

ANIMAL CONTROL ENFORCEMENT ORDINANCE

County of Gogebic, Michigan

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ANIMAL CONTROL ENFORCEMENT ORDINANCE

County of Gogebic, Michigan

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

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

ARTICLE I

PURPOSE

Deeming it advisable in the interest of protecting the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and in particular, Act 339 of the Public Acts of 1919, as amended, being Section 287.261-287.293 of the Compiled Laws of 1948

(MSA Sections 12.511-12.543), and to create the position of Animal Control Officer and define his duties, authority and responsibilities, and to regulate and control the conduct, keeping and care of dogs and certain other animals, livestock and poultry; the County of Gogebic, Michigan, does hereby adopt the following Ordinance:

ARTICLE II

DEFINITIONS

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

(a) ANIMALS. Unless otherwise stated, the word "Animal" as used in this Ordinance shall include birds, fish, mammals and reptiles, wild or domestic.

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

(c) POULTRY means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeders license pursuant to Act 191 of the Public Acts of 1929, as amended, being Sections 317.71 to 317.85 of the Compiled Laws of 1948 (MSA Sections 13.1271-13.1285).

(d) POLICE OFFICER means any person employed or elected by the People of the State of Michigan, or by any city, village, county or

township whose duty it is to preserve peace or to make arrests or to enforce the law, and includes game, fish, and forest fire wardens and members of the State Police and Conservations Officers.

(e) ANIMAL CONTROL OFFICER means any person employed by the County for the purpose of enforcing this Ordinance or state statutes pertaining to dogs or other animals as well as persons or deputies employed by the county to act in the Animal Control Division.

(f) OWNER. The term "owner" and "persons owning premises" shall mean both the owner of title of record and those occupying or in possession of any property or premises.

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

(g) PERSON. The word "person" shall include state and local officers or employees, individuals, corporations, co-partnerships and associations.

(h) KENNEL. The term "kennel" shall mean any establishment wherein or whereon four (4) or more dogs are kept for the purpose of breeding, boarding, sale, leasing or trading.

(i) RABIES SUSPECT ANIMAL. The term "rabies suspect animal" shall mean any animal which has bitten a human, or any animal which

has been in contact with or been bitten by a rabid animal, or any animal which shows symptoms suggestive of rabies.

(j) POUNDMASTER: CHIEF, ANIMAL CONTROL SERVICES.

DOG WARDEN: DOG CATCHER. The terms "Poundmaster", "Chief, Animal Control Services", "Dog Warden", or "Dog Catcher" are synonymous with "Animal Control Officer" and shall include the deputies of such person.

(k) DAY shall mean working days which shall include Saturday. It shall not include Sundays or Holidays.

(l) BOARD OF COMMISSIONERS shall mean the Gogebic County Board of Commissioners. TREASURER shall mean the Gogebic County Treasurer.

(m) PIT BULL TERRIER. The term "Pit Bull Terrier" shall mean any Staffordshire Bull Terrier, American Staffordshire Terrier, American Pit Bull Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breeding of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier, as to be identifiable as partially of the breed commonly known as Pit Bull Terriers by a qualified veterinarian duly licensed as such by the State of Michigan.

ARTICLE III

ANIMAL CONTROL OFFICER

DUTIES, AUTHORITY AND RESPONSIBILITIES

Section 1. An Animal Control Officer shall be appointed by the

Board of Commissioners and shall serve as Director of the Animal Control Department. Said person shall serve at the pleasure of the Board of Commissioners.

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

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

(a) The Animal Control Officer shall promptly seize, take up and place in the animal shelter all dogs 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 this state.

(b) The Animal Control Officer shall be authorized to have the power and it shall be his duty to issue appearance tickets, citations or summonses to those persons owning, keeping or harboring dogs or other animals contrary to the provisions of this Ordinance.

