

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

BOARD OF COMMISSIONERS: ADOPT ANIMAL CONTROL ORDINANCE AMENDMENT

WHEREAS, a public hearing, duly noticed, was held in the Board Room, County Services Building on July 12, 2018 at 1:00pm, to allow public comment.

THEREFORE BE IT RESOLVED that upon hearing public comment, the Board of Commissioners hereby adopts the amended Animal Control Ordinance as presented; and

BE IT FURTHER RESOLVED that the Animal Control Ordinance #1008 shall take effect September 1, 2018; and

BE IT FURTHER RESOLVED that notice of said amended ordinance shall be published in a newspaper of general circulation in Allegan County within ten (10) business days of adoption; and

BE IT FINALLY RESOLVED that the Clerk is authorized to publish and post notices of this ordinance to inform the general public of its adoption.

Moved by Commissioner Black, seconded by Commissioner DeYoung to approve the resolution as presented. Motion carried by roll call vote. Yeas: Kapenga, Storey, DeYoung, Jessup, Dugan and Black. Nays: Thiele.

ATTEST, A TRUE COPY



_____, Clerk-Register

APPROVED: July 12, 2018

cc: Admin. - Finance - Human Resources - Sheriff Dept.

ALLEGAN COUNTY

ANIMAL CONTROL ORDINANCE #1008.02

Effective: September 1, 2018

In order to safeguard the public health of the citizens of Allegan County and to provide services to that end, this ordinance provides for the collection of stray and unwanted animals, licensing and rabies vaccination of dogs, issuance of kennel permits for dog kennels, regulation of animal behavior and the keeping of animals, impoundment of animals, and the establishment of a spay/neuter policy.

ARTICLE I – General Provisions

Section 101. Short Title. This Ordinance shall be known as, and shall be cited and referred to as, The Allegan County Animal Control Ordinance.

Section 102. Limitations. This Ordinance shall not be construed to apply to any city or township that has adopted an animal control ordinance pursuant to MCLA 287.290.

Section 103. Authority. The authority for this Ordinance is found in 1978 Public Act No. 368, part 24 (MCLA 333.2435-333.2441), and MCLA 287.289a.

Section 107. Severability. The various sections, paragraphs, sentences, clauses and phrases of these Ordinances are hereby declared severable. If a court of competent jurisdiction adjudges any section, paragraph, sentence, clause, or phrase unconstitutional or invalid, the remainder of these Ordinances shall not be affected thereby.

ARTICLE II – Definitions

Section 201. Definitions. Whenever the following terms are used they shall have the meanings set forth in this article.

Section 202. Code Enforcement Officer shall mean any agent of the Allegan County Sheriff’s Office designated to enforce this Ordinance and the 1919 Dog Law.

Section 203. Animal Shelter, shall mean the animal kenneling facility used by Allegan County to house animals held for the Code Enforcement Officer and stray or unwanted animals. The Animal Shelter is a part of the Health Department and is under the Health Officer’s management and jurisdiction.

Section 204. Office, shall mean the Allegan County Sheriff’s Office.

Section 205. Dog Kennel, shall mean any establishment which keeps or boards dogs for profit, whether for breeding, sale or sporting purposes.

Section 206. Live Traps, shall mean a trap set by a Code Enforcement Officer (all domesticated animals caught in the trap are the custody of the Code Enforcement Officer.)

Section 207. Owner, when applied to the proprietorship of an animal for the purpose of this Ordinance, shall mean any person who has a right of property in an animal, or any person who permits an animal to remain on or about any premises for seven consecutive days.

Section 208. Person, shall mean an individual person, a firm, partnership, corporation, trust, or any association of persons.

Section 209. Nuisance Animal, Aggressive Animal, Dangerous Animal, Barking Dog

Nuisance Animal shall mean an animal running at large on public or private property, other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to: (a) making physical contact with a person or other animal in a harassing manner; (b) urinating or defecation; (c) damaging inanimate personal property.

Aggressive Animal shall mean an animal that exhibits menacing behavior on public or private property including that of its owner or keeper. Menacing behavior shall include, but not be limited to: charging, scratching, toppling, teeth-baring, snapping, growling, or other predatory mannerisms, directed at a person or other animal in a place where the person or other animal is legally entitled to be.

Dangerous Animal shall mean an animal that bites or otherwise causes injury to a person or other animal on public or private property where the injured person or other animal is legally entitled to be, including the property of the animal's owner or custodian. An animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or service purposes while engaged in the activities for which they were trained, shall be considered a dangerous animal.

