

**ANIMAL CONTROL AND PROTECTION ORDINANCE
COUNTY OF CALHOUN, MICHIGAN
ORDINANCE NO. 6**

**ARTICLE I
PURPOSE**

The Board of Commissioners of the County of Calhoun 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 Sections 12.545 (21) - 12.545 (23)), 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 Calhoun County will best be served by adoption of "The Animal Control and Protection Ordinance."

**ARTICLE 2
DEFINITIONS**

"Abandonment" means an animal that is left unattended for a period in excess of 24 hours.

"Adequate Care" means the provision of sufficient food, water, shelter, sanitary conditions, 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

"Animal" means any vertebrate other than human beings. When used in this Ordinance, animal shall not include those animals considered exotic or wild.

"Animal at Large" means the unrestrained wandering or roaming of any animal on a public way or on property not owned or leased by its owner. Also includes animals on their owner's property not under direct control of the owner in populated areas, i.e. where homes are within 200 feet of each other.

"Animal Control Officer" means the person under the supervision of the County Sheriff who shall enforce this Ordinance and the laws of the State regarding animal control, dangerous animals, and protection of the people and animals of Calhoun County, and any other certified law enforcement official within his or her own jurisdiction within the County of Calhoun.

"Animal Shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.

"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.

"Board of Commissioners" means the Calhoun County Board of Commissioners.

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

"County" means County of Calhoun, State of Michigan.

"Day" means any day the Calhoun 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 other means can immediately affect or alter the actions of an animal so as to ensure that the animal does not trespass or otherwise violate this Ordinance.

"Dog" means an animal of any age solely of the species Canis 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 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.

"Feral" means an animal that is without owner - running in the wild.

"Four Months of Age" means a dog or a cat with permanent upper canine teeth visibly present unless the owner can document the exact age.

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

"Hunting" means allowing a dog to range freely within sight or sound 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.

"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, swine, and fur-bearing animals being raised in captivity.

"Mutilate" means to destroy or disfigure a body part.

"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 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 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 license pursuant to part 427 (breeders and dealers) of the Natural Resources and Environmental Act. 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 any reasonable person would conclude is likely to precipitate a bite or attack by an animal.

"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 shall be kept in your home or a secure structure that would not allow any other person or animal to come in contact with it except for family members. Animals may be quarantined at a veterinarian's office or the Animal Shelter.

"Rabies Suspect Animal" means any animal other than wildlife, 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, hearing impaired, or otherwise disabled under MCL 287.291; MSA 12.543 (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 floor.
- (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 by a licensed veterinarian.

"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

"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 and/or condition.

"Torture" means to cause either severe physical or mental suffering

"Treasurer" means the Treasurer of the County of Calhoun.

"Veterinarian" means a person licensed to practice veterinary medicine as required in or under the Public Health Code, Act No. 308 of the Public Acts of 1978 being 333.18811 of the Michigan Compiled Laws, such other applicable state or Federal law.

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

"Wild and Exotic" means any animal normally found in the wild irrespective of geographic origin, or any crossbreeds of these animals with domestic animals (50% wild/50% domestic), or any descendant of such crossbreeds which is 25% or more wild animal, and which because of its size or vicious propensity or other characteristic would constitute a danger to human life or domesticated animals. Wild/Exotic animals include, but are not limited to, the following: any venomous snake, python or constrictor snakes which because of size pose a potential danger to human life; monkey; raccoon; skunk; leopard; lion; tiger; lynx; bobcat; badger; fox; coyote; wolf; squirrel. Any canine with a genetic make-up of 25% or higher wolf, coyote, or fox shall be considered a wild animal.

**ARTICLE 3
ANIMAL CONTROL OFFICERS DUTIES
AUTHORITY AND RESPONSIBILITIES**

Section 3.1

The Sheriff shall direct the Animal Control Division and Animal Control Officer(s) in accordance with County budgetary and personnel policies.

Section 3.2

It shall be the responsibility of the Animal Control Officers and any other certified law enforcement official within his or her own jurisdiction within the County of Calhoun to enforce the provisions of this Ordinance

Section 3.3

The Animal Control Officers shall be deputized by the Sheriff as a peace officer or police officer to enforce this Ordinance and State statutes 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 Officers shall wear satisfactory identification when enforcing this Ordinance.

