



Lapeer County Board of Commissioners

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POLICIES & PROCEDURES COMMITTEE

****CONFERENCE ROOM 302****

WEDNESDAY, MARCH 20, 2024

3:00 P.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 **FEBRUARY 22, 2024** POLICIES AND PROCEDURES COMMITTEE
- 4) **ADMINISTRATION** –
 - A. Review of Revised Draft Animal Control Ordinance
 - B. Discussion Regarding Draft EMS Ballot Language *(to be distributed)*
 - C. Draft Resolution in Support of Home Schooling *(referred from the 3/14/24 Committee of the Whole Meeting)*
- 5) **OLD/REFERRED/OR ADDITIONAL ITEMS** (if needed):
 - A)
 - B)

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

POLICIES AND PROCEDURES COMMITTEE
FEBRUARY 22, 2024
CONFERENCE ROOM 302 – ADMINISTRATION OFFICE
COUNTY COMPLEX
255 CLAY STREET, LAPEER, MI 48446

Chairman Gary Howell called the meeting to order at 12:44 p.m. in the Conference Room 302 in the Administration Office on the Third Floor of the County Complex.

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

Others: Moses Sanzo, County Administrator/Controller; Jackie Arnold, CFO; and Doreen Clark, Administration Office Manager.

AGENDA

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

MINUTES

The minutes from the February 9, 2024 Policies & Procedures Committee meeting were reviewed.

Motion by Mast, supported by Hamilton, to approve the minutes from the February 9, 2024 Policies and Procedures Committee meeting as presented. Motion carried unanimously.

DOCUMENT RETENTION POLICY

Moses Sanzo, County Administrator, provided information regarding the request to address the need for a Document Storage Reduction Plan and adopt a Document Retention Policy in order to begin eliminating the huge volumes of paper documents in several of the various County Buildings, with special emphasis on the former Register of Deeds building. He consulted the County's new Corporation Counsel who recommended that the County be consistent with the State's adopted retention requirements for each department, which are very specific. Discussion followed with goals to get the former Register of Deeds building purged by the fall once the County Departments begin complying with the adopted policy. Then the Board can determine what they wish to do with the Building. Questions and discussion followed.

Motion by Hamilton, supported by Mast, to recommend to the Full Board and pursuant to the recommendation of our Corporation Counsel and the Policies and Procedures Committee, to approve and adopt the Lapeer County Document Retention Policy, as attached, and further, that all County Departments are to begin following the retention disposal schedules as outlined in said document. Motion carried unanimously.

COURT COMPLEX BACK DOOR SECURITY PROTOCOL

Mr. Sanzo reported that he recently met with the Sheriff's Department and the Security Committee to address ongoing security concerns regarding use of the back door by County employees since the end of Covid practices and the need for screenings now that the Courthouse is staffed with Security Officers. He reported on the recommendations of the State Court Administrator's Office for safety of the judges, Prosecutors, as well as the employees and public. This was also a topic of discussion at this month's Department Head Meeting. Mr. Sanzo will update the Committee as a protocol is determined.

ADJOURN

Motion by Hamilton, supported by Mast, to adjourn the meeting. Motion carried unanimously. 12:55 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
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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).

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**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 seven (-7) consecutive days.

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B.) "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.

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

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D.) "Animal at large" means any animal that:

- a. 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
- b. When not in compliance with subsection a.4, 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.

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

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F.) "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.

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G.) "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.

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H.) "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 purposes for remuneration.

I.) "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:

- ~~b-a.~~ An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
- ~~e-b.~~ An animal that bites or attacks a person who provokes or torments the animal.
- ~~d-c.~~ 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.

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. This Definition does not include such

animals kept in bona fide public zoos, licensed laboratories where such animals are securely confined.

- M.) "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.
- N.) "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.
- O.) "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.
- P.) "Leash or Lead" a cord, rope, chain, tether, or other physical control device which holds an animal in restraint, and which is not more than six (6) feet in length.
- 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.
- R.) "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.
- S.) "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 passersby 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.
- T.) "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.

- U.) "Person" means any natural person association, partnership, firm, or corporation.
- V.) "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.
- W.) "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.
- X.) "Treasurer" means the Lapeer County Treasurer.
- Y.) "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.
- Z.) "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.

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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 [eOrdinance](#).
- 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.

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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 Five Hundred (-\$500.00) Dollars and/or required to perform community service hours.

**ARTICLE V
ANIMAL CONTROL OPERATION, IMPOUNDMENT, RELEASE AND DISPOSAL**

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 purposes, and any accessory structures maintained on the premises (i.e. barns, stables, garages, etc.), 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. Access to residential buildings and their accessory structures by County Animal Control is prohibited except by warrant or eCourt eOrder.

D.) 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 or abandoned animals or animals for which the owner has been charged with abuse.
4. Any Animal that meets the definition of a dangerous animal or exotic animal.