Barking dog shall mean it is unlawful for any person to allow a dog to bark, whine or howl in an excessive, continuous, or untimely fashion. Any dog that barks, whines or howls in an excessive, continuous or untimely fashion is declared to be a public nuisance.

Exceptions

An animal shall not be considered a nuisance, aggressive or dangerous where its act is caused by; (a) an illness or injury suffered by the animal at the time of the act; (b) the negligent or reckless conduct of any person to whom the act is directed; (c) lawful hunting while the animal is under the control of its owner or custodian; or (d) defense of the animal's owner, or members of the owner's family or household, or their property.

Section 210. Injury, shall mean any injury that visibly shows signs of bruising, discoloration, abrasion, or the cutting or breaking of the skin.

Section 211. Hazard, Shall mean a threat to the life, health, and safety of an individual or the community.

ARTICLE III – Collection of Stray and Unwanted Animals

Section 301. Capture. The Code Enforcement Officer may capture or take into custody:

- (a) Unlicensed dogs.
- (b) Dogs without current rabies vaccination certificates.
- (c) Dogs which are running loose or which are not held properly on leash while off the owner's property.
- (d) Stray, unwanted, abandoned or abused animals.
- (e) Animals maintained contrary to any city or township ordinance other than an animal control ordinance adopted pursuant to MCLA 287.290.
- (f) Animals which the owner or custodian is not able to properly care for as a result of:
 - 1. Illness.
 - 2. Bankruptcy
 - 3. Litigation.
 - 4. Incarceration
 - 5. Other contingencies.
- (g) Any animal which has bitten a person.

Section 302. Observation. The Code Enforcement Officer may capture and take into custody any animal to be held for observation at the recommendation of a doctor, a veterinarian or the County Health Department. The Animal Shelter shall accept and care for any animal that is to be held for observation at the recommendation of a doctor, a veterinarian, or the County Health Department.

Section 303. Private Property. The Code Enforcement Officer is authorized to examine, capture or rescue any animal, or to conduct inspections of all properties, public or private, in conjunction with the fulfillment of the duties and responsibilities in these Ordinances. No person shall refuse to permit the Code Enforcement Officer, after proper identification, to inspect any premises in accordance with MCLA 333.2446, nor shall any person molest or resist the Code Enforcement Officer in the discharge of those duties and the protection of the public health.

Section 304. Exhibition of Animals, Licenses or Certificates of Vaccination. The Code Enforcement Officer may require that a person owning any dog, display the dog, the required vaccination certificate or the current license and license tag for such dog.

Section 305. Failure to Show License. Any person upon whom a demand is made under authority of this Ordinance for the exhibition of any dog, rabies vaccination certificate, license or tag, who fails or refuses to exhibit the same, if he has it in his possession, is in violation of this Ordinance.

Section 306. Interference with a Code Enforcement Officer. No person shall interfere with, oppose, or resist the Code Enforcement Officer while he is engaged in the performance of any act authorized by this Ordinance.

Section 307. Unauthorized Removal From the Shelter. No person shall remove any animal from the custody of the Code Enforcement Officer, without first receiving permission from the Code Enforcement Officer. No person shall remove any animal from the custody of the Animal Shelter without first receiving permission from the Animal Shelter or Health Department.

ARTICLE IV – Individual Dog Licensing

Section 401. Licensing Required. All dogs shall be licensed by the County, except:

- (a) A dog under four months of age.
- (b) A dog licensed by a municipality in which the dog owner and dog reside.
- (c) A dog licensed by another state or county in which the dog and owner reside, if the owner will be present in Allegan County for thirty days or less.
- (d) Dogs kept in dog kennels licensed pursuant to Section 502 hereof.

Section 402. Rabies Vaccination. All dogs shall be currently protected by a rabies vaccine active at the time of license issuance. Such vaccine shall be administered by a veterinarian, except when a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated.

Section 403. Licensing Limitations. A dog license shall be issued for only an animal which has a current rabies vaccination; provided, however, that a license may be issued to an unvaccinated dog if the veterinarian certification set forth in Section 402 hereof has been obtained.

Section 404. Individual Licenses. The County Treasurer, or his agent, shall issue licenses as provided by MCL 287.274. License fees shall be established from time to time by the County Board of Commissioners. Licenses may be issued by other outlets as authorized by the Board of Commissioners such as through licensed veterinarian offices, local township and city offices in the county or over the internet.

