

RESOLUTION 10-19

ST. CLAIR COUNTY ANIMAL CONTROL AND PROTECTION ORDINANCE

ARTICLE I

Animal Control Manager or **Manager** means the person, under the general supervision of the County Administrator/Controller, who oversees the daily operation of the Animal Shelter. He/she is responsible for preparing and monitoring the departmental budget and ensuring compliance with appropriate legislation, supervises the work of employees at the Animal Shelter and Animal Control Officers, and assists in any classification as necessary.

PURPOSE

The Board of Commissioners of the County of St. Clair recognizes that Act 339 of the Public Acts of 1919, as amended, being sections 287.261-287.290 of the Michigan Compiled Laws of 1948 (MSA Sections 12.511-12.541), Act 426 of the Public Acts of 1988, being Sections 287.321-287.323 of the Michigan Compiled Laws as amended, of 1948 (MSA section 12.545(21)-12.545 (23)), and Act 368 of the Public Acts of 1978, being Section 333.1101-333.25211 of the Michigan Compiled Laws of 1948, and Act 207 of the Public Acts of 1970, as amended, being 287.291 of the Michigan Compiled Laws (MSA 12.543 (11)), constitute State Law for the regulation for dogs. The Board of Commissioners furthermore recognizes that animals require legal protection, that the property rights of owners and non-owners of animals need to be protected, and that the health, safety and welfare of the people in St. Clair County will best be served by adoption of "The St. Clair County Animal Control and Protection Ordinance."

GRANDFATHER PROVISION

The Board of Commissioners of the County of St. Clair further recognizes and resolves that kennels that have been issued a license, or have applied for same, before the adoption of this regulation shall be exempt from regulation under the provisions of this ordinance beyond the requirements of those St. Clair County regulations adopted and enforceable prior to of the establishment of this ordinance.

ARTICLE 2 DEFINITIONS

Adequate Care means the provision of sufficient food, water, shelter, and medical attention to maintain an animal in a state of good health.

Agent in Control means that person (s) having temporary custody and/or responsibility of said animal.

Aggressive means hostile, injurious or destructive behavior.

Animal means any vertebrate other than human beings.

Animal Control means the designated St. Clair County Animal Law Enforcement Division and Animal Shelter operations.

Animal at Large means the unrestrained wandering or roaming of any animal on a public walkway, roadway, highway or on property not owned or leased by its owner. Also includes animals on their owner's property not under direct control or sight of the owner.

Animal Control Officer means the person under the supervision of the County Administrator/Controller, and the immediate supervision of the Animal Control Manager, who shall enforce this Ordinance and the Laws of the State regarding domestic animal control, dangerous domestic animals, and protection of the people and domestic animals of St. Clair County.

Approved Vaccine means a veterinary biological that is administered to an animal to induce immunity in the recipient and that is licensed by the United States Department of Agriculture and approved by the State Veterinarian for use in this state pursuant to the Animal Industry Act of 1987, Act No. 466 for the Public Acts of 1988, being Sections 287.701 to 287.747 of the Michigan Compiled Laws.

Attack means the intent to cause injury or otherwise forcefully endanger the safety of people or other animals excluding the pursuit or capture of game or prey while engaged in lawful hunting.

Board of Commissioners means the St. Clair County Board of Commissioners.

Cat means an animal of any age of the species Felis Catus.

Choke Chain or Choke Collar means a collar that may be tightened as a noose and that is used especially in training and controlling powerful or stubborn dogs.

Consent Kennel License means a license issued under section 6.1 of this regulation to persons not subject to regulation as a kennel as defined within this ordinance and who request County consent for a kennel license from the County as a requirement of an existing township or other municipal regulation to comply with same.

County means County of St. Clair, State of Michigan.

Dangerous means able or likely to inflict injury.

Day means any day the St. Clair County government offices are scheduled to conduct business. It shall not include any Saturday, Sunday or holiday designated by the Board of Commissioners

Direct Control means a situation in which a person, whether by voice command, physical tether, or electronic device can immediately affect or alter the actions of an animal so as to ensure that the animal remains under the control and/or supervision of the owner or handler of the animal and conform with this ordinance.

Dog means an animal of any age solely of the species Canis Familiaris or Canis Lupus Familiaris.

Domestic Animals means those animals that have traditionally, through a long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and which have been kept as tame pets, raised as livestock, or used for commercial breeding purposes.

Euthanasia means the humane destruction of an animal accomplished by a method not prohibited by law that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an approved agent that causes painless loss of consciousness and subsequent death.

Exhibition of Fighting means a public or private display of combat between two or more animals in which the fighting, killing, maiming or injury of animals is a significant feature. It does not include demonstrations of the hunting or tracking skill of an animal or their lawful use for hunting, tracking, or self-protection.

Farm means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products

Farm Dog means a dog or dogs owned and used for aiding a person engaged in a farm operation which remains on the property used for the farm operation

Farm Operation means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products.

Farm Product means those plants and animals useful to human beings. Produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

Groom means to clean or care for.

Harbor means to feed or shelter an animal (s) for three (3) or more consecutive calendar days.

Hunting means allowing a dog to range freely within sight or sound or electronic tracking of its owner while in the course of hunting legal game.

Kennel means any facility, except a duly licensed pet shop, where three (3) or more dogs are kept for breeding, sale, sporting, boarding or training purposes, for remuneration.

