

DOG LAW ENFORCEMENT ORDINANCE
COUNTY OF CASS, MICHIGAN

An Ordinance relating to and providing for animal control within the boundaries of Cass County; providing for the employment of a County Animal Control Director and describing the duties, authority and responsibilities of that office; prescribing the licensing and vaccination of dogs and the confinement of animals under certain circumstances; authorizing the establishment of a County Animal Shelter for the impoundment of dogs and other animals and their redemption; permitting the seizing and euthanizing of dogs and other animals; providing special controls or penalties for keeping vicious animals; authorizing a dog census to be made of dogs; enumerating certain violations and penalties thereof; prescribing the County Treasurer's duties with regard to licensing; authorizing certain fees and expenses and the receipt and disbursement of funds; and repealing other ordinances inconsistent herewith.

THE PEOPLE OF THE COUNTY OF CASS, STATE OF MICHIGAN DO HEREBY ORDAIN THE 2006 REVISED ANIMAL CONTROL ORDINANCE.

ARTICLE I

Section 1. The County of Cass deems that the ownership of an animal carries with it responsibilities to the County and its residents with regard to care and control of such animals. In interpretation and application, the provisions of this Ordinance shall be construed to impose a primary responsibility for compliance therewith on the owner of such animal. The County of Cass concludes it advisable to adopt a revised Dog Law Enforcement Ordinance in the interest of protecting public health and safety, promoting the welfare of animals within Cass County and providing for the orderly and uniform administration of the provisions of Act 339 of the Public Acts of 1919, as amended. The Board of Commissioners finds that the presence of vicious animals, as defined herein, within Cass County creates an increased danger to public health and safety and to the welfare of other animals.

ARTICLE II

Section 1. DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT. Any person assigned the responsibility for the care of an animal by its owner.

ANIMAL. Any living creature, domestic or wild, including livestock, poultry, pet rodents, pet birds and vermin.

ANIMAL CONTROL DEPARTMENT. Cass County Animal Control.

ANIMAL CONTROL DIRECTOR. The person recommended by the Sheriff and appointed by the Board of Commissioners to oversee the daily operation of the Animal Control Department.

ANIMAL CONTROL OFFICER. Any person employed by the County and sworn by the Sheriff, for the purpose of enforcing this ordinance or state statutes pertaining to dogs, as well as persons or deputies employed by the County to act in the Animal Control Department.

ANIMAL DEALER. Any person engaging in the business of buying and/or selling any animal or animals for the purpose of resale to pet shops, research facilities, another animal dealer, including the sale of any animal from any roadside stand, booth, flea market or other temporary site. Persons buying or selling animals fit and destined for human consumption and persons involved in the sale of an occasional litter or animal on a random basis are not included in this definition.

ANIMAL SHELTER. Any premises designated and/or operated by the County of Cass for the purpose of impounding and caring for animals held under authority of this Ordinance.

APPROVED RABIES VACCINE. Any vaccine approved as effective by the United States Department of Agriculture (USDA) for protecting an animal from contracting rabies.

ATTACK. An unprovoked attack in an aggressive manner that bites causing a scratch, puncture, abrasion or bruising of the skin of a human or causes death or injuries to a domestic animal requiring veterinary treatment.

BOARD OF COMMISSIONERS. Legislative body of the County of Cass.

BOARDING KENNEL. Any establishment where dogs or puppies, are kept for the purpose of boarding for remuneration for any part of a 24-hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for grooming, for treatment, diagnostic, or recuperative purposes.

CAT. Any domestic feline four months of age or older.

CIRCUS. A variety show, which features animal acts. A circus shall not include dog and cat shows sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the American Cat Fanciers Association, the Cat Fanciers Association or any affiliate thereof, nor shall it include any primary horse show.

CLASS A KENNEL. An establishment where dogs and/or puppies are kept for the primary purpose of breeding, trading, showing or sporting and the facility is so

constructed that the dogs or puppies cannot stray there from or come in accidental contact with the public or other stray animals. Class A Kennels are required to have proof of rabies vaccination and licensure on file for all animals covered under the license. The Class A Kennel license shall apply to a minimum of three (3) and up to ten (10) dogs and shall require an additional Class A Kennel license for each increment of up to ten (10) dogs. Fees for the kennel inspection and kennel license are set by resolution of the Board of Commissioners. This kennel license does not include those facilities required under State law to be registered as an animal protection agency pursuant to MCLA 287.331.

CLASS B KENNEL. Any establishment where dogs or puppies are kept for the primary purpose of boarding. Class B Kennels are required to have proof of rabies vaccination and licensure on file for all boarded animals on premises. Fees for the kennel inspection and kennel license are set by resolution of the Board of Commissioners. This kennel license does not include those facilities required under State law to be registered as an animal protection agency pursuant to MCLA 287.331.

CRUELTY. Failing to provide adequate food, water and shelter; failing to detect the need for or withholding veterinary care; creating or allowing unhealthful living conditions; infliction of pain, injury, or death to an animal by striking, beating, dropping, kicking, dragging, choking, or by the use of an object or weapon; causing pain, injury, or death by means of caustic, flammable, boiling, or heated substances; causing suffering, injury, or death by suffocation or drowning; failure to provide health-related grooming.