Section 405. License Late Fees. Failure to comply with the licensing requirements of Section 404 may result in the imposition of such late fees and penalties, as may be established from time to time by the County Board of Commissioners.

Section 406. Wearing of Tags. A license tag shall be worn by each licensed dog at all times.

Section 407. Concealment of Dogs. No person shall conceal any dog, or conceal ownership of any dog, when questioned by the Code Enforcement Officer.

ARTICLE V – Dog Kennels

Section 501. Kennel Permit and Tags. Any person operating a Dog Kennel shall obtain a kennel permit and tags from the Allegan County Treasurer’s Office. The cost of such permit shall be set from time to time by the County Board of Commissioners.

Section 502. Application for Kennel Permit. Each application for a kennel permit shall be on a form provided by the Animal Shelter or Code Enforcement Officer and shall set forth the location of the kennel and the maximum number of dogs which will be kept in the kennel.

Section 503. Rabies Vaccination. Each dog kept in the kennel shall be vaccinated for rabies, and have certificate available for all dogs, as specified in Section 402, unless the dog is less than four months old.

Section 504. Inspection. Each kennel shall be inspected prior to the issuance of a kennel permit to assure compliance with this Ordinance. Additional inspections may occur at any time to assure compliance with this Ordinance and to prevent any community health problem.

Section 505. Revocation of Permit. A kennel permit may be revoked if a condition exists which will endanger the health of the community or if the kennel is, in the opinion of the Code Enforcement Officer, not in compliance with this Ordinance.

Section 506. Forfeiture of Fee. Upon revocation of a kennel permit, no part of the fees paid for the license and kennel permit shall be returned, and such fees shall be forfeited to the County.

Section 507. Display of License and Kennel Permit. Every person having a kennel license and a kennel permit shall keep the license and permit posted and exhibited in a conspicuous manner at the kennel.

Section 508. Local Zoning. No kennel permit shall be valid for any kennel which violates any zoning ordinance or official land use plan. No permit shall be valid where such use is declared a nuisance by the relevant Township Board or City Commission.

Section 509. Conditions of Kennel.

- (a) **Kennel Facility.** A kennel facility shall be constructed as to prevent the public or stray dogs from obtaining entrance and gaining contact with dogs housed in kennel.
- (b) **Building.** The enclosure shall give adequate protection against weather extremes. Floors and walls of building shall be of an impervious material to enable proper cleaning and disinfecting. The building temperature shall be maintained at a reasonable level and adequate ventilation shall be provided.

All kennels which are located within five hundred (500) feet of another dwelling house, shall also have provided a completely enclosed building within which such dogs shall be confined each day during the time between sunset and eight o’clock in the forenoon of the following day. Such enclosed building shall be constructed or maintained as nearly sound proof as may be through ordinary building construction.

- (c) **Cages.** Cages shall provide enough space to let each dog stand up, lie down and turn around without touching the top or sides of the cage. Cages shall be of a material and construction that permits cleaning and sanitizing. Cages, unless heated, shall have either a resting area above the cage floor or some type of bedding.
- (d) **Runs.** Dog runs shall be of concrete or other suitable material. Concrete runs shall have adequate slopes for sanitation. Droppings must not be allowed to build up and must be collected and removed on a regular basis. All runs must be periodically disinfected.
- (e) **Feeding.** All food shall be free of contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the daily requirements determined by the condition and size of the animal.
- (f) **Water.** All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner which prevents tipping.

ARTICLE VI – Designation (unused)

ARTICLE VII – Animal Behavior

Section 701. Dogs Running Stray. A person who owns or has custody or control of a dog shall prevent the dog from running at-large. A person who owns or has custody or control of a dog shall, at any time the dog is off that person's property, restrain the dog with a lead or leash no greater than six (6) feet in length.

Section 702. Designation Unused.

Section 703. Quarantine. Every animal, which has bitten a person, shall be quarantined for a period of not less than 10 days. Such quarantine shall be at the Animal Shelter, a veterinary office, or a place designated by the Code Enforcement Officer. The owner shall surrender the animal to the Code Enforcement Officer upon request.

Section 704. Public Hazard. Any animal, which is known to have bitten a person or other animal, may be declared a public health hazard by the Code Enforcement Officer. At his discretion, the Code Enforcement Officer may require that the animal be removed from the community, quarantined, or confined in a manner specified by the Code Enforcement Officer.

