



Lapeer County Board of Commissioners

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POLICIES & PROCEDURES COMMITTEE

****CAFÉ RAY'S CONFERENCE LOWER LEVEL****

FRIDAY, FEBRUARY 9, 2024

10:00 A.M.

Committee Members: Gary Howell (Chair), Truman Mast, and William Hamilton

A-G-E-N-D-A

- 1) **CALL TO ORDER** BY CHAIRMAN GARY HOWELL
- 2) CONSIDERATION OF THE **AGENDA**
- 3) CONSIDERATION OF THE **MINUTES** FROM THE **NOVEMBER 22, 2023** POLICIES AND PROCEDURES COMMITTEE
- 4) REVISED DRAFT **ANIMAL CONTROL ORDINANCE AND FEE SCHEDULE** (*referred from the 11/22/23 Policies and Procedures Committee Meeting after legal review—Corporation Counsel will be present to review the changes they recommended—see attachment*)
- 5) **RUSS ADAMS, LAPEER E.M.S.** – DISCUSSION OF UPCOMING EMS MILLAGE BALLOT LANGUAGE DUE TO COUNTY CLERK IN APRIL
- 6) **REVISED B.O.C. RULES OF PROCEDURES** – LANGUAGE CLARIFICATIONS ON APPOINTMENT PROCESS AND OTHER MINOR CHANGES (see attachment)
- 7) **OLD/REFERRED/OR ADDITIONAL ITEMS** (if needed):
 - A)
 - B)

~Meets at the call of the Chair, As Needed~



POLICIES AND PROCEDURES COMMITTEE

NOVEMBER 22, 2023

***CONFERENCE ROOM 302 – ADMINISTRATION OFFICE, COUNTY COMPLEX
255 CLAY STREET, LAPEER, MI 48446***

Chairman Gary Howell called the meeting to order at approximately 1:00 p.m. in the Conference Room 302 in the Administration Office.

Members Present: Commissioners Gary Howell, Truman Mast, and William Hamilton.

Others: Moses Sanzo, County Administrator/Controller; Doreen Clark, Office Manager; Stephanie King, Animal Control Officer and Dave Eady (current temporary contractual staff at Animal Control and former Chief ACO)

AGENDA

Motion by Hamilton, supported by Mast, to approve the Agenda as presented. Motion carried unanimously.

MINUTES

The minutes from the October 19, 2023 Policies & Procedures Committee meeting were reviewed.

Motion by Mast, supported by Hamilton, to approve the minutes from the October 19, 2023 Policies and Procedures Committee meeting as presented. Motion carried unanimously.

ANIMAL CONTROL ORDINANCE

Stephanie King and Dave Eady from Animal Control were present to further discuss the newly simplified revised Animal Control Ordinance that they updated. Each change was reviewed and discussed. Several questions and questions followed regarding "vicious" and "nuisance" animal definitions and suggested changes were offered for clarification.

Chairman Howell asked Animal Control to make the final changes and once prepared, he will schedule another Policies & Procedures Committee Meeting for another review by the Committee.

Dave Eady expressed his concern for the staff's safety after the dog bite incident that occurred yesterday at the Animal Control building due to a dog that reacted viciously because it was scared and how updates to the building could eliminate this problem with an intake area. It was noted that building changes should be addressed by the Properties Committee.

SOCIAL MEDIA POLICY UPDATE

Moses Sanzo gave an update on the implementation of the Social Media Policy after recently meeting with the Chief Judge regarding the “court employees” as they are co-employers with the County. Mr. Sanzo stated that some minor language clarifications will need to be made but he would like to have this reviewed by the new legal counsel in January too before bringing it back to the Policies and Procedures Committee. Brief discussion followed.

ADJOURN

Motion by Hamilton, supported by Mast, to adjourn the meeting. Motion carried unanimously. 2:10 p.m.

Gary Howell, Chairman
Lapeer County Policies and Procedures Committee

Minutes prepared by: Doreen Clark, Office Manager

LAPEER COUNTY ANIMAL CONTROL ORDINANCE

ENROLLED ORDINANCE NO. 2024~~3~~
TABLE OF CONTENTS

PURPOSE	ARTICLE	I	PAGE 2
AMENDMENT	ARTICLE	II	PAGE 2
DEFINITIONS	ARTICLE	III	PAGE 2-6
ANIMAL CONTROL OFFICERS	ARTICLE	IV	PAGE 6
FACILITY SHELTER OPERATIONS	ARTICLE	V	PAGE 7-8
ADOPTION	ARTICLE	VI	PAGE 8-9
DOG LICENSING	ARTICLE	VII	PAGE 10-11
KENNEL LICENSES	ARTICLE	VIII	PAGE 11-12
ANIMAL BITES	ARTICLE	IX	PAGE 12
ORDINANCE VIOLATIONS	ARTICLE	X	PAGE 13-18
NUISANCE ANIMALS	ARTICLE	XI	PAGE 19
FOUND FEEDING FERAL CAT ORDINANCE	ARTICLE	XII	PAGE 19
WILD & EXOTIC ORDINANCE	ARTICLE	XIII	PAGE 20
REPORTING FOUND ANIMALS	ARTICLE	XIII I	PAGE 20-21
LIVESTOCK DAMAGE CLAIMS	ARTICLE	XIII I V	PAGE 21
ANIMAL CRUELTY	ARTICLE	XV I	PAGE 21
SEVERABILITY	ARTICLE	XVII I	PAGE 21
CONSTRUCTION	ARTICLE	XVII I	PAGE 21-+22
SAVINGS CLAUSE	ARTICLE	XVIII I	PAGE 22
EFFECTIVE DATE	ARTICLE	XVIII I X	PAGE 22

LAPEER COUNTY ANIMAL CONTROL ORDINANCE

ARTICLE I PURPOSE

The Board of Commissioners of the County of Lapeer recognizes that Act number 339 of the Public Acts of 1919, as amended, being Sections 287.261-287.290 of the Michigan Compiled Laws (hereinafter MCL), Act number 426 of the Public Acts of 1988, being MCL 287.321-287.323, and Act number 368 of the Public Acts of 1978, being MCL 333.1101-333.25211, constitutes state law for the regulation of dogs. The Board finds 1) that it is necessary to establish and implement a program for the licensing and regulation of dogs and other animals and facilities that house them, 2) that animals require legal protection, 3) that the property rights of owners and non-owners of animals should be protected, and 4) that the health, safety, and welfare, of people in Lapeer County would best be served by adoption of such an ordinance, which shall be cited as "The Lapeer County Animal Control Ordinance."

ARTICLE II AMENDMENT

The provisions of this Ordinance amend and supersede the provisions of the Animal Control Ordinance that was adopted by the Lapeer County Board of Commissioners on August 14, 2008 (BOC Motion #267-08).

ARTICLE III DEFINITIONS

A) "Abandonment" to abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or keeper while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or keeper has made a reasonable effort to locate the animal. An animal shall also be considered abandoned if left at animal control for at least 7 consecutive days.

A) "Animal Control" means the animal kennel facility used by Lapeer County to house stray or unwanted animals.

B) "Animal" means any living creature, except humans and plants. "Animal" includes any mammal, bird, reptile, snake, crustacean, or any other vertebrate or invertebrate.

C) "Animal at large" means any animal that:

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- 1) Is not physically restrained on private property (including motor vehicles) with permission of the property owner, in a manner that physically prevents that animal from leaving that property or reaching any public areas, or
- 2) When not in compliance with subsection 1, is not restrained by a leash, tether or other physical control device not to exceed six (6) feet in length and under the physical control of a person.

D) "Animal Control Officer " means any person employed by Lapeer County for the purpose of enforcing this Ordinance or state statutes pertaining to control of dogs or other animals; this person must have Animal Control certification as prescribed by Department of Agriculture, and Michigan Association of Animal Control Officers.

F) "Adequate care" is the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

↩

GH) "Kennel Officer" means any person employed by Lapeer County for the purpose of cleaning, recognizing disease, and ensuring the welfare of animals impounded and held under County control.

H) "Chief Animal Control Officer" means a person employed by Lapeer County, under the direction of the County Controller/Administrator or any other agency designated by the Board of Commissioners, who oversees the operation of the Animal Control Division and Officers.

I) "Commercial Kennel" means any facility except a duly licensed pet shop wherein or whereon three or more licensable animals are kept for breeding, sale, boarding or training purpose for remuneration.