Large Carnivore means either of the following:

- 1) Any of the following cats of the Felidae family, whether wild or captive bred, including a hybrid cross with such a cat:
 - a) A lion.
 - b) A leopard, including, but not limited to, a snow leopard or clouded leopard.
 - c) A jaguar
 - d) A tiger
 - e) A cougar.
 - f) A panther.
 - g) A cheetah.
- 2) A bear of a species that is native or nonnative to this state, whether wild or captive bred

Law Enforcement Officer means any person employed or elected by the people of the State, or by any municipality, county, or township, whose duty it is to preserve peace or to make arrests or to enforce the law, and includes conservation officers and State Police.

Livestock means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing animals being raised in captivity.

Mutilate means to destroy or disfigure a body part other than to spay, neuter or dock in accordance with standard veterinary practices or other processes or procedures necessary to meet recognized and established breed specific standards for a particular animal.

Muzzle means a device that when fitted upon an animal prevents it from biting any person or animal and which is made in a manner that will not cause injury to the animal or interfere with its vision or respiration.

Neglect means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

Official Interstate Health Certificate or Official Interstate Certificate of Veterinary Inspection means a printed form that records the information required by State Law and is issued within thirty (30) days before importation of the animal it describes.

Owner means a person having a right of property ownership in an animal, who keeps or harbors the animal or has the animal in his or her care or custody, or who permits the animal to remain on or about any premises occupied by the person. An owner does not mean a person who harbors an animal in the course of conducting a boarding, grooming, or training business, or a veterinary hospital, or a person who

harbors an animal in violation of Act 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws.

Owner's Agent means an individual authorized in writing by the owner or lessee of an animal to intervene on behalf of the owner or lessee to protect the animal, except in cases where the animal is in imminent danger of harm, in which case no written authorization is required.

Person means an adult individual, partnership, corporation, cooperative, association, joint venture, or other legal entity.

Pet means any animal kept for pleasure rather than utility.

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, being Act No. 451 of the Public Acts of 1994, being Sections 324.42701 to 324.42714 of the Michigan Compiled Laws.

Provoke means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal upon a person.

Quarantine means a state of enforced isolation. To detain in or exclude by quarantine, to isolate from normal relations or communication. An animal that has bitten or scratched, shall be kept in the owners home or a secure structure that would not allow any other person or animal to come in contact with, except family members. Animals may be quarantined at a veterinarian's office or the Animal Shelter.

Rabies Suspect Animal means any animal, which has been determined by the Michigan Department of Community Health to be a potential rabies carrier and which has bitten or scratched a human, or any animal which has been in contact with or bitten by another animal which is a potential rabies carrier, or any animal which shows symptoms of rabies.

Sanitary Conditions means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This does not include a condition resulting from a customary and reasonable practice pursuant to farming and animal husbandry.

Secure Structure means a four (4) sided structure with an enclosed top constructed of the same material as the sides. The sides must be at least six (6) feet high, with a concrete or buried fence floor. The door must be locked at all times.

Serious Injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

Service Dog means any dog which is trained or being trained to aid a person who is blind, deaf or audibly impaired, or otherwise MCL 287.291; MSA 12.543 (11) (1970 PA 207).

Shelter means adequate protection from the elements, suitable for the age and species of the animal to maintain the animal in a state of good health, including

structures or natural features such as trees and topography. Shelter is not required for livestock if there is a natural wind break such as a grove of trees.

- 1) Dogs shall have a waterproof four (4) sided structure, of appropriate size with a roof and solid floor. No permanent dog shelter shall have floors constructed of wire mesh of any sort.
- 2) Livestock shall have a sound, three (3) sided, roofed structure of appropriate size or wind break providing equivalent protection.

State means the State of Michigan.

State of Good Health means free from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

Sterilized means an animal which has, by virtue of a surgically performed castration or ovariectomy or other recognized veterinary procedure, been rendered incapable of sexual reproduction.

Threaten means to give sign or warning of danger

Torment means to cause, by an act or omission, unjustifiable pain, suffering, or distress to an animal, or cause mental and emotional anguish in the animal as evidenced by its altered behavior for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and/or reasonable person would conclude is likely to precipitate a bite or attack.

Torture means to cause either severe physical or mental suffering.

Treasurer means the Treasurer of the County of St. Clair.

Veterinarian means a person licensed to practice veterinary medicine as required in or under the Public Health Code, Act No. 368 of the Public Acts of 1978, being 333.18811 of the Michigan Compiled Laws, such other applicable State or Federal Law.

Vicious means dangerously aggressive.

Water means sufficient drinkable water that is suitable for the age and species of the animal and made regularly available unless otherwise directed by a licensed veterinarian.

Wolf means an animal of the species *Canis Rufus* or *Canis Lupus*, but does not include an animal of the species *Canis Lupus Familiaris*.

Wolf-Dog Cross means a canid resulting from the breeding of any of the following:

- 1) A wolf with a dog.
- 2) A wolf-dog cross with a wolf.
- 3) A wolf-dog cross with a dog.
- 4) A wolf-dog cross with a wolf-dog cross.

ARTICLE 3

ANIMAL CONTROL OFFICERS DUITES, AUTHORITY AND RESPONSIBILITIES

Section 3.1 The St. Clair County Board of Commissioners shall employ an Animal Control Manager who shall direct Animal Control as necessary, and in accordance with County budgetary and personnel policies.

Section 3.2 It shall be the responsibility of the Animal Control Manager and/or Officers to enforce the provisions of this Ordinance.