Section 705. Defecation. A person who owns or has custody or control of an animal shall prevent the animal from defecating on any public or private property other than his own, or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his property.

Section 706. Stray Livestock. A person who owns or has custody or control of livestock or poultry shall prevent such animals from running at large on public or private property without the consent of the property owner, provided, however, that this Section shall not prohibit leading or driving livestock, under the owner's or custodian's supervision, along a public highway.

Section 707. Nuisance, Aggressive, Dangerous Animal or Barking Dog. A person who owns or has custody of an animal shall prevent the animal from engaging in nuisance, aggressive or dangerous behavior. The owner of a dog shall prevent the dog from barking, whining or howling in an excessive, continuous or untimely fashion.

ARTICLE VIII – Impoundment Procedures

Section 801. Animal Shelter. The Animal Shelter is the animal custodial care facility of the Health Department. The Animal Shelter shall hold all animals impounded as provided in MCL 287.388. Any

stray animal found in Allegan County may be delivered to the custody of the Shelter during normal working hours.

Section 802. Relinquishing Strays. Any person picking up any stray animal or animal found running at-large shall surrender such animal to the Animal Shelter or Code Enforcement Officer upon demand.

Section 803. Apprehension of Strays. Any person finding a stray animal may assist the Code Enforcement Officer by holding such animal for the Code Enforcement Officer to pick up or by delivering it to the Animal Shelter.

Section 804. Length of Impoundment. Length of impoundment shall be:

- a. Unlicensed Animals. The Animal Shelter shall hold all healthy unlicensed animals for four days.
- b. Licensed Dogs. The Animal Shelter shall hold all healthy stray dogs with current valid licenses seven days from the date notice is given.
- c. Sick or Injured Animals.
 1. If any animal is suffering unduly and it is not practical to impound the animal at the Animal Shelter, it may be destroyed at the discretion of the Code Enforcement Officer.
 2. Any animal that is suffering unduly and has been impounded at the Animal Shelter and is in the care and custody of the Animal Shelter may be destroyed at the discretion of the Health Department on the advice of a veterinarian.
- d. Voluntarily Surrendered Animals. The Animal Shelter may hold voluntarily surrendered animals for a length of time set at the discretion of the Health Department. Any animal may be humanely euthanized at the Animal Shelter at the request of the owner for a fee, set from time to time by the County Board of Commissioners.

The length of impoundment shall be computed by excluding the first day the animal is brought to the Shelter and including the last day of confinement. If the last day is a Saturday, Sunday or recognized holiday, the period shall be extended to the next day which is not a Saturday, Sunday or recognized holiday.

Section 805. Records. The Animal Shelter shall keep a record of each animal impounded, the date of the impounding, the date and manner of its disposal and if redeemed, reclaimed or sold, the name and amount of all fees collected because of the impounding, reclaiming, or purchasing of the animal, together with the number of any license tag or kennel license exhibited or purchased upon the redemption or sale.

Section 806. Notice. When any animal wearing a current valid license tag issued by the County of Allegan, or any municipality within the County of Allegan, is impounded pursuant to this Ordinance, the Animal Shelter shall, within twelve working hours after receiving such animal, give written notice of the animal's confinement to the person to whom the license was issued.

Section 807. Compliance. The Animal Shelter shall not release or sell any animal that has been impounded in accordance with this Ordinance unless the person to whom the animal is released or sold provides satisfactory proof that the animal will be maintained in accordance with this Ordinance and any other relevant ordinance or statute.

Section 808. Medical Attention. The Animal Shelter or Code Enforcement Officer may employ a veterinarian whenever he deems it necessary in an emergency to properly care for an impounded animal. The County shall charge a fee for veterinary services and such animal shall not thereafter be redeemed without payment of such fee, in addition to other impoundment fees and costs.

Section 809. Unclaimed Animals. All animals not reclaimed within a period of time established under Section 804, shall be destroyed, sold, adopted out or transferred to another approved shelter at the discretion of the Animal Shelter.

