

INGHAM COUNTY
ANIMAL CONTROL ORDINANCE

AS ADOPTED BY THE INGHAM COUNTY BOARD OF COMMISSIONERS ON
SEPTEMBER 18, 1972 AND AMENDED THROUGH DECEMBER 12, 2006.

PASSAGE OF ORDINANCE

I, Helen B. Everitt, Deputy County Clerk for the County of Ingham, do hereby certify that the following Ordinance was adopted by the Ingham County Board of Commissioners on September 18, 1972.

HELEN B. EVERITT
Deputy County Clerk

ANIMAL CONTROL ENFORCEMENT ORDINANCE

County of Ingham, Michigan

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

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

ARTICLE I

PURPOSE

Deeming it advisable in the interest of protecting the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and in particular Act 339 of the Public Acts of 1919, as amended, being Sections 287.261-287.293 of the Compiled Laws of 1948, (MSA Sections 12.511-12.543), and to create the position of Animal Control Officer and define his duties, authority and responsibilities, and to regulate and control the conduct, keeping and care of dogs and certain other animals,

livestock and poultry, the County of Ingham, Michigan, does hereby adopt the following Ordinance:

ARTICLE II

DEFINITIONS

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

- (a) ANIMALS Unless otherwise stated, the word "Animal" as used in this Ordinance shall include birds, fish, mammals and reptiles.
- (b) LIVESTOCK means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennys, burros, goats, kids, hogs, swine, and furbearing animals being raised in captivity.
- (c) POULTRY means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended, being Sections 317-71 to 317.85 of the Compiled Laws of 1948 (MSA Sections 13.1271-13.1285).
- (d) POLICE OFFICER means any person employed or elected by the people of the State of Michigan, or by any city, village, county or township whose duty it is to preserve peace or to make arrest or to enforce the law, and includes game, fish and forest fire wardens and members of the State Police and Conservation Officers.
- (e) ANIMAL CONTROL OFFICER means any person employed by the county for the purpose of enforcing this Ordinance or state statutes pertaining to dogs or other animals as well as persons or deputies employed by the county to act in the Animal Control Division.
- (f) OWNER The term "owner" and "persons owning premises" shall mean both the owner of title of record and those occupying or in possession of any property or premise. The term "owner" when applied to the proprietorship of an animal means every person having a right of property in the animal, an authorized agent of the owner, and every person who keeps or harbors the animal or has it in his care, custody or control, and every person who permits the animal to remain on or about the premise occupied by him.
- (g) PERSON The word "person" shall include state and local officers or employees, individuals, corporations, co-partnerships and associations.
- (h) KENNEL means any establishment wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, constructed so as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein.
- (I) RABIES SUSPECT ANIMAL The term 'rabies suspect animal' shall mean any animal which has been determined by the Michigan Department of Public Health to be a potential rabies carrier and which has bitten a human, or any animal which has been in contact with or been bitten by another animal which is a potential rabies carrier, or any animal which is a potential rabies carrier which shows symptoms suggestive of rabies.
- (j) POUND MASTER: CHIEF, ANIMAL CONTROL SERVICES: DOG WARDEN: DOG CATCHER. The terms "POUND MASTER", "Chief, Animal Control Service, "Dog Warden" or "Dog Catcher" are synonymous with "Animal Control Officer" and shall include the deputies of such person.

(k) DAY shall mean working days. It shall not include Saturdays, Sundays or County observed Holidays.

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

(m) NON-AGRICULTURAL AREA shall mean any area zoned by a city, village, township or other governmental body, agency or commission as other than for agricultural purposes.

ARTICLE III

ANIMAL CONTROL OFFICER DUTIES, AUTHORITY AND RESPONSIBILITIES

Section 1. An Animal Control Officer shall be appointed by the Board of Commissioners and shall serve as Director of the Animal Control Department. Said person shall serve at the pleasure of the Board of Commissioners. The County Controller/Administrator shall have day-to-day supervisory responsibility over the Animal Control Director.

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

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

(a) The Animal Control Officer shall promptly seize, take up and place in the animal shelter all dogs or other animals, livestock or poultry found running at large or being kept or harbored any place within the county contrary to the provisions of this Ordinance or the statutes of the state.

(b) The Animal Control Officer shall be properly deputized as a peace or police officer for the purposes of this Ordinance and shall be legally authorized to have the power and it shall be his duty to issue appearance tickets, citations or summonses to those persons owning, keeping or harboring dogs contrary to the provisions of this Ordinance.