J) "Dangerous Animal" means a dog or other animal that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

- (i) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
- (ii) An animal that bites or attacks a person who provokes or torments the animal.
- (iii) An animal that is 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.

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J) "Day" means any day the Lapeer County governmental offices are scheduled to conduct business. This shall include Saturdays, but does not include Sundays or holidays designated by the Board of Commissioners.

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K) "Euthanasia" means putting an animal to death in a humane manner.

L) "Exotic Animal" means any animal that is not commonly domesticated, or that is not native to the State of Michigan, and/or the United States or that, irrespective of geographic origin, is of a wild or predatory nature, or that because of its size or other characteristics would constitute an unreasonable danger to human life or property if not kept maintained or confined in a safe and secure manner. ~~It This Definition does not include such animals kept in bona fide public zoos, licensed laboratories or viruses where the custody is under the care of an attendant at all times, to assure that such where such animals are securely confined.~~

M) "Farm" means the land, buildings and machinery used in the commercial production of farm products.

N) "Farm Operation" means a condition or activity that occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides and use of labor.

O) "Foster Home" means facilities that are licensed by the Michigan Department of Agriculture or the Animal Control in that county for the purpose of holding animals for medical, judicial, pre-adoption under the direction of the above agency. Foster homes are not authorized to hold stray animals.

P) "Harboring or Keeping" the act of any person allowing an animal to remain and be lodged within his or her house, store, building, enclosure, or premises for three (3), or more, consecutive days.

Q) "Livestock" means farm animals used for human food and fiber, or any animal regulated by the Michigan Right to Farm Act (MCL 245.471, et seq). Livestock includes, but is not limited to, 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. Livestock does not include animals that are human companions, such as dogs and cats.

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R) "Leash or Lead" ~~a thing, cord, rope, chain, tether, or other physical control device or similar tether which holds an animal in restraint and which is not more than six (6) feet in length.~~

S) "Owner"

"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.

~~any of the following:~~

- ~~(i) Any person having a right of property in an animal;~~
- ~~(ii) An authorized agent of the person having a right of property to an animal;~~
- ~~(iii) Any person who keeps or harbors an animal or has it in his or her care, custody or control;~~
- ~~(iv) Any person who permits an animal to remain on or about the premises occupied by him; or her~~
- ~~(v) Any person who has the apparent authority to have a right of property in an animal;~~
- ~~(vi) Any person having control or purporting to have control over an animal;~~
- ~~(vii) Any person named in the licensing records of any animal as an owner;~~
- ~~(viii) The occupant of the premises where the animal is usually kept if such premises are other~~
- ~~(ix) than the premises of the owner as shown on the licensing records.~~
- ~~(x) The parent or guardian of an owner under 18 years of age shall be deemed the owner as defined in this section.~~

~~If an animal has more than one owner even if the animal was in possession of or under the control of a keeper at the time of the offense.~~

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

U) "Person" means any natural person association, partnership, firm or corporation.

~~V) "Proper Enclosure" means: an enclosure that is constructed and at all times maintained in such a manner as to effectively prevent the animal from escaping the confines of the enclosure.~~

~~1. Each Proper Enclosure Shall:~~

- ~~a. Have secure sides and a top enclosure;~~
- ~~b. Have a secure floor attached to all sides of the enclosure or embedded in the ground no less than two feet;~~
- ~~— Include measures designed to prevent the entry of young children into the enclosure and;~~
- ~~c. Comply with all other pertinent local ordinances, including but not limited to, the size and height of the enclosure, set back, location and lot coverage.~~

Commented [BK1]: Removed because there is no penalty in the Ordinance for failure to maintain a proper enclosure or context for when this would be enforced. We can add back to a different section but more information is required.

W) "Nuisance Animal" means 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 limited to: biting or otherwise making physical contact with a person or other animal in a harassing manner; urinating or defecation without the collection by the owner or keeper, damaging inanimate personal property, that molests passers by or passing vehicles, is repeatedly at large or not under restraint, barks, whines or howls in an excessive, continuous untimely manner. An animal that consistently deprives other residents of their rights to peaceful enjoyment of their property.

X) ~~"Dangerous Animal" means any animal that has been found to have engaged in any of the behaviors specified in the Michigan Dangerous Animal Act, MCL 287.321 et. seq.~~

Y) ~~"Vicious Animal" means a dog or other animals with a known tendency, or dispositions to display aggressive behaviors to a person or domestic animals resulting in a bite or scratch or other actions that may be a threat as determined by an Animal Control Officer to another person or domestic animals safety.~~

Z) ~~"Poisoning Animals" no person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any domestic animal, livestock or bird. Exclusions are poisoning of rodents and wildlife nuisance.~~

AA) ~~"Wild Animal" an animal that is native or non-native to the State of Michigan, or that irrespective of geographic region, belonging to a nondomestic species and includes any such nondomestic species of animal which is kept or has been born in captivity.~~

"Exotic" or Wild Animal" means an animal that is native or non-native to the United States.

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

CC) "Serious Injury" means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person including injuries that require medical treatment.

DD) "Treasurer" means the Lapeer County Treasurer.

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

Commented [BK2]: Struck as we can likely regulate this type of issue under the "dangerous animal" standard of state law. To be discussed with the subcommittee.

Commented [BK3]: This would be appropriate to put elsewhere in the Ordinance with a penalty attached (I've moved it to the violation section).

~~FF) "Wild Animal" an animal that is native to the State of Michigan, or that irrespective of geographic region, belonging to a nondomestic species and includes any such nondomestic species of animal which is kept or has been born in captivity.~~

ARTICLE IV

ANIMAL CONTROL OFFICER DUTIES, AUTHORITY AND RESPONSIBILITIES

A) The Lapeer County Board of Commissioners may employ a Chief Animal Control Officer who shall direct the Animal Control Division and Animal Control Officers as necessary and in accordance with County budgetary and personnel policies.

B) Animal Control Officers shall be responsible for enforcing the provisions of this Ordinance under the laws of the State of Michigan that govern the control and well-being of animals. This includes, but is not limited to, the issuance of a ticket, citation or summons to any person if probable cause exists to believe he or she is in violation of this Ordinance or applicable State law, and filing a complaint with the 71A District Court regarding the same pursuant to the Dog Law of 1919, Act 220 of 1919 encoded into MCL 287-289a or any other laws that may take effect after adoption of this ordinance.

C) Animal Control Officers, when enforcing this Ordinance, shall bear identification reflecting the authority under which they act, which identification shall be shown to any person requesting it.

D) No person or persons shall knowingly interfere with an Animal Control Officer rightfully engaged with animal control duties. The violator of this section shall be guilty of a misdemeanor and upon conviction shall be imprisoned for not more than ninety (90) days and fined in an amount not to exceed \$~~500.00~~ 4,000.00 and/or required to perform ~~not more than 240 hours of community service~~ hours.

Commented [DV4]: Penalty changed to be consistent with State Law

Commented [DV5]: Violation changed to be consistent with State Law.

ARTICLE V

ANIMAL CONTROL OPERATION, IMPOUNDMENT, RELEASE AND DISPOSAL

~~A)~~ A) The Chief Animal Control Officer shall operate and maintain an adequate facility as the Lapeer County Animal Control to receive, care for and safely confine any animal in the Officer's custody under provisions of this Ordinance. The Animal Control facility shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals.

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

C) An Animal Control Officer may enter upon private premises except a building designated for and used for residential purpose, for the purpose of inspecting same to determine the harboring, keeping or possessing of any dog(s) or other animal(s) and whether the owners of said animals have complied with the appropriate provisions of this Ordinance and the Statutes of the State. The provisions of this subsection shall specifically include, but not be limited to, investigation of or seizure for cruelty to animals.

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B) An Animal Control Officer may impound and hold at the Animal Control facility any of the following:

1. Unlicensed dogs;
2. Dogs that are running at large or that are not on a leash or lead while off the owner's property.
3. Stray, unwanted, or abandoned animals or animals for which the owner has been charged with abuse or abused animals;
4. Animals which the owner or custodian of is not able to care for properly as a result of illness, incapacity or indigency.
- 5-4. Any Animal that meets the definition of a dangerous animal, vicious animal, wild animal or exotic animal.