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 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 or the State. In the event the County Animal Shelter 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) Either seize and impound, or require its owner to quarantine, all domestic animals which are rabies suspects, for examination for disease in accordance with Article 9 of this Ordinance and/or the statutes of the State.
 - (1) In accordance with the provisions of this Ordinance, to enter upon private premises 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 at the officer's discretion, 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.
 - (2) Investigate complaints of dogs or other animals alleged to be dangerous to persons or property and take such actions as authorized by State statutes; including seizing, taking up, and impounding such animals.
 - (3) Investigate complaints of cruelty to dogs or other animals, livestock or poultry and to take such actions as authorized by State statutes; including, seizing, taking up and impounding any dog or other animal, livestock or poultry which has been subject to such cruelty.
 - (4) If authorized by the Treasurer, at all times 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 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 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 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 or the Treasurer's accounting system.
 - (5) 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 Sheriff.

**ARTICLE 4
SHELTER OPERATION, IMPOUNDMENT,
RELEASE AND DISPOSAL**

Section 4.1

The Sheriff or his designee shall operate and maintain, or alternatively contract with an existing shelter, to provide 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.

Section 4.2

An Animal Control Officer may impound and hold at a shelter any animal when it is the subject of a violation of this Ordinance, 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:

- (6) An animal bearing identification of ownership or whose ownership is otherwise known by Animal Control Personnel 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 Sheriff or his designee 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.
- (7) An animal whose ownership is not determinable shall be held a minimum of four (4) days after its impoundment.
- (8) 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:

- (9) Any animal impounded shall be released to Its owner 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
- (10) 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
- (11) 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
- (12) 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 Sheriff or his designee 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
- (13) 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:

- (14) The adoptive owner shall pay the applicable adoption fee.
- (15) 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; and
- (16) The adoptive owner shall sign a written agreement to sterilize an adopted dog or cat within 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 Officer may require return of the adopted dog or cat to the Animal Shelter.

Section 4.7

The Sheriff or his designee may decline to release an animal for adoption under any of the following circumstances:

- (17) The prospective adoptive owner has been convicted of the crime of cruelty to animals within the previous five (5) years;
- (18) The existence of other circumstances which, in the opinion of the Sheriff or his designee, 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. The license shall be issued for either one or three years, based on the preference of the dog owner, at a cost to be established by the County Board of Commission by resolution.

Section 5.2

- (a) The owner of any dog four (4) months old or older 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.
- (b) That the owner apply for a license by 1 of the following, at the owner's option:
 - (i) The last day of the month of the dog's current rabies vaccination every year.
 - (i) The last day of the month of the dog's current rabies vaccination, every third year.
- (c) Such application shall state the breed, sex, age, color, and markings of such dog and the name and address of the last previous owner.

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

Section 5.4

If an owner elects not to affix a license and collar to his or her animal, the owner assumes the risk that the animal control officer, in fulfilling his duties under the ordinance, will regard the animal as feral, abandoned, or unlicensed and therefore subject to seizure and disposition in accordance with this ordinance.

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 Calhoun County. The last registered owner shall notify the Calhoun 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 Calhoun 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 Calhoun County dog license tag is lost it shall be replaced upon payment of a replacement fee of one (\$1.00) dollar to the Calhoun County Treasurer's Office upon application by the owner of the dog, and upon production of such license and a signed statement of the fact 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 on or before the date required in Section 5.2

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 dog's 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 dog's 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 cost incurred will be paid by the owner of the dog.

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 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. All kennel licenses issued prior to December 31, 2018, shall run from April 1 until March 30 of the following year. New and renewal kennel licenses issued after December 31, 2018, shall run from January 1 until December 31. In the first renewal year after December 31, 2018, the Treasurer may pro-rate the approved annual fee to permit a December 31, expiration date.