DANGEROUS ANIMAL. Any warm-blooded mammal which is known to carry or be susceptible to the rabies virus and which cannot be effectively vaccinated against that virus with any vaccine approved by the United States Department of Agriculture (USDA). A dangerous animal includes any hybrid animal or any pet wildlife which has attacked a human or which is apprehended or observed unrestrained.

For purposes in Article XVII of this Ordinance, "Dangerous animal" also 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:

- (1) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
- (2) An animal that bites or attacks a person who provokes or torments the animal.
- (3) 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.

(4) Livestock.

DANGEROUS DOG. Any dog, which, when unprovoked, in an aggressive manner commits a severe attack on any person or another animal.

DOG. Any domestic canine four months of age or older.

DOGHOUSE. A doghouse shall be constructed of suitable material to protect the animal from weather and shall be made of four sides, a roof and floor. The size of the house shall be commensurate to the size of the dog, allowing for the animal to stand, sit and turn around without touching the sides or the roof. The house shall be sufficiently insulated in the winter (or when the temperature drops or is predicted to drop to freezing) to protect the animal from cold.

DOMESTIC. Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, and any animal, which may be vaccinated against rabies with an approved rabies vaccine, and any animal, which has an established rabies quarantine observation period.

DWELLING UNIT. Either a single room or two or more connected rooms sold or leased as a unit and intended for occupancy by one or more persons, and which at a minimum contains sleeping, toilet and bathing facilities which are accessed independently from any similar such facilities in the same building. This term includes hotel or motel rooms, extended stay lodging facilities, nursing home rooms and assisted living units.

ENCLOSURES.

(1) **ENCLOSURES FOR DOGS AND PUPPIES.**

(a) Enclosures for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door.

(b) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. Such property must be clearly marked with a sign prescribed by the Animal Control Department, posted next to the driveway or entry to the property. The enclosure must contain proper shelter from the weather. This type of enclosure is not acceptable for a female in heat.

(2) **ENCLOSURES FOR POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS.** Enclosures for potentially dangerous dogs and dangerous dogs shall be an uncovered fence or structure at least seven feet in height, installed beneath ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient in size to allow the dog to stand, sit, and turn around in a natural position, and which allows for an adequate exercise area for the size/breed being kept. Either enclosure shall be designed to prevent the entry of children or unauthorized persons or animals and to prevent those persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather. A "DANGEROUS DOG" sign prescribed by the Animal Control Department must be posted at the entry to the property.

EXOTIC SPECIES. Any animal whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.

FEES. Fees are monetary amounts set by resolution of the Board of Commissioners for licenses and other activities of the Animal Control Department and Shelter wherein a monetary amount may be charged.

FOSTER DOG. A dog that has come from an organization such as an animal shelter, humane society, animal protection shelter or other such facility for the purpose of being temporarily housed in a residence or dwelling unit until a permanent placement can be found for the dog. Any foster dog four months of age or older must be licensed pursuant to the provisions of Article IV of this Ordinance. The limit of foster dogs may be controlled by township, city or village ordinance and is subject to Article IV Section 4.1(B).

HUMANE SOCIETY. Any organization existing for the purpose of the prevention of cruelty to animals and incorporated under the laws of the State of Michigan and registered with the Department of Agriculture.

IDENTIFICATION. For purposes of this ordinance, identification is a current license tag or a microchip.

KITTEN. Any domestic feline younger than four months of age.

LICENSE. For purposes of this Ordinance, a license is a metal tag provided by the County Treasurer and meeting the requirements of State Statute for the purpose of identifying an owner's animal.

LICENSE FACILITY. Any facility and/or business operation or person designated by the County Treasurer pursuant to Article V of this ordinance to issue licenses required by this ordinance and/or provide applications thereto.

LIVESTOCK. Horses, stallions, colts, geldings, mares, fillies, ponies, sheep, rams, lambs, llama, alpaca, buffalo, bulls, bullocks, steers, heifers, cows, calves and other

exotic beef breeds, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits.

LAW ENFORCEMENT OFFICER. Means any person employed or elected by the People of the State of Michigan, or by the County or any municipality of the County or Township, whose duty it is to preserve law enforcement or to make arrest or to enforce the law and includes game, fish and forest fire wardens and members of the state law enforcement and conservation officers.

MICROCHIP. A passive transponder which can be implanted in an animal and which is a component of a radio frequency identification (RFID) system. Such system must be compatible with a scanner used by the Animal Control Department.

OCCASIONAL SALE. Any sale of a single animal or a single litter of puppies, or otherwise which is on a random, unsystematic basis and does not exceed the sale of one animal or one litter over a 12-month period.

OWNER. A person who owns (with proof acceptable to an animal control or law enforcement officer) or harbors a dog or other animal.

PERSON. An individual, partnership, association, company, firm, business or corporation.

PET BIRDS. Any tamed or domesticated bird kept caged or indoors.