(c) It shall be the duty of the Animal Control Officer, his/her deputies or assistants, to destroy in a humane manner, all impounded dogs or other animals lacking a collar, license or other evidence of ownership after being impounded for four (4) days, or if the animal has a collar, license or evidence of ownership, seven (7) days from the date of mailing to the animal's owner written notice that the animal has been impounded. If, however, in the Animal Control Officer's, his/her deputy's or assistant's judgment, said dog or other animal is valuable or otherwise desirable for keeping, the Animal Control Officer, his/her deputies or assistants may release said dog, or other animal, to any person who will undertake to remove said animal from the county or keep said animal within the county in accordance with the provisions of this Ordinance and the statutes of the state, including compliance with licensing and vaccination requirements, upon payment of the proper charge for the care and treatment of said animal while kept in the animal shelter or dispose of said dog or other animal at the expiration of the holding period required herein in a manner approved by the Board of Commissioners or the Law and Courts Committee or any successor committee thereof. Such regulations regarding the sale of animals from the animal shelter and boarding and other charges shall be posted in a conspicuous place at the animal shelter. The bodies of all animals destroyed at the animal shelter or elsewhere in the county shall be disposed of by the Animal Control Officer, his/her deputies or assistants, in a manner approved by the Ingham County Health Department and /or Law and Courts Committee of the Board of Commissioners or any successor committee thereof. Any animals voluntarily turned into the animal shelter by the owners thereof for disposition need not be kept for the

minimum period set forth herein before release or disposal of such animal is made by the Animal Control Officer, his/her deputies or assistants, as provided herein.

(d) The Animal Control Officer shall promptly investigate all animal bite cases by a rabies suspect animal involving human exposure and shall search out and attempt to discover the animal involved and shall either impound or require its owner to quarantine the animal for examination for disease in accordance with applicable provisions of this Ordinance and/or the statutes of the state. In the event the owner of a quarantined animal is unable to maintain the quarantine during the required period, the owner shall deliver said animal to the animal shelter or upon notice to the Animal Control Officer to a veterinarian clinic for impoundment. Failure of an owner to maintain a quarantine or to deliver a quarantined animal for impoundment shall constitute a misdemeanor punishable as set forth in Article X of this Ordinance. The Animal Control Officer shall also be obliged to seize and impound any rabies suspect animal.

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

(f) The Animal Control Officer, his deputies or assistants are hereby authorized and empowered in accordance with the provisions of this Ordinance to enter upon private premises for the purpose of inspecting same for the purpose of determining the harboring, keeping or possessing of any dog or dogs for the specific purpose of determining if the owners of said dogs have complied with the appropriate provisions of this Ordinance and to apprehend and take with him any dogs for whom no license has been procured in accordance with this Ordinance or for any other violation hereof. The provisions of this subsection shall specifically include, but not be limited to, investigation of or seizure for cruelty to animals.

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

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

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

(j)The Treasurer shall deputize the Animal Control Director and necessary staff and veterinarians contracted to sell dog licenses, and said individuals shall be responsible to the County Treasurer for the sale of dog licenses and the keeping of appropriate records and books of accounts with respect thereto.

(k) The Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the Board of Commissioners may from time to time provide.

Section 4. It shall be the further duties of the Animal Control Officer, his deputies or assistants, to enforce the provisions of this Ordinance and the statutes of the state pertaining to dogs and other animals, and he may make complaint to the appropriate District Court or other appropriate

court in regard to any violation thereof.

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

Section 6. All suspensions and-or revocations of licenses and all seizures for cruelty or dangerousness as provided for herein, shall be in accordance with such rules and regulations as are adopted from time to time by the Board of Commissioners.

Section 7. The Animal Control Officer shall serve at the pleasure of the Board of Commissioners and may be removed from office by a majority vote of the Board of Commissioners.

Section 8. The Animal Control Officer, his deputies or assistants are further authorized and shall at all times carry a book of receipts properly numbered in sequence for accounting purposes, for the issuing of dog licenses as provided in this Ordinance and shall issue such dog licenses in accordance herewith.

Section 9. All fees and monies collected by the Animal Control Officer, his deputies or assistants as herein provided shall be accounted for and turned over to the Treasurer on or before the first of each and every month or more often if reasonably necessary under the standard practices of the Treasurer's accounting system.