~~C) Private Property: An Animal Control Officer under emergent imminent threat to public safety is authorized to secure any animal on any property, public, or private in conjunction with the fulfillment of the duties and responsibilities in this ordinance where probable cause exists to believe a distressed or endangered animal is in need of immediate care, control, or custody with a search warrant obtained.~~

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

E) Impoundment is subject to the following holding period and notice requirements:

1. An animal bearing identification of ownership or whose ownership is otherwise known shall be held for a minimum of seven (7) days after its impoundment unless otherwise allowed by Court order. An Animal Control Officer shall make reasonable effort to give notice of the impoundment to the owner by phone within 24 hours of impoundment and shall document the same. If unsuccessful, the officer shall mail written notice by certified mail within 48 hours of impoundment advising the owner of the impoundment, the date by which redemption must be made and fees payable prior to redemption release.
2. An animal whose ownership is not determined shall be held for a minimum of four (4) days after its impoundment pursuant to MCL 287-388.
3. Animals held for periods prescribed under this section and not ~~redeemed by~~ redeemed by their owners shall be subject to disposition.

F) Disposition of impounded animals shall be made in the following manner:

1. Any impounded animal shall be released to its owner or the owner's authorized representative 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 control facility and if the owner is in compliance with provisions of this Ordinance and statutes of the State including licenses and vaccination requirements.
2. Any animal held for the prescribed period and not redeemed by its owner, and which is neither a potentially dangerous animal nor in a dangerous condition of health, may be released for adoption subject to provisions of Article VI.
3. Any animal held for the periods prescribed under this section without redemption or adoption shall be disposed of as authorized by Federal, State, Local Laws, and County Policy, except that livestock and poultry may be sold in accordance within the provision of this Ordinance and statutes of this State.
4. Provisions of this section regarding holding periods do not apply to any animal that is sick or injured to the extent that the holding period would cause the animal undue suffering in the judgment of an Animal Control Officer, or to any animal voluntarily delivered to the animal control facility shelter by the owner thereof requesting humane destruction. Such animals may be disposed of by euthanasia at any time.

ARTICLE VI ADOPTION

A) A dog or cat may be released for adoption by an Animal Control Officer under the following terms and conditions:

1. An Animal Control Officer has determined that the dog or the cat does not have an owner.
2. An Animal Control Officer has determined that the dog or the cat is not a dangerous animal.
3. An Animal Control Officer has obtained a written agreement from the prospective owner, which states that the prospective owner will have the dog or the cat spayed or neutered within thirty (30) days of adoption or upon reaching the age of sexual maturity, whichever occurs first.
4. An Animal Control Officer has collected a fifty dollar (\$50.00) deposit from the prospective owner, which shall be refundable to the prospective owner upon the

provision of written proof that the dog or cat which was adopted has been spayed or neutered by a licensed veterinarian.

5. If the prospective owner fails to comply with the terms of the written agreement and fails to have the dog or cat spayed or neutered as described in this Ordinance, the prospective owner shall forfeit the fifty dollar (\$50.00) deposit. An Animal Control Officer may further charge the prospective owner with a civil infraction as provided in Article X of this Ordinance. An Animal Control Officer may further seek the return of the dog or the cat to the Animal Control facility as provided by the Michigan Pet Shop and Animal Shelter Act, MCL 287.338 et seq and rules promulgated there under.

B) An Animal Control Officer may decline to release an animal for adoption under any of the following circumstances.

1. The prospective adoptive owner has been convicted of the crime of cruelty to animals within the previous five (5) years.
2. The prospective adoptive owner has, in the opinion of an Animal Control Officer, inadequate or inappropriate facilities for keeping the animal or providing proper care to the animal.
3. Other circumstances exist that, in the opinion of an Animal Control Officer, would endanger the welfare of the animal or health, safety or welfare of people.
4. The animal does not meet the evaluation set forth by an Animal Control Officer. This determination may be appealed as set forth in the adoption policy.
5. The prospective owner indicates that he or she will not comply with the provisions of this Ordinance.

ARTICLE VII DOG LICENSES, RABIES VACCINATION, AND LICENSE TAGS

A) Beginning at the age of four (4) months and continuing thereafter for the life of the animal, all dogs that reside in Lapeer County must be licensed by Lapeer County Animal Control in accordance with the provisions of this Ordinance. The fees for licensing a dog in Lapeer County shall be established by the Lapeer County Board of Commissioners, as

published in the Lapeer County Fee Schedule. In order to obtain a dog license, the owner must provide written proof (certification) that the dog has been vaccinated for rabies. The certification must be signed by a licensed veterinarian, and shall be considered valid for the period of time stated therein, not to exceed three (3) years from the date the rabies vaccination was performed.

B) All dogs that have been licensed in Lapeer County shall display on or about their collar a license tag as provided by Lapeer County Animal Control.

C) A dog license shall be considered valid for a period of one (1) year or three (3) years. The anniversary date of the license shall coincide with the date upon which the dog first received a rabies vaccination. An owner shall be required to renew a dog license on a yearly basis, within thirty (30) days of the anniversary date. A failure to renew the license within thirty (30) days of the anniversary date shall subject the owner to a license delinquency fee as established by the Lapeer County Board of commissioners, and published in the Lapeer County Fee Schedule.

D) A three (3) year dog license may be obtained at the owners request if the rabies vaccination is valid for the entire 3 years. If the rabies vaccine expires within the three (3) year period the owner would only be allowed to purchase a one year license. Cost of license(s) would be as set forth in the fee schedule of Lapeer County. This fee is non-refundable.

E) License and License tags are assigned to individual dogs and are not transferable to other animals. They shall remain with the dog upon transfer to another owner for the life of the license, except that upon transfer to another owner within Lapeer County the last registered owner shall notify the Animal Control Division 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, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

F) Transient dogs in Lapeer County must be licensed in the county in which the owner resides Residents who are new to Lapeer County and who possess a dog or dogs which have been licensed outside of Lapeer County will be given ninety (90) days from the time they move into the County to obtain a Lapeer County Animal License. The anniversary date for the license of a dog that has moved to Lapeer County shall be the date upon which the original license was issued, consistent with the date of the dog's rabies vaccine.

G) Any person requesting a license for a sexually altered animal must present a certificate of sterilization signed by a licensed veterinarian that the animal has been surgically altered.

H) If a license tag is lost, it shall be replaced for a fee as set forth by the Lapeer County Board of Commissioners, and published in the Lapeer County Fee Schedule. The owner shall provide proof that the dog is licensed and shall sign a statement that the tag has been lost.

I) License fees shall be waived for any animal that is certified and actively working, such as a graduate leader dog, police dog, or hearing impaired companion dog. Foster dogs will be required to be licensed in Lapeer County.

J) If a person obtains a new dog, the dog must be licensed within thirty (30) days of its acquisition. Failure to obtain a dog license within thirty (30) days shall subject the owner to penalties as stated in Article X and a license delinquency fee as established by the Lapeer County Board of Commissioners, and published in the Lapeer County Fee Schedule. Proof of new ownership must be shown at the time of application, in receipt from signed by the previous owner(s).

K) No dog shall be exempt from the rabies vaccine requirements for licensing unless a licensed veterinarian certifies in writing that such a rabies vaccine would be detrimental to the health of said dog. An Animal Control Officer shall approve the same in writing, shall issue a certificate authorizing the owner of said dog to obtain the license without rabies vaccination, and such dog shall be licensed by the Animal Control Division accordingly.

L) The provisions of this Ordinance do not prevent any Township, Village, City or other unit of government in Lapeer County from Adopting an ordinance for the control and licensing of cats within its jurisdiction.

ARTICLE VIII DOG KENNEL LICENSES

A) Any person who owns or keeps multiple dogs may, in lieu of obtaining individual licenses as required under this Ordinance and under the statutes of the State, apply to the Animal Control Division for a commercial kennel license. After approval from the local municipality.

B) A commercial kennel license shall entitle a person or persons to own, keep or operate a commercial kennel for the boarding, breeding, or selling of dogs in accordance with the applicable laws of the State of Michigan and local ordinances as follows.

1. Any person who owns, keeps or operates a kennel at any single location within the boundaries of Lapeer County shall, within thirty (30) calendar days prior to the start of such operation, obtain a kennel license from the Animal Control Division.
2. The application must be accompanied by the applicable fee for the same, but proof of vaccination against rabies shall not be required when applying for a commercial kennel license.
3. An Animal Control Officer shall issue such license upon proper application if the kennel is in compliance with Section 10 and 11 of Act 339 of the Public Acts of 1919, as amended, being MCL 287.270, and 287.271, and the issuance of the license is not in

conflict with any applicable ordinance of the city, village, or township in which the kennel will be located.