Section 3.3 The Animal Control Manager and Officers shall enforce this Ordinance and State Statutes as amended pertaining to control, regulation, and protection of dogs and other animals, including, but not limited to issuance of tickets, citations, or summonses to persons in violation of this Ordinance and/or State Statutes, and may make a complaint to the appropriate judicial or administrative authorities.

Section 3.4 Animal Control Manager and Officers shall wear satisfactory identification and carry a picture identification card when enforcing this Ordinance and State Laws.

Section 3.5 Animal Control Officers shall act reasonably and with the exercise of judgment in the enforcement of the State Law and County Ordinance in reference to animals. The duties of the Animal Control Manager and Officers, in addition to those stated elsewhere in this Ordinance and State Statutes, shall include the following:

- 1) Take up and place in the County Animal Shelter all dogs or 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. In the event the County Animal Shelter's facilities are inadequate for holding the type of animals seized, such as livestock and poultry, pursuant to this Ordinance and State Law, such animals shall be placed in such alternative facilities as authorized by the Board of Commissioners and permitted by the Statutes of the State.
- 2) Seize and impound, or require its owner to quarantine, all domestic animals which are rabies suspects, for examination for disease in accordance with Article 8 of this Ordinance and/or the Statutes of the State.
- 3) In accordance with the provisions of this Ordinance, to enter upon private premises except a building designated for and used for residential purpose, for the purpose of inspecting same to determine the harboring, keeping or possessing of any dog (s) or other animal (s) and whether the owners of said animals have complied with the appropriate provisions of this Ordinance and the Statutes of the State. To either seize and take with him any animals or allow sufficient time to permit the vaccination and licensing of dogs for whom no license had been procured in accordance with this Ordinance and the Statutes of the State 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.

- 4) Investigate complaints of dogs or other animals alleged to be dangerous to persons or property and take such actions as authorized by State Statutes or County Ordinance, including seizing, taking up, and impounding such animals.
- 5) Investigate complaints of cruelty to dogs or other animals, livestock or poultry and to take such actions as authorized by State Statutes or County Ordinance, including, seizing, taking up and impounding any dog or other animal, livestock or poultry which has been subject to such cruelty.
- 6) If authorized by the Treasurer, 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. The Animal Control Manager and Officers, if authorized by the Treasurer, shall also perform, in conjunction with the Treasurer, such other duties assigned to the Treasurer by this Ordinance and the Statutes of the State regarding issuance, transfer and replacement of dog and kennel licenses and tags. While authorized by the Treasurer to perform such duties, the Animal Control Manager and Officers shall ensure that the original of all records evidencing the performance of such duties are turned over to the Treasurer not less than monthly with copies of said records retained at the office of the County Animal Shelter. All fees and monies collected by the Animal Control Manager and Officers as herein provided, shall be accounted for and turned over to the Treasurer on or before the first of each and every month, or more often, if reasonably necessary under the standard practices of the Treasurer's accounting system.
- 7) Perform such other duties relating to the enforcement of this Ordinance and State Statutes as the Board of Commissioners may, from time to time, assign to the Animal Control Manager and Officers.

ARTICLE 4

SHELTER OPERATION, IMPOUNDMENT, RELEASE AND DISPOSAL

Section 4.1 The Animal Control Manager shall operate and maintain an adequate facility as a shelter to receive, care for and safely confine any animal in the Officer's custody under provisions of this Ordinance. The Animal Shelter shall be accessible to the public during the days and hours in which County Offices are open and/or such other hours as may be authorized by the Board of Commissioners.

Section 4.2 An Animal Control Officer may impound and hold at the shelter any animal when it is the subject of a violation of this Ordinance, or State Laws, when it requires protective custody and care because of mistreatment or neglect by its owner, when it is voluntarily donated by its owner for disposition or when otherwise ordered impounded by a court.

Section 4.3 An animal shall be considered impounded from the time an Animal Control Officer takes physical custody of the animal.

Section 4.4 Impoundment is subject to the following holding periods and notice requirements:

- 1) An animal having a collar, license, or other evidence of ownership or whose ownership is otherwise known by Animal Control shall be held for a minimum of seven (7) days after the date of mailing of notice to the owner of impoundment of the animal. Notice of impoundment shall be sent to the owner by certified mail within forty-eight (48) hours from the time of impoundment. This notice shall advise the owner of the impoundment, the date by which redemption must be made and that there will be fees payable prior to release. The Animal Control Manager shall maintain a record on each identifiable animal acquired indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date the notice of impoundment was sent to the owner of the animal and subsequent disposition of the animal.
- 2) An animal whose ownership is not determinable shall be held a minimum of four (4) days after its impoundment.
- 3) Animals held for periods prescribed under this section and not redeemed by their owner shall be subject to disposition.

Section 4.5 Disposition of animals shall be made as follows:

- 1) Any animal impounded shall be released to its owner or the owner's authorized agent (with written permission) if redeemed within the period set forth in this section, upon payment of fees for impoundment and care including actual cost of veterinary care incurred while held in the Animal Shelter provided the owner is in compliance with provisions of this Ordinance and State Statutes, including licensing and vaccination requirements; or
- 2) Any animal held for the prescribed period and not redeemed by its owner, and which is neither a potentially dangerous animal nor in a

dangerous condition of health, may be released for adoption subject to Section 4.6; or

- 3) Any animal held for the periods prescribed under this section without redemption or adoption may be disposed of by euthanasia, except that livestock and poultry may be sold in accordance with State Statutes; or
- 4) Provisions of this section regarding holding periods do not apply to any animal which is sick or injured to the extent that the holding period would cause the animal undue suffering in the judgment of the Animal Control Manager or Officer, or to any animal voluntarily delivered to the Animal Shelter by the owner thereof requesting humane destruction. Such animals may be disposed of by euthanasia at any time; or
- 5) Animals may be disposed of in accordance with Animal Shelter policies.