PET RODENTS. Hamsters, gerbils, mice or similar rodents which are kept as domesticated or tamed animals and which are kept caged or within doors at all times.

PET SHOP. Any person engaged in the business of breeding, buying, selling at retail or as a broker of animals of any species for profit-making purposes.

POTENTIALLY DANGEROUS DOG.

(1) Any dog which, when unprovoked, bites, punctures, scratches, or bruises any person.

(2) Any unrestrained dog which, when unprovoked, bites, punctures, injures, or kills another domestic animal while that animal is restrained in compliance with this Ordinance.

POULTRY. All domesticated fowl and all game birds, which are legally kept in captivity.

PUBLIC NUISANCE means any dog that barks, whines or howls in an excessive, continuous fashion.

PUPPY. Any domestic canine younger than four months of age.

QUARANTINE. Humane confinement of an animal in a secure enclosure which enclosure prevents the animal from coming into unplanned contact with any other animal or human being.

REASONABLE HOURS. The normal business hours of any establishment or business regulated by this chapter.

RESIDENCE. Commonly known as a home, trailer, dwelling unit or house that is occupied by one or more persons and is sanctioned by a governmental agency as being suitable for occupancy.

RESIDING. The act of living in or occupying a residence or dwelling unit.

RESPONSIBLE PERSON. For purposes of this Ordinance, a responsible person shall be a person charged with or who has assumed control of a dog or puppy that is off the premises of its owner.

RESTRAINT.

(1) For puppies and dogs, **RESTRAINT** shall mean on the premises of the owner or confined in an enclosure as previously defined, or accompanied by the owner on the owner's property and under his/her direct control. If off the premises of the owner, the animal must be restrained by a lead or leash and under the control of a responsible person, or accompanied by a responsible person into an enclosed "off-leash" area designated by the State of Michigan or the County of Cass and in conformance with all regulations and/or requirements imposed as a condition of utilizing such "off-leash" area by such Department of Parks, or its designee.

(a) It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain or tether. A fixed-point restraint may be used temporarily but not to exceed ten (10) hours in a twenty-four (24) hour period.

(b) A dog may be exclusively restrained by a chain or tether provided that it is at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable, which is also at least ten (10) feet in length and mounted no more than seven (7) feet above ground level and provided the animal has access to a proper doghouse.

(c) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(d) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.

(e) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.

(f) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

SERIOUS INJURY. Serious injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

SEVERE ATTACK. An unprovoked attack in an aggressive manner upon a human or animal in which the victim suffered a bite(s), slashing or clawing or was shaken violently, or which caused serious trauma or death.

SHELTER. The term "Shelter" shall be used to designate the Cass County Animal Shelter and this term shall be used throughout this ordinance instead of the proper name Cass County Animal Shelter.

SINGULAR WORD. A singular word shall include the plural. Masculine shall include the feminine and neuter.

THEATRICAL EXHIBITION. Any exhibition or act featuring performing animals. Such exhibitions shall not include dog and cat shows which are sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the Cat Fanciers Association, American Cat Fanciers Association or any affiliate thereof nor shall it include any primary horse show.

UNFIT FOR PURCHASE. Any disease, deformity, injury, physical condition, illness or any defect which is congenital or hereditary and which would adversely affect the health of the animal, or which was manifest, capable of diagnosis or likely to have been contracted on or before the sale and delivery of the animal. For purposes of this ordinance, veterinary findings of internal and external parasites shall not be grounds for declaring the animal unfit for purchase unless the animal is clinically ill due to such condition. An animal shall not be found unfit for purchase on account of injury sustained or illness contracted subsequent to the consumer's taking possession thereof.

VACCINATIONS. The injection by a veterinarian or other qualified persons of vaccines approved by the United States Department of Agriculture.

VETERINARIAN. A licensed and accredited practitioner of veterinary medicine.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian on the premises for the diagnosis and treatment of diseases and injury to animals and/or for the hospitalization of animals for diagnostic or recuperative purposes.

VICIOUS ANIMAL. Any animal:

1. which has previously attacked or bitten a human being or other domestic animal other than under justifiable circumstances;
2. which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or bite human beings or other domestic animals other than under the type of circumstances that would be justifiable.

The circumstances that would be justifiable in subsections 1 and 2 above are those set forth in Section 1(a)(I-iv) of 1988 PA 426, being MCLA287.321;MSA 12.545(21).

WILD ANIMALS. Any animal which is not typically domesticated or found on farms or in residential homes, but which are typically found in the wild, zoos, circuses, wildlife sanctuaries or nature preserves. This definition includes, but is not limited to, such animals as primates, elephants, rhinoceroses, camels, all members of the Felidae family including, but not limited to, lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, bobcat, ocelot, and servals or any other species of non-domesticated cat, badgers, bears, beavers, coyotes, coyote hybrids, wolves, wolf hybrids, crows, deer, antelope, elk, mink, moose, muskrat, fox, fox hybrids, opossums, otters, ostriches, emu, wild rabbits, raccoon, skunks, venomous snakes, squirrels, wild turkey, crocodiles, alligators, seals, sharks and whales.

