

# **County of Ingham, Michigan**

## **ANIMAL CONTROL ORDINANCE**

Adopted: September 18, 1972

An Ordinance relating to and providing for animal control within the boundaries of Ingham County; purpose of Ordinance; definitions; County Animal Control Officer, his duties, authority, responsibilities and removal from office; licensing and vaccination of dogs; confinement of dogs and other animals under certain circumstances; County Animal Shelter and impoundment of dogs and other animals and redemption of dogs and other animals impounded; killing and seizing of dogs and other animals; prohibition of livestock and poultry in non-agricultural areas; enumeration of certain violations and procedure therefore; penalties; preservation of certain rights; County Treasurer's duties and records; fees and expenses; receipts and disbursements of funds; construction; repeal.

THE PEOPLE OF THE COUNTY OF INGHAM, MICHIGAN, DO ORDAIN:

### **ARTICLE I**

#### **PURPOSE**

Deeming it advisable in the interest of protecting the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and in particular Act 339 of the Public Acts of 1919, as amended, being Sections 287.261-287.293 of the Compiled Laws of 1948, (MSA Sections 12.511-12.543), and to create the position of Animal Control Officer and define his duties, authority and responsibilities, and to regulate and control the conduct, keeping and care of dogs and certain other animal livestock and poultry; the County of Ingham, Michigan does hereby adopt the following Ordinance:

### **ARTICLE II**

#### **DEFINITIONS**

For the purpose of this Ordinance, the following terms shall have the following meanings respectively designated for each:

- (a) **ANIMALS.** Unless otherwise stated, the word "Animal" as used in the Ordinance shall include birds, fish, mammals and reptiles
- (b) **LIVESTOCK** means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, hogs, swine, and furbearing animals being raised in captivity.
- (c) **POULTRY** means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeder's license pursuant to act 191 of the Public Acts of 1919, as amended, being Sections 317.71 to 317.85 of the Compiled Laws of 1948 (MSA Section 13.1271 - 13.1285).

- (d) POLICE OFFICER means any person employed or elected by the people of the State of Michigan, or by any city, village, county or township whose duty it is to preserve peace or to make arrest or to enforce the law, and includes game, fish and forest fire wardens and members of the State Police and Conservation Officers.
- (e) ANIMAL CONTROL OFFICER means any person employed by the county for the purpose of enforcing this Ordinance or state statutes pertaining to dogs and other animals as well as persons or deputies employed by the county to act in the Animal Control Division.
- (f) OWNER. The term "owner" and "persons owning premises" shall mean both the owner of title of record and those occupying or in possession of any property or premise.

The term "owner" when applied to proprietorship of an animal means every person having a right of property in the animal, an authorized agent of the owner, and every person who keeps or harbors the animal or has it in his care, custody, or control, and every person who permits the animal to remain on or about the premise occupied by him.

- (g) PERSON. The word "person" shall include state and local officers or employees, individuals, corporations, co-partnerships and associations.
- (h) KENNEL. The term "kennel" shall mean any establishment wherein or whereon three or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, constructed so as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein.
- (i) RABIES SUSPECT ANIMAL. The term "rabies suspect animal" shall mean any animal which has been determined by the Michigan Department of Public Health to be a potential rabies carrier and which has bitten a human, or any animal which has been in contact with or been bitten by another animal which is a potential rabies carrier, or any animal which is a potential rabies carrier which shows symptoms suggestive of rabies.
- (j) POUNDMASTER: CHIEF, ANIMAL CONTROL SERVICES; DOG WARDEN; DOG CATCHER. The terms "Poundmaster", "Chief, Animal Control Services", "Dog Warden" or "Dog Catcher" are synonymous with "Animal Control Officer" and shall include the deputies of such person.
- (k) DAY shall mean working days which shall not include Saturdays, Sundays or County observed holidays.
- (l) BOARD OF COMMISSIONERS shall mean the Ingham County Board of Commissioners. TREASURER shall be the Ingham County Treasurer.
- (m) NON-AGRICULTURAL AREA shall mean any area zoned by a city, village, township, or other governmental body, agency or commission as other than for agricultural purposes.

### ARTICLE III

#### ANIMAL CONTROL OFFICER,

## **DUTIES, AUTHORITY AND RESPONSIBILITIES**

Section 1. An Animal Control Officer shall be appointed by the Board of Commissioners and shall serve as Director of the Animal Control Department. Said person shall serve at the pleasure of the Board of Commissioners.

Section 2. In lieu of all fees and other remuneration under the statutes of this state, the Animal Control Officer, his deputies and assistants, except census takers, shall be paid a salary as established and determined by appropriate resolution of the Board of Commissioners.

