

ANIMAL CONTROL ORDINANCE

An ordinance to regulate the existence, ownership, use & treatment of dogs, cats, and other animals in the County of Mackinac for the purpose of protecting the health & safety of the citizens therein; to establish the office of Animal Control Officer, and to define the duties & authority thereof; and to provide a penalty for the violation hereof; and to repeat Ordinance as amended:

The County of Mackinac Ordinance:

Section 1: SHORT TITLE. This ordinance shall be known, and may be designated as "The Animal Control Ordinance of the County of Mackinac, Michigan,"

Section 2: DEFINITIONS. As used in this ordinance the following terms are defined below:

Animal: Every non-human species of animal, both domestic & wild.

Animal Shelter: The animal kenneling facility used by Mackinac County to house stray or unwanted animals. The Animal Shelter is under the Board of Commissioners' management and jurisdiction. The Board of Commissioners reserves the right to contract with private/public/non-profit entities to provide an Animal Shelter.

Dog Pound: Any facility operated by a humane society, or municipal or County agency, or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or State law, for care, confinement, return to owner, adoption or euthanasia.

Grooming Shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard Dog: Any dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.

Humane Officer or Animal Control Officer: Any person designated by the State of Michigan, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of the State.

Kennel or Cattery: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Owner: Any persons, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Not Under Reasonable Control: The term "not under reasonable control" shall mean the existence of an animal not under any of the conditions defined in "Reasonable Control" or the existence of an animal under any of the conditions defined in "Reasonable Control", which animal nonetheless commits damage to the person or property of anyone other than the owner, except when in the defense of its owner or his family or property.

Performing Animal Exhibition: Any spectacle, display, act or event, other than circuses, in which performing animals are used.

Pet or Companion Animal: Any animal kept for pleasure rather than utility, an animal of a species that has been bred & raised to line in or about the habitation of humans & is dependent upon people for food & shelter.

Pet Shop: Any person, partnership or corporation, whether operated separately or in connection with another business enterprise(except for a licensed kennel), that buys, sells or boards ANY species of animal.

Public Nuisance: Any animal or animals that aggressively approach any humans, endanger the life or health of other animals or persons, or substantially interfere with life or property. The term "public nuisance animal" shall mean & include, but is not limited to, any animal that:

- Is repeatedly found at large
- Damages the property of anyone other than its owner
- Molests or intimidates pedestrians or passersby
- Chases vehicles
- Excessively makes disturbing noises, including, but not limited to, continued & repeated barking, howling, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored
- Is offensive or dangerous to the public health, safety or welfare
- Attacks other domestic animals; or
- Has been found by the Animal Control Officer, after notice to its owner & a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare or safety.

Reasonable Control: The term "Reasonable Control" shall mean the keeping of an animal on one's own premises by training or by a leash, fence or other physical restraints; or the keeping of an animal off one's own premises on a suitable leash or the confinement of an animal in a vehicle, cage or other enclosure.

Restraint: Any animal secured by a leash lead under the control of a responsible person & obedient to that person's commands, or within the real property limits of its owner.

Veterinary Hospital: Any establishment maintained & operated by a licensed veterinarian for surgery, diagnosis & treatment of diseases & injuries of animals.

Vicious Animal: Any animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training has a propensity to attack, bite or injure human beings or domesticated animals.

Wild Animals: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or malamutes), farm animals, rodents, any hybrid animal that is part wild and a captive-bred species of common cage birds.

Zoological Park: Any facility operated by a person, partnership, corporation or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals.

Section 3. ANIMAL CONTROL OFFICER is established and shall mean any agent of the animal control agency designated to enforce this regulation and the Dog Law of 1919, MCL 287.261 *et seq.*. Pursuant to MCL 287.289a, the Board of Commissioners may assign the animal control agency to any existing County department. The director or elected official of the County department to which the animal control agency is assigned shall direct and supervise the Animal Control Officer.

