

POLICIES AND PROCEDURES COMMITTEE
OCTOBER 19, 2023

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

Chairman Gary Howell called the meeting to order at approximately 10:00 a.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; Jackie Arnold, CFO; Doreen Clark, Office Manager; Stephanie King, Animal Control Officer and Dave Eady (current temporary contractual staff at Animal Control and former Chief ACO)

MINUTES

The minutes from the September 15, 2023 Policies & Procedures Committee meeting were reviewed.

Motion by Hamilton, supported by Mast, to approve the minutes from the September 15, 2023 Policies and Procedures Committee meeting as presented. Motion carried unanimously.

SOCIAL MEDIA POLICY

Moses Sanzo, County Administrator/Controller, reported that both the County's labor counsel, Brandon Fournier, and the Prosecuting Attorney, were involved in the creation of the draft Social Media Policy. He noted that they also looked at the policy of several of our surrounding counties, who all have a Social Media Policy. Questions and discussion followed, including how notifications to the unions and staff will be handled, as well as the legal and political considerations. Mr. Sanzo stated that the policy will not only protect Lapeer County but also protect the employees.

Motion by Mast, supported by Hamilton, to recommend to the Full Board to adopt the Lapeer County Social Media Policy, as attached, and to authorize the County Administrator to proceed with notification to all staff and the appropriate unions pursuant to their bargaining labor agreements, with the intended implementation date of the new policy to be effective on November 16, 2023 or as deemed appropriate by the Administration Office. Motion carried unanimously.

ANIMAL CONTROL ORDINANCE

Stephanie King and Dave Eady from Animal Control were present to further discuss the revised Animal Control policy that was drafted by the previous Chief. Lengthy questions and discussion followed regarding "vicious" and "nuisance" animals and how these cases are normally handled and what can be done to help reduce the ongoing issues in the County.

Animal Control (continued)

Both Stephanie and Dave stated that much of the drafted ordinance could be simplified. Further discussion followed, and they discussed including fine increases on page 14. It was a consensus of the Committee to have Stephanie and Dave prepare a simplified version that includes the nuisance animals and fees increase and bring it back to the next Policies & Procedures Committee Meeting.

Discussion was then held regarding some safety and storage concerns with the current building that impact holding vicious or nuisance animals, storing food and supplies etc. It was suggested that they may need to add a storage building on the property. The Commissioners asked Animal Control to return with drawings and other suggestions at the next meeting.

ADJOURN

Motion by Hamilton, supported by Mast, to adjourn the meeting. Motion carried unanimously. 11:20 a.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. 2023

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 6-8
FACILITY SHELTER OPERATIONS	ARTICLE	V	PAGE 8-9
ADOPTION	ARTICLE	VI	PAGE 9-11
DOG LICENSING	ARTICLE	VII	PAGE 10-11
KENNEL LICENSES	ARTICLE	VIII	PAGE 11
ANIMAL BITES	ARTICLE	IX	PAGE 12
ORDINANCE VIOLATIONS	ARTICLE	X	PAGE 12-17
NUISANCE ANIMALS	ARTICLE	XI	PAGE 17-18
FERAL CAT ORDINANCE	ARTICLE	XII	PAGE 18
WILD & EXOTIC ANIMALS	ARTICLE	XIII	PAGE 19
REPORTING FOUND ANIMALS	ARTICLE	XIII	PAGE 19
LIVESTOCK DAMAGE CLAIMS	ARTICLE	XV	PAGE 19-20
ANIMAL CRUELTY	ARTICLE	XVI	PAGE 20
SEVERABILITY	ARTICLE	XVII	PAGE 20
CONSTRUCTION	ARTICLE	XVIII	PAGE 21
SAVINGS CLAUSE	ARTICLE	XVIII	PAGE 21
EFFECTIVE DATE	ARTICLE	XX	PAGE 21

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) "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:
- 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.

E) "Abandonment" leaving an animal unattended for more than 24 hours, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, exercise, shelter, or medical care.

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.

G) "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) "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.

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, 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 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 animal is 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.

Q) "Livestock" means farm animals used for human food and fiber. 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) "Leash or Lead" a thing, cord, rope, chain or similar tether which holds an animal in restraint and which is not more than six (6) feet in length.

S) "Owner" shall mean any of the following:
Any person having a right of property in an animal;
An authorized agent of the person having a right of property to an animal;
Any person who keeps or harbors an animal or has it in his or her care, custody or control;
Any person who permits an animal to remain on or about the premises occupied by him; or her;
Any person who has the apparent authority to have a right of property in an animal;
Any person having control or purporting to have control over an animal;
Any person named in the licensing records of any animal as an owner;
The occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing records.
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;
- c. Include measures designed to prevent the entry of young children into the enclosure and,
- d. 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.