Section 3. The Animal Control Officer shall fulfill the following duties:

- (a) The Animal Control Officer shall promptly seize, take up and place in the animal shelter all dogs and other animals, livestock or poultry found running at large or being kept or harbored any place within the county contrary to the provisions of this Ordinance or the statutes of the state.
- (b) The Animal Control Office shall be properly deputized as a peace or police officer for the purposes of this Ordinance and shall be legally authorized to have the power and it shall be his duty to issue appearance tickets, citations or summonses to those persons owning, keeping or harboring dogs contrary to the provisions of this Ordinance.
- (c) It shall be the duty of the Animal Control Officer, his deputies or assistants, to destroy in a humane manner, all impounded dogs or other animals lacking a collar, license or other evidence of ownership after being impounded for four (4) days, or if the animal has a collar, license or other evidence of ownership, seven (7) days from the date of mailing to the animal's owner written notice that the animal has been impounded. If, however, in the Animal Control Officer's, his deputies or assistants judgment, said dog or other animal is valuable or otherwise desirable for keeping, the Animal Control Officer, his/her deputies may release said dog, or other animal, to any person, who will undertake to remove said animal from the county or keep said animal within the county in accordance with the provisions of this Ordinance and the statutes of the State, including compliance with licensing and vaccination requirements, upon payment of the proper charge for the care and treatment of said animal at the expiration of the holding period required herein in a manner approved by the Board of Commissioners or the Law and Courts Committee thereof. Such regulations regarding the sale of animals from the animal shelter and boarding and other charges 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, his/her deputies or assistants, in a manner approved by the Ingham County Health Department and/or Law and Courts Committee of the Board of Commissioners or any successor committee thereof. Any animals voluntarily turned in to the animal shelter by the owners thereof for disposition need not be kept for the minimum period set forth herein before release or disposal of such animal is made by the Animal Control Officer, his/her deputies or assistants, as provided herein.
- (d) The Animal Control Officer shall promptly investigate all animal bite cases by a rabies suspect animal involving human exposure and shall search out and attempt to discover

the animal involved and shall either impound or require its owner to quarantine the animal for examination for disease in accordance with the applicable provisions of this Ordinance and/or the statutes of the state. In the event the owner of a quarantined animal is unable to maintain the quarantine during the required period, the owner shall deliver said animal to the animal shelter or upon notice of the Animal Control Officer to a veterinarian clinic for impoundment. Failure of an owner to maintain quarantine or to deliver a quarantined animal for impoundment shall constitute a misdemeanor punishable as set forth in Article X of this Ordinance. The Animal Control Officer shall also be obliged to seize and impound any rabies suspect animal.

- (e) The Animal Control Officer shall assume the duty (provided in Section 316 of Act 339 of the Public Acts of 1919, being Section 287.276 of the Compiled Laws of 1948, [MSA Section 12.526], as amended) to determine and locate all unlicensed dogs, to list such dogs, and to deliver said list to the Prosecuting Attorney for the necessary proceedings as provided by this Ordinance and/or the statutes of the state.
- (f) The Animal Control Officer, his deputies or assistants are hereby authorized and empowered in accordance with the provisions of this Ordinance to enter upon private premises for the purpose of inspecting same for the purpose of determining the harboring, keeping or possession of any dog or dogs for the specific purpose of determining if the owners of said dogs have complied with the appropriate provisions of this Ordinance and to apprehend and take with him any dogs for whom no license has been procured in accordance with this Ordinance or for any other violation hereof. The provisions of this subsection shall specifically include, but not be limited to, investigation of or seizure for cruelty to animals.
- (g) The Animal Control Officer shall have the right to inspect any kennel, a license for which has been issued by the Treasurer pursuant to this Ordinance and the statutes of the state, and shall have the duty to suspend said license if, in their opinion, conditions exist which are unhealthy or inhumane to the animals kept therein pending correction of such conditions, and further shall have the duty to revoke said license if such conditions are not corrected within a reasonable period of time.
- (h) The Animal Control Officer shall have the right to investigate complaints of dogs or other animals alleged to be dangerous to persons or property and shall have the right to seize, take up and impound such animals.
- (i) The Animal Control Officer shall have the right to investigate complaints of cruelty to dogs or animals, livestock or poultry and shall have the right to seize, take up and impound any dog or other animal, livestock or poultry which has been subject to such cruelty.
- (j) The Animal Control Officer shall be responsible for the sale of licenses and the keeping of appropriate records and books of account with respect thereto.
- (k) 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 4. It shall be the further duties of the Animal Control Officer, his deputies or assistants, to enforce the provisions of this Ordinance and the statutes of the state pertaining to dogs and other animals, and he may make complaint to the appropriate District court or other appropriate court in regard to any violation thereof.