(A) It shall be the duty of the Animal Control Officer:

1. To impound any dog, cat or other animal existing in violation of this ordinance;
2. To impound any dog not duly licensed as provided by law;
3. To impound any dog not duly inoculated as provided by law;
4. To serve notice in writing, in person or by telephone upon the owner of any animal impounded under the provision of this ordinance, if such owner be known, and to make a reasonable effort to ascertain the owner of any animal so impounded;
5. To keep a record of the description of every animal impounded, with the date of impoundment, name of owner if known, and disposition of same;
6. To house and dispose of all impounded animals as provided by law; and
7. To enforce all of the provisions of the ordinance or

requirements of State law.

Section 4. LICENSE ADMINISTERING. It shall be the duty of the County Treasurer, the Animal Control Officer and the Shelter Manager to obtain the necessary dog tags and make them available to the public, according to statute.

- (A) Any person owning, keeping, harboring or having custody of any dog over four (4) months of age, within the municipality must obtain a license as herein provided. Current dog licenses issued by other counties within Michigan, and any other governmental agencies shall be honored in Mackinac County until the current license expires.
- (B) Written application for licenses 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. A license shall not be issued if the dog's current rabies vaccination has expired.
- (C) If not revoked, licenses for keeping of dogs shall be for a period of one year.
- (D) Application for a license must be made within 30 days after obtaining a dog over four months of age. A person who owns a dog that will become 4 months old and that is not already licensed shall apply for a license within 30 days after the dog becomes 4 months old. This requirement will not apply to a non-resident keeping a dog within the municipality for not longer than sixty days.
- (E) License fees shall not be required for certified seeing eye dogs, hearing dogs, governmental police dogs, service dogs for a physically limited person, or a dog which is not subject to any fee for licensing, as provided in M.C.L. 287.291.
- (F) Upon acceptance of the license application and fee the County Treasurer shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

- (G) Dogs must wear identification tags approved by the Director of the Michigan Department of Agriculture and collars at all times when off the premises of the owners, as hereinafter provided, except when engaged in lawful hunting accompanied by its owner.
- (H) The County Treasurer shall maintain a record of the identifying number of all tags issued and shall make this record available to the public at all times.
- (I) The licensing period shall begin on January 1st and shall run for one year. A license application may be made thirty days prior to, and up to ninety days after January 1st. Persons applying for a license after April 1st may be required to pay 50% of the fee stipulated in the section.
- (J) Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a fine of \$25.00.
- (K) A duplicate license may be obtained and may require of a \$1.00 replacement fee.
- (L) No person may use any license for any animal other than the animal for which it was issued.

Section 5. PERMITS.

- (A) No person, partnership or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.
- (B) The County Treasurer shall determine whether all regulations for the issuance of permits are met and shall determine that the requirements for humane care of all animals are in compliance with provisions of this ordinance, the zoning ordinance, and other applicable State and County laws are met. The county treasurer shall not issue a kennel license for a new kennel under the provisions of this act unless the applicant furnishes an inspection certificate signed by the director of the department of agriculture, or his authorized representative, stating that the kennel to be covered by the license complies with the reasonable sanitary requirements of the department of agriculture, and that the dogs therein are properly fed and protected from exposure commensurate with the breed of the dog.

- (C) When a permit applicant has shown that he is willing and able to comply with regulations as herein determined by the County Treasurer, a permit shall be issued upon payment of the applicable fee.
- (D) The permit period shall begin with the fiscal year and shall run for one year. Renewal application for permits shall be made at least thirty days prior to June 1. A fee of double the original license fee may be charged for each previously licensed kennel, whose kennel license is applied for after June 1. Application for a permit established under the ordinance may be made at any time.
- (E) If there is a change in ownership of a commercial establishments, the new owner may have the current permit transferred to his name upon payment of a \$10.00 transfer fee.
- (F) No person shall train any dog to be used as a guard or sentry dog without possessing a valid license. This section shall not apply to the State/County/City government or any of its agencies. The application for a guard or sentry dog training license shall state the name and address of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility.
- (G) Animal permits shall be issued upon payment of the applicable fee:
- Kennel authorized to house fewer than 10 dogs or cats-\$25.00
 - Kennel authorized to house ten or more, but fewer than 50-\$50.00
 - Kennel authorized to house 50 or more dogs or cats-\$75.00
 - Pet Shop-\$100.00
 - Zoological Park-\$200.00
 - Guard dog training center-\$200.00
- (H) Every facility regulated by this ordinance shall be considered a separate enterprise requiring an individual permit.
- (I) Persons operating kennels for breeding of dogs or cats may elect to license such animals individually. No fee may be required of any veterinary hospital, animal shelter or government operated zoological park.
- (J) Failure to obtain a permit before opening any facility covered in this section shall result in a fine of \$200.00.