ARTICLE IV

LICENSING AND VACCINATION

Section 1. It shall be unlawful for any person to own any dog four (4) months old or over, unless the dog is licensed as hereinafter provided, or to own any dog four (4) months old or over that does not at all times wear a collar with a tag approved by the Director of the Michigan Department of Agriculture, attached, as hereinafter provided, except when engaged in lawful hunting accompanied by its owner; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash; or for any person except the owner, to remove any collar and-or license tag from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, farm dogs, hunting dogs, and other dogs, when accompanied by their owner, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.

Section 2. The owner of any dog four (4) months old or over, shall annually apply to the county, township or city treasurer to his authorized agent, where the owner resides, for a license by the last day of the anniversary month of the dog's current rabies vaccination. Such application shall be in writing and state the breed, sex, age, color, and markings of the dog, and the name and address of the last previous owner. The application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The certificate for the vaccination for rabies shall state the month and year of expiration for the rabies vaccination, in a veterinarian's opinion. A license shall not be issued if the dog's current rabies vaccination will expire more than one month before the date on which that license would expire.

Section 3. No dog shall be exempt from the rabies vaccination requirements as herein set forth.

Section 4.

(a) The annual fee for licenses acquired on or before the last day of the anniversary month of a

dog's current rabies vaccination for male or female dogs four (4) months of age or over that are not surgically sterilized shall be \$40.00 per year, or \$4.00 per month if the vaccination anniversary date is less than 8 months away. The three year non-delinquent un-sterilized license fee shall be \$100.00. The annual fee for licenses acquired during said period for surgically sterilized male or female dogs four (4) months of age or over shall be \$12.00 per year, or \$1.00 per month if the vaccination anniversary date is less than 9 months away. The three year non-delinquent sterilized license fee shall be \$30.00.

(b) For dogs reaching the age of four (4) months, the owner thereof shall obtain a license within thirty (30) days of the date in which a dog reaches four (4) months of age at the rate set forth in Article IV, Section 4(a).

(c) A dog which is used as a guide or leader dog for a blind person, a hearing dog for a deaf or audibly impaired person, or a service dog for a physically limited person is not subject to any fee for licensing, as provided in MCL 287.291.

(d) The Treasurer will make two contacts with a suspected unlicensed dog owner, either in person or by mail, allowing licensing at the normal non-delinquent rate set forth in Article IV Section 4(a). The delinquent license fee for any dog for which a license has not been obtained in accordance with Article IV, Sections 4(a) and (b) shall be double the figure in Section 4(a) when a third contact (from the County Prosecutor) becomes necessary.

(e) The delinquent license fee for any dog for which a license has not been obtained in accordance with Article IV, Sections 4(a), (b) and (d), when a contact by an Animal Control Officer becomes necessary, shall include the full \$70.00 cost of license compliance and enforcement activities as an addition to the delinquent license fee set forth in Section 4(d).

(f) The dog license fees as herein established may be changed from time to time by the rules and regulations pertaining to same as established by the Board of Commissioners.

(g) Current dog licenses issued by other counties within Michigan, and any other governmental agencies shall be honored in Ingham County until either it's current license expires or the last day of the anniversary month of the dog's current rabies vaccination, whichever occurs first.

Section 5. No license or license tag issued for one dog shall be transferable to another dog.

Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred, upon proper notice, in writing by the last registered owner, given to the Treasurer who shall note such transfer upon his records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

Section 6. Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required under this Ordinance and under the laws of the State of Michigan, apply to the Treasurer for a kennel license entitling him to own, keep or operate such kennel in accordance with the applicable laws of the state and the fee for same shall be in accordance with the laws of the state or as established by the rules and regulations for licensing fees by the Board of Commissioners.

Section 7. Any person owning a kennel shall, on or before June 1 of the year following such ownership, obtain a kennel license from the County Treasurer if the person qualifies under Act 339, Public Acts of 1919, as amended. The fee to be paid for a kennel license shall be \$10.00 for ten (10) dogs or less, and \$25.00 for more than ten (10) dogs. A fee of double the original license fee shall be charged for each previously licensed kennel, whose kennel license is applied for after June 1. In addition to the kennel license fee a inspection fee shall be charged for every inspection

of a kennel at a rate of \$20.00 for ten (10) or less dogs and \$25.00 for more than ten (10) dogs. Failure to obtain such kennel license shall be punished as set forth in Article X, of this Ordinance.