Section 5. The Animal Control Officer, his deputies or assistants, shall dispose of any animal, livestock or poultry seized, taken up and/or impounded as provided for herein, in accordance with the provisions of this Ordinance and/or the statutes of the state.

Section 6. All suspensions and/or revocations of licenses and all seizures for cruelty or dangerous as provided herein, shall be in accordance with such rules and regulations as are adopted from time to time by the Board of Commissioners.

Section 7. The Animal Control Officer may be removed from office for good cause shown after a hearing before the Board of Commissioners and after first being given reasonable notice of a time, date and place of said hearing. A vote for removal or non-removal shall be by majority vote of the Board of Commissioners elect.

Section 8. The Animal Control Officer, his deputies or assistants are further authorized and shall at all times carry a book of receipts properly numbered in sequence for accounting purposes, for the issuing of dog licenses as provided in this Ordinance and shall issue such dog licenses in accordance herewith.

Section 9. All fees and monies collected by the Animal Control Officer, his deputies or assistants as herein provided shall be accounted for and turned over to the Treasurer on or before the first of each and every month of more often if reasonably necessary under the standard practices of the Treasurer's accounting system.

#### ARTICLE IV

#### LICENSING AND VACCINATION

Section 1. It shall be unlawful for any person to own any dog four (4) months old or over, unless the dog is licensed as hereinafter provided, or to own any dog four (4) months old or over that does at all times wear a collar with a tag approved by the Director of the Michigan Department of Agriculture, attached, as hereinafter provided, except when engaged in lawful hunting accompanied by its owner; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash; or for any person except the owner to remove any collar and-or license tag from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.

Section 2. On or before March 1 of each year, the owner of any dog four (4) months older or over, shall apply to the county, township or city treasurer or his authorized agent, where the owner resides, for a license by the last day of the anniversary month of the dog's current rabies vaccination. Such application shall be in writing and state the breed, sex, age, color and markings of such dog, and the name and address of the last previous owner. The application for a license shall be accompanied by valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. A license shall not be issued if the dog's current rabies vaccination will expire more than one (1) month before the date on which that license would expire.

Section 3. No dog shall be exempt from the rabies vaccine requirements as herein set forth.

Section 4.

- (a) The annual fee for licenses acquired on or before the last of the anniversary month of a dog's current rabies vaccination for male or female dogs four (4) months of age or over that are not surgically sterilized shall be \$18.00 per year, or \$2.00 per month if the vaccination anniversary date is less than 8 months away. The annual fee for licenses acquired during said period of surgically sterilized male or female dogs four (4) months of age or over shall be \$10.00 per year, or \$1.00 per month if the vaccination anniversary date is less than 8 months away.
- (b) For dogs reaching the age of four (4) months, the owner thereof shall obtain a license within thirty (30) days of the date in which the dog reaches four (4) months of age at the rate set forth in Article IV, Section 4(a).
- (c) A dog which is used as a guide 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 is not subject to any fee for licensing, as provided in MCL 287.291.
- (d) The license fee for any dog for which a license has not been obtained in accordance with Article IV, Section 4(a) and (b) shall be considered delinquent and the fee for acquiring a license for such dogs shall be twice the normal annual license fee of \$10.00 or \$18.00.
- (e) The dog license fees as herein established may be changed from time to time on or before November 1 of each year and for subsequent years by the rules and regulations pertaining to same as established by the Board of Commissioners.
- (f) Current dog licenses issued by other counties within Michigan, and any other governmental agencies shall be honored in Ingham County until either its current license expires or the last day of the anniversary month of the dog's current rabies vaccination, whichever occurs first.

Section 5. No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license for such dog may be likewise transferred, upon proper notice, in writing by the last registered owner, given to the Treasurer who shall note such transfer upon his records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trail or show.

Section 6. Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required under this Ordinance and under the laws of the State of Michigan, apply to the Treasurer for a kennel license, entitling him to own, keep or operate such kennel in accordance with the applicable laws of the state or as established by the rules and regulations for licensing fees by the Board of Commissioners.

Section 7. Any person owing a kennel license shall, on or before June 1 of the year following such ownership, obtain a kennel license from the County Treasurer if the person qualifies under Act 339, Public Acts of 1919, as amended. The fee to be paid for a kennel license shall be \$10.00 for ten (10) dogs or less, and \$25.00 for more than ten (10) dogs. A fee of double the original license fee shall be charged for each previously licensed kennel,