ARTICLE IX – Keeping of Animals

Section 901. General Regulations. Every person who owns, or who has charge, care or custody of, an animal shall comply with each of the following requirements:

- (a) Feeding. Each animal shall be supplied with sufficient, good, wholesome food and water as often as the feeding habits of the animal requires.
- (b) Cleanliness. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- (c) Unattended Animals. No animal shall be without attention for more than twenty-four hours. Whenever a commercial animal facility is left unattended, the name, address and telephone number of the owner of the facility and the person responsible for the care of animals shall be posted in a conspicuous place at the front of the facility.
- (d) Dangerous Surroundings. No condition shall be maintained or permitted that is, or could be, injurious to the animal.
- (e) Teasing. Every reasonable precaution shall be taken to insure that animals are not teased, abused, mistreated, annoyed, tormented or made to suffer by any person or means.
- (f) Protection. All reasonable precautions shall be taken to protect the public from animals and animals from the public.
- (g) Sick Animals. Every commercial animal facility shall isolate sick animals sufficiently so as not to endanger the health of other animals.
- (h) Ventilation and Light. Every building or enclosure wherein animals are maintained shall be constructed of materials easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals with sufficient light to allow observation of the animals.
- (i) Veterinarian Attention. The owner or custodian shall take an animal to a veterinarian for an examination and treatment if the Code Enforcement Officer finds this is necessary in order to maintain the health of the animal, and so orders.
- (j) Cages. All animal rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodation for the animals kept therein.
- (k) Shelter. Proper shelter and protection from the weather provided at all times. A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- (l) Structural Strength. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, contain the animals, and restrict the entrance of other animals.

In regards to large domesticated farm animals the Michigan Generally Accepted Agricultural Management Practices (GAAMPs) will be used to determine standards for animal care. These can be reviewed at the following web site: www.michigan.gov/mdard.

Section 902 – Cruelty

- (a) Beating. No person shall beat, kick, hit, bite, burn or in any other manner cause an animal to suffer needlessly.
- (b) Injury. No person shall cause abusive injury to an animal.
- (c) Teasing. No person shall tease or entice a dog or other animal.
- (d) Alcohol. No person shall give an animal any alcoholic beverage unless prescribed by a veterinarian.
- (e) Incompatible Animals. No person shall allow animals, which are natural enemies, temperamentally unsuited, or otherwise incompatible to be quartered together or so near each other as to cause injury, fear, or torment. If two or more animals are trained so that they can be placed together and without attacking each other, or performing, or attempting any hostile act toward each other, such animals shall not be considered enemies.
- (f) Injurious Tack. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.
- (g) Proper Exercise. Working animals shall be given exercise proper for the individual animal under the particular conditions.
- (h) Working Sick Animals. No person shall work or use any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.
- (i) Bitch in Heat. No person having a bitch in heat shall permit her to be contained in a fashion which gives stray animals access to her or which permits her to escape.
- (j) Confinement. No person shall confine a dog on a chain, for more than four hours, unless the chain is 3 times the length of the dog, as measured from the tip of its nose to the base of its tail, and is attached to a harness or non-choke collar designed for tethering which allows the dog free access to suitable shelter.
- (k) Abandonment. No person shall abandon any animal.

Section 903. Exotic Animals. No person shall keep any exotic animal or type of animal which the Code Enforcement Officer may determine to be a hazard to the community. The definition of an exotic animal will be the definition used by the Michigan Department of Natural Resources which can be found on its website.

ARTICLE X – Public Spay/Neuter

Section 1001. General. The Animal Shelter shall establish a policy requiring the adopting person to have an alteration performed on animals being adopted.

ARTICLE XI – Enforcement and Penalties

Section 1101. Fines. Any person who violates this ordinance may be responsible for a municipal civil infraction violation punishable by a municipal civil infraction fine not to exceed \$500.00 and the costs of prosecution.

Section 1102. Enforcement. Any Allegan County Sheriff's Deputy, Code Enforcement Officer, or Agent is authorized to issue and serve municipal civil infraction citations if the Deputy, Code Enforcement Officer, or Agent has reasonable cause to believe that a person has committed a municipal civil infraction violation of this ordinance.

Section 1103. Violations Bureau. The 57th District Court in Allegan has been established as the Violations Bureau for the Municipal Civil Infraction violations.

Section 1104. Payment. All persons that receive citations will have thirty (30) days to contact the 57th District Court to pay the fine or contest the violation.

Section 1105. Contested Violations. If the defendant contests the violation, by contacting the District Court in writing, the District Court will schedule an informal or formal hearing and notify the Defendant.

Section 1106. Delinquent Citations. If the defendant takes no action, after thirty (30) days, the complaint citation will be considered delinquent. Upon determining that the citation is delinquent, the District Court will enter a default judgment against the defendant and begin collection procedures.