CONFINEMENT

Section 1. Any dog or other warm blooded animal that shall bite a person, animal or livestock shall be handled in accordance with the National Association of State Public Health Veterinarians, Inc., (NASPHV, Inc), Compendium of Animal Rabies Control 1989, as amended. In the event the owner of such animal is unable to or fails to comply with any of the prescribed procedures, the Animal Control Officer shall take possession and custody of such animal and follow the prescribed procedure. The owner of such animal shall bear the costs thereof. Failure of the owner of such animal to keep, maintain and confine or dispose of the animal when and as required by the NASPHV, Inc., Compendium of Rabies Control 1989 or if unwilling or unable to do so, to release custody of said animal to Animal Control Officer, his/ her deputies or assistants or when so directed deliver said animal to a veterinarian clinic for confinement, shall be in violation of this Ordinance and subject to the penalties set forth in Article X.

ARTICLE VI

ANIMAL SHELTER AND IMPOUNDMENT

Section 1. All dogs found running at large shall be seized by the Animal Control Officer, his/her deputies or assistants, or by other law enforcement officers, and impounded at the animal shelter for a period of four (4) days if the dog lacks a collar, license or other evidence of ownership, if the dog possesses a collar, license or other evidence of ownership, it shall be held for a period of not less than seven (7) days from the date of mailing the notice of the dog's impoundment to its owner. After the required holding period has elapsed the dog may be killed, sold or otherwise disposed of if not claimed by the owner, in a manner authorized by this Ordinance

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

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

Section 4. An owner may redeem a dog from the animal shelter by executing a sworn statement of ownership, furnishing a license and tag as required by this Ordinance and state law, and paying the following fees:

- (a) A boarding fee of \$10.00 per day commencing the day following the day of impoundment.
- (b) A fee of \$10.00 for vaccination unless the owner can show proof of vaccination within the

last year.

(c) A pick-up fee of \$26.00 for the first pick-up of a surgically sterilized animal and \$41.00 for a unsterilized animal; \$31.00 for the second pick-up of a surgically sterilized animal and \$61.00 for an unsterilized animal; \$63.00 for the third pick-up of a surgically sterilized animal and \$63.00 for each pick-up thereafter. For the third pick-up of an unsterilized animal the fee shall be \$125.00 plus the prepayment of sterilization surgery to the veterinarian of the choice of the animal owner. The sterilization shall be performed within ten (10) business days of the date of the animal's third redemption or at the time the animal turns six (6) months of age, unless the animal's owner elects to have the animal euthanized in lieu of sterilization. If the owner fails to have the animal either sterilized or euthanized within the prescribed time period after the third redemption, he/she shall turn the animal and title thereto over to the Ingham County Animal Shelter. On the first and second pick-up of an unsterilized animal, a refund equal to the difference in fees between the sterilized and unsterilized animals shall be given to the animal's owner if the owner submits proof to the animal shelter that the animal has been sterilized within ten (10) working days from the date of the animal's pick-up from the animal shelter. If an animal is picked up at times other than the normal working hours, an extra \$10.00 shall be charged. When an animal is picked up for the third time, regardless of whether surgically sterilized or unsterilized, the Animal Control Officer shall request the Prosecuting Attorney to prosecute the owner for violations of this Ordinance and Act No. 339, Public Acts of 1919, as amended.

(d) If a dog owner is unable to prove that the dog has a current license and a valid certificate of rabies vaccination, the owner shall in addition to the fees set forth above, pay the fees established for licensing and rabies vaccination. (e) The fees set forth in this section may be changed from time to time by the Board.

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

ARTICLE VII

KILLING AND SEIZING OF DOGS AND OTHER ANIMALS

Section 1. The Animal Control Officer, his/her deputies or assistants may kill any dog or other animal which he/she sees in the act of pursuing, attacking or about to attack or wounding any livestock or poultry or attacking persons, and there shall be no liability on such Officer, deputy or assistant in damages or otherwise, for such killing. Any dog that enters any field or enclosure which is owned by or leased by a person producing livestock or poultry, outside of a city, unaccompanied by its owner, or its owners agent, shall constitute a trespass, and the owner shall be liable in damages. Except as provided in this section, it shall be unlawful for any person, other than a law enforcement officer, to kill or injure or attempt to kill or injure any dog which bears a license tag for the current year. In no event shall the provisions of this section exonerate a person from compliance with the criminal laws of this state, including, by way of an example, the safe discharge of firearms.

Section 2. It shall be lawful for any person to seize any dog or other animal running at large in violation of this Ordinance and to turn said dog or other animal over to the Animal Control Officer, his/her deputies or assistants.