WILDLIFE. Any animal, which occurs naturally in a wild state. This includes any animal which is a hybrid of wildlife.

ZOOLOGICAL GARDEN. Any park or zoo operated by other than a governmental agency or foundation.

ARTICLE III

ANIMAL CONTROL DIRECTOR

Section 3.1 OFFICE OF ANIMAL CONTROL DIRECTOR. An Animal Control Director shall be appointed by the Board of Commissioners, upon recommendation of the Sheriff and the County Administrator, for such term or terms as they designate and shall serve at the pleasure of the Board. An Animal Control Director shall meet minimum standards set by the Board of Commissioners and shall be properly deputized as a law enforcement officer by the County Sheriff for the purposes of this ordinance and shall be legally authorized to have the power to issue notice of violations and/or misdemeanor citations to any person in violation of the provisions of this ordinance.

Section 3.2 COMPENSATION. The Animal Control Director shall be paid a salary as set by the Board of Commissioners in lieu of all fees and other remuneration under the statutes of this State.

Section 3.3 DUTIES. The Animal Control Director shall fulfill the duties as set out in the Position Description adopted by the Board of Commissioners.

Section 3.3(1) CENSUS. The Board of Commissioners shall, by resolution, cause a dog census to be made in the County.

(a) The Animal Control Director shall hire census takers to conduct the dog count. The dog count shall be taken beginning March 1 and completed before June 1, or such other time as specified by the Board.

(b) The Animal Control Director shall cause all census takers to be sworn as deputy animal control officers by the County Sheriff; the Animal Control Director shall have the power to dismiss census takers for failure to carry out duties prescribed by the Animal Control Director.

(c) The census takers shall canvass each residence in the county, and upon finding an unlicensed dog, the census taker shall issue a notice of violation to the owner, possessor, or person harboring such dog under this ordinance to appear at the Animal Shelter to answer said notice of violation. A person, firm or corporation, failing to appear at the Animal Shelter within the appropriate time limits or failing to pay the fee connected to the notice of violation shall be issued a Uniform Citation to appear in District Court or such other court of the County. A person convicted of violating any of the provisions of this section shall, upon being found guilty, be punished as hereinafter set forth in Article XX.

ARTICLE IV

DOG LICENSE, KENNEL LICENSE, LOSS OF LICENSE, TAG REMOVAL, NON-RESIDENTS TRANSFERABILITY, AND VACCINATIONS

Section 4.1 DOG LICENSES. LIMITATION. FIXATION OF TAGS.

(A) Effective upon passage of this ordinance and from that day forward, every owner of a dog four (4) months of age or older who resides or whose dog resides in Cass County and who is regulated by this Ordinance shall apply to the County Treasurer or license facility designated by the County Treasurer, for a dog license. Individual dog licenses shall be issued in conjunction with a valid rabies vaccination certificate and shall be valid for one calendar year from January to December and must be renewed annually, unless said period is changed in conjunction with applicable State Statutes. Licenses and rabies vaccinations shall be required for each dog four months of age or older. Animals kept temporarily (not in excess of 30 days unless granted an extension by the

Animal Control Department) for the purpose of breeding or showing shall not require an individual dog license provided the owner has proof of a current rabies vaccination. Application for such license shall be made in accordance with the applicable laws of the State of Michigan and shall be accompanied by proof of vaccination of the dog for rabies.

(B) The limit of individual licensed dogs in any residence in Cass County is no more than five (5) dogs four months of age or older. Should the individual occupying a residence or dwelling unit wish to license more than five (5) dogs, they must apply to the Department for an inspection.

(C) License tags shall be firmly attached to a harness or collar worn by every dog. If the license is not attached to the collar, then the dog must be micro-chipped.

(D) Fees for dog licenses and inspections shall be established by resolution of the Board of Commissioners.

Section 4.2 KENNEL LICENSE. FIXATION OF TAGS. (A) Any person who 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 Animal Control Department for a kennel license allowing him/her to keep or operate such kennel in accordance with the applicable laws of the State of Michigan provided however that the kennel facility is not required under State law to be registered as an animal protection agency, pursuant to MCLA 287.331.

(B) All kennels must be inspected and approved in writing under rules promulgated by the Animal Control Department annually on or before March 1 of each year hereafter. Each new request for a kennel license shall be accompanied by a written statement of approval directed to the Animal Control Director, from the zoning board or planning commission of the village, township or city in which the kennel shall be located, or, if no such board or commission exists, by the village council, township board or city council in which the kennel shall be located.

(C) Kennel license tags shall be firmly attached to a harness or collar worn by every animal specified to be in the kennel. If the license is not attached to the collar, then the dog must be micro-chipped.

(D) Fees for kennel inspections and kennel licenses shall be established by resolution of the Board of Commissioners.

Section 4.3 LOSS OF LICENSE TAG. If any dog tag is lost, it shall be replaced without cost by the county treasurer, upon application by the owner of the dog, and upon sworn statement of the fact regarding the loss of such tag.

Section 4.4 TAG REMOVAL. It shall be unlawful for any person except the owner or authorized agent to remove any license tag from a dog.