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 Calhoun 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 within thirty (30) calendar days prior to the expiration date of a previously issued license, obtain a kennel license from the County Treasurer's Office, 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 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 obtain a kennel license prior to operations, or failure to renew an existing license prior to expiration of the license as provided in Section 6.1, will result in a doubling of the applicable fee and all dogs possessed on the grounds will be considered unlicensed dogs.

Section 6.4

The Animal Control Officer shall have the right to inspect any kennel in the County of Calhoun in order to determine whether said kennel is in compliance with this Ordinance and the State statute. 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 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 designated reasonable time.

Section 6.5

All licensed kennels shall be required to have double fencing and secured flooring. 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. The flooring shall be constructed in such a manner as to prevent animals digging out of the enclosure. Exceptions: 1) solid fence and 2) animals kept inside.

Section 6.6

All dogs kept under a kennel licenses shall be confined by enclosure as described in Section 6.5, not by tether.

Section 6.7

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 6.8

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 6.9

Any kennel dog four (4) months old or older must possess a valid rabies vaccination before a current kennel license shall be issued.

ARTICLE 7 WILD AND EXOTIC ANIMALS

Section 7.1

Any person who keeps, harbors, or allows to remain on his property a wild or exotic animal, shall:

- (3) Allow animal control to inspect the animals and the area they are being kept for the health and safety of the animals and the community. Inspections can be done at any time and as often as the officer deems necessary.
- (4) Maintain an adequate area depending on biological and social need of the species to prevent escape and to keep the animal safe and in sanitary conditions.
- (5) Provide vet care to keep the animal in good health.
- (6) Assure all liability for damage or injury caused by the animal.
- (7) If the animal escapes, it is the duty of the owner to report the escape immediately to the Sheriff and

to recapture the animal. However, if the animal poses a danger to the public safety, then Animal Control will assist at the owner's expense with whatever means are available to recapture the escaped animal, including the destruction of the animal.

- (6) Maintain all State and Federal permits required to keep this animal.
- (8) Comply with zoning laws of the area.

ARTICLE 8 PROHIBITIONS AND REGULATED CONDUCT

Section 8.1

It shall be a violation of this Ordinance to:

- (9) Permit any animal to engage in any of the behaviors described in Article 9 (Dangerous Animals).
- (10) Permit a dog in heat (estrus) to be accessible to a male dog except for intentional breeding purposes.
- (11) Permit 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.
- (12) Abandon any animal or cause an animal to be abandoned.
- (13) 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.
- (14) Physically mistreat any animal by deliberate abuse, by neglect to furnish adequate care and shelter, including veterinary attention, or by leaving the animal unattended for more than 24 hours without adequate care.
- (15) Offer as a prize or give away any live animal/fowl in any contest, raffle, promotional event, lottery, or as enticement for fund raising, or for entry into any place of business.
- (16) Allow any animal to leave the confines of any officially prescribed quarantine area.
- (17) Allow a dog not accompanied by its owner or owner 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.
- (18) Interfere with, hinder, resist, oppose, obstruct 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 Officer.
- (19) Fail to comply with the requirements of this Ordinance and of Federal and State statutes applicable to keeping of an animal or a facility where animals are kept.
- (20) Allow 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.
- (21) Remove a collar or tag from any dog or other animal without the permission of its owner, or 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.
- (22) Refuse to identify oneself or to give a false name to the Animal Control Officer for issuance of a citation under this Ordinance or the State Statutes

Section 8.2

It shall also be a violation of this Ordinance to:

- (23) 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.
- (24) Fail to provide water and food which would thus cause the animal to suffer thirst or hunger.
- (25) Kill any animal without just cause
- (26) Torture, mutilate, maim, beat, or disfigure an animal.
- (27) Allow an animal to be caged or chained in such a manner as to allow it to become tangled, injured or to suffer undue stress,
- (28) Restrain an animal so that the weight of the animal's tether does not allow the animal to comfortably raise his/her head or move.
- (29) Fail to keep an animal's area in good sanitary condition.
- (30) Confine an animal in such a fashion that the animal does not have a dry area to rest.
- (31) Confine or allow animals which are natural enemies, temperamentally unsuited or otherwise incompatible to be housed together or so near each other as to cause injury, fear, or torment.
- (32) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.
- (33) Keep a dog in a cage smaller than 32 square feet
- (34) Tether dog by a choke collar or leash less than 12 feet in length
- (35) To crop an animal's ears, dock a tail, or any other surgical procedure unless this procedure is done by a licensed veterinarian.