(c) It shall be the duty of the Animal Control Officer to destroy, in a humane manner, all impounded dogs or other animals which are not claimed and released within five (5) days after being impounded; provided, however, if in his judgment, said dog or other animal is valuable or otherwise desirable for keeping, the Animal Control Officer may release said dog or other animal to any person who will undertake to remove said animal from the county or keep said

animal within the county in accordance with the provisions of this Ordinance and the statutes of the state, including compliance with licensing and vaccination requirements, upon payment of the proper charge for the care and treatment of said animal while kept in the animal shelter, or the Animal Control Officer may, at the expiration of said five (5) day period, dispose of said dog, or other animal as approved by the Board of Commissioners and the County Health Department. Such regulations regarding the sale of animals from the animal shelter and boarding and other charges shall be posted in a conspicuous place at the animal shelter. The bodies of all animals destroyed at the animal shelter or elsewhere in the county shall be disposed of by the Animal Control Officer--in a manner approved by the Gogebic County Health Department and/or the Board of Commissioners and may be contracted out to third parties.

(d) The Animal Control Officer or any other law enforcement officer shall promptly investigate all wild or domestic animal bite cases involving human exposure and shall search out and attempt to discover the animal involved and shall either impound or quarantine it for examination for disease in accordance with the applicable provisions of this Ordinance and/or the statutes of the state. He shall be obliged to seize and impound any rabies suspect animal, either wild or domestic.

(e) The Animal Control Officer shall assume the duty (provided in Section 316 of Act 339 of the Public Acts of 1919, being Section 287.276 of the Compiled Laws of 1948; MSA Section 12.526) as amended to determine and locate all unlicensed dogs, to list such dogs, and to deliver said list to the Prosecuting Attorney for the necessary proceedings as provided by this Ordinance and/or the statutes of the state.

(f) The Animal Control Officer shall have the right to inspect any kennel, a license for which has been issued by the Treasurer pursuant to this Ordinance and the statutes of the state, and shall have the duty to suspend said license if in their opinion, conditions exist which are unhealthy or inhumane to the animals kept therein pending correction of such conditions, and further, shall have the duty to revoke said license if such conditions are not corrected within a reasonable period of time.

(g) The Animal Control Officer shall have the right to investigate complaints of dogs or other animals alleged to be dangerous to persons or property and shall have the right to seize, take up and impound such animals.

(h) The Animal Control Officer shall have the right to investigate complaints of cruelty to dogs or other animals, livestock or poultry and shall have the right to seize, take up and impound any dog or other animal, livestock or poultry which has been subject to such cruelty.

(i) The Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the Board of

Commissioners may from time to time provide.

Section 4. It shall be the further duties of the Animal Control Officer to enforce the provisions of this Ordinance and the statutes of the state pertaining to dogs and other animals, and he may make complaint to the appropriate District Court or other appropriate court in regard to any violation thereof.

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

Section 6. All fees and monies, if any there be, collected by the Animal Control Officer 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.

ARTICLE IV

LICENSING AND VACCINATION

Section 1. It shall be unlawful for any person to own any dog six (6) months old or over, unless the dog is licensed as hereinafter provided, or to own any dog six (6) months old or over that does not at all times wear a collar with a tag approved by the Director of the Michigan Department of Agriculture, attached, as hereinafter provided,

except when engaged in lawful hunting accompanied by its owner; or for any owner of any female to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly on a leash; or for any person, except the owner, to remove any collar and/or license tag from a dog; or for any owner to allow any dog when accompanied by their owner, while actively engaged to stray beyond the immediate control of its owner.

Section 2. On or before March 1 of each year, the owner of any dog six (6) months old or over, except as provided in Section 3 of this Article, shall apply to the county, township or city treasurer or his 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 last previous owner. Such application for a license shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. Dogs attaining the age of six (6) months after March 1, shall be licensed within seven (7) days of that date without penalty.

Section 3. No dog shall be exempt from the rabies vaccine requirements as herein set forth unless a registered and practicing veterinarian of the State of Michigan certifies, in writing, that such rabies vaccine would be detrimental to the health of said dog.