Section 4.6 A dog or cat may be released for adoption subject to the following conditions:

- 1) The dog or cat has not been recovered by its owner and the required holding period has expired or the owner of the dog or cat has signed its ownership rights over to Animal Control.
- 2) The adoptive owner shall pay the applicable adoption fee;
- 3) In the case of a dog or cat which is capable of sexual reproduction, the adoptive owner shall pay a surgical prepayment deposit which shall be refundable upon furnishing written certification by a licensed veterinarian that the animal has been sterilized by spaying or neutering;
- 4) The adoptive owner shall sign a written agreement to sterilize an adopted dog or cat within thirty (30) days of adoption or upon the animal's attaining six (6) months of age, whichever event occurs last. Failure to comply with the agreement shall result in a forfeiture of the amount deposited under paragraph two (2) of this section, and the Manager may require return of the adopted dog or cat to the Animal Shelter.

Section 4.7 The Animal Control Manager or Officer may decline to release an animal for adoption under any of the following circumstances:

- 1) The prospective adoptive owner has been convicted of the crime of cruelty to animals within the previous five (5) years;
- 2) The existence of other circumstances which, in the opinion of the Animal Control Manager or Officer, would endanger the health, safety or welfare of people or animals.

ARTICLE 5

DOG LICENSING

Section 5.1 It shall be required that any dog four (4) months of age or older shall be licensed

Section 5.2 On or before March 1 of each year, the owner of any dog four (4) months old or over shall apply to the County, Township, City Treasurer or his/her authorized agent where the owner resides in writing for a license for each dog owned or kept by him/her. Such application shall state the breed, sex, age, color, and markings of such dog and the name and address of the previous owner. Such application for a license shall be accompanied by proof of a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian.

Section 5.3 The 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 from the date the owner acquired the dog. A person who owns a dog that becomes four (4) months old that is not already licensed shall apply for a license within thirty (30) days after a dog becomes four (4) months old.

Section 5.4 The owner shall provide every licensed dog with a substantial collar, to which a license tag approved by the Michigan Department of Agriculture, shall be securely attached and displayed on the animal at all times, except when the dog is engaged in lawful hunting and accompanied by its owner.

Section 5.5 The license and license tag are assigned to the dog and are not transferable to another dog. They shall remain with the dog upon transfer to another owner within St. Clair County. The last registered owner shall notify the St. Clair County Treasurer's Office so that it may note such transfer upon its records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred, for the purpose of hunting game, or for breeding, trial, or show, in the State of Michigan.

Section 5.6 A dog displaying a license tag from another Michigan County shall not require licensing in St. Clair County until expiration of the current license, provided that the dog remains in the possession of the owner to whom the license was issued.

Section 5.7 If the St. Clair County dog license tag is lost, it shall be replaced without charge by the St. Clair County Treasurer's Office upon application by the owner of the dog, and upon production of such license and a sworn statement of the facts regarding the loss of such tag.

Section 5.8 Fees shall be waived for licenses issued for any service dog upon presentation of an affidavit by the dog's owner. The waiver shall apply to all subsequent licenses issued to that dog so long as it remains the property of the person named in the affidavit.

Section 5.9 A penalty equal to twice the applicable license fee shall be charged to any person who fails to apply for an initial license or a renewal license within the times specified.

Section 5.10 No dog shall be exempt from the rabies vaccination requirements set forth in this Ordinance, unless there is a valid medical reason supplied in writing by a licensed veterinarian. A titre test must be performed on the exempt dog, that proves the dogs titre is sufficient to adequately protect against the rabies virus. The veterinarian performing the titre test must put into writing the results of the test, which will be accompanied by a copy of the titre test results. The titre test must be done each year on the exempt dog before a current license will be issued. If the exempt dogs titre is not sufficient to protect the dog from the rabies virus the dog will be required to have a rabies vaccination or be euthanized. All costs incurred will be paid by the owner of the dog.

Section 5.11 No owner shall purchase a license for a dog at the sterilized price unless the dog is sterilized.

Section 5.12 Fees are to be set by the St. Clair County Board of Commissioners as authorized by State Statutes.

Section 5.13 Any stray or un-attended dog not licensed or wearing a current license may be seized by an Animal Control Officer and held at the Animal Shelter. Upon termination of dogs' and other animals' statutory holding periods, dogs and other animals become the property of the Animal Control for purposes of disposal of the dogs and other animals placed for holding at the shelter

Section 5.14 None of the provisions of this Ordinance shall be construed as requiring the licensing of any dog imported into St. Clair County from outside the State for a period not to exceed thirty (30) days for show, trial, breeding or hunting purposes.

Section 5.15 A fee of not less than \$25.00 yearly will be set by the Board of Commissioners for people who own a wolf-dog cross as described in PA. 246 of 2000 as amended.

Section 5.16 A fee of not less than \$25.00 yearly will be set by the Board of Commissioners for people who own a large carnivore as described in PA. 274 of 2000 as amended.

ARTICLE 6

KENNEL LICENSING

Section 6.1 Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required for dogs under this Ordinance and under the Statutes of the State of Michigan apply to the County Treasurer's Office or Animal Control for a kennel license entitling that person to own, keep or operate such kennel in accordance with applicable Laws of the State. The dogs in the kennel covered by the kennel license must be kept for sale, boarding, breeding, training or sporting purposes for remuneration. Pets must be licensed individually and will not be covered under the kennel license.