Section 8.3

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

- (36) In a state of emaciation.
- (37) Unable to rise and walk
- (38) Unable to urinate or defecate.
- (39) Crying out in pain.
- (40) Unable to eat or drink.
- (41) Suffering from unattended broken bones, wounds, burns or contusions.
- (42) Painful or difficult breathing.
- (43) Passing blood in urine, feces and/or vomit
- (44) Presence of maggots or infested with other parasites.
- (45) Severe skin disease.

Section 8.4

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 an ORV, a motorcycle or motorbike.

Section 8.5

It is unlawful for any person to transport or carry on any public roadway, any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle; or, if traveling in an unenclosed or partially enclosed vehicle (including, but not limited to convertibles, pick-ups and flat-bed trucks), shall be confined in a container case, or other device that is of proper and adequate size that will prevent the animal from falling from or jumping from the motor vehicle.

Section 8.6

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

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

Section 8.7

Reporting of found animals:

- (49) Any person who finds and harbors an animal without knowing the identity of its owner shall notify the Animal Shelter and furnish a description of the animal within two (2) business days of finding the animal.
- (50) 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 Division, the finder may adopt the animal in accordance with applicable laws.

Section 8.8

Any person in physical possession and control of any animal in a public and private place shall remove excrement or other fecal waste deposited by the animal in any public area not designated to receive these wastes, including, but not limited to the following: streets, sidewalks, parking strips and lots, and public parks.

ARTICLE 9 CONFINEMENT OF ANIMAL AFTER BITING

Section 9.1

Any dog or other warm blooded animal that shall bite 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 agencies 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 cost 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 by the owner of said animal to an Animal Control Officer, or when so directed, failure by the owner to deliver said animal to a veterinarian clinic for confinement, shall constitute a violation of this Ordinance.

Section 9.2

At the end of the required confinement period, the animal must be taken to the County Animal Shelter to be inspected, or it may be inspected at the location of quarantine, at the discretion of the Animal Control Officer, for visible health (i.e.: clear eyes, nose, general body condition) vaccinations, and current license if any required.

Section 9.3

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 10 CLASSIFICATION OF ANIMALS

Section 10.1

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 10.2

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) and (2) of this Section. An animal will be considered a dangerous animal if it exhibits behavior described in subsections (3), (4) and (5).

- (1) Level 1 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.
- (2) Level 2 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.
- (3) Level 3 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.
- (4) Level 4 behavior is established if an animal, while at large, aggressively bites or causes physical injury less than serious injury to any person or domestic animal.
- (5) Level 5 behavior is established if:
 - (a) an animal, whether or not confined, causes the serious injury or death of any person; or
 - (b) an animal, while at large, 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 3 or 4 dangerous animal repeats the behavior described in subsection (3) and (4) of this section after the owner receives notice of the classification level.
- (6) Notwithstanding subsection (1) through (5) of this section, the Officer shall have discretionary

authority to refrain from classifying an animal as potentially dangerous or dangerous even if the animal has engaged in the behaviors specific in subsections (1) through (5) of this section, if the Officer determines that the behavior was the result of:

- (a) A person trespassing on the property of the animal's owner.
- (b) A Person provoking or tormenting the animal.
- (c) 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.
- (d) An injury to the animal.

Section 10.3

Identification of Potentially Dangerous, Animals; Appeals; Restrictions Pending Appeal.