Section 4. The license fee for all dogs in accordance with this Ordinance shall be as follows:

(a) For all dogs, male or female, sexed or unsexed of the age of six (6) months old or over on or before March 1 of each and every year hereafter, shall be the sum of Two and no/100's Dollars (\$2.00) for neutered male or spayed female and Three and no/100's Dollars (\$3.00) for unneutered male or unspayed female.

(b) Dogs who attain the age of six (6) months after March 1 shall pay a fee in accordance with Section 4(a).

(c) Fees for leader dogs or dogs in training as such are hereby waived.

(d) The license fee for any dog which has not been obtained in accordance with paragraphs (a) and (b) above, shall be considered delinquent and such license fee throughout the balance of the year shall be Four and no/100's Dollars (\$4.00) for spayed or neutered and Six and no/100's Dollars (\$6.00) for unspayed or unneutered dogs.

(e) The dog license fees as herein established may be changed from time to time on or before November 1 of each year and for subsequent years by the rules and regulations pertaining to same as established by the Board of Commissioners.

(f) Current dog licenses issued by other counties within Michigan, and any other governmental agencies shall be honored in Gogebic County until the following March 1.

Section 5. No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred, upon proper notice, in writing, by the last registered owner, given to the Treasurer who shall note such transfer upon his records. Such notice shall be given within twenty (20) days of said transfer. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

Section 6. If the dog license tag is lost, it shall be replaced by the Treasurer, upon application by the owner of the dog, and upon production of such license and sworn statement of the fact regarding the loss of such tag. The cost of said replacement shall be fifty (\$.50) cents.

Section 7. Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required under this Ordinance and under the laws of the State of Michigan, apply to the Treasurer for a kennel license entitling him to own, keep or operate such kennel in accordance with the applicable laws of the state or as established by the rules and regulations for licensing fees by the Board of Commissioners.

Section 8. Any person who owns or operates a kennel shall, on or before March 1 of the year following such ownership, obtain a kennel

license from the Treasurer if the person qualified under Act 339, Public Acts of 1919, as amended. This section shall not apply to a litter of puppies when the mother of such, so long as said dogs are less than six (6) months of age. Failure to obtain either individual licenses or a kennel license shall be punished as set forth in the penalty provision of this Ordinance.

ARTICLE V
CONFINEMENT

Section 1. Any dog or other animal wild or domestic kept as a pet that shall bite a person, animal or livestock shall be securely confined by the Animal Control Officer at the Animal Control Shelter for a minimum of ten (10) days following the biting of such person, animal or livestock, and not be released until the expiration of said ten (10) day period and upon satisfactory evidence that said animal is not suffering from rabies. Said animal shall be kept at the animal shelter at the expense of the owner thereof. Any dog running loose after biting a person animal or livestock and whose owner cannot be determined, shall be confined for a period of ten (10) days at the animal shelter in accordance with the provisions of this Ordinance, or such regulations as are in effect at the animal shelter. *

Section 2. Every dog shall at all times between sunset and sunrise of the following day be confined upon the premises of its owner except when said dog is otherwise under the reasonable control of the owner.

ARTICLE VI

ANIMAL SHELTER AND IMPOUNDMENT

Section 1. All dogs and cats found running at large shall be seized by the Animal Control Officer, or other peace officers, and impounded for a period of not less than five (5) days, and may thereafter be sold or disposed of if not claimed by the owner, subject to the provisions of Article III of this Ordinance.

Section 2. When dogs or cats are found running at large, and their ownership is known to the Animal Control Officer, or other peace officers, such dog or cat need not be impounded but the Animal Control Officer, or other peace officer may, in their discretion, cite the owner of such dog or cat to appear in court to answer charges of violation of this Ordinance.

Section 3. Immediately upon impounding an animal, the Animal Control Officer shall make every reasonable effort to notify the owner of such animal so impounded and inform such owner of the conditions whereby custody of such animal may be regained pursuant to the regulations for the operation of the animal shelter.

Section 4. An owner may redeem an animal from the animal shelter by executing a written statement of ownership, furnishing a license and tag as required by this Ordinance and state law, providing proof of proper vaccination and paying the required fees posted at the animal shelter.