Any person who does not own, keep or operate a kennel as defined herein and who is regulated under a township or municipal ordinance requiring county approval or a county kennel license may apply to the County Treasurer's Office or Animal Control for a Consent Kennel License entitling that person to own, keep or operate such kennel with the consent of the County of St. Clair in accordance with applicable local and state law or regulation. Persons issued a Consent Kennel License are exempt from regulation under Article 6 of the St. Clair County Animal Protection and Control Ordinance but shall comply with all other provisions of said ordinance.

Section 6.2 In order to obtain a kennel license, any person who owns, keeps or operates a kennel at any single location within the boundaries of St. Clair County except in cities, villages, or townships with their own animal control agency, shall; within thirty (30) calendar days prior to the start of such operation, or; a person which has been previously issued a kennel license shall re- new a kennel license by June 1 of each year, to the County Treasurer's Office or Animal Control, which shall issue such license if the kennel is in compliance with Sections 10 and 11 of Act 339, of the Public Acts of 1919, as amended, being Sections 287.270 and 287.271 of the Michigan Compiled Laws of 1948 (MSA 12.520 and 12.521), and with any applicable ordinance of the city, village or township in which it is located.

The County Treasurer or Animal Control will not issue a kennel license to any person who has been denied a kennel license by the city, village or township where they reside.

Section 6.3 Failure to apply for a kennel license within the prescribed time limits will result in a doubling of the applicable fee

Section 6.4 The Animal Control Officer shall inspect each licensed kennel in the County of St. Clair annually in order to determine whether said kennel is in compliance with this Ordinance and the State statute(s). If the kennel has been issued a license, it shall be the duty of the Animal Control Officer to suspend said license if, in the Officer's opinion, conditions exist which are not in compliance with this Ordinance, Section 10 of Act 339 of the Public Acts of 1919, as amended, being Section 287.270 of the Michigan Compiled Laws of 1948 (MSA 12.520) and the rules of the Michigan Department of Agriculture, pending correction of such conditions, and further shall have the duty to revoke said license if such conditions are not corrected within a designated reasonable time.

Section 6.5 All licensed kennels shall be required to have double fencing. The fence on the outer perimeter shall be constructed in such a manner as to prevent stray animals and people from making direct contact with kennel animals.

Exceptions to the above would be:

- 1) solid fence such as a solid privacy fence and/or
- 2) animals kept inside a building or solid structure.

Such secondary enclosure shall meet or exceed the following standards:

- 1) If the walls of the outside runs of an indoor enclosure are constructed of wire, a secondary enclosure must be constructed around it.
- 2) When using chains as a primary restraint a secondary enclosure must be constructed around the animal or animals so restrained.
- 3) The secondary enclosure must ensure that the animal or animals are not exposed to direct contact with people or other dogs or animals.
- 4) If the primary enclosure is constructed with a solid material of sufficient height to prevent people and dogs from jumping or climbing over it then a secondary enclosure shall not be required.

Double fencing referred to herein and required by this section may include an exercise, training or other open area directly contiguous and adjacent to the licensed kennel.

Section 6.6 Any dog kennel which under Michigan State Law is to be covered by a license shall be of such construction as will adequately and comfortably house any dogs kept therein during any season of the year. The buildings, including walls and floor, shall be of such construction as to be readily cleaned and kennels and yards connected therewith used to confine kennel dogs shall be kept clean and free from accumulation of filth and debris.

Section 6.7 All dogs kept or maintained in connection with such kennels shall be furnished with a clean, fresh water supply and adequate and proper food to maintain such animals in a state of good health.

Section 6.8 Any kennel dog four (4) months old or older must have a current rabies vaccination as evidenced by a valid certificate of vaccination for rabies with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. Failure to comply with this requirement shall be a violation of this Ordinance and subject the dog's owner to the penalties set forth in Article 13.

Section 6.9 The fee to be paid for a kennel license and any required inspections shall be as established from time to time by the St. Clair County Board of Commissioners and shall be published as "The St. Clair County Kennel License and Inspection Fee Schedule Dated: (insert effective date)". A fee of double the original license fee shall be charged for each previously licensed kennel whose kennel license is applied for after June 1 of each year.

ARTICLE 7

PROHIBITIONS AND REGULATED CONDUCT

Section 7.1 It shall be a violation of this Ordinance:

- 1) For any animal to engage in any of the behaviors described in Article 9 (Classification of Animals).
- 2) For a dog in heat (estrus) to be accessible to a male dog except for intentional breeding purposes.
- 3) For an animal to be within or on a motor vehicle at any location under such conditions as may endanger the health or well being of the animal, including, but not limited to dangerous temperatures, lack of food, water or proper care.
- 4) To abandon any animal.
- 5) To knowingly place food or item of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to any animal except rodents.
- 6) To physically mistreat any animal by deliberate abuse, or neglect to furnish adequate care or shelter, including veterinary attention, or by leaving the animal unattended for more than twenty four (24) hours without adequate care.
- 7) For a person to apply to adopt an animal or to take possession of an animal by reason of the adoption process or otherwise when said person has been convicted of a crime reasonably construed to have involved animal cruelty or the inhumane treatment of an animal.
- 8) For any animal to leave the confines of any officially prescribed quarantine area, or put outside unattended while under an officially prescribed quarantine.
- 9) For a dog not accompanied by its owner or owner's authorized agent to come closer than three (3) feet from a public walkway, roadway, highway, or adjoining property, except when the dog is in an area that is completely fenced in.
- 10) To interfere with, hinder, resist, oppose, obstruct, issue a false report or molest an Animal Control Officer in the performance of his/her duties, or for any person to remove any animal from an Animal Control vehicle or Animal Shelter property without permission of the Animal Control Manager or Officer.
- 11) To fail to comply with the requirements of this Ordinance or Federal or State Statutes applicable to keeping of an animal or a facility where animals are kept.
- 12) For livestock or poultry to run at large upon the premises of another or upon any public street, lane, alley or other public ground in the County unless otherwise specifically allowed.