W) “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 st seq.

X) “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.

Y) “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.

Z) “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.

AA) “Treasurer” means the Lapeer County Treasurer.

BB) “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.

CC) “Vicious Animal” means a dog or other animals with a known tendency, or dispositions to display aggressive behaviors to a person or domestic animals such as, but not limited to; growling, snarling, lunging, or snapping or other actions that may be perceived as a threat to another person or domestic animals safety.

DD) “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. It is illegal to possess any wild animal in the State of Michigan unless licensed and permitted by the Michigan Department of Natural Resources.

EE) "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.

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, fined in an amount not to exceed \$1,000.00, and/or required to perform not more than 240 hours of community service.

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.

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, abandoned, 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. 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 exigent circumstances is authorized to rescue 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.

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 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 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.

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 or second offense, the violation shall be a civil infraction, and upon a finding of responsibility the violator shall be fined as set forth below.
 2. As to the third or subsequent offense, the violation 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 \$1,000.00, and/or required to perform not more than 240 hours of community service.

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

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 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 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.

F1) It shall be unlawful for any person or owner to 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) 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) Keep an exotic, wild or otherwise dangerous animal within the County of Lapeer or violate any restrictions on such animal's custody. All exotic, wild or otherwise dangerous animals must be registered with Lapeer County Animal Control.

FINES (PER ANIMAL):

FIRST OFFENSE \$100
SECOND OFFENSE \$200

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

F5) 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) 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.

FINES (PER ANIMAL):

FIRST OFFENSE \$200
SECOND OFFENSE \$500

F7) 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) 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.

FINES (PER ANIMAL):

FIRST OFFENSE \$100
SECOND OFFENSE \$200

F9) 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) Permit any animal to leave the confines of any officially prescribed quarantine area when a verbal or written notice of quarantine has been issued.

FINES (PER ANIMAL):

FIRST OFFENSE \$100
SECOND OFFENSE \$200

F11) 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.

FINES (PER ANIMAL):

FIRST OFFENSE \$50
SECOND OFFENSE \$100

F12) 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) 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.

FINES (PER ANIMAL):

FIRST OFFENSE \$100
SECOND OFFENSE \$500

F14) Allow livestock to run at large, not under reasonable control.

FINES (PER OCCURRENCE):

FIRST OFFENSE \$100
SECOND OFFENSE \$500

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

FINES:

FIRST OFFENSE \$50
SECOND OFFENSE \$100

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

FINES (PER ANIMAL):

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

F17) 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) 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.

FINES (PER ANIMAL):

FIRST OFFENSE: \$100
SECOND OFFENSE \$200

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

FINES (PER ATTACKING DOG):

FIRST OFFENSE \$100
SECOND OFFENSE \$500

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

FINES:

FIRST OFFENSE \$50
SECOND OFFENSE \$100

F21) Refuse to meet requirements of a nuisance animal.

Penalty including fines and potential seizure of animal/s

F22) Feeding of unsterilized feral cats.

FINES:

FIRST OFFENSE \$100
SECOND OFFENSE \$250

ARTICLE XI NUISANCE ANIMAL ORDINANCE

A) Determination of Nuisance Animal

- 1) An Animal Control Officer shall have the authority to make a determination that an animal is a nuisance as defined (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.
- 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.
 - 2) Lawful hunting while the animal is under the control of its owner or custodian.
 - 3) Defense of the animal's owner, members of the owner's family or household, or their property.
- D) Capture
- 1) An Animal Control Officer may capture or take into custody:
 - a) Unlicensed Dogs.
 - b) Dogs that are running at large or that are not on a leash or lead while off the owners property.
 - c) Stray, unwanted, abandoned, or abused animals.
 - d) Animals maintained contrary to any city or township ordinance other than an animal control ordinance adopted pursuant to MCL 287.290
 - e) Animals which the owner or custodian is not able to care for properly as a result of
 - 1) Illness
 - 2) Bankruptcy
 - 3) Litigation
 - 4) Other Contingencies
 - f) Any animal that has bitten a person.

ARTICLE XII FERAL CAT ORDINANCE

- 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.

**ARTICLE XIII
WILDLIFE AND EXOTIC ANIMAL REGISTRATION**

A) Any wild, or exotic animal 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.
2. Owner must comply with all zoning and ordinance laws pertaining to ownership.
3. Wild and 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.
4. If the animal escapes the owner/caretaker Lapeer County Animal Control must be notified immediately.
5. Owner must maintain all State and Federal permits required to keep animals.

**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 XV
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 be punishable as a misdemeanor by up to 90 days in jail, and/or a \$1000.00 fine.

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 XVIV
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**