Section 5. The Board of Commissioners shall maintain an animal shelter for the purposes set forth herein.

ARTICLE VII

ENUMERATION OF CERTAIN VIOLATIONS AND PROCEDURE THEREFOR

Section 1. It shall be unlawful for:

(a) Any dog or cat of any age, licensed or unlicensed, wearing a collar or not wearing a collar, to run at large, provided, however, that a dog engaged in hunting need not be leashed when under the reasonable control of its owner.

(b) Any dog or cat of any age, licensed or unlicensed, wearing a collar or not wearing a collar, whether leashed or unleashed, except a leader dog accompanied by its owner, to be within the confines of any public park or other public place, by appropriate designation at its entrance, which prohibits such animals.

(c) Any dog or cat, at any time, licensed or unlicensed, to destroy property, real or personal, or to trespass in a damaging way on property of persons other than the owner.

(d) Any dog or other animal at any time, licensed or unlicensed, to attack or bite a person.

(e) Any dog to show vicious or malicious habits and molest passers-by when such persons are lawfully on public highways or public right-of-ways.

(f) Any owner of a dog to permit or enable his dog to violate the above provisions (a) through (e).

(g) Any person to own any animal which, by loud and frequent barking, howling or yelping, or other noises, is a nuisance in the neighborhood in which said animal is kept, possessed or harbored.

(h) Any person to remove a collar or tag from any dog without the permission of its owner, or to decoy or entice any dog out of an enclosure or off the property of its owner, or to seize, molest or tease any dog while held or led by any person or while on the property of its owner.

Section 2. No person shall possess, own, keep, or harbor a pit bull terrier within Gogebic County.

(a) In addition to the foregoing, any person violating this subsection shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by seizure of the dog for protection of the public and such other expenses required for elimination or storage of such dog.

(b) Any Animal Control Officer, Police Officer, Sheriff's Deputy or Officer authorized by law, may seize or arrange for the removal of

any Pit Bull Terrier from the County of Gogebic. If no arrangements are made by the owner of such animal for payment of such costs of seizure and impoundment or the removal of such animal from the County of Gogebic, within a period of five (5) days, then such peace officer may arrange for such animal to be destroyed in a humane manner.

Section 3. In the event of any such violations or of a violation of any other provision of this Ordinance or of the laws of the state, the Animal Control Officer, or other peace officer, may issue an appearance ticket, citation, or summons to the owner of said animal, or other person, summoning them to appear before a District Court or other appropriate court within the county to answer the charges made in violation of this Ordinance. The said Animal Control Officer, or other peace officer, may sign a complaint before said court for violation of the provisions of this Ordinance, and proceed to obtain the issuance of a warrant. A police officer shall make arrest of the person to whom said violation is charged and bring them before the court to answer the charges. The court may in such case, in its discretion, upon a finding of guilty, assess the penalties in accordance with the penalty provision of this Ordinance.

Section 4. In the event of any of such violations or of a violation of any other provision of this Ordinance or of the laws of the state, the Animal Control Officer, or other peace officer or any other person, may proceed to obtain authorization of the Prosecuting Attorney and make complaint before a District Court or other appropriate court within the

county and obtain the issuance of a summons similar to that provided in Act 339 of the Public Acts of 1919, being Section 287.280 of the Compiled Laws of 1948, (MSA Section 12.530, as amended), to show cause why such dog should not be killed. Upon such hearing, the judge may either order the dog killed, may order such dog to be sold or otherwise disposed of, or may order the dog confined to the premises of the owner, or may make such other order regarding the dog as he deems proper and necessary under the circumstances, in addition to any of the penalties enumerated herein. This section shall in no way affect the provisions of Article III, Section 3(c) of this Ordinance.

Section 5. Costs, as in civil cases, shall be taxed against the owner of the animal and collected by the court from the person complained against upon a finding of guilty. The provisions of this article shall be in the alternative to the provisions for violations set forth in Article IX and the Animal Control Officer, or other peace officer may, in his discretion, proceed under either section hereof.

