

DELTA COUNTY

ANIMAL CONTROL

ORDINANCES

Article I

Definitions: As used in this ordinance, the following terms mean:

Section 101 ANIMAL: The word as used in this ordinance shall refer to dogs, cats, wild animals, domestic animals, exotic animals, birds and livestock in accordance with the “Dog Law” of MCL 1919, 287.261 of section 2A

Section 102 OWNER: A person having the right of property or custody of an animal, or who keeps or harbors an animal, or knowingly permits an animal to remain on or about any premises occupied by that person.

Section 103 PERSON: Any individual, company, corporation, partnership, organization or institution commonly recognized by law as a unit.

Section 104 CATTERY: Any kennel where five (5) or more cats are kept for organized shows, breeding, rodent control or enjoyment of the household

Section 105 KENNEL: Shall mean any establishment where five (5) or more dogs are kept.

Section 106 ANIMAL SHELTER: Facility designated or recognized by the jurisdiction for the purpose of impounding and caring for animals.

Section 107 NUISANCE: An animal shall be considered a nuisance if it: damages, soils, defiles or defecates on private property, other than the owners, or on public property, unless such waste is immediately removed and properly disposed of by the

owner; cause unsanitary, dangerous, or offensive conditions; chases vehicles; or molests, attacks, or interferes with person(s) or other animals on public property. Any nuisance caused by excessive barking, howling, yelping or other noise making may be considered as disturbing the peace and shall be investigated by an animal control officer or any law enforcement agency. The disposition of complaints will be at the discretion of the county and subject to penalty, per ordinance.

Section 108 RESTRAINT: An animal shall be considered under restraint if it is within the real property limits of its owner or secured by leash or lead.

Section 109 VICIOUS ANIMAL: Any animal that constitutes a physical threat to humans, or other animal.

Section 110 CRUELTY: Any act, omission, or neglect whereby unjustifiable pain and suffering is caused or permitted. Animals will be provided with basic essentials including, but not limited to, adequate food, water, and shelter from sun, wind, rain, sleet, snow, cold.

Article II

CRUELTY TO ANIMALS: No person shall cruelly treat or abuse any animal.

Article III

POISONING ANIMALS: No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird. This provision will in no way restrict the approved operating procedures in effect at the Delta County Landfill Authority site, or any operation duly licensed by the Michigan Department of Environmental Quality to dispose of health hazards, as well as

neighborhood safety hazards. This provision does not apply to poisonous substances used on farm premises for rodent and/or non-protected species control.

Article IV

BIRDS AND BIRDS NESTS: No person shall molest, injure, kill or capture any protected bird species, or molest or disturb any protected birds nest, or the contents thereof. (A law enforcement officer acting in their official capacity may fulfill designated functions and is exempt from this restriction) Homeowners may remove the nests of certain protected bird species that build nests under the eaves of private homes and dwellings.

Article V

ANIMAL CONTROL OFFICERS AND THEIR DUTIES: It shall be the duty of the animal control officer to enforce the provisions of all appropriate ordinances and to perform the following duties:

Section 501 To impound any animal they find running at large and not under control.

Section 502 To impound any animal not duly licensed as provided by law.

Section 503 To impound any animal they find in violation of the provisions of this ordinance in any way.

Section 504 To serve notice, in writing, upon the owner of any animal impounded under the provisions of this ordinance, if such owner is known and can be identified by the license

on the collar of said animal; and to make reasonable effort to identify the owner of an animal so impounded.

Section 505 To make an annual report to the County Treasurer of any unlicensed dog or cat they find in the county.

Section 506 To conduct an annual census of dogs and cats as provided by law. This census shall include owners name, address, telephone number, number of dogs and/or cats owned, type, age, sex, and color. Information shall also be provided indicating rabies vaccination and licensing.

Section 507 To keep a record of the breed, sex, age, color, and marking of every animal impounded, together with the date and hour of impounding, the circumstances of impoundment, the name of animals owner, if it is known, the date notice was sent to the owner, and subsequent disposition.

Section 508 It shall be the duty of the animal control officer to dispose of all stray animals impounded at the animal shelter which are not claimed or released within four (4) days, excluding Sundays, after impoundment. However, if the owner can be identified, the animal shall not be disposed of, but be held for a minimum of ten (10) days. If, after ten (10) days of owner identification and the mailing of notification the animal is not claimed, the animal becomes County property. If the owner cannot be identified, the animal shall be disposed of in the following manner:

- 1) If the animal is diseased or badly injured in the opinion of the animal control officer, it shall be immediately disposed of in a humane manner.

- 2) Other animals, if not adopted, will be forthwith disposed of after such

four (4) days, in a humane manner.

Section 509 Any animals voluntarily turned into the animal shelter for the purpose of euthanasia need not be held for four (4) days in accordance with MCL 287.388, or if the

animal is sick or injured per Section 508-1. Animals surrendered by their owners will be held a minimum of four (4) days (not including Sundays).