ARTICLE VIII

PROHIBITION OF LIVESTOCK OR POULTRY IN NON-AGRICULTURAL AREAS

No livestock or poultry shall be owned, kept, possessed, harbored or kept charge of within the boundaries of any non-agricultural area within Ingham County except as such places are provided for shipping said livestock or poultry.

ARTICLE IX

ENUMERATION OF CERTAIN VIOLATIONS AND PROCEDURE THEREFOR

Section 1. The owner of any dog shall be deemed in violation of this Ordinance and subject to the penalties set forth in Article X if:

- (a) The owner's dog, regardless of age, and whether licensed or unlicensed, wearing a collar or not wearing a collar, runs at large, provided however, that a dog engaged in hunting need not be leashed when under the reasonable control of its owner.
- (b) The owner's dog, regardless of age, and whether licensed or unlicensed, wearing a collar or not wearing a collar, except a leader dog for a blind person, hearing dog for a deaf or audibly impaired person, or a service dog for a physically limited person which is accompanied by its owner, to be within the confines of any public park when such park, by appropriate designation at its entrance, prohibits dogs.
- (c) The owner's dog, at any time, whether licensed or unlicensed, destroys property, real or personal, or trespasses in a damaging way on property of persons other than the owner.
- (d) The owner's dog or other animal at any time, whether licensed or unlicensed, attacks or bites a person.
- (e) The owner's dog shows vicious habits and molests passers-by when such persons are lawfully on the public highway or right of way.
- (f) The owner's dog which, by loud and frequent barking, howling or yelping, is a nuisance in the neighborhood in which said dog is kept, possessed or harbored.
- (g) No person shall hinder, harass, injure, or interfere with a dog or other animal being used for law enforcement purposes by a law enforcement official.

Section 2. An owner of livestock or poultry shall be in violation of this Ordinance and subject to the penalties set forth in Article X and Act 328 of the Public Acts of 1976, being Section 433.11, et seq of the Compiled laws of 1948 (MSA 18.789(l), et seq) if the owner's livestock or poultry runs at large upon the premises of another or upon any public street, lane, alley or other public ground in the county unless otherwise specifically allowed.

Section 3. A person shall be in violation of this Ordinance and subject to the penalties set forth in Article X if he/she removes a collar or tag from any dog or other animal without the permission of its owner, or decoys or entices any dog or other animal out of an enclosure or off the property of its owner, or seizes, molests or teases any dog or other animal while held or led by any person or while on the property of its owner.

Section 4. In the event of any of such violations or of a violation of any other provision of this Ordinance or of the laws of the state, the Animal Control Officer, his deputies or assistants or other peace officer may issue an appearance ticket, citation or summons to the owner of said dog, animal, livestock or poultry, or other person, summoning them to appear before a district court or other appropriate court within the county to answer the charges made in violation of this Ordinance. The said Animal Control Officer, his deputies or assistants or other peace officer may

sign a complaint before said court for violation of the provisions of this Ordinance, proceed to obtain the issuance of a warrant and make arrest of the person to whom said violation is charged and bring them before the court to answer the charges. The Court may in such case, in its discretion, upon a finding of guilty, assess the penalties in accordance with the penalty provision of this Ordinance.

Section 5. In the event of any of such violations or of a violation of any other provision of this Ordinance or of the laws of the state, the Animal Control Officer, his deputies or assistants or other peace officer or any other person may proceed to obtain authorization of the Prosecuting Attorney and make complaint before a district court or other appropriate court within the county and obtain the issuance of a summons similar to that provided in Act 339 of the Public Acts of 1919, being Section 287.280 of the Compiled Laws of 1948, (MSA Section 12.530), as amended, to show cause why such dog, animal, livestock or poultry should not be killed. Upon such hearing, the judge may either order the dog, animal, livestock or poultry killed, may order such dog, animal, livestock or poultry to be sold or otherwise disposed of, or may order the dog, animal, livestock or poultry confined to the premises of the owner, or may make such other order regarding the dog, animal, livestock or poultry as it deems proper and necessary under the circumstances, in addition to any of the penalties enumerated herein. This section shall in no way affect the provisions of Article III Section 3c of the Ordinance.

Section 6. Costs, as in civil cases, shall be taxed against the owner of the dog, animal, livestock or poultry and collected by the court from the person complained against upon a finding of guilty. The provisions of this paragraph shall be in the alternative to the provisions for violations set forth in the preceding paragraph and the Animal Control Officer, his deputies or assistants or other peace officer may, in his discretion, proceed under either section hereof.