- (K) Any person who has a change in the category under which a permit was issued shall be subject to reclassification and readjustment of the permit fee.

Section 6. LICENSE AND PERMIT ISSUANCE AND REVOCATION.

- (A) After an application is filed, the Animal Control Officer shall inspect the facility before issuing the permit. The Animal Control Officer may revoke any permit which refuses or fails to comply with ordinance, or any law governing the protection and keeping of animals.
- (B) Any person whose permit or license is revoked shall, within 10 days thereafter, humanely dispose of all animals owned, kept or harbored. No part of the permit or license fee shall be refunded.
- (C) It shall be a condition of the issuance of any permit or license that the Animal Control Officer shall be permitted to inspect all animals on the premises where animals are kept at any time, and the Animal Control Officer shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.
- (D) If the applicant has withheld or falsified any information on the application, the County Treasurer shall refuse to issue any permit or license.
- (E) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- (F) Any person having been denied a license or permit may not reapply for a period of thirty days. Each reapplication shall be accompanied by a \$10.00 fee.
- (G) Licensing of Dogs and Tags: 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 not 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.

Section 7. RESTRAINT.

- (A) It shall be unlawful for the owner of any dog, cat or other animal in the County of Mackinac to allow such animal to stray beyond the premises of such owner unless such animal is under such owner's reasonable control.
- (B) All dogs shall be kept under restraint.
- (C) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- (D) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with another except for planned breeding.
- (E) Every vicious animal, as determined by the Animal Control Officer, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (F) It shall be unlawful for any person to own a dog which by loud or frequent or habitual barking, yelping or howling shall cause a serious annoyance to the neighborhood, or to people passing by upon the sidewalk or streets.

Section 8. IMPOUNDMENT AND VIOLATION NOTICE.

- (A) Unrestrained dogs and nuisance animals shall be taken by the police or animal control officer, and impounded in an animal shelter and there be confined in a humane manner.
- (B) Impounded dogs and cats shall be kept for not fewer than five (5) working days.
- (C) If, by license tags or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately notify the owner by telephone or certified mail.
- (D) When impounding an animal found at large, the Animal Control Officer shall immediately notify the owner, if known, by telephone or certified mail.
- (E) The owner of an impounded animal may also be proceeded against for violation of this ordinance.

- (F) The Shelter Manager shall keep complete and accurate records of the care, feeding, veterinary treatment and disposition of all animals impounded at the shelter.
- (G) Fee for housing will be \$10.00 per day minimum - may be more as circumstances require. Owner responsible for all vet bills.

Section 9. ANIMAL CARE.

- (A) No owner shall fail to provide his animals with sufficient wholesome and nutritious food and water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care as needed to prevent suffering, and humane care and treatment.
- (B) NO PERSON shall beat, cruelly mistreat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dog fight, cockfight, bullfight, or other combat between animal or between animals and humans.
- (C) No owner of an animal shall abandon such animal.
- (D) Any person who, as the operator of a motor vehicle, strikes a domesticated animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.
- (E) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance.