4. Commercial kennel licenses shall be renewed prior to June 1st of each year.
 5. Failure to apply for a commercial kennel license within the prescribed time limit will result in a delinquent fee being charged as established by the Lapeer County Board of Commissioners, and published in the Lapeer County Fee Schedule.
- C) An Animal Control Officer shall have the right to inspect any commercial kennel, upon request, in the County of Lapeer in order to determine whether said kennel is in compliance with the Ordinance and the statutes of the State. Kennel licenses may be suspended if, in an Animal Control Officer's opinion, conditions exist that are unhealthy or inhumane to the animals kept therein pending correction of such conditions, and may be revoked if such conditions are not corrected within a designated reasonable time.

ARTICLE IX REPORTS OF ANIMAL BITES

- A) The owner of an animal that has attacked, bitten, or scratched a person or another animal shall report that attack to an Animal Control Officer
- B) Every animal that has attacked, bitten, or scratched a person shall be impounded and quarantined for a period of ten (10) days, or as directed by an Animal Control Officer. Such quarantine shall be at the owner's residence, the animal control facility, a veterinarian clinic, or such other place as designated by an Animal Control Officer. The owner shall surrender the animal to the Animal Control Officer upon request.

ARTICLE X ORDINANCE VIOLATIONS, ENFORCEMENT, AND PENALTIES

- A) Unless otherwise stated herein or prescribed under Michigan law, the penalty for violation of any provision of this Ordinance shall be as follows:

1. ~~As to the first~~Unless otherwise stated in this Ordinance, first offense violations shall be a civil infraction of \$_____, or ~~Second offense, the~~violations shall be a civil infraction in the amount of \$_____, ~~and upon a finding of responsibility the violator shall be fined as set forth below. Additional fines shall be charged per animal.~~

Commented [DV6]: Amounts need to be set. I suggest \$150 and \$300 since misdemeanor Should be \$500

2. ~~As to the T~~third or subsequent offense, ~~the~~ violations may be a misdemeanor, and upon conviction the violator shall be imprisoned for not more than ninety (90~~9~~) days, fined in an amount not to exceed \$~~1,000-500~~00, and/or required to perform ~~not more than 240 hours of~~community service ~~hours~~.

~~3.3.~~ In addition, court costs may be levied against any person determined to be guilty of or responsible for a violation.

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4. The classification of an offense as a civil infraction or misdemeanor under this Ordinance shall not preclude the Lapeer County Animal Control Division and its officers, the Prosecuting Attorney, the Attorney General, or any other law enforcement officer from electing to prosecute the offense or offender under any other applicable state law.

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B) Tickets, citations or summonses for violation of this Ordinance may be issued by any Animal Control Officer or other peace officer upon probable cause to believe that a violation has occurred. It is not necessary that the violation be witnessed by an Animal Control Officer or other peace officer. This provision is not intended to and should not be construed to effect in any way the right of an Animal Control Officer, other peace officer, or prosecutor to take action under applicable State law for a violation thereof.

C) If the recipient fails to appear before the District Court to answer the ticket, citation or summons, an Animal Control Officer or other peace officer may obtain a default judgment against the recipient or the issuance of a bench warrant for the arrest of the recipient to bring said person before the Court to answer the charges.

D) Fines levied against violators found responsible or guilty by the District Cecourt shall be placed into the fund of Animal Control. Such funds shall be used and authorized by the Lapeer County Controller/Administrator and/or Board of Commissioners for the purpose of animal control enforcement.

E) For the purposes of this Article, the term "permit" shall include human conduct that is unintentional, deliberate, careless, or negligent in relation to an owned animal.

F) It shall be unlawful for any person to:

~~F1) It shall be unlawful for any person or owner to 1. p~~Permit any animal to be at large or to stray beyond the property of such person unless such animal is restrained by a leash or unless such animal is engaged in lawful hunting or hunting practice and is accompanied by a responsible person.

~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE \$100~~

~~SECOND OFFENSE \$500~~

~~F2) 2.~~ Permit any animal to trespass upon property or to cause damage to property, real, or personal, of another person.

~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE \$100~~

~~SECOND OFFENSE \$500~~

~~F3) Violation of keeping or breeding an exotic or wild animal within the County of Lapeer or violating any restrictions on such animal's custody. All exotic and wild animals must be registered with Lapeer County Animal Control. Failure to register and/or breed.~~

Commented [DV7]: This is regulated below in Exotic Animal Article

~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE \$100~~

~~SECOND OFFENSE \$500~~

~~F4) Engaging in any of the activities prohibited by Act 328 of the Public Acts of 1931, section 750.49 relating to animals owned, possessed, trained or used for fighting, baiting or target shooting.~~

~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE \$500~~

~~SECOND OFFENSE \$1000~~

Commented [DV8]: Most of the activities prohibited by this MCL are felonies. This should be taken out and tickets can be written under State Law.

~~F5) 4.~~ Permit any animal unreasonably to cause annoyance, alarm or noise disturbance at any time of the day or night by repeated barking, whining, screeching, howling, braying, or other like sounds that may be heard beyond the boundaries of the owner's property.

~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE — \$50~~
~~SECOND OFFENSE \$100~~

F6) 5. Permit an animal to be confined 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 temperature, or lack of food, water or attention.

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~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE — \$200~~
~~SECOND OFFENSE \$500~~

F7) 6. Abandon any animal in or upon any sidewalk, street, alley, road, public right of way, park or other public property, or in or upon the property of another person.

~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE — \$500~~
~~SECOND OFFENSE \$1000~~

F8) 7. Knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to any animal except rodents or nuisance wildlife.

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~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE — \$100~~
~~SECOND OFFENSE \$200~~

F9) 8. Physically mistreat any animal either by deliberate abuse or by neglecting to furnish adequate care and shelter including veterinary attention, or to leave the animal unattended for more than twenty four (24) hours without adequate care.

~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE — \$300~~
~~SECOND OFFENSE \$700~~

F10) 9. Permit any animal to leave the confines of any officially prescribed quarantine area when a verbal or written notice of quarantine has been issued.

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~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE — \$100~~

~~SECOND OFFENSE — \$200~~

F11) 10. Seize, molest or tease any animal while on the property of its owner or while held on leash by its owner, or to decoy or entice any animal out of an enclosure or off the property of its owner.

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~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE — \$100~~

~~SECOND OFFENSE — \$200~~

F12) 11. Fail to spay and/or neuter a dog and/or a cat that has been adopted pursuant to the provisions of Article VI of this Ordinance.

~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE — \$100~~

~~SECOND OFFENSE — \$200~~

F13) 12. Intentionally, or by failure to exercise due control, permit any animal to bite a person or another animal except in defense of the owner during the commission of a crime by another.

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~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE — \$100~~

~~SECOND OFFENSE — \$600~~

F14) 13. Allow livestock to run at large, not under reasonable control. Fined per occurrence.

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~~FINES (PER OCCURRENCE):~~

~~FIRST OFFENSE — \$100~~

~~SECOND OFFENSE — \$600~~

F15) 14. Fail to maintain fencing for livestock in good and reasonable repair, such that livestock would be allowed to run at large.

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~~FINES:~~

~~FIRST OFFENSE — \$50~~

~~SECOND OFFENSE — \$100~~

F16) 15. Fail to license an animal as required by the Lapeer County Animal Ordinance.

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~~FINES (PER ANIMAL):~~

FIRST OFFENSE \$25(AFTER LICENSE OBTAINED)
\$100(WITHOUT PROOF OF LICENSE)
SECOND OFFENSE \$200

F17) 16. Abandon an animal at a shelter or animal control facility, veterinary clinic, pet shop, groomer, or other places of business.

~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE \$200~~
~~SECOND OFFENSE \$500~~

F18) 17. ~~Being an owner of the animal,~~ failing to report to an Animal Control Officer an attack by that animal upon a person, domestic animal or livestock.

Commented [DV9]: Covered by Michigan dog bite statute

~~FINES (PER ANIMAL):~~

~~FIRST OFFENSE \$100~~
~~SECOND OFFENSE \$200~~

F19) 18. Allow a dog to attack livestock or any other animal.

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~~FINES (PER ATTACKING DOG):~~

~~FIRST OFFENSE \$100~~
~~SECOND OFFENSE \$500~~

F20) 19. Refuse to surrender a found animal to Animal Control Officers.