Section 510 The bodies of all animals (not including wildlife) destroyed at the animal shelter shall be disposed of by the animal control officer, or assistants (See reference MCLA 224-21-MSA 9-12 attached)

Section 511 To inspect any kennel, or cattery, and suspend its license if conditions exist which are unhealthy or inhumane to animals kept therein, pending correction of such conditions. Inspections shall be held annually and shall be in accordance with the current State of Michigan Animal Control Laws. Additionally, all kennels must be in compliance with the appropriate Building and Zoning Ordinance(s) in effect at the time of inspection. A ten dollar (\$10.00) fee shall be assessed the kennel or cattery licensee for each inspection done by animal control officers. (Note: This is in addition to the license fee-Section 606)

Section 512 To investigate complaints of cruelty to animals and the seizure or impounding of any animal which has been determined upon investigation to be subject to such cruelty.

Section 513 To keep an accurate record of the euthanasia drug utilized, including entry of the date, case number and amount used. Additionally, the drug will be stored in a locked cabinet and remain under supervised control at all times.

Section 514 ANIMAL CONTROL FUND Fees collected for adoption of animals shall be collected by the animal control officer, or assistants, and shall be in addition to the impounding fee and boarding fee as herein provided. All fees collected are to be placed into the hands of the County Treasurer, who shall keep accurate records of same and deposit them to the Animal Control Fund, except those portions required to be deposited by statute elsewhere.

Section 515 To investigate complaints of animals alleged to be dangerous to persons or property, and the seizure or impounding of such animals.

Section 516 To investigate animal bite cases involving human exposure, and the impounding or quarantining of the animal for rabies examination, in accordance with provisions of this ordinance or prevailing state statute.

ARTICLE VI

LICENSING AND VACCINATION:

Section 601 No person shall own, keep or harbor any dog or cat the age of four (4) months or over, within the County of Delta unless the dog or cat is vaccinated and licensed.

It shall be unlawful for any person to own, possess, shelter, keep, or harbor more than four (4) dogs or four (4) cats over four (4) months of age at any one time, at any one residence or address.

The provisions of this section do not apply to dogs or cats owned by a licensed research facility, or held in a veterinary medical facility, or government operated or licensed animal shelter or licensed kennel/cattery facility.

Section 602 All dogs or cats shall be vaccinated against rabies by a licensed and accredited veterinarian, in accordance with the latest “Compendium of Animal Rabies Vaccines and Recommendations of Immunizations”, with those exceptions provided in section 601.

Section 603 A certificate of vaccination shall be issued to the owner of each dog or cat vaccinated, on a form recommended by the “Compendium”. Each owner shall receive a durable vaccination tag indicating the year in which it was issued.

Section 604 The licensing period shall be for one (1) year, or three (3) years, at the owner's option. License renewal may be applied for within 30 days prior to expiration date and expire the last day of the month of the dog or cats current rabies vaccination or of the anniversary of the dog or cats current rabies vaccination, every third year. New residents must apply for license within 30 days of establishing residence.

Section 605 License Fees:

<u>Dogs</u>	<i>One Year</i>	<i>Three Year</i>
(unaltered)	\$20 (Late Penalty + \$20)	\$50 (Late Penalty + \$20)
(altered)	\$10 (Late Penalty + \$10)	\$25 (Late Penalty + \$10)
 <u>Cats</u>		
(unaltered)	\$10 (Late Penalty + \$10)	\$20 (Late Penalty + \$10)
(altered)	\$ 5 (Late Penalty + \$5)	\$10 (Late Penalty + \$5)

Replacement licenses for lost licenses will be at one half (1/2) the above mentioned fees.

Section 606 All kennels, and catteries shall be licensed annually. All dogs and cats shall be vaccinated against rabies but be exempt from individual licensing. A kennel or cattery annual license fee shall be one hundred (\$100) dollars. (Note: This is in addition to the inspection fee-Section 511)

Section 607 Current rules under the definition of kennel or cattery, permit the possession of more than four (4) cats for purposes such as rodent control. Any cats on farm premises that qualify under this definition are exempt from the above mentioned licensing and vaccination and fees.

It is strongly recommended that cats on farm premises are vaccinated against rabies for the protection of the public health. Additionally, any cats off farm premises will be subject to all requirements as outlined in this ordinance.

ARTICLE VII

FEES AND EXPENSES

Every township treasurer and city treasurer of Delta County, Michigan, shall receive the sum of one dollar (\$1.00) for each dog or cat license issued and recorded. The remuneration as herein established shall be deemed additional compensation for additional services for each township or city treasurer who receives a salary in lieu of fees, when so designated by the appropriate township board or city council. The duties and obligations herein imposed upon respective designate officials may be delegated to local veterinarians (and/or other appropriate person or persons), by each of said officials with like force and effect.

This ordinance may be changed by action of the Delta County Board of Commissioners during the 60 day period before the beginning of the county's fiscal year.