- 13) To remove a collar or tag from any dog or other animal without the permission of its owner.
- 14) To fail to take an animal to the Animal Shelter or Veterinarian after quarantine for inspection.
- 15) To tie, tether or chain a dog with a choke type collar for any length of time unless in the immediate presence and direct supervision of its owner or responsible handler .
- 16) To chain a dog on a chain that is not three (3) times the length of the dog from the tip of the dog's nose to the base of its tail.
- 17) To violate any section of Public Act 246 of 2000 as amended, which regulates the ownership, possession and care of wolf-dog crosses.
- 18) To violate any section of Public Act 274 of 2000 as amended, which regulates the ownership, possession and care of large carnivores, specifically large cats and bears.
- 19) To fail to keep a collar on a dog with an approved dog license affixed to the collar. Except that said collar may be removed and in possession of the dog handler when the dog is engaged in legal hunting or when the dog is securely contained within a housing kennel or enclosed transport crate or box and the license for the animal is readily available for identification of the animal at all times.
- 20) To decoy or entice any dog or animal out of an enclosure or off the property of its owner, or seize, molest or tease any dog or animal while held or led by any person, or while on the property of its owner.
- 21) To fail to have any animal purchased from the St. Clair County Animal Shelter sterilized on or before the date of the sterilization contract.
- 22) To fail to keep a dog in a prescribed secure structure as required by Court Order or by this Ordinance.

Section 7.2 It shall also be a violation of this Ordinance:

- 1) To fail to provide adequate shelter any time an animal is confined in such a manner that it is unable to seek shelter no matter the length of time the animal is out in the weather.
- 2) To fail to provide sufficient and suitable water and food which would thus cause the animal to suffer thirst or hunger.
- 3) To kill any animal without just cause.
- 4) To torture, mutilate, maim, beat, or disfigure an animal.
- 5) For an animal to be caged or chained in such a manner as to allow it to become tangled, injured or to suffer undue stress.
- 6) To restrain an animal so that the weight of the animal's tie does not allow the animal to comfortably raise his/her head or move.
- 7) To fail to keep an animal's area in good sanitary condition.

- 8) To confine an animal in such a fashion that the animal does not have a dry area to rest.
- 9) To fail to provide reasonable wellness care or other curative measures to eliminate or minimize suffering when the animal is in pain or distress, including but not limited to the following:
 - a) Unable to lift head.
 - b) Unable to urinate or defecate.
 - c) Crying out in pain.
 - d) Unable to rise or walk
 - e) Fail to keep the eyes or ears free from infection or matted in such a way that it interferes with the animal's sight or hearing.

Section 7.3 It is unlawful for any person to fail to provide medical care when an animal is in pain or distress, including but not limited to the following:

- 1) In a state of emaciation
- 2) Unable to rise and walk
- 3) Unable to urinate or defecate.
- 4) Crying out in pain.
- 5) Unable to eat or drink.
- 6) Suffering from unattended broken bones, wounds, burns or contusions.
- 7) Painful or difficult breathing.
- 8) Passing blood in urine, feces and/or vomit.
- 9) Presence of maggots or infested with other parasites.
- 10) Severe skin disease.

Section 7.4 It is unlawful to intentionally run down or otherwise abuse, harass or worry any animal with any vehicle including, but not limited to, a bicycle or motor vehicle, including a motorcycle or motorbike.

Section 7.5 In the event animals are used to give rides the following standards must be met and followed:

- 1) If the animal is not shod, it must be provided with footing (i.e.: grass, hay, wood shavings or dirt).
- 2) Twenty minute breaks shall be given every two (2) hours or less as needed, with water and shade provided.
- 3) No animal shall be used if it appears to be lame or in distress.

Section 7.6 Reporting of found animals:

- 1) Any person who finds and harbors an animal without knowing the identity of its owner shall notify the Animal Control and furnish a

description of the animal within two (2) business days of finding the animal.

- 2) If the owner of the animal has not claimed it within seven (7) business days after the animal was reported found to the Animal Control, the finder may adopt the animal in accordance with applicable laws

ARTICLE 8

CONFINEMENT OF ANIMAL AFTER BITING

Section 8.1 Any dog or other warm blooded animal that shall bite or scratch a person or animal shall be handled in accordance with the Southeastern Michigan Epidemiology Committee (SEMEC), most recently revised Information and Recommended Procedures for Rabies Prevention in Michigan and/or such procedures as established by the Michigan Department of Community Health (MDCH) for control of rabies and disposition of non-human agents carrying disease, including rabid animals. In the event that owner of such animal is unable to or fails to comply with any of the prescribed procedures, an Animal Control Officer shall take possession and custody of such animal and follow the prescribed procedure. The owner of such animal shall bear the costs thereof. The owner of such animal must keep, maintain and confine or dispose of the animal as required by the SEMEC's most recently revised Information and Recommended Procedures for Rabies Prevention in Michigan, or procedures established by the MDCH.