- (1) The Officer shall have authority to determine whether any animal has engaged in the behaviors specified in Section 9.2. This determination shall be based upon an investigation that includes a person's observation of and testimony regarding the animal's behavior, including the animal's upbringing and control of the animal. These observations and testimony can be provided by Calhoun County Animal Control Officers or by other witnesses who personally observed the behavior. They shall sign a written statement attesting to the observed behavior and agree to provide testimony, if necessary, regarding the animal's behavior.
- (2) The Officer shall notify the owner or agent in control by certified mail or personal service of the animal's behavior and classification as a potentially dangerous or dangerous animal and of the additional restrictions applicable to that animal by reason of its classification. If the owner denies that the behavior in question occurred, the owner may proceed pursuant to Act 426 of the Public Acts of 1988, as amended, being Sections 287.321 - 287.323 of the Michigan Compiled Laws (MSA 12.545 (1) - 12.545(3)).
- (3) Once the owner has received notice of the animal's classification as a Level 1, 2, 3 or 4 animal pursuant to Section 9.2, the owner shall comply with the restrictions specified in the notice.
- (4) If the Officer finds that an animal has engaged in Level 5 behavior, he shall order the owner to immediately turn the animal over to the Animal Control Shelter, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained until a hearing regarding the disposition of the animal. The owner shall notify the person who retains the animal of the pending hearing and shall notify the Animal Control Officer as to where the animal is to be held. The expense of the boarding, veterinary care and retention of the animal is the obligation of the animal's owner.
- (5) The imposition of regulations pursuant to this section shall not prevent the Officer from also filing a complaint with the District Court in accordance with Article 14.

Section 10.4

Regulation of Potentially Dangerous Animals: In addition to the other requirements of this Ordinance, the owner of a potentially dangerous animal shall comply with the following regulations:

- (6) If the animal has engaged in Level 1 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 Sheriff may adopt administrative rules establishing specifications for the required device or structure.
- (7) If the animal has engaged in Level 2 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.

- (3) If the animal has engaged in Level 3 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 Sheriff.
- (8) If the animal has engaged in Level 4 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.
- (9) Any animal that has been found to have engaged in Level 5 behavior as described in Section 9.2 may be euthanized upon a court order sought by Animal Control. 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.
- (10) To insure correct identification, all animals that have been classified as dangerous shall have an identification number tattooed upon the animal or a microchip placed in the animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification Tattoo Number shall be assigned to the animal by the Michigan Department of Agriculture and shall be noted in its records pursuant to Act No 309 of the Public Acts of 1939, being Sections 287.301 to 297.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink. The microchip shall be placed in the area recommended by the veterinarian in conjunction with the type of animal being micro chipped.

Section 10.5

Reporting of Potentially Dangerous or Dangerous Animal:

Any person who observes or has evidence of animal behavior as described in Section 9.2 shall forthwith notify the Animal Control Division.

ARTICLE 11 CONFINEMENT OF ANIMALS

Section 11.1

It shall be in violation of this Ordinance to:

- (11) Permit a dog to be unleashed or unattended and not on the property of its owner.
- (12) Permit 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, is displayed in an exhibition, or engaged in work they have been trained for or are being trained for.

(4) Permit any animal, except cats, to remain outside unattended if said animal is not confined by a leash, chain or fenced in yard in populated areas, i.e. where homes are within 200 feet of each other.

(1) Permit any animal to cause damage to property, real or personal, of, another

person. **Section 11.2**

Any person's animal, except cats, 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.

ARTICLE 12 PROTECTION OF PERSONS AND LIVESTOCK

Section 12.1

~~Any person, including a law enforcement officer, may kill any dog which he sees in the act of wounding any livestock or poultry, or attacking persons without provocation, and there shall be no liability on such person in damages or otherwise for such killing.~~

Section 12.2

Any dog that enters any field or enclosure which is owned by or leased by a person producing livestock or poultry outside of an incorporated city, unaccompanied by his owner or his owner's agent, shall constitute a trespass, and the owner shall be liable for damages.

ARTICLE 13 TREASURER'S RECORDS AND DUTIES

Section 13.1

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 Officer, to determine and locate all unlicensed dogs.

Section 13.2

On and after June 15 of each year, every unlicensed dog subject to license under the provisions of this Ordinance or the statutes of this 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 Officer and shall deliver copies of such list to the Animal Control Officer and the Director or 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 13.3

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 Officer.

Section 13.4

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 or a dog license or tag.

ARTICLE 14 FEES AND EXPENSES

Section 14.1

All fees collected under this Ordinance shall be deposited on or before the first of each month with the County Treasurer for placement in the Animal Control Fund. All fees shall be used for the purpose of offsetting the cost to operate and conduct the Animal Control program. The County Treasurer shall keep an accurate record of the Animal Control Fund.