Section 10. CONTROL OF RABIES

- (A) It shall be unlawful for a person to own any dog, cat or other animal which is affected with rabies, or has been bitten by any other animal known to have been associated with rabies.
- (B) Any person who owns dogs, cats or other animals shall immediately notify the Sheriff's Department or Health Department, and upon the demand of any Animal Control Officer, Police Officer or Health Officer, shall produce and surrender such animal to such officer, whenever any of the following conditions exist:

- 1) Such animal has contacted rabies or is suspected of having contacted rabies.
 - 2) Such animal which is known to have been bitten by any other animals which are known to have rabies or are suspected of having rabies.
 - 3) Such animal has bitten any person.
- (C) It shall be the duty of every person, whether owner or not, to report any dog, cat or other known animal to the Sheriff Department or Health Department, whenever such animal is known or suspected to be involved in any of the three conditions described in Subsection (b) above.
- (D) Whenever any dog, cat or other animal is reported to be involved in any of the three conditions described in subsection (b) above, it shall be the duty of any Animal Control Officer or any Sheriff Department officer to seize such animal and confine, or cause to be confined, such animal in the County Animal Shelter if suitable, or with a licensed veterinarian, for a period of at least 10 days for the purpose of ascertaining whether such animal is afflicted with rabies. If such animal is afflicted with rabies, it shall be destroyed under the direction of the Animal Control Officer. If such dog is not afflicted, it may be returned to such owner as hereinafter provided. In the event such animal is confined under provisions of this section, the owner thereof shall be liable for any fees and costs which are accrued from such confinement, and for licensing and vaccination fees if required by any ordinance or statute, prior to the return of such animal to such owner.

Section 11. KEEPING OF WILD ANIMALS

- (A) No person shall own, possess or have custody on his premises a wild or vicious animal for display, training or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to American Association of Zoological Parks and Aquariums accredited facilities.
- (B) No person shall keep or permit to be kept any wild animal as a pet.
- (C) The Animal Control Officer shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.

Section 12. REMOVAL OF ANIMAL EXCREMENT

- (A) Any person who, while walking or escorting a dog on a leash, allows said dog to deposit excrement on public or private property, other than the property of the dog's owner or the property of the person walking or escorting the dog on the leash, shall immediately remove such excrement.
- (B) Any person owning a dog or cat, whether or not on a leash, and that animal deposits excrement on public or private property, such owner or his/her designate shall, upon being made aware of such a fact, immediately remove such excrement.
- (C) Any person who violates section and 2 above is responsible for civil infraction.

Section 13. ORDINANCE NOT PERMISSIVE. Nothing contained in this ordinance shall be construed to permit or encourage the owning or keeping of any species of animal prohibited by any other ordinance or statute, or the owning, keeping, housing, using or treating of any animal in any manner prohibited by any other ordinance or statute.

Section 14. ENFORCEMENT. The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this ordinance to interfere with an Animal Control Officer or the performance of their duties.

Section 15. PENALTIES. Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 and not more than \$500.00. If a violation continues, each day's violation shall be deemed a separate violation. If any person is found guilty by a court of violating Section 9 his permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

Section 16. CONFLICTING ORDINANCES. All other ordinances of the County of Mackinac that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 17. SEVERABILITY CLAUSE. If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 18. EFFECTIVE DATE. This ordinance shall become effective ten days after enactment and after publication thereof.

INTRODUCED: June 25, 1997

ADOPTED: June 25, 1997

PUBLISHED: July 3, 1997

AMENDED: December 20, 2011

ADOPTED: March 22, 2012
Date

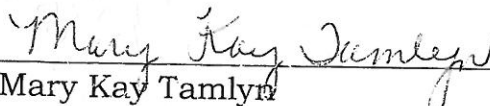
Published - March 28, 2012

Laurence Lavelle 3-22-12
Mackinac County Chairperson Date

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CERTIFICATION

I, Mary Kay Tamlyn, Clerk of the Mackinac County Board of Commissioners, do hereby certify that the foregoing Ordinance was introduced and adopted at the regular meeting of said Board, convened in the City of St. Ignace on the 22nd day of March, 2012, and the same was cause to be published in the St. Ignace News on the 28th day of March, 2012.



Mary Kay Tamlyn
Mackinac County Clerk