If unwilling or unable to do so, failure to release custody of said animal to an Animal Control Officer, or when so directed failure to deliver said animal to a veterinarian clinic for confinement shall constitute a violation of this Ordinance.

Section 8.2 At the end of the required confinement period, the animal must be taken to the County Animal Shelter to be inspected for visible health (i.e.: clear eyes, nose, general body condition) vaccinations, and current license if any required.

Section 8.3 Confinement of ferrets shall be governed by Act 358 of the Public Acts of 1994, as amended, being Sections 287.893 - 287.901 of the Michigan Compiled Laws of 1948 (MSA 12.481 (201) - 12.481 (211)).

ARTICLE 9

CLASSIFICATION OF ANIMALS

Section 9.1 Purpose: The purpose of this Article is to establish a procedure whereby animals that pose a significant threat of causing serious injury to humans, other animals or property are identified and subjected to precautionary restrictions before any such serious injury occurs.

Section 9.2 Classification of Levels of Dangerousness: An animal shall be classified as potentially dangerous or dangerous based upon specific behaviors exhibited by the animal.

An animal will be considered a potentially dangerous animal if it exhibits behavior described in subsections (1) through (6) of this Section. An animal will be considered a dangerous animal if it exhibits behavior described in subsections (7), (8) and (9).

- 1) Level 1 behavior is established when a animal continuously runs loose without direct control by it's owner or handler .
- 2) Level 2 behavior is established when a animal indirectly causes injury or damage to a person, pet, domesticated animal or property.
- 3) Level 3 behavior is established if an animal at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal.
- 4) Level 4 behavior is established when an animal bites or scratches another pet or domesticated animal in a less than dangerous manner.
- 5) Level 5 behavior is established when an animal bites or scratches a person in a less than dangerous manner without provocation.
- 6) Level 6 behavior is established if an animal at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.
- 7) Level 7 behavior is established if an animal, while confined in accordance with Article 10, Section 10.1, aggressively bites or causes physical injury less than serious injury to any person, pet or domesticated animal.
- 8) Level 8 behavior is established if an animal, while at large, aggressively bites or causes physical injury less than serious injury to any person, pet or domestic animal.
- 9) Level 9 behavior is established if:
 - a) an animal, whether or not confined, causes the serious injury or death of any person ; or
 - b) an animal, kills or causes serious injury to any domestic animal; or
 - c) an animal engages in or is found to have been trained to engage in exhibitions of fighting; or

- d) an animal that has been classified as a Level 7 or 8 repeats the behavior described in subsection (7) and (8) of this section after the owner is found in violation of the confinement requirements of Section 10 of this Ordinance.

Notwithstanding subsection (1) through (9) of this section, the Manager shall have discretionary authority to refrain from classifying an animal as potentially dangerous, or dangerous even if the animal has engaged in the behaviors specified in subsections (1) through (9) of this section, if the Manager determines that the behavior was the result of:

- 1) A person or animal entering upon the property of the animal's owner or handler without prior notice to and consent by the property owner or animal handler.
- 2) A person provoking or tormenting the animal.
- 3) The animal responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.
- 4) An injury to the animal.

Section 9.3 Regulation of Potentially Dangerous Animals: In addition to the other requirements of this Ordinance, the owner of a potentially dangerous animal who has been deemed guilty either by, Judge, Jury, plea of guilt or no plea shall comply with the following regulations:

- 1) If the animal has engaged in Level 1-5 behavior, the animal shall be restrained by a physical device or structure that prevents the animal from reaching any public sidewalk or adjoining property whenever that animal is outside the owner's home and not on a leash. The Manager may adopt administrative rules establishing specifications for the required device or structure. An animal that has engaged in Level 1 through 5, three or more times shall meet the requirements of subsection (2) of this section.
- 2) If the animal has engaged in Level 6 behavior, the owner shall confine the animal within a secure enclosure whenever the animal is not held on a leash or inside the home of the owner. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's property. The animal must be micro chipped at the expense of the animal owner, with the number turned over to the Animal Control. When the animal is not held within a secure structure, or in the home of the owner the animal shall be humanely muzzled.
- 3) If the animal has engaged in Level 7 behavior, the owner shall meet the requirements of subsection (2) of this section, and shall also post warning signs on the property in conformance with administrative rules to be adopted by the Manager.
- 4) If the animal has engaged in Level 8 behavior, the owner shall meet the requirements of subsection (2) and (3) of this section and shall not permit the animal to be off the owner's property unless the animal is

muzzled and restrained by an adequate leash and under the control of the owner or agent in control, or is within a securely fastened enclosed structure.

- 5) Any animal that has been found to have engaged in Level 9 behavior, shall be euthanized upon a court order. After a show cause hearing, the court shall order the destruction of the animal, at the expense of the owner, if the animal is found to be a dangerous animal that caused serious injury or death to a person or an animal. The court may order the destruction of the animal, at the expense of the owner, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal. Should the court not order the destruction of the animal the owner shall meet the requirements of subsections 2, 3, and 4.

Section 9.4 Reporting of Potentially Dangerous or Dangerous Animals: Any person who observes or has evidence of animal behavior as described in Section 9.2 shall forthwith notify the Animal Control.