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

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

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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 eOrder. An Animal Control Officer shall make reasonable effort to give notice of the impoundment to the owner by phone within twenty-four (24) hours of impoundment and shall document the same. If unsuccessful, the officer shall mail written notice by certified mail within forty-eight (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 their owners shall be subject to disposition.

G.) 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:

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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 for 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.) 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.

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B.) 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.

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C.) 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. 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.

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D.) D) A three (3) year dog license may be obtained at the owner's 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.

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E.) 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.

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C-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.

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D-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.

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E-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.

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F-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.

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G-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).

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H-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.

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I-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.

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**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 At 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.

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**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

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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:

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1. Unless otherwise stated in this Ordinance, first offense violations shall be a civil infraction of One Hundred Fifty (\$150.00) Dollars. Second offense violations shall be a civil infraction in the amount of Three Hundred (-\$300.00) Dollars. Additional fines shall be charged per animal.
2. Third or subsequent offense violations may be a misdemeanor and upon conviction the violator shall be imprisoned for not more than ninety (90) days, fined in an amount not to exceed Five Hundred (\$500.00) Dollars, and/or required to perform community service hours
3. In addition, court costs may be levied against any person determined to be guilty of or responsible for a violation.
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.

B.) Tickets, citations, or summons 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 affect 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 Court 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:

1. 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.
2. Permit any animal to trespass upon property or to cause damage to property, real, or personal, of another person.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. Permit any animal to leave the confines of any officially prescribed quarantine area when a verbal or written notice of quarantine has been issued.
9. 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.

10. 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.
11. 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 or a crime by another.
12. Allow livestock to run at large, not under reasonable control. Fined per occurrence.
13. Fail to maintain fencing for livestock in good and reasonable repair, such that livestock would be allowed to run at large.
14. Fail to license an animal as required by the Lapeer County Animal Ordinance.

FIRST OFFENSE \$25.00 (AFTER LICENSE OBTAINED)
 \$100.00 (WITHOUT PROOF OF LICENSE)
 SECOND OFFENSE \$200.00

15. Abandon an animal at a shelter or animal control facility, veterinary clinic, pet shop, groomer, or other places of business.
16. ~~failing-Fail~~ to report to an Animal Control Officer an attack by ~~that-an~~ animal upon a person, domestic animal, or livestock.
17. Allow a dog to attack livestock or any other animal.
18. Refuse to surrender a found animal to Animal Control Officers.

~~-19.~~ Willingly allow an animal to engage in nuisance, aggressive or dangerous behavior, as determined by an Animal Control Officer. ~~However, 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. Violations shall be assessed on a per animal basis.

a:

~~b. First offense violations shall be given a warning. FIRST OFFENSE: Issuance of a formal written warning.~~

SECOND OFFENSE: Second offense violations shall be a civil infraction of \$150.00.

THIRD OFFENSE: violations shall be a civil infraction in the amount of \$300.00 and impoundment of animal(s).

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a. Additional fines shall be charged per animal.

ARTICLE XI GROUND FEEDING

A) The purpose of this Article is to regulate ground feeding activities within urban areas of Lapeer County to manage wildlife interactions, mitigate public health risks, and maintain community aesthetics. This Article only applies to urban areas in the County. Rural areas, with low population and density are exempt from the terms in this Article. This Article applies exclusively to high-density zoning districts in Lapeer County. Agricultural zones and low-density zoning districts, characterized by their sparse population and agricultural activities, are exempt from the provisions outlined in this Article.

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a. High-Density Area: Refers to regions within Lapeer County characterized by dense population, urban development, and high-intensity land use.

b. Agricultural Zone: Denotes areas within Lapeer County zoned primarily for agricultural purposes, characterized by low population density and agricultural activities.

B) Ground Feeding is prohibited in high density areas in the County. Ground Feeding as used herein is the act of distributing food or feed for animals, directly on the ground surface.

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

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D) 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.

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2.

E) 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.

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3.

4-F) 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 animals and are elevated at least 48 inches above ground level.

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**ARTICLE XII
WILDLIFE AND EXOTIC ANIMAL REGISTRATION**

1. A) Any exotic animal owned by a Resident of Lapeer County must be registered with Lapeer County Animal Control and the Michigan Department of Natural Resources. Owners will be required to provide a photo of the animal's, age, sex and, species, and proof of Michigan Department of Natural Resources permit. All exotic animals will be registered individually (per specimen).
2. B) Owner ~~shall obtain~~ must continuously maintain a ~~Permit~~ permit for such ownership from the Michigan Department of Natural Resources and provide proof of same to the County upon request.
3. C) Owner must comply with all State and Federal Law requirements as well as any local Zoning regulations and Ordinances regulating ownership of exotic animals.
4. D) Exotic 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.
5. E) If an exotic animal escapes, then the Owner and/or Keeper shall notify Lapeer County Animal Control immediately.
6. F) 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 Five Hundred (\$500.00) Dollars, and/or required to perform community service hours.