Section 14.2

It shall be the duty of the Sheriff or his designee annually to make a census of the number of dogs owned by all persons in Calhoun County, Michigan, in accordance with statutes of the State. The Sheriff or his designee is hereby empowered to employ whatever personnel he 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 14.3

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 14.4

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 15
VIOLATIONS AND PENALTIES

Section 15.1

In the event of a violation of this Ordinance the Animal Control Officer, 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 15.2

Except for a violation of Section 5.1, 5.3, or Section 11.1 (1), 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 less than \$50 nor 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. The court shall have the authority to order the defendant to pay for any costs of the care, housing and veterinary medical care for an impacted animal victim, as applicable. Violations involving Level 5 (Article 9 Section 9.2 subsection 5) animals shall be handled pursuant to the Dangerous Animal Act 426 of 1988.

Section 15.3

If any violation continues, each day of violation shall be deemed a separate violation.

Section 15.4

As a part of the sentence for a violation of this Ordinance, the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation.

Section 15.5

A violation of Section 5.1, 5.3, or Section 11.1 (1), are Municipal Civil Infractions and shall be initiated by the issuance of a citation, and processed in the District Court, according to the provisions of Chapter 87 of the Michigan Revised Judicature Act, being MCL 600.8701. The fine for a violation of these sections of this ordinance shall be \$100.00 for the first offense and \$200.00 for a second or subsequent offense. In addition the Court shall impose costs, as provided in MCL 600.8727.

Section 15.6

A Municipal Civil Infraction citation issued for a violation of Section 5.1 or 5.3, shall be waived, and the case dismissed, if within 14 calendar days of the issuance of the citation the owner provides written proof satisfactory to the Calhoun County Sheriff, or his designee, that the owner has paid for and obtained a license for the dog identified in the citation. Upon notification to the District Court, the Municipal Civil Infraction shall be dismissed.

**ARTICLE 16
CONSTRUCTION**

Section 16.1

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 16.2

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 16.3

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

**ARTICLE 17
REPEAL**

Section 17.1

Any Calhoun County Ordinance or parts thereof inconsistent with this Ordinance is hereby repealed.

**ARTICLE 18
SEVERABILITY**

Section 18.1

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.

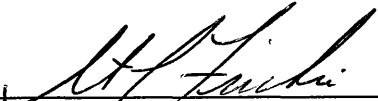
**ARTICLE 19
APPLICABILITY**

Section 19.1

This ordinance shall have full force and effect upon notice of the adoption by the Calhoun County Commission being published in a newspaper of general circulation in Calhoun County.

EFFECTIVE DATE OF ORDINANCE AND REVISIONS

This Ordinance and any revisions shall take effect when notice of the adoption is published in a newspaper of general circulation in Calhoun County.



Steven J. Frisbie,
Chairperson, Board of Commissioners



Shana Huerta,
Deputy County Clerk and
Secretary of the Board of Commissioners

Adopted May 7, 1973, Effective 60 days after adoption.
Approved by Governor March 19, 1974
Amended December 15, 1975 {Leader Dog License Exemption}
Amended October 17, 1977 {Adopted Revised Ordinance}
Amended December 30, 1977 {Deleted Article 10 concerning excessively noisy dogs}
Amended December 18, 1978 {Amended Article 4, Section 1(d)}
Amended Ordinance Fee Schedule on February 7, 1983, Effective 60 days after adoption.
Amended April 15, 1993, major revision. Adopted amended draft XII.
Amended December 19, 1996 {Removed the fee schedule from the ordinance. Fees to be set by Board Resolution}
Amended February 17, 2000, effective upon publication. Published in the Enquirer and News on March 20, 2000. {revised kennel standards
Amended January 17, 2019, effective upon publication. Published in Battle Creek Shopper News and Advisor and Chronicle on May 2, 2019. {Amended Articles 5, 6, 11 and 14 to decriminalize and create a new civil infraction for dog at large and unlicensed dog offenses; created rotating dog license expirations and made technical corrections.}