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~~FINES:~~

Commented [BKE10]: Deja—what should the fine be?

~~FIRST OFFENSE \$50~~
~~SECOND OFFENSE \$100~~

F21) 20. Feeding of unsterilized feral cats.

Commented [DV11]: How enforceable is this?

~~FINES:~~

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FIRST OFFENSE — \$400

SECOND OFFENSE — \$250

21. Willingly allow an animal to engage in nuisance, aggressive or dangerous behavior, as determined by an Animal Control Officer.

- a. An animal shall not be considered a nuisance if it is engaged in lawful hunting while under the control of its owner or if it is acting in defense of its owner, household and/or property.

~~F 22) Poisoning Animals: no person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any domestic animal, livestock or bird. Exclusions are poisoning of rodents and wildlife nuisance.~~

~~ARTICLE XI~~

~~NUISANCE ANIMAL ORDINANCE~~

A) ~~Determination of Nuisance Animal~~

- ~~An Animal Control Officer shall have the sole authority to make a determination that an animal is a nuisance as defined under this Ordinance. (EE).~~

~~B) After two (2) civil infractions and one (1) misdemeanor charge for allowing to stray, barking, livestock at large, or any other ordinances that may determine a nuisance animal will result in seizure with ownership belonging to Lapeer County Animal Control with search warrant.~~

~~C) Exceptions: an animal shall not be considered a nuisance animal where its act is caused by:~~

- ~~1) The negligent or reckless conduct of any person to whom the act is directed;~~
- ~~1) Lawful hunting while the animal is under the control of its owner or custodian keeper.~~
- ~~1) Defense of the animal's owner, members of the owner's family or household, or their property.~~

D) ~~Capture~~

~~0) An Animal Control Officer may capture or take into custody:~~

- ~~a) Unlicensed Dogs.~~
- ~~a) Dogs that are running at large or that are not on a leash or lead while off the owners property.~~
- ~~a) Stray, unwanted, abandoned, or abused animals.~~
- ~~a) Animals maintained contrary to in violation of any city or township ordinance, other than an animal control ordinance adopted pursuant to MCL 287.290~~
- ~~a) Animals which the owner or keeper custodian is not able to care for animal/s properly provided adequate care.~~

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Commented [BKE12]: Deja,

Is there corresponding state law penalties? If not what would you recommend for a penalty?

Commented [DV13R12]: This is regulated as a felony under MCL 750.50b. We should delete from Ordinance and write tickets under state law

Commented [BK14]: Does this comport w/state law?

Commented [DV15R14]: No.

Commented [BK16]: Not sure what this means. Does it need to be struck or a reword?

Commented [DV17R16]: Struck

Commented [DV18]: I took out this entire article and added it to the violations above list.

Commented [BK19]: See comment above.

Commented [DV20R19]: We already address the capture of animals in the ordinance

Commented [BK21]: Necessary?

Commented [DV22R21]: No, we already have this in the ordinance

~~f) Any animal that has bitten a person or other animal falls within the definition of a Dangerous Animal.~~

ARTICLE XII

FERAL CAT ORDINANCE GROUND FEEDING

~~A) It shall be unlawful to feed or in any way attract unsterilized feral cats to one's home. This action promotes disease and the spread of disease at a high rate. This action also allows for cats to breed at an increased rate and promotes inbreeding and over population.~~

~~B) Outdoor cats may be owned and cared for outdoors that have been sterilized. Proof of sterilization with a spay or neuter certificate must be shown upon request from an Animal Control Officer.~~

~~C) This ordinance pertains to residence within cities, villages, platted subdivisions, RV parks and mobile home parks.~~

A) The feeding of wild animals and birds is prohibited except the feeding of birds and squirrels by means of an elevated feeder.

1. It shall be unlawful for any person to feed any wild animal in any area in the county. Wild animals shall include all raccoons, skunks, rodents, rabbits, crows, wild birds, including without limitation, pigeons, doves, and seagulls, feral cats, mice, fowl, waterfowl, gophers, groundhogs, moles, opossums, squirrels, and every other wild animal.
2. All ground feeding is prohibited. The scattering of food or food scraps on the ground by an individual shall be prima facie evidence that the individual intended to provide the food or food scraps for ground feeding.
3. This prohibition shall not apply to the feeding of wild birds or squirrels provided that such feeding is done only from containers and supports which prohibit access by other rodents and/or wild

Commented [BK23]: Very difficult to regulate and enforce.

Deja can you look into what other County's are doing about Feral cats? I don't see that these provisions are enforceable.

Commented [DV24R23]: Michigan does not have any feral cat ordinance and this is going to be hard to enforce. We can change this and state that it is unlawful to ground feed! See change

animals and are elevated at least 48 inches above ground level.

ARTICLE XIII WILDLIFE AND EXOTIC ANIMAL REGISTRATION

A) ~~Any wild, or exotic animal owned by a Resident of residing in Lapeer County must be registered with Lapeer County Animal Control. Owners will be required to provide a photo of animal, age, sex and species. All wild or exotic animals will be registered individually (per specimen).~~

~~1. Native Wildlife shall submit proof of permit on said animal. Owner must shall obtain and submit a Permit for such ownership from the Michigan Department of Natural Resources and provide proof of same to the County upon request.~~

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~~2. Owner must comply with all State and Federal Law requirements as well as any local Zoning regulations and Ordinances zoning-regulating and ordinance-laws pertaining to ownership of exotic animals.~~

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~~3. Wild and eExotic animals may not be displayed to the public, used for public or private entertainment, or able to make public contact unless appropriate licenses and permits have been obtained from all state and federal regulatory authorities.~~

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~~4. If an exotic the animal escapes the owner/caretaker then the Owner and/or Keeper shall notify Lapeer County Animal Control must be notified immediately-immediately.~~

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~~4. Owner must maintain all State and Federal permits required to keep animals.~~

~~It shall be unlawful for any breeding of wild or exotic animals in Lapeer County. If wild or exotic animals are being used for breeding animals will be removed from property and become property of Lapeer County Animal Control with search warrant.~~

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~~4. Breeding exotic animals is prohibited and will be reported to the Michigan Department of Natural Resources. Evidence of breeding will result in seizure of animal and will result in a misdemeanor and upon conviction the violator shall be imprisoned for not more than ninety (90) days, fined in an amount not to exceed \$500.00, and/or required to perform community service hours.~~

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~~5-1.~~

ARTICLE XIII
REPORTING OF FOUND ANIMALS

- A) Any person who finds and harbors an animal shall notify the Animal Control Division within twenty-four (24) hours. It shall be the duty of the Animal Control Officer to take into custody any animal reported found.
- B) The finder shall surrender the animal to the Animal Control Facility in the county where found. If the owner of the animal has not claimed the animal within the legal holding time, the animal may be released for adoption as provided for in Article VI. If the finder wants to adopt the animal, he or she must do so according to the policy.

ARTICLE ~~XIII~~IV
LIVESTOCK DAMAGE CLAIMS

- A) All claims for livestock damage in Lapeer County caused by dogs shall be made in accordance with the provisions of Act number 339 of the Public Acts of 1919, as amended, being MCL 287.280 to 287.285.
- B) In addition to the provisions described in part A of this Article, all persons making a claim for livestock damage in Lapeer County shall follow the procedure detailed in this section. Failure to follow this procedure may cause a livestock damage claim to be denied.
- 1) Contact Lapeer County Animal Control and submit an animal damage claim report, including information concerning any and all insurance relevant to said livestock.
 - 2) Make the actual animals damaged by dogs available for viewing by an Animal Control Officer and/or township supervisor as requested by the same.
 - 3) Lapeer County Animal Control shall file a report with the Township Supervisor of the livestock damage.
- C) The liability of Lapeer County for any claim of livestock damage caused by dogs shall not exceed that provided by State Law.
- D) The payment of any claim for livestock damage caused by dogs within Lapeer County shall not exceed the amount allowed by the Lapeer County Board of Commissioners. See PA 1919, No. 339, Sec. 23 (MCL 287.283(2)).

E) The provisions of this article shall not be construed to abrogate, waive, amend, or affect in any manner the governmental immunity of Lapeer County and the Lapeer County Animal Control.

ARTICLE XVI ANIMAL CRUELTY

A) The provisions of Michigan's Animal Cruelty Statute, being section 50 of Act number 328 of the public acts of 1931, as amended (MCL 750.50), are hereby incorporated into and made a part of this Ordinance.

