deliver the list to the Treasurer for the purpose of this Ordinance.

(c) The Animal Control Officer shall have the right to inspect any kennel for which a license has been issued by the Treasurer pursuant to this Ordinance and state statute.

(d) The Animal Control Officer shall investigate complaints of dogs or other animals alleged to be dangerous to persons or property, and shall have the right to impound such animals.

(h) The Animal Control Officer shall investigate complaints of cruelty to dogs or other animals, livestock or poultry, and shall have the right to impound any dog or other animal, livestock or poultry which has been subject to such cruelty.

(i) The Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the Board of Commissioners may from time to time provide.

SECTION 3. The Animal Control Officer shall enforce the provisions of this Ordinance and state statute pertaining to dogs and other animals, wolf-dog crosses and large carnivores, and shall make complaints regarding any violations to the appropriate court with jurisdiction.

SECTION 4. The Animal Control Officer shall dispose of any dog or other animal, livestock or poultry seized, taken up or impounded under this Ordinance as provided in this Ordinance.

ARTICLE IV

LICENSING AND VACCINATION

SECTION 1. The owner of a dog that is four (4) or more months old shall apply annually, on or before March 1, to the treasurer of the county where the owner resides, or to the treasurer's authorized agent, for a license for each dog owned or kept by the owner. A person who becomes an owner of a dog that is four (4) or more months old and that is not already licensed shall apply for a license within thirty (30) days. A person who owns a dog that will become four (4) months old and that is not already licensed shall apply for a license within thirty (30) days after the dog becomes four (4) months old. The application for a license shall state the breed, sex, age, color and markings of the dog, and the name and address of the last previous owner. The application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The certificate for vaccination for rabies shall state the month and year of expiration for the rabies vaccination, in the veterinarian's opinion.

SECTION 2. The owner of a dog that is required to be licensed under this Ordinance shall keep the dog currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the United States Department of Agriculture.

SECTION 3. The fees for the licensing of dogs under this Ordinance shall be as follows:

(a) For a male or female dog that is four (4) or more months old, the annual license fee shall be \$8.00, if the license is obtained on or before March 1. For a spayed or neutered dog that is four (4) or more months old, the annual license fee shall be \$5.00, if the license is obtained on or before March 1.

(b) For a newly-acquired dog or a dog that becomes four (4) or more months old after March 1, the license fee shall be as provided in subsection (a) of this Section, unless the application is submitted after July 10 of a calendar year, in which case the fee shall be ½ of the license fee provided in subsection (a) of this Section.

(c) For a guide dog or leader dog for a blind person, a hearing dog for a deaf or audibly impaired person, or a service dog for a physically limited person, or a dog in training as such, no license fee shall be required.

(d) The fee for a license not obtained in accordance with subsections (a) and (b) of this Section, shall be deemed delinquent, and such license fee for the balance of the year shall be \$15.00.

(e) Current dog licenses validly issued by other counties or governmental agencies in Michigan shall be honored in Emmet County until the following March 1.

SECTION 4. No license or license tag issued for one dog shall be transferred to another dog.

Whenever the ownership or possession of any dog is permanently transferred from one person to another within Emmet County, the license for such dog may be transferred, upon written notice by the last registered owner to the Treasurer who shall note the transfer upon his or her records. This Ordinance does not require the procurement of a new license, or the transfer of a license already procured, where the possession of a dog is temporarily transferred by the owner for purposes of boarding, lawful hunting, breeding, trial or show.

SECTION 5. If a license tag is lost, it shall be replaced by the Treasurer at no cost, upon application by the owner of the dog, and production of such license and a sworn statement of the facts regarding the loss of the tag.

SECTION 6. Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required under this Ordinance and under state statute, on or before March 1, apply to the Treasurer for a kennel license entitling him or her to keep or operate such kennel in accordance with state statute. The fee for a kennel license shall be as provided by state statute. Proof of vaccination of dogs against rabies shall not be required with the application. The license shall entitle the licensee to keep any number of dogs, except as otherwise provided by law, six (6) months old or over, but not at any time exceeding the number specified in the license. With each kennel license, the Treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All of the tags shall bear the name of Emmet County, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

SECTION 7. The licensee of a kennel shall, at all times, keep one of such tags attached to a collar on a dog four (4) months old or over kept under the kennel license. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel; provided, however, that this Section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for purposes of lawful hunting, breeding, trial or show.

ARTICLE V **CONFINEMENT**

Any dog or other animal that shall bite a human, animal or livestock shall be handled in accordance with the procedures established by the Michigan Department of Community Health for the control of rabies and the disposition of nonhuman agents carrying disease, including rabid animals. The owner of such animal shall keep, maintain, confine, or dispose of the animal in accordance with said procedures. In the event that the owner of such animal shall fail to comply with any of such procedures, the Animal Control Officer may take possession and custody of the animal, and follow such procedures, and the owner shall bear the costs of the same.