ARTICLE X

PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

ARTICLE XI

PRESERVATION OF CERTAIN RIGHTS

Section 1. Nothing in this Ordinance shall be construed to prevent the owner of a licensed dog from recovery in an action at law from any peace officer or any other person, except as herein provided. Section 2. Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of a dog or other animal for damages committed by said dog or other animal.

ARTICLE XII

TREASURER'S RECORDS AND DUTIES

Section 1. On June 15th on each year, the Treasurer shall make a comparison of his/her records of the dogs actually licensed in each city or township of the county with a report of the supervisors of said townships or assessors of said cities or the Animal Control Officer, to determine and locate all unlicensed dogs.

Section 2. On and after June 15th of each year, every unlicensed dog, subject to license under the provisions of this Ordinance or the statutes of the State, is hereby declared to be a public nuisance and the Treasurer shall immediately thereafter list all such unlicensed dogs, as shown by the returns in his/her office of township supervisor, city assessors, Animal Control Officer and shall deliver copies of such lists to the Animal Control Officer and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in Act 339 of the Public Acts of 1919, being Section 287.277 of the Compiled Laws of 1948, (MSA 12.527), as amended.

Section 3. The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in the county. Such record shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses, the record shall also state the breed, sex, age, color and markings of the dog licensed; and in case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to inspection during business hours. He shall also keep an accurate record of all license fees collected by him or paid over to him by any city or township treasurer.

Section 4. In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or lack of same, showing the name of the owner and the license number to whom any license was issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership or non-ownership of any dog and of issuance or non-issuance of a dog license or tag.

ARTICLE XIII

FEES AND EXPENSES

Section 1. Every township and city treasurer of Ingham County, Michigan, shall receive the sum of FIFTY CENTS (\$.50) for each dog license issued for the issuing and recording of same. The remuneration as herein established shall be deemed additional compensation for additional services for each township or city treasurer who receives a salary in lieu of fees, when so designated by the appropriate township board or city council. This fee may be changed from time to time by the Board of Commissioners.

Section 2. It shall be the duty of the Animal Control Officer annually to make a census of the number of dogs owned by all persons in Ingham County, Michigan, in accordance with state law. The Animal Control Officer is hereby empowered to employ whatever personnel he reasonably believes necessary to conduct this census; such personnel shall receive for their services in listing such dogs such sum as shall be set from time to time by the Board of Commissioners.

Section 3. The duties and obligations herein imposed upon the respective designated officials may be delegated to some other appropriate person or persons by each of said officials with like force and effect.

Section 4. The fees and expenses as established by this Ordinance may be changed from time to time on or before November 1 of each year and for subsequent years by action of the Board of Commissioners.

Section 5. All fees and expenses as herein provided for, shall be paid in accordance with Article XIV of this Ordinance.

ARTICLE XIV

RECEIPTS AND DISBURSEMENT OF FUNDS

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

ARTICLE XV

CONSTRUCTION

Section 1. When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include the feminine and neuter. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any article or section of this Ordinance.

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

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

ARTICLE XVI

REPEAL

All Ordinance or parts of ordinances inconsistent herewith are hereby repealed.

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect sixty (60) days after the date of its adoption. ADOPTED: September 18, 1972 Eugene G. Wanger, Chairman Helen B. Everitt, Deputy County Clerk

AMENDED BY:

Resolution Number: 85-96 adopted April 30, 1985, effective October 14, 1986.

Resolution Number: 86-255 adopted November 25, 1986, effective March 4, 1987.

Resolution Number: 89-226 adopted October 10, 1989, effective December 1, 1989.

Resolution Number: 90-65 adopted February 27, 1990, effective March 14, 1990.

Resolution Number: 91-327 adopted December 17, 1991, effective February 15, 1992.

Resolution Number: 96-112 adopted May 28, 1996, effective June 11, 1996.

Resolution Number: 98-179 adopted July 28, 1998, effective August 20, 1998

Resolution Number: 99-185 adopted July 27, 1999, effective January 1, 2000

Resolution Number: 01-378 adopted December 11, 2001, effective January 1, 2002

Resolution Number: 04-340 adopted November 9, 2004, effective December 1, 2004

Resolution Number: 04-385 adopted December 14, 2004, effective January 1, 2005

Resolution Number: 06-214 adopted July 25, 2006, effective September 1, 2006

Resolution Number: 06-336 adopted December 12, 2006 effective January 1, 2007