Section 4.5 TRANSFERABILITY. No license or license tag issued for one dog shall be transferable to another dog.

Section 4.6 NON-APPLICABILITY TO NON-RESIDENTS. Sections 4.1 through 4.2 requiring a license shall not apply to non-residents of Cass County who are keeping or harboring domestic pets, provided that animals of such owners shall not be kept in Cass County longer than 30 days and that the animals shall be kept under restraint. No non-resident shall, however, keep any dog in Cass County over the age of four months that has not been vaccinated against rabies with an approved rabies vaccine.

Section 4.7 VACCINATIONS; RABIES INFORMATION. (A) Every owner of a dog four months of age or older shall have it vaccinated against rabies. Any owner of a dog reaching four months of age shall have such animal vaccinated by the thirtieth day after the date the dog attained this age. Such vaccination shall be in accordance with the vaccination requirements prescribed by the Michigan Department of Agriculture, Board of Veterinary Medicine or Michigan Department of Health. Rabies vaccination must be performed by a licensed, accredited veterinarian.

(B) The veterinarian administering the vaccination shall issue to the dog owner a vaccination certificate on a form prescribed by the Michigan Department of Agriculture. The vaccination certificate shall be prepared and issued in triplicate. Each vaccination certificate shall bear the name and address of the issuing party, a serial tag number, an expiration date, the name of the animal and a brief description of the animal vaccinated. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing serial tag number and the name of the veterinary facility issuing it.

ARTICLE V

COUNTY TREASURER'S RECORDS AND DUTIES

Section 5.1 LICENSE FACILITY. The county treasurer shall provide the city treasurer, each township treasurer and any other license facility deemed appropriate, with license applications and/or tags on or before December 1st of each year.

Section 5.2 RECORDS. (A) The county treasurer shall keep a record of all dog licenses, and all kennel licenses, issued during the year in each city and township in the county. Such records shall contain the name and address of the person to whom each license is issued. In the case of an individual license, 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 where the business is conducted. The record shall be a public record and open to inspection during business hours. He/She shall also keep an accurate record of all license fees collected by him/her or paid over to him/her by any city, township treasurer or other license facility.

(B) In all prosecutions for violation of the ordinance, the records of the county treasurer's office 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.

Section 5.3 Every township or city treasurer in the County shall, before December 1 of each year, make application to the county treasurer for the necessary license blanks and tags for the ensuing year and after receipting therefore, may issue dog licenses and tags in a likely manner, and upon like application as prescribed for the issuing of license by the treasurer. Each township or city treasurer shall not later than March 1st of each year return to the county treasurer all unused tags together with the book or books from which he/she has issued dog licenses, with the stubs therein contained properly filled out, and showing the names of each license and the number of each license issued to him/her and a full description of each dog licensed by him/her. He/She shall also on or before March 1st of each year pay over all monies received by him/her for issuing licenses for a fee, set by the Board of Commissioners, will be paid to townships, cities and villages for issuing and recording the same. Any city may, by resolution of its legislative body, provide that its clerk shall perform the duties by this act imposed on its treasurer. Upon the adoption of such a resolution the treasurer of such city shall not be required to issue licenses under this act but the clerk of such city shall thereupon perform in like manner and under like terms and conditions and with the like compensation, all of the duties imposed upon the city treasurer by this act.

Section 5.4 Upon application and proof of immunization as provided above, the various township treasurers or the county treasurer shall issue a dog license and tag to the applicant. If such application is made between November 1st, and the last day of February, the fee shall be as provided for by the Board of Commissioners. Any dog required to be licensed after the normal November 1st to the end of February licensing period, shall be licensed within thirty (30) days and the fee shall be as provided for by the Board of Commissioners. Beginning March 1st of each year, the County Treasurer shall issue, upon application and proof of immunization, a delinquent dog license and tag to the applicant. A delinquent fee set by the Board of Commissioners in addition to the normal licensing fee, will be charged for any dog which should have been licensed before the last day of February, or which was not licensed within thirty (30) days if said dog was not required to be licensed during the regular November 1st to the last day of February licensing period. The dog license shall be purchased in the County of Cass, Michigan.

ARTICLE VI

RESTRAINT, CONFINEMENT OF A DOG IN HEAT, OWNER TO CONTROL DOGS, NUISANCES PROHIBITED, SANITARY DISPOSAL OF DOG FECES REQUIRED, RESIDENCY OF OWNER.

***Section 6.1* RESTRAINT REQUIRED.**

All dogs shall be kept under restraint at all times, as defined in this ordinance, except as otherwise provided herein, and any deviation or violation thereof is strictly prohibited.

***Section 6.2* CONFINEMENT OF DOG IN HEAT.**

Every female dog in heat shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another dog except for a planned breeding.

***Section 6.3* OWNER TO CONTROL DOGS; NUISANCES PROHIBITED.**

No owner shall fail to exercise proper care and control of his or her dogs so as to prevent the following actions: excessive or continuous barking, yelping, or howling rising to the level of a public nuisance, molesting of passersby, chasing of vehicles, attacking domestic animals, trespassing upon school grounds or private property, or damaging property of any nature.