ARTICLE VI
ANIMAL SHELTER AND IMPOUNDMENT

SECTION 1. Except as otherwise provided in this Ordinance, any dog running at large shall be seized by the Animal Control Officer or other law enforcement officer, and impounded for a period of not less than seven (7) days, unless claimed by the owner before the expiration of said period. If the dog is not claimed by its owner at or before the expiration of the seven (7) day period, the dog may be sold or disposed of.

SECTION 2. Immediately upon impoundment of a dog or other animal, the Animal Control Officer shall make every reasonable effort to notify its owner of the conditions whereby the dog or other animal may be claimed from the animal shelter. If the dog is wearing a collar, license or other evidence of ownership, the animal shelter shall notify the owner in writing that the animal has been impounded. Disposition of the animal shall not be made within seven (7) days from the date of the mailing of said notice. The animal shelter shall be required to maintain a record of each identifiable animal acquired, including a basic description of the animal, the date acquired, and the circumstances under which the animal was acquired. Such record shall also include the date of notice to the owner, if applicable, and the disposition. This Section shall not apply to an animal that is sick or injured such that the impoundment period would result in prolonged and undue suffering, or to an animal whose owner requests the immediate disposal of the animal.

SECTION 3. An owner may redeem a dog or other animal from the animal shelter by executing a sworn statement of ownership, furnishing a license and tag as required by this Ordinance, and paying the required fees and expenses.

SECTION 4. The Board of Commissioners shall operate or contract with a licensed animal protection facility, registered animal control facility or licensed kennel facility to operate an animal shelter for the purpose of this Ordinance.

SECTION 5. The animal shelter shall hold all animals impounded as provided by this Ordinance and state statute. If any person claims any animal impounded under this Article prior to the time for disposition of the animal, the animal shelter shall collect such fees as may be set and changed from time to time by a resolution of the Board of Commissioners, including, but not be limited to:

- (a) A redemption fee; and
- (b) A fee for each day, or fraction thereof, covering the costs of the board and care of the dog or other animal; and any actual veterinary expenses incurred for the necessary treatment of any injury to the dog or other animal; and
- (c) The actual costs of notice to the owner of the impoundment, including any notice by publication; and

(d) Any actual costs incurred by the animal shelter in the pick up and transportation of the dog or other animal; and

(e) Any actual unexpected costs incurred by the animal shelter for the impoundment of large or non-domesticated animals.

Unless otherwise directed by the Animal Control Officer, said fees shall be paid prior to the release of the dog or other animal by the animal shelter.

ARTICLE VII **WOLF-DOG CROSSES**

SECTION 1. The ownership, possession and care of wolf-dog crosses shall be governed by the Wolf-Dog Cross Act, 2000 PA 246, as amended, being MCL 287.1001 *et seq.*; MSA 12.546(1) *et seq.*, unless otherwise provided in this Ordinance. Where any provision of this Ordinance applies, the more restrictive provision of this Ordinance and state statute shall prevail.

SECTION 2. The owner of a wolf-dog cross shall file an application for a permit as required under Section 4 of the Wolf-Dog Cross Act, 2000 PA 246, as amended, being MCL 287.1004; 12.546(4), with the Emmet County Sheriff's Department. Said application shall be accompanied by a receipt obtained from the Treasurer showing payment of the annual permit fee which shall be \$25.00 for each wolf-dog cross.

ARTICLE VIII **LARGE CARNIVORES**

SECTION 1. The ownership, possession and care of large carnivores shall be governed by the Large Carnivore Act, 2000 PA 274, as amended, being MCL 287.1101 *et seq.*; MSA 12.597 *et seq.*, unless otherwise provided in this Ordinance. Where any provision of this Ordinance applies, the more restrictive provision of this Ordinance and state statute shall prevail.

SECTION 2. The owner of a large carnivore shall file an application for a permit as required by Section 4 of the Large Carnivore Act, 2000 PA 246, as amended, being MCL 287.1104; MSA 12.597(3), with the Emmet County Sheriff's Department. Said application shall be accompanied by a receipt obtained from the Treasurer showing payment of the annual permit fee which shall be \$25.00 for each large carnivore.