B) A violation of the provisions of Michigan's Animal Cruelty Statute shall constitute a violation of this ~~Ordinance, and~~ Ordinance and be punishable as a misdemeanor by up to 90 days in jail, ~~and/or a \$500.00-1000.00 fine~~ and/or required to perform community service hours.

ARTICLE XVII SEVERABILITY

A) If any section of the Ordinance is held invalid, such section shall not affect the enforceability of all other sections of this regulation.

ARTICLE XVIII CONSTRUCTION

A) When not inconsistent with the context, words used in the present tense include the future. Words in the singular include 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.

B) Where any of the provisions of this Ordinance are in conflict with provisions of any other local Ordinance or any State Laws or regulations, the latter shall prevail.

C) This Ordinance shall apply to all animals located within Lapeer County.

D) All fees and charges set forth by the Lapeer County Board of Commissioners shall be charged by the Lapeer County Animal Control. Lapeer County Animal Control reserves the right to charge all applicable fees owed to the Animal Control for impoundment and/or boarding fees as set forth by the Lapeer County Board of Commissioners.

E) Lapeer County Animal Control, being under the direction of the Lapeer County Administration Office, accepts and conforms with the Michigan State Codes and Regulations where applicable.

ARTICLE XVIII
SAVINGS CLAUSE

Any and all rules, regulations and Ordinances adopted by the County of Lapeer prior to the effective date of this Ordinance shall continue in full force and effect except to the extent they conflict with the Ordinance, or have been superseded or amended by the provisions of this Ordinance.

ARTICLE XVII
EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after notice of its adoption has been published in a newspaper of general circulation in Lapeer County.

Dated: _____

Chairperson
Lapeer County Board of Commissioners

6

Proposed Amendments

County of Lapeer

**Rules of Procedure
for the
Lapeer County
Board of Commissioners**



2024

Adopted on:

January 4, 2024, Motion #05-2024

Table of Contents

Article I		Board Organization	(Page)
	1.1	Board Membership	1
	1.2	Term of Office	1
	1.3	Vacancies on the Board	1
	1.4	Reapportionment	1
	1.5	Compensation	1
	1.6	Officers, Agents, and Employees	1
	1.7	Powers and Duties	2
	1.8	Indemnification	2
	1.9	Committees	2
Article II		Officers and Employees	
	2.1	Chairperson	2
	2.2	Vice-Chairperson	3
	2.3	County Clerk	4
	2.4	County Controller/Administrator	4
Article III		Appointments to Boards and Commissions	
	3.1	Notice of Expiring Terms	5
	3.2	Application and Appointments	5
	3.3	Compensation	5
	3.4	Frequency of Meetings	5
Article IV		Meetings	
	4.1	Organizational Meeting	5
	4.2	Regular Meetings	5
	4.3	Special Meetings	6
Article V		Meeting Procedures	
	5.1	General Conduct at Meetings	6
	5.2	Quorum	6
	5.3	Order of Business	6
	5.4	Online Broadcasting	6
	5.5	Agenda	6
	5.6	Vote Required for Board Action	7
	5.7	Roll Call Vote	7
	5.8	Seeking Recognition	7
	5.9	Interruptions	7
	5.10	Call to Order	8
	5.11	Debate	8
	5.12	Un-debatable Motions	8
	5.13	Open Meetings	8
	5.14	Closed Meetings	9
	5.15	Attendance at Closed Meetings	9
	5.16	Resolutions	9
Article VI		Committees	
	6.1	Standing Committees	9
	6.2	General Duties of Committees	9
	6.3	Specific Duties of the Committee of the Whole	10
	6.4	Specific Duties of the Personnel Committee	10
	6.5	Specific Duties of the Properties Committee	10
	6.6	Specific Duties of the Public Safety Committee	11
	6.7	Specific Duties of the Policies, Procedures & Bylaws Committee	11
Article VII		Amendments to the Rules of Procedure	
	7.1	Amendments	11

LAPEER COUNTY BOARD OF COMMISSIONERS

RULES OF PROCEDURE

ARTICLE I

BOARD ORGANIZATION

- 1.1 **Board Membership:** The Board of Commissioners shall consist of *seven* (7) members elected from single member districts, apportioned on the basis of population as provided by law.
- 1.2 **Term of Office:** The 2023-2024 term of each Commissioner shall be for two (2) years, concurrent with that of State Representatives. For all terms commencing on or after January 1, 2025, the term of office for each Commissioner shall be four (4) years.
- 1.3 **Vacancies on the Board:** Pursuant to MCLA 46.412, vacancies caused by death, resignation, removal from the district or removal from office shall be filled by appointment by the Board of Commissioners, within thirty (30) days, by a resident and registered voter of the district in which the vacancy occurred. If the vacancy occurs in an odd numbered year, the appointee shall serve until the vacancy is filled at a special election which the Board shall call. If the vacancy should occur in an election year, the appointee shall serve the remainder of the un-expired term. If the vacancy is not filled within thirty (30) days, it shall be filled by special election regardless of the year, as consistent with State law.
- 1.4 **Reapportionment:** With sixty (60) days after the publication of the latest United States Official Decennial Census figures, the Board shall be reapportioned, in the manner prescribed by law.
- 1.5 **Compensation:** Each member of the Board of commissioners shall receive a salary as adopted in the prior term plus any percentage increases awarded to all non-union personnel paid bi-weekly (26 pays annually). Mileage shall be reimbursed at a rate set by the Board of Commissioners.

Mileage and/or other related expenses shall be submitted on the County Travel Expense Voucher (GC-6). All reimbursement of mileage and other expenses shall follow current policy. County Commissioners' mileage/expense sheets (GC6 forms) are to be included in the Regular Board Meeting agenda packets.

- 1.6 **Officers, Agents, and Employees:** The Board shall elect at its Organizational Meeting each year a Chairperson and Vice-Chairperson, and may appoint at such other times other representatives, agents, and employees as necessary and desirable.

- 1.7 **Powers and Duties:** The Board shall have such powers and duties as shall from time to time be provided by law. The authority of the Board of Commissioners is a collective one, and according to state law, no individual member can assume any action, decision, or endeavor on behalf of or in lieu of Board action. The Board meetings will be guided by Roberts Rules of Order.
- 1.8 **Indemnification:** The County shall indemnify and save harmless all board members against any damages incurred by them, or any judgment rendered against them, in connection with the defense of any action, suit, or proceeding in which they are made parties as the result of acting in the scope of their duties for the County of Lapeer as a member or a past member of the Board, except in relation to matters as to which any such member shall be adjudged liable due to a criminal act, for actions taken outside the scope of his or her authority, and to such matters as shall be settled by agreement predicated on the existence of such liability. The foregoing right to indemnification shall be exclusive of other rights which a member may be entitled.
- 1.9 **Committees:** The Board may create such standing and special committees as deemed necessary to accomplish the work of the Board. Said committees shall remain in effect as long as deemed necessary by the Board of Commissioners. *(This does not include Commissioners getting together for educational and/or informational tasks)*. All committees shall keep minutes. All subcommittee agendas and minutes are to be submitted to the County Clerk's Office for filing.

ARTICLE II

OFFICERS AND EMPLOYEES

- 2.1 **Chairperson:** The Chairperson shall be elected for a one-year term by and from the membership of the Board; If the Chairperson shall for any reason be unable to fulfill his/her duties on a permanent basis, a new election shall be held. The statutory duties and powers of the Chairperson shall include the following:
1. Preside at all Board Meetings;
 2. Administer oaths and issue subpoenas for witnesses and to compel attendance as provided by law;
 3. Sign all contracts, bonds, and other documents requiring signature of the Chairperson, including Board minutes;
 4. Certify the tax rolls;
 5. Appoint a F.O.I.A. Representative to handle requests under the Freedom of Information Act, with the consent of the Board;
 6. Serve on an intra-county and inter-county Drain Boards, or designate another Commissioner to do so.

Other duties and powers of the **Chairperson** shall include the following:

1. Serve ex-officio on all Board Committees;
2. With the advice and consent of the Board, appoint members to all standing and special committees on the Board, and appoint the chairperson of each committee;
3. With the advice and consent of the Board, appoint representatives to attend national, state, and district conferences, or to serve on national, state, and district committees and other commissions and committees requiring the appointment of commissioners;
4. Preside over the Committee of the Whole except when otherwise designated;
5. Shall decide all questions on procedure under the Board rules of procedure and general parliamentary practices, subject to appeal by the Board;
6. Shall vote on all questions taken by ayes and nays except on appeal from his/her own decision;
7. May refer any communication to a standing committee;
8. Shall be the ceremonial representative of the County;
9. Shall perform other such duties as specified by law, the Board, or by custom.