***Section 6.4* SANITARY DISPOSAL OF DOG FECES REQUIRED.**

(A) It shall be unlawful for any owner or person in charge of a dog, to permit such animal to be on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalks, highways, school grounds, parks or other public property, or rights-of-way of the County other than duly designated bridle paths, without the owner or person in charge of such animals to have in his or her possession, a suitable device for the picking up, collection and proper sanitary disposal of the animal feces.

(B) It shall be unlawful for the owner or person in charge of a dog to permit or allow such animal to excrete feces on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalk, highways, school grounds, parks or other public property, or rights-of-way of the County other than duly designated bridle paths, unless the owner or person in control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner.

(C) This section shall not apply to blind or visually impaired persons accompanied by a "seeing eye" or other certified assistance dog used for assistance of impaired individuals.

Section 6.5 LIVING ON PROPERTY. It shall be unlawful for the owner of a dog to permit said animal to be restrained on property where no responsible person is residing. The exception to this section is when a dog is being used as a guard dog at a facility that is occupied during normal business hours.

ARTICLE VII

IMPOUNDMENT

IMPOUNDMENT AUTHORIZED; EUTHANASIA OF UNCLAIMED ANIMALS, ISSUANCE OF CITATIONS, CITIZEN COMPLAINTS, NOTIFICATION, RECLAIM OF IMPOUNDED ANIMAL

Section 7.1 IMPOUNDMENT AUTHORIZED. (A) Unrestrained domesticated animals may be taken to the Animal Shelter and there confined in a humane manner. However, if after a reasonable effort the seizure of any such unrestrained animal cannot be made or should the animal present a hazard to public safety or property or have an injury or physical condition which causes the animal to suffer, the Animal Control Officer or law enforcement officer may immediately destroy the animal by the most reasonable and humane means then available.

(B) Impounded dogs shall be kept for not less than five days, unless reclaimed by their owners. If the owner can be identified by means of a license tag or otherwise, that animal must be held for not less than seven (7) days unless reclaimed by their owner.

Section 7.2 EUTHANASIA OF UNCLAIMED ANIMALS. Animals not reclaimed by their owners within the established time periods and those not placed in suitable new homes, may be humanely euthanized by the Animal Control Director or his/her designees. However, if an impounded animal has an injury or physical condition, which causes the animal to suffer, the Animal Control Director or his/her designees may immediately humanely euthanize the animal.

Section 7.3 ISSUANCE OF CITATIONS. At the discretion of the Animal Control Director, his/her deputies or other law enforcement officers, when a dog is found running at large and its ownership is known to the officer, such officer need not impound the dog, but may cite the owner of such dog as specified in Article XI of this ordinance.

Section 7.4 CITIZEN COMPLAINTS. Whenever a dog is running at large, and a complaint is made by a citizen to the Animal Control Director, his/her deputies or other law enforcement officers, such officer need not impound the dog, but may issue a warrant request and report to the prosecutor asking that the owner appear in court to

answer charges of violation of this ordinance; provided, however, the complainant shall be required to appear in court to testify as to the violation.

Section 7.5 NOTIFICATION. Immediately upon impounding a dog, the Animal Control Director shall make every reasonable effort to notify the owner of the dog so impounded and inform the owner of the conditions whereby he/she may regain custody of the dog pursuant to the regulations for the operation of the Shelter.

ARTICLE VIII

RECLAIMING IMPOUNDED ANIMAL

Section 8.5 RECLAIM OF IMPOUNDED ANIMAL. (A) A dog owner may reclaim a dog from the Shelter by executing a statement of ownership, furnishing a license as required by this ordinance and paying the required fees posted at the Shelter.

(B) Any dog which is impounded a second or subsequent time for violation of restraint requirements within a 12-month period will subject the owner to a graduated scale of reclaim fees as set forth by the Board of Commissioners.

ARTICLE IX

CONFINEMENT OF DOGS, CATS OR FERRETS AFTER BITING

CONFINEMENT OF OWNED ANIMAL, QUARANTINE ORDER, IMPOUNDMENT OF NON-RABIES VACCINATED ANIMAL, DISPOSAL OF ANIMAL NOT CLAIMED, TESTING OF SICK ANIMAL.

Section 9.1 CONFINEMENT OF OWNED ANIMAL. Any dog, cat or ferret that bites a person or animal shall be securely confined by the owner inside some appropriate building or enclosure for a minimum of ten (10) days following the biting of a person or animal, provided the animal that bit has a valid rabies vaccination. In the event the owner of such dog or cat shall fail to securely and properly confine the animal for such a period of time or the animal does not have a current rabies vaccination, then the animal shall be confined in the Animal Shelter or an approved veterinarian facility until the expiration of said ten (10) days period and satisfactory evidence is shown that said animal is not suffering from rabies. The costs of quarantine will be the responsibility of the owner of the animal.

Section 9.2 QUARANTINE ORDER. All owners of dogs, cats or ferrets that have bitten a person or animal shall sign a Quarantine Order regarding the quarantine of their dog, cat or ferret and abide by the rules contained therein.