ARTICLE 10

CONFINEMENT OF ANIMALS

Section 10.1 It shall be in violation of this Ordinance:

- 1) For any animal, (including livestock and poultry) except cats, to run at large unless such animal is engaged in lawful hunting and accompanied by its owner, or is displayed in an exhibition, or engaged in work they have been trained for or are being trained for.
- 2) For any animal, except cats, to remain outside unattended if said animal is not confined by a leash, chain or fenced in yard.
- 3) For any animal, except cats, to cause damage to property, real or personal, of another person.

Section 10.2 Any person's animal, except cats, observed by Animal Control, that violates any of Section 10.1 three (3) times, shall be seized by an Animal Control Officer and held until the owner constructs a secure enclosure. The secure enclosure shall be constructed within ten (10) days. All costs incurred for the holding of an animal awaiting construction of an enclosure will be paid by the owner of the animal being held. The owner shall keep the animal in the secure structure at all times when not in the house or on a leash held by a responsible person.

Section 10.3 Owners of cats observed causing damage to property, real or personal, may be pursued through civil action by the property owner.

ARTICLE 11

TREASURER'S RECORDS AND DUTIES

Section 11.1 On June 15 of each year, the Treasurer shall make a comparison of his/her records of the dogs actually licensed in each city or township of the County with a report of the supervisors of said townships or assessors of said cities or the Animal Control Manager, to determine and locate all unlicensed dogs.

Section 11.2 On and after June 15 of each year, every unlicensed dog subject to license under the provision of this Ordinance or the Statutes of the State is hereby declared to be a public nuisance, and the Treasurer shall immediately thereafter list all such unlicensed dogs as shown by the returns in his/her office of township supervisors, city assessors, and Animal Control Manager and shall deliver copies of such list to the Animal Control Manager and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in Act 339 of the Public Acts of 1919, being 287.277 of the Michigan Compiled Laws (MSA 12.527), as amended.

Section 11.3 The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in the County. Such records shall contain the name and address of the person to whom each license is issued. In case of all individual licenses, the records shall also state the breed, sex, age, color, and markings of the dog licensed; and in case of a kennel license, it shall state the place where the kennel is located. The records shall be a public record open to inspection during business hours. The Treasurer shall also keep an accurate record of all license fees collected by him/her or paid over to him/her by the city and township treasurers or Animal Control Manager.

Section 11.4 In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or lack of same, showing the name of owner and the license number to which any license has been issued, and the licensed 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 any dog and of issuance or non-issuance of a dog license or tag.

ARTICLE 12

FEES AND EXPENSES

Section 12.1 Every township and city treasurer of St. Clair County, Michigan, shall receive a fee for each dog license issued for the issuing and recording of same. The remuneration as herein established shall be deemed additional compensation for each township or city treasurer who receives a salary in lieu of fees, when so designated by the appropriate township or city council. This fee may be changed from time to time by the Board of Commissioners.

Section 12.2 It shall be the duty of the Animal Control Manager annually to make a census of the number of dogs owned by all persons in St. Clair County, Michigan, in accordance with Statutes of the State. With the express approval of the County Administrator or by resolution of the County Board of Commissioners the Animal Control Manager may employ whatever personnel he/she reasonably believes necessary to conduct this census; such personnel shall receive for their services in listing such dogs, such sum as shall be set from time to time by the Board of Commissioners.

Section 12.3 The duties and obligations herein and imposed upon the respective designated officials may be delegated, by each of said officials, to their deputies with like force and effect.

Section 12.4 The fees and expenses as established by this Ordinance may be changed from time to time on or before November 1 of each year and for subsequent years by action by the Board of Commissioners.

ARTICLE 13

VIOLATIONS AND PENALTIES

Section 13.1 In the event of a violation of this Ordinance, the Animal Control Manager, his/her deputies or other law enforcement officers may issue a citation or seek a warrant for the person in violation, summoning him/her to appear before a district court within the County to answer the charges made regarding violation of this Ordinance.

Section 13.2 Any person, firm or corporation, convicted of violating any of the provisions of this Ordinance, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500, or imprisonment in the county jail for not more than 90 days, or community service work, or any combination of these penalties. In addition, court costs shall be levied against the guilty party. Violations of the Dangerous Animals Act, being Act No. 426 of the Public Acts of 1988, as amended, shall be punishable as determined by a court having jurisdiction pursuant to Section 3 of the Act, being Section 287.323 of the Michigan Compiled Laws of 1948 (MSA 12.545(23)).

ARTICLE 14
CONSTRUCTION

Section 14.1 When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include the feminine. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any article or section of this Ordinance.

Section 14.2 Where any of the provisions of this Ordinance are in conflict with provisions of any other local Ordinance or State Statutes or regulations, the latter shall prevail.

Section 14.3 When used in this Ordinance, owner shall include agent in control and owner's agent.

ARTICLE 15
REPEAL

Section 15.1 Any St. Clair County Ordinance or parts thereof inconsistent with this Ordinance are hereby repealed.

ARTICLE 16
SEVERABILITY

Section 16.1 If any part of this Ordinance shall be held void, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

PROOF OF PUBLICATION

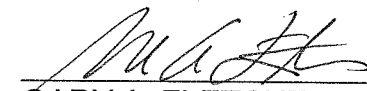
Published in the Port Huron Times Herald.

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect when notice of the adoption of this Ordinance by the St. Clair County Board of Commission is published in a newspaper of general circulation in St. Clair County. The County Clerk shall file a copy of this Ordinance, with a copy of the publication attached in his office.

Adopted: June 16, 2010

Reviewed and Approved as to form by:



GARY A. FLETCHER
Corporation Counsel
522 Michigan St.
Port Huron, Michigan 48060