2.2 **Vice-Chairperson:** The Vice-Chairperson shall be elected by and from the members of the Board for a one-year term. The duties and powers of the Vice-Chairperson shall include the following:

1. Preside at meetings in the absence of the Chairperson, or when the Chairperson desires to address the Board;
2. Sign all contracts, bonds, and other documents requiring the signature of the Chairperson when the Chairperson is unable to do so because of illness or other emergency which, in the opinion of the Board, prevents them from performing such functions of his/her office;
3. Perform other duties as may be from time to time assigned by the Chairperson or by the Board;
4. In the absence of the Chairperson, assume the duties and responsibilities of the Chairperson.

2.3 **County Clerk:** The County Clerk, or in his/her absence a Deputized Clerk, shall perform such duties as required by law or as assigned from time to time by the Board including, but not limited to, the following:

1. Record all official Board proceedings when a quorum is present in a book provided for that purpose; Minutes shall be prepared in a manner as prescribed in the Michigan Open Meetings Act;
2. Make regular entries of all Board Resolutions and decisions upon all questions, including maintaining a chronological file of all formal resolutions and ordinances adopted by the Board. All such resolutions shall be numbered beginning each year;
3. Record the vote of each commissioner on any question submitted to the Board, if required by any member present;
4. To preserve and file all documents acted upon by the Board, and on no account to allow such documents to be taken from his/her office.
5. To certify copies of any and all resolutions or decisions on any of the proceedings of the Board when requested by the Board or any member thereof;
6. File all communications as directed by the Board of Commissioners;
7. Publish all approved ordinances, **public hearing notices**, and other matters required by Law or otherwise directed by the Board of Commissioners in coordination and review with the Administration Office;
8. Receive and transmit to the Board recommendations of persons for appointments to the Elections Scheduling Committee and the Board of Canvassers;
9. Shall furnish a list setting forth the name of any appointee on any board, commission, or agency whose term is expiring, and the expiration date of said term, at least ~~thirty~~ **sixty (60)** days prior to the expiration of their term. **Successful candidates will be notified in writing of their appointment by the Clerk's Office and they will administer their Office of Office for said appointment and keep it on file.**
10. Obtains signature by Chairman (or appropriate official) for all contracts, grants, or other documents, etc. that have been approved by the entire Board following each regular board meeting.

2.4 **County Controller/Administrator:** The County Controller/Administrator, in addition to statutory responsibilities, shall carry out duties as assigned by the Board and shall provide general staff assistance to the Board and its Committees. The County Controller/Administrator shall approve the following, pursuant to the corresponding motions of the Lapeer County Board of Commissioners: Training Registration/Overnight Travel Requests (Motion #520-02); Hardship Withdrawals from the Employee Deferred Compensation Plan (Motion #362-03); Vacation Extension Requests (Motion #91-03); Family Medical Leave Requests (Motion #116-02); and Livestock Claims (Consensus of BOC on March 8, 2001); Grant Application Initial Submissions (Motion #55-21); Inclement Weather Building Closures (#121-00 in coordination with the Chief Judge).

ARTICLE III

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 3.1 **Notice of Expiring Terms:** At least ~~thirty~~ ~~sixty~~ ~~(30)~~ (60) days prior to the expiration of any appointee's term on any board, commission, or agency, a ~~written notice~~ ~~list~~ shall be furnished by the County Clerk's Office to the Board ~~as an agenda item~~ setting forth the name of the person(s) whose term(s) are expiring and the expiration date of such term(s).

- 3.2 **Applications and Appointments:** The Chairperson shall put the Board on notice that nominations will be accepted to fill said terms at a specified meeting and shall schedule an election for a Board Agenda. Persons desiring to serve on a committee ~~may~~ **shall** submit an Application for Appointment ~~or resume~~ to the Board of Commissioners' Office ~~which can be obtained from the County's website (www.lapeercountymi.gov) anytime or from the Board Office during normal business hours. The Administration Office will provide the Commissioners copies of all applications both electronically via email and paper copies in their internal office mailboxes.~~

Additional nominees may be submitted from the floor for nominations. A majority vote of the members elect shall appoint unless otherwise provided by law.

Applicants are encouraged to attend and introduce themselves to the Board prior to the appointment being made. ~~If they are unable to attend a meeting, they should submit a letter of interest along with their Application for Appointment expressing their desire to be appointed and any relevant background information in order to be considered.~~

- 3.3 **Compensation:** Compensation for such appointive positions shall be set by the Board of Commissioners;
- 3.4 **Frequency of Meetings** – The Board reserves the right to set the number and/or frequency of meetings of all Committees/Boards under its authority.

ARTICLE IV

MEETINGS

- 4.1 **Organizational Meeting:** The Board of Commissioners shall convene for its first meeting at a time set by the County Clerk within the first five business days of each year. This meeting shall be known as the Organizational Meeting and the Board shall transact such business of said meeting, or at the adjourned date of such meeting, as shall be provided by these rules or by laws, including the election of a Chairperson and the Vice-Chairperson and scheduling regular Board Meetings throughout the session. The County Clerk shall preside over the Organizational Meeting until a Chairperson of the County Board has been duly elected by a majority vote of the members elect.
- 4.2 **Regular Meetings:** The Board shall meet in regular session on scheduled days as determined at the organizational meeting, except when otherwise set by adjournment, by law, or by Board motion.

- 4.3 **Special Meetings:** Special Meetings of the Board shall be held only when requested by one-third of the Board to the County Clerk or the Chairperson of the Board and shall comply with the eighteen (18) hour posting required by Law. The request for a special meeting shall specify the time, place and purpose of such meeting. Upon receipt of such a request, the County Clerk shall deliver notice of said meeting to the County Controller/Administrator and contact each Commissioner in person or by telephone. Adjourned meetings at the call of the Chair shall not be considered special meetings. The attendance by any commissioner at a special meeting waives that commissioner's objection to notice of the meeting.

ARTICLE V

MEETING PROCEDURES

- 5.1 **General Conduct at Meetings:** Meetings of the Board of Commissioners are to be presided over by the Chairperson, or in his absence the Vice-Chairperson, in general accordance with Robert's Rules of Order, except as specified by State statute or these rules. In the absence of both the Chairman and Vice-Chair, the Commissioner with the most seniority on the Board will act as Chair for that meeting.
- 5.2 **Quorum:** A majority of the members elect shall constitute a quorum. No business shall be considered without the presence of a quorum, except to adjourn or recess.
- 5.3 **Order of Business:** The business of all regular meetings of the Board of Commissioners shall be considered and transacted in a manner prescribed by the Chairperson as approved by the Board of Commissioners. Meetings of the Board of Commissioners are established and conducted for all seven (7) members of the body to perform their elected legislative and administrative responsibilities. Motions for action will be permissible at any time in any meeting where the motion-maker has the floor. After a second/support is added by any member, the motion may then be debated as to its validity.
- 5.4 **Online Broadcasting:** The County Controller/Administrator, at the approval of the Board of Commissioners, may operate/maintain a social media account with the sole purpose of uploading live and/or pre-recorded weekly county commissioner meetings (Committee of the Whole and Regular Full Board).
- The County Controller/Administrator shall not edit or delete video of any County Commissioner Meeting. Should any issue arise with any content of a meeting video, the Board of Commission members shall be notified. Discretion as to changes to recordings/videos rests solely with the Chairman of the Board of Commissioners. However, a language/content warning may be added in the description of a video when appropriate by the Administrator.
- 5.5 **Agenda:** The County Controller/Administrator (in conjunction with the Chairperson) shall prepare the Agenda for all meetings of the Board except for the Agenda for the Regular Full Board Meetings, which is prepared by the County Clerk. The County Administrator will ensure that the Agendas and related information be placed in office mailbox of each Commissioner and the county's website two (2) days or sooner prior to each scheduled meeting. All original contracts, grants, resolutions, or other agenda documents will be provided to the County Clerk's Office in preparation of signature by the Chairman prior to the regular board meeting.

The County Controller/Administrator shall post the Agendas and Minutes for all Regular Full Board Meetings and Committee of the Whole meetings to the county website. The proposed and final minutes for the above referenced meetings shall be posted as soon as they are available, but in no less than eight (8) business days in the case of proposed minutes and five (5) business days in the case of final minutes.