Section 9.3 IMPOUNDMENT OF NON-RABIES VACCINATED ANIMAL. Any dog, cat or ferret running loose after biting some person or animal, and whose owner cannot be determined shall be kept and confined for a period of ten (10) days at the Shelter in

accordance with the provisions of this section, and thereafter dispose of in accordance with the provisions of this ordinance, or such regulations that are in effect at the Shelter.

Section 9.4 TESTING OF SICK ANIMAL. Should a dog or cat that is under quarantine die during the ten (10) day quarantine period or should it show signs of rabies and need to be humanely euthanized, the animal shall be tested for the rabies virus pursuant to standards set out by the Michigan Department of Community Health Rabies Protocol. Costs associated with the preparation and testing of the animal shall be borne by the owner of said animal.

ARTICLE X

KILLING OF DOGS

Section 10.1 Any person may kill any dog which he/she sees in the act of pursuing, worrying or wounding livestock or poultry or attacking persons, and there shall be no liability on such person in damages or otherwise for such killing. Any dog that enters any field or enclosure which is owned or leased by a person and that field is producing livestock or poultry, outside of a city, unaccompanied by his/her agent or his/her owner, shall constitute a trespass, and the owner or his/her agent 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. Also, except as provided in this section, it shall be unlawful for any person to: willfully, maliciously and without just cause or excuse to kill a dog.

ARTICLE XI

ISSUANCE OF SUMMONS OR COMPLAINT TO DISTRICT COURT OR OTHER COURT OF CERTAIN FACTS; PROCEDURE AND VIOLATIONS; VIOLATION NOTICE

The Animal Control Director, his/her deputies or any law enforcement officer may issue an appearance citation before the District Court or may make complaint before the District Court or the Magistrate of Cass County whenever one or more of the following facts exist:

Section 11.1 DOG AT LARGE. A dog is running at large unaccompanied by its owner or is engaged in lawful hunting and is not under the reasonable control of its owner, with or without a license attached to the collar of the dog.

Section 11.2 DOG AT LARGE, DESTRUCTION OF PROPERTY. A dog, licensed or unlicensed, has destroyed or damaged property, real or personal, or trespassed in a manner that causes actual damage to the property of persons other than the owner including, but not limited to, the repetitive depositing of feces or urine on said property.

Section 11.3 DOG BITE. A dog, licensed or unlicensed, has attacked or bitten a person or another animal.

Section 11.4 DOG AT LARGE-VICIOUS. A dog has shown vicious habits or has molested a person when lawfully on the public highway or on property other than that of the owner.

Section 11.5 BARKING DOG. A dog by frequent or habitual barking, yelping or howling, shall be a public nuisance.

Section 11.6 FAILURE TO RABIES VACCINATE. A dog four (4) months of age or older, is not, or has not been vaccinated against the rabies virus by an accredited licensed veterinarian.

Section 11.7 FAILURE TO LICENSE. A dog four (4) months of age or older, is not duly licensed as provided for in Article IV of this Ordinance.

Section 11.8 FAILURE TO PRODUCE LICENSE. An owner or harbinger of a dog that is four (4) months of age or older refuses or fails to display a valid license for said dog upon demand by a law enforcement officer.

Section 11.9 FAILURE TO ATTACH IDENTIFICATION. An owner of a dog that is four months of age or older failed to attach a license to the collar worn by the dog, or, if not wearing a collar, failed to microchip said dog.

Section 11.10 FAILURE TO SPAY OR NEUTER. An owner who adopted an animal from the Shelter, has not spayed or neutered the animal in compliance with the adoption contract.

Section 11.11 FAILURE TO LIVE ON PROPERTY. An owner of a dog allows said animal to be restrained on property that is not occupied by the owner or a responsible person.

Section 11.12 OTHER. In the event there is a violation of any of the above sections of this Article, or of this Ordinance, the Animal Control Director and his/her deputies or other law enforcement officers may issue a summons or complaint to the owner of such dog requiring said owner to appear in District Court or other court to answer to the charges made in violation of this ordinance, and upon conviction thereof, the owner shall be punished as hereafter provided in Article XX.

Section 11.13 SECOND OR SUBSEQUENT VIOLATION. Should the owner possessor, or person harboring an unlicensed dog not obtain a license with ten (10) days immediately following the issuance of the appearance citation, the ownership, possession or harboring of such dog shall hereafter constitute a second or subsequent violation of this ordinance, and any person, firm or corporation, convicted of violating

this provision of this ordinance, shall upon being found guilty by said court, be punished as provided in Article XIX of this ordinance.

Section 11.14 WARRANT EXECUTION. Upon issuance of a warrant by the court, the Sheriff's Office shall proceed to execute the same.

Section 11.15 VIOLATION NOTICE. Where violations of the licensing (11.7, 11.8, 11.9) and/or vaccination (11.6) and/or control requirements (11.1) of this ordinance are observed, any Animal Control Officer may issue a violation notice in lieu of an appearance citation. The violation notice will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the violation notice is issued waives all rights to protest such violation and waives all rights to a hearing on the issues relating to that violation. All associated fees and late fees shall be set by the Board of Commissioners and be paid to the Animal Control Department for deposit in the general fund of Cass County. Failure to pay associated fees and/or late fees and failure to waive rights by the compliance date may result in the issuance of an appearance citation to appear in court.