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**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.

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**ARTICLE XIV
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 ~~a~~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.

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**ARTICLE XV
ANIMAL CRUELTY**

- ~~A) 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 be punishable as a misdemeanor by up to ~~ninety (-90)~~

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days in jail, Five Hundred (-\$500.00) Dollar fine, and/or required to perform community service hours

**ARTICLE XVI
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.

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**ARTICLE XVII
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.

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**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.

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ARTICLE XVIII
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.

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Dated: _____

Chairperson
Lapeer County Board of Commissioners

DRAFT

Resolution
Lapeer County

NO:
DATE:

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FREEDOM TO HOMESCHOOL RESOLUTION

WHEREAS, it is the parent(s) fundamental right to direct the upbringing and education of *their children*, this right is protected by the U.S. Constitution and Michigan Constitution; and

WHEREAS, Article VIII, Section 1 of the Michigan Constitution states: “Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged”; and

WHEREAS, Section 380.10 of the Michigan Revised School Code states: “It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children”; and

WHEREAS, parental rights include, however are not limited to, making decisions regarding children’s education and health care in a manner consistent with their family values. Parents must do so to promote *their* children’s general health and well-being as well as their right to direct the education of *their* child, be it public, homeschooling, private or parochial education; and

WHEREAS, according to the U.S. Supreme Court, the Due Process Clause of the 14th Amendment protects parental rights. The U.S. Supreme Court has repeatedly affirmed that they are fundamental rights; and

WHEREAS, parents have every right to seek accountability, choice, and transparency in *their children’s* education, and that Government officials must be held accountable for what’s promoted to children; and

WHEREAS, no single form of education can meet the needs of all students or families; and

WHEREAS, the lower a student-to-teacher ratio is, the greater the ability to individualize education for an individual student becomes, as well as a better outcome; and

WHEREAS, Homeschooling offers profound flexibility in how education is delivered to students, as well as open ended opportunities to customize and individualize education around learning styles, interests, moral and religious beliefs and life goals of the student; and

WHEREAS no teacher or institution can know or love a child more than a child’s parent(s); and

WHEREAS Statistics show that Homeschooled students have consistently shown above-average results on all standardized tests and are likely to be at least one grade ahead of public-school students; and

WHEREAS, State Superintendent Michael Rice has asked the Michigan Legislature for a Homeschool Registry. This is a violation of Parental rights and privacy that would result in placing barriers that would have an intimidating adverse effect while placing obstacles and unnecessary restrictions on those wishing to Homeschool their children in Lapeer County; and

WHEREAS, Michigan Attorney General Dana Nessel has stated she supports “monitoring” the private homes of Homeschoolers to inspect their private properties, a blatant violation of our 4th amendment rights; and

NOW THEREFORE IT IS HEREBY RESOLVED, by the Lapeer County Board of Commissioners, that the County of Lapeer, Michigan, be, and hereby is, declared to be a “Freedom to Homeschool County”, and

IT IS FURTHER RESOLVED that this board affirms its full support for the right of parent(s) to educate *their children*, and that freedom of educational choice will lead to the best possible outcome for each individual student.

BE IT FURTHER RESOLVED that the Lapeer County Board of Commissioners call upon our Lapeer County Sheriff and Lapeer County Prosecutor to defend our 4th amendment constitutional rights on this matter and specifically any efforts by the those outside our county that may result in any attempt to force warrantless searches of the homes and properties of Homeschool families.

BE IT FURTHER RESOLVED that the Lapeer County Board of Commissioners shall not authorize or appropriate new funding, resources, employees, agencies, contractors, buildings, detention centers or offices for the sole purpose of enforcing any statute, law, rule, order, or regulation that restricts the rights of parents to Homeschool *their children*.

BE IT FURTHER ESOLVED, that a copy of this Resolution be sent to Governor Gretchen Whitmer, Michigan State Senators; Ruth Johnson and Kevin Daley, Michigan State Representatives; Greg Alexander, Phil Green, Jamie Greene and the other 82 County Board of Commissions in the State of Michigan, U.S. Congress Representative, Lisa McClain, U.S. Senators; Gary Peters and Debbie Stabenow, Lapeer County Sheriff Scott McKenna, Lapeer County Prosecuting Attorney John Miller, and all County Department Directors.

Tom Kohlman
Chairman Lapeer County BOC District 1

Truman Mast
Vice-Chair Lapeer County BOC District 5

Bard Haggadone
Lapeer County BOC District 4

William Hamilton
Lapeer County BOC District 6

Gary Howell
Lapeer County BOC District 2

Bryan Zender
Lapeer County BOC District 7

Kevin Knisely
Lapeer County BOC District 3