Appointed/Elected Department Heads shall ensure that all Requests for Actions are submitted in a timely manner according to the adopted Annual Meeting Calendar but no less than one week prior to the meeting date, and all RFA's must include a draft motion and line item number for purchases. Failure to meet the submission deadline(s) will result in the item being held until the following appropriate meeting date.

5.6 Vote Required for Board Action:

1. Three-fifths (3/5) vote of members elected and serving to alter township boundaries;
2. Two-thirds (2/3) vote of members elected and serving:
 - a. Call a closed session;
 - b. Move the County seat;
 - c. Adopt the Annual Operating Budget in the October session;
 - d. To select building sites, erect county buildings, to abolish or revise distinction between county and township property;
 - e. Authorize the making out of a new tax roll;
 - f. Authorize township borrowing to build or repair roads and bridges;
 - g. Acquisition and disposal of county property and business where no other provision shall be made;
 - h. Establish a Department of Public Works;
 - i. Transfer funds from the Budget Stabilization Fund.
3. Majority vote of members elected and serving:
 - a. Final passage or adoption of a measure or resolution;
 - b. Allowance of a claim against the county.
4. Majority vote of members present – all other questions which may arise at a meeting. A unanimous vote of all the members shall be deemed a roll call vote.

5.7 Roll Call Vote: The Chairperson shall entertain a call for Roll Call Vote made by any member present on any question submitted to the Board.

5.8 Seeking Recognition: When two (2) or more members seek recognition, the Chairperson shall designate the member who is first called to speak; but in all cases the member who shall first address the Chair shall speak first.

5.9 Interruptions: When a member is speaking on any question before the Board, he or she shall not be interrupted except to be called to order by the Chair.

- 5.10 **Call to Order:** When a member is called to order, he or she shall immediately cease speaking. The Board, if appealed to, shall decide the propriety of the Chair's call to order. If there is no appeal, the ruling of the Chair shall be final.
- 5.11 **Debate:** After a motion is stated by the Chair, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before amendment or decision is made, with the consent of the supporting member.
- 5.12 **Un-Debatable Motions:** When any question is under debate, no motion shall be received but the following un-debatable motions, and they shall have precedence in the following order:
- a. To adjourn;
 - b. To rise to a Point of Order;
 - c. To table;
 - d. To call for the previous question;
 - e. To limit or extend limits of debate;
 - f. To postpone to a certain day;
 - g. To commit or refer, or re-commit, to a committee;
 - h. To amend;
 - i. To postpone indefinitely;
- 5.13 **Open Meetings:** Members of the public shall be encouraged to attend all open meetings and address the Commission at the meeting. To protect the rights of all people attending such meetings and to maintain reasonable order, the following rules are established in accordance with P.A. 267 (1976), as amended:
1. All public meetings, including sub-committee meetings, shall be posted in the County Complex at the Board of Commissioners Office in accordance with the Open Meetings Act of 1976, as amended.
 2. No person shall be excluded from a public meeting except for a breach of peace committed at that meeting. However, members of the public who intend to attend an open meeting in groups of twenty (20) persons or more should notify the County Administration of their intention in order that the Board may make all efforts to secure adequate accommodations.
 3. Members of the public may address the Board after receiving recognition from the Chair and giving his or her name and township, city or village of residence. Public comments shall be limited to a period set aside at each meeting for such purpose and each speaker shall have the floor for not more than three (3) minutes unless the Board grants an extension.
 4. In the event that a person desires to address the Board in an extensive manner, that person shall contact the Chairperson of the Board with a request to be placed on the agenda, no less than seven (7) days prior to the scheduled meeting; and further, following approval from the Chairperson, shall provide the County Clerk's Office with the date, time, and subject to be placed on the agenda.

- 5.14 **Closed Meetings:** Pursuant to the Open Meetings Act (PA 267 of 1967, section 15.263), there are eleven (11) purposes in which Closed Meetings may be called, such as for collective bargaining (union) negotiations; in order to consider the purchase or lease of real property, up to the time an option to purchase or lease for that real property is obtained; to consult with legal counsel regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting could have a detrimental financial effect on the litigation or settlement position of the public body. In addition, a meeting may be closed by two-thirds (2/3) vote to review an employment application when requested by a candidate, and to consider material exempt from discussion or disclosure by state or federal statute, or for any other reasons allowed under the Open Meetings Act.
- 5.15 **Attendance of Closed Meetings:** The Board has sole discretion to determine who may be permitted to attend a Closed Session pursuant to the Open Meetings Act, particularly MCL 15.267 and 15.268. Routine attendance beyond the Board members, Administrator, Finance Director, and Clerk or Deputy Clerk, or exclusion of the Administrator or Finance Director, must be approved by the majority of the Board.
- 5.16 **Resolutions:** Pursuant to Motion 182-99 from the March 25, 1999 Regular Board Meeting, the Committee of the Whole shall have the authority to act on resolutions regarding commendation, congratulations, retirement, and appreciation; and further, that the Committee of the Whole be given authority to act on any other Resolution, when directed to other elected officials, and requiring immediate action, when two-thirds (2/3) of the members elected are present, which shall include forwarding the motion to the next regular meeting to be entered into the official record (effective January 17, 2019).

ARTICLE VI

COMMITTEES

- 6.1 **Standing Committees:** There shall be five (5) standing committees of the Board:
1. Committee of the Whole
 2. County Properties
 3. Personnel
 4. Public Safety
 5. Policies, Procedures & Bylaws
 6. **Broadband Committee**
 7. **I.T. Committee**
 8. **Materials Management Planning (Recycling) Committee**
- 6.2 **General Duties of Committees:** The general duties of each committee shall be making recommendations to the Board on issues of County business, act as liaison between the Board and departments and agencies, and to coordinate interrelated activities and to act on other items of business placed on the agenda by the Chairperson of that Committee.

6.3 Specific Duties of the Committee of the Whole:

1. All policy, financial, and other topics for Board of Commissioners consideration shall generally be brought to the Committee of the Whole prior to final decision at Regular Board Meetings. In addition, if a scheduled Committee of the Whole meeting is canceled or not held for any reason, topics on that agenda may be brought to the next Regular Board meeting for action.

6.4 Specific Duties of the Personnel Committee:

1. Make recommendations with regards to interviewing and hiring Department Heads;
2. Make recommendations with regard to employee relations, including personnel policies, employee negotiations, fringe benefits, job classifications and salaries;
3. At the request of the Full Board of Commissioners, evaluate and review the performance of County Department Heads and the County Controller/Administrator for Board approval;
4. Consider vacation extension requests and employee requests for leave of absence denied by the County Controller/Administrator.
5. Develop and revise the County's Personnel Policy for Board Approval.
6. Perform the process of Job Review and Analysis in compliance with the job analysis procedure.

6.5 Specific Duties of the County Properties Committee:

1. Recommend office space allocations in county buildings;
2. Recommend policies to the Board related to purchasing, inventory of county property, placement and use of county property, and disposal of county property.
3. Recommend policies on maintenance of county buildings, grounds, and other properties.
4. Recommend alterations and additions to county buildings and grounds and oversee such construction, including procurement and recommendations on bids.
5. Make recommendations related to major capital outlays;
6. Recommend short and long term planning needs regarding capital improvements, office space needs and storage space needs;
7. Review needs regarding Real Property Capital Improvements for Board approval.

6.6 **Specific Duties of the Public Safety Committee:**

1. Enhance and encourage interagency collaboration and cooperation of Courts, law enforcement services, community corrections, and emergency response services.
2. Act as liaison between the Board and the Courts, law enforcement services, community corrections, and emergency response services.

6.7 **Specific Duties of the Policies, Procedures & Bylaws Committee:**

1. To review and update items at least annually.

6.8 **Specific Duties of the Broadband Committee** (add language)

6.9 **Specific Duties of the I.T. Committee** (add language)

6.10 **Specific Duties of the Materials Management** (add language)

ARTICLE VII

AMENDMENTS TO THE RULES OF PROCEDURE

- 7.1 **Amendments:** These Rules of Procedure may be amended or repealed in whole or in part, at any regular or duly called special meeting of the members at which a Quorum shall be represented, by two-thirds vote of the Board members elected and serving, provided a statement of the character of such proposed amendments has been included in the notice of the meeting.