All fees and expenses as herein provided for, shall be paid in accordance with this ordinance.

Both rabies and license tags must be attached to the collar of the dog or cat. Tags must be worn at all times and are not transferable. Please note that although not mandated, The American Humane Society encourages the use of cat collars constructed in such a manner and with such material that the cat can pull out in the event of an emergency.

ARTICLE VIII

OWNER RESPONSIBILITY:

Section 801 All animals shall be kept under restraint of a leash while off the property of the animal's owner.

Section 802 Every vicious animal, as determined by the Animal Control Officer or assistant, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or cased whenever off the premises of its owner.

Section 803 No animal shall be allowed to cause a nuisance. The owner of every animal shall be held responsible for every behavior of such animal under the provisions of this ordinance.

Section 804 Any person in physical possession and control of any animal in a public place, or private property other than their own, shall remove excrement or other solid waste deposited by the animal in an area not designed to receive these wastes, including, but not limited to streets, sidewalks, parking lots, private yards and public parks.

Section 805 No person shall park, transport or carry on any public highway or roadway, any animal in a vehicle, unless the animal is safely enclosed within the vehicle. If travelling in an unenclosed or partially enclosed vehicle (including, but not limited to convertibles, pick-ups, trailers and flat-bed trucks) the animal shall be confined by a container, case or other devices that will prevent the animal from falling from, or jumping from the motor vehicle.

Section 806 No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety or welfare. An animal control officer or law enforcement officer, is hereby authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered.

ARTICLE IX

IMPOUNDMENT:

Section 901 Any animal found running at large, shall be impounded by the animal control officer or may be impounded by a law enforcement officer, in an animal shelter and confined in a humane manner.

Section 902 Any animal found to be vicious, creating a nuisance, or that has in fact attacked and/or bitten any person, shall be impounded by the animal control officer, their assistant or law enforcement officer, in an animal shelter and confined in a humane manner.

ARTICLE X

REDEMPTION:

Any animal seized or impounded shall be released to the owner thereof, upon the following conditions:

Section 1001 The payment of an impoundment fee:

1st Impoundment	\$25	
2nd Impoundment	\$50	(Same animal)
3rd Impoundment	\$100	(Same animal)

\$100. for each impoundment of the same animal thereafter.

Section 1002 The payment for boarding of such animal, at a cost of \$10. Per day.

Section 1003 Exhibition of a current dog or cat license. In the case of an unlicensed dog or cat, the owner shall purchase the appropriate license and shall be issued a citation for having an “unlicensed dog or cat”, before the release of the dog or cat to its owner.

Section 1004 Exhibition of a proper certificate from a veterinarian that such dog or cat is currently immunized for rabies during the license period. In the case of an un-immunized dog or cat, the owner shall have the animal immunized and be issued a citation for having an “un-immunized dog or cat”, before the release of the dog or cat to its owner. Additionally, the proper remedies shall have occurred, in the animal control officer’s judgement, that the deficiencies originally requiring the animal’s impoundment have been rectified.

- e. The animal control officer shall have the right to hold an animal indefinitely, with cause.

ARTICLE XI

ADOPTION:

An adoption fee shall be assessed at the time of adoption. Fee’s will be determined by the County Board of Commissioners and will be reviewed annually. (See addendum)

No animal shall be released for adoption as a pet without mandatory neutering or spaying; therefore, the release will be accompanied with a spay-neuter certificate to be presented at the veterinarian of choice.

ARTICLE XII

INTERFERENCE:

- a. No person shall interfere with, hinder or molest any agent of the Animal Control Division in the performance of any duty as herein provided.

ARTICLE XIII

PENALTY:

Any person who violates or fails to comply with any provision(s) of this ordinance shall be deemed to be guilty of a misdemeanor and upon conviction thereof, be fined not more than one hundred (\$100) dollars or be imprisoned for a period not to exceed ninety (90) days, or to both such fine and imprisonment, at the discretion of the court.

ARTICLE XIV

REPEALS:

All other animal ordinance's of the cities or county, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict.

ARTICLE XV

SEVERABILITY:

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.

ARTICLE XVI

APPLICABILITY:

This ordinance shall be in full force and effect upon the expiration of sixty (60) days after its passage and publication.

SAFETY CLAUSE:

The County of Delta hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the County of Delta, and the inhabitants thereof.

ARTICLE XVII

CONTROL OF RABIES:

Any person who shall have in their possession any animal which has contracted rabies, or which has been exposed or subjected to same, or which is suspected of having rabies, or which has bitten any person, shall, upon demand of any law enforcement or animal control officer, produce and surrender such animal to the officer, to be held for observation for a minimum period of ten (10) days, as hereinafter provided, or confine the same to the owners premises, at the discretion and direction of such officer. It shall be the duty of any person owning or harboring an animal which has been attacked or bitten by another dog, or other animal, showing the symptoms of rabies, to immediately notify law enforcement or animal control that such person has such an animal in their possession.

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