ARTICLE VIII

PENALTY

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than One Hundred Dollars (\$100.00), or by both such fine and imprisonment, plus costs of prosecution.

ARTICLE IX

PRESERVATION OF CERTAIN RIGHTS

Section 1. Nothing in this Ordinance shall be construed to prevent the owner of a licensed dog from recovery in an action at law from any peace officer or any other person, except as herein provided.

Section 2. Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of an animal for damages committed by said animal.

ARTICLE X

TREASURER'S RECORDS AND DUTIES

Section 1. On April 1 of each year, the Treasurer shall make a comparison of his/her records of the dogs actually licensed in the county with the report of the Animal Control Officer to determine and locate all unlicensed dogs.

Section 2. On and after April 1 of each year, every unlicensed dog, subject to license under provisions 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 dog census returns and shall deliver copies of such lists to the Animal Control Officer 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 Section 287.277 of the Compiled Laws of 1948, (MSA Section 12.527, as amended).

Section 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 record shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses, the record 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 business is conducted. The record shall be a public record and open to inspection during business hours. The Treasurer shall also keep an accurate record of all license fees collected or paid by any city or township treasurer.

Section 4. In all prosecutions for violation of this Ordinance, the records of the Treasurer's office, or lack of same, showing the name of the owner and the license number to whom any license was issued, and the license's 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 XI

FEES AND EXPENSES

Section 1. Every township and city treasurer of Gogebic County, Michigan, shall receive the sum of twenty-five (\$.25) cents for each dog license issued for the issuing and recording of same. 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.

Section 2. The duties and obligations herein imposed upon the respective designated officials may be delegated to some other appropriate person or persons by each of said officials with like force and effect.

Section 3. 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 of the Board of Commissioners.

Section 4. All fees and expenses as herein provided for, shall be paid in accordance with Article XII of this Ordinance.

ARTICLE XII

RECEIPTS AND DISBURSEMENTS OF FUNDS

All fees and monies collected under the provisions of the Ordinance shall be transferred to the General Fund of Gogebic County, Michigan, in accordance with the standard practices of the Treasurer and the monies paid out in accordance with this Ordinance shall be drawn upon the General Fund of Gogebic County, Michigan.

ARTICLE XIII

CONSTRUCTION

Section 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 and neuter. 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 2. The regulations of this Code are minimum standards supplemental to the rules and regulations duly enacted by the Michigan Department of Health and Michigan Department of Agriculture, and to the laws of the State of Michigan relating to public health. Where any of the provisions of these regulations and the provisions of any other local or state ordinance or regulations apply, the more restrictive of any or all ordinances or regulations shall prevail.

Section 3. If any part of this Ordinance shall be held void, such part shall be deemed servable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

ARTICLE XIV

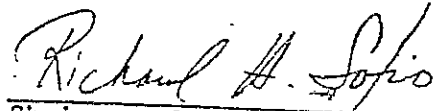
REPEAL

All Ordinances or parts of Ordinances inconsistent herewith are repealed.

EFFECTIVE DATE OF ORDINANCE

The Ordinance shall take effect sixty (60) days after the date of its adoption.

ADOPTED: September 17, 1986



Chairman, Gogebic County Board of Commissioners

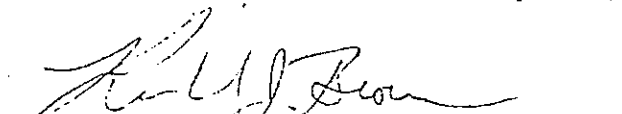


County Clerk

Certification

STATE OF MICHIGAN)
COUNTY OF GOGEBIC)

I, Richard J. Brown, Clerk of the Gogebic County Board of Commissioners do certify and set my seal to the above ordinance unanimously adopted by the said Board of Commissioners at its meeting held on the September 17, 1986.


Richard J. Brown, Clerk of the Gogebic County Board of Commissioners