ARTICLE IX **VIOLATIONS**

SECTION 1. It shall be unlawful for:

(a) Any person to own any dog that is four (4) or more months old, unless the dog is licensed as herein provided, or to own any dog that is four (4) or more months old that does not at all times wear a substantial collar with an attached tag approved by the Director of the Department of Agriculture, except when engaged in lawful hunting accompanied by its owner or custodian;

(b) Any dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, to run at large at any time; provided, however, that a dog engaged in lawful hunting need not be leashed when under the reasonable control of its owner or custodian;

(c) Any dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, except a guide dog or leader dog, hearing dog, or service dog accompanied by its owner, to be within the confines of a public park when such park is posted as prohibiting dogs;

(d) Any dog, licensed or unlicensed, to destroy property, real or personal, or to trespass and cause damage to the property of any person other than the owner;

(e) Any dog to show vicious habits or to molest any person lawfully on a public highway or right-of-way;

(f) Any dog or other animal, licensed or unlicensed, to attack or bite any person;

(g) Any person to own a dog that, by loud and frequent barking, howling or yelping, becomes a nuisance in the vicinity in which the dog is being kept;

(h) Any livestock or poultry to run at large unaccompanied by its owner upon the premises of another, or upon any public street, alley or other public property, unless otherwise specifically allowed;

(i) Any person to remove a collar or tag from any dog or other animal without the permission of its owner; or to decoy or entice any dog or other animal out of an enclosure or off the property of its owner; or to seize, molest or taunt any dog or other animal while held or led by any person or while on the property of its owner.

(j) Any person to keep or operate a kennel which is not constructed so as to vent prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein.

SECTION 2. The Animal Control Officer may issue an appearance ticket, citation or summons for a

violation of this Ordinance, summoning the person to appear before the district court or other court with jurisdiction.

SECTION 3. The Animal Control Officer may proceed to obtain the authorization of the Prosecuting Attorney and to make a complaint before the district court or other court with jurisdiction, and obtain a summons or order to show cause why a dog should not be destroyed or confined as provided in Section 26a of the Dog Law of 1919, 1919 PA 339, as amended, being MCL 287.286a; MSA 12.537. Costs, as such civil cases, shall be taxed against the owner of the dog, and collected by the court.

ARTICLE X
PENALTY

Any person that violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall pay a fine of not less than \$100.00, and the costs of prosecution, and/or shall be imprisoned in the County jail for not more than 90 days, in the discretion of the court.

ARTICLE XI
PRESERVATION OF CERTAIN RIGHTS

SECTION 1. Nothing in this Ordinance shall be construed to prevent the owner of a dog or other animal from recovery, by action at law, from any law enforcement officer or other person, the value of the dog or other animal killed illegally by such law enforcement officer or other person.

SECTION 2. Nothing in this Ordinance shall be construed to limit the common law liability of the owner of a dog or other animal for damage committed by it.

ARTICLE XII
TREASURER'S RECORDS AND DUTIES

SECTION 1. On April 1 of each year, the Treasurer shall make a comparison of his or her records of dogs actually licensed in the County with the list of the Animal Control Officer to determine and locate all unlicensed dogs.

SECTION 2. On or after April 1 of each year, each unlicensed dog that is subject to the licensing provisions of this Ordinance or state statute shall be a public nuisance, and the Treasurer shall immediately thereafter list all such unlicensed dogs, and shall deliver copies of the list to the Prosecuting Attorney and to the Director of the Department of Agriculture in accordance with Section 17 of the Dog Law of 1919, 1919 PA 339, as amended, being MCL 287.277; MSA 12.527.

SECTION 3. The Treasurer shall keep a record of all licenses issued under this Ordinance. Such records shall contain the name and address of the person to whom each license is issued, and the expiration date of each license. Each individual license shall also state the breed, sex, age, color and markings of the dog licensed. Each kennel license shall also state the location of the kennel. The record is a public record and shall be open to inspection during business hours. The Treasurer shall also keep an accurate record of all license fees collected.

SECTION 4. In any prosecution of a violation of this Ordinance, the records of the Treasurer, or the lack of the same, showing the license number and the name of the owner to whom the license was issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership or non-ownership of a dog, and issuance or non-issuance of a dog license or tag.

ARTICLE XIII
FEES AND EXPENSES

SECTION 1. The fees established herein may be changed from time to time on or before November 1 of any year by a resolution of the Board of Commissioners.

SECTION 2. All fees and expenses provided herein shall be paid in accordance with Article XII of this Ordinance.

ARTICLE XIV
RECEIPT AND DISBURSEMENT OF FUNDS

All fees and monies collected under the provisions of this Ordinance shall be transferred to the general fund of Emmet County in accordance with standard practices of the Treasurer, and monies paid out in accordance with the provisions of this Ordinance shall be drawn upon said general fund.

ARTICLE XV
CONSTRUCTION

SECTION 1. When not inconsistent with the context, words used in the present tense include the future tense, words in the singular include the plural, and words in the plural include the singular. Masculine shall include the feminine and neuter. The word “shall” is always mandatory and not directive. A word or term not defined herein shall have its common meaning. Headings are to be used for reference purposes only, and shall not limit the scope of any Article or Section of this Ordinance.

SECTION 2. The provisions of this Ordinance set forth the minimum standards and supplement the rules and regulations of the Michigan Department of Community Health. Where any provision of this Ordinance

County of Emmet this ____ day of _____, 200_, at Petoskey , Michigan.

Irene Granger, Clerk