Section 11.16 INTERFERENCE WITH ENFORCEMENT PROHIBITED. No person shall in any manner interfere with, hinder, molest, or abuse any officer or individual authorized to enforce the provisions of this Ordinance.

ARTICLE XII

SHOW CAUSE

Section 12.1 COMPLAINT TO SHOW CAUSE. The Animal Control Director, Animal Control Officer or other law enforcement officer may, in addition to the issuing of an appearance citation for a violation of Article XI, proceed to the Prosecuting Attorney and request a district court magistrate or district court to issue a summons to show cause why a dog should not be euthanized, upon a sworn complaint that any of the following exist:

- (A) That a dog, licensed or unlicensed, has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner.
- (B) That a dog, licensed or unlicensed, has bitten or attacked a person or another animal.
- (C) That a dog has shown vicious habits or has molested a person when lawfully on the public highway or on property other than that of the dog's owner.
- (D) After January 10 and before June 15 in each year a dog over 4 months old is running at large unaccompanied by its owner or is engaged in lawful hunting

and is not under the reasonable control of its owner without a license attached to the collar of the dog.

Section 12.2 HEARING. After a hearing the district court magistrate or district court may either order the dog euthanized or confined to the premises of the owner. If the owner disobeys this order the owner may be punished under Article XX of this Ordinance. Costs as in a civil case shall be assessed against the owner of the dog, and collected by the county.

Section 12.3 COMPLAINT TO SHOW CAUSE-DANGEROUS DOG.

- (1) Upon a sworn complaint that a dog is a dangerous dog and the dog has caused serious injury or death to a person or has caused serious injury or death to a dog, a district court magistrate or district court, shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.
- (2) Upon the filing of a sworn complaint as provided in subsection (1), the court or magistrate shall order the owner to immediately turn the dog over to the Animal Shelter, or a licensed veterinarian at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the dog. The owner shall notify the person who retains the dog under this section of the complaint and order. The expense of the boarding and retention of the dog is to be borne by the owner.
- (3) After a hearing, the magistrate or court shall order the destruction of the dog, at the expense of the owner, if the dog is found to be a dangerous dog that caused serious injury or death to a person or a dog. After a hearing the court may order the destruction of the dog, at the expense of the owner, if the court finds that the dog is a dangerous dog that did not cause serious injury or death to a person or a dog, but is likely in the future to cause serious injury or death to a person or a dog, or in the past has been adjudicated a dangerous animal.
- (4) If the court or magistrate finds that a dog is a dangerous dog but has not caused serious injury or death to a person or a dog, the court or magistrate shall notify Animal Control of the findings of the court, the name of the owner of the dangerous dog and the address at which the dog was kept at the time of the finding of the court. In addition, the court shall order the owner of the dog to abide by the provisions of Article XVII (A), (B), (C) and (D). Costs as in a civil case shall be assessed against the owner of the dog, and collected by the County.

ARTICLE XIII

STEALING OF A DOG

Section 13.1 Any person who shall steal or take without the consent of the owner and without lawful authority, any dog of which he is not the owner shall be guilty of a misdemeanor. Any persons, excepting animal control officers, who shall harbor or hold in his/her possession any stray dog of which he/she is not the owner and does not report such possession to the Cass County Sheriff or the Police Department of the City in which he/she is holding such dog within 48 hours after coming into possession of such dog shall be guilty of a misdemeanor. Any person who shall steal, or confine and secrete any dog licensed under this Ordinance or kept under a kennel license under this Ordinance or bearing indication of ownership, unless legally authorized to do so, or unless such confining be justifiable in the protection of person, property or game, shall be guilty of a misdemeanor, and upon conviction thereof shall suffer the penalties provided for in Article XX of this Ordinance.

ARTICLE XIV

HUMANE TREATMENT OF ANIMALS

PROVISION OF NECESSITIES, RESTRAINT BY LEASH OR CHAIN; SPECIFICATIONS, ABANDONMENT, CROPPING OF EARS OR TAIL, CRUELTY; EXHIBITION FIGHTING PROHIBITED, POISONS, OFFERING ANIMAL AS PRIZE OR REWARD, KILLING DOGS, CATS FOR FOOD OR FUR PROHIBITED, MUTILATION, SEXUAL ACTS WITH ANIMALS, REMOVAL OF ANIMAL IN IMMEDIATE DANGER, CONFISCATION OF VICTIMIZED ANIMAL

Section 14.1 PROVISION OF NECESSITIES. No owner shall fail to provide his animal with good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. Any owner of animals shall maintain a clean and healthful shelter and living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the animals being kept. All living areas shall be constructed and maintained to promote drainage of rainwater to prevent the accumulation of mud and/or water. Shelters shall be constructed to protect the animal from precipitation and of a material, which provides insulation from temperature extremes. In addition to the shelter a shaded area shall also be provided by means of other structures, trees, or awning(s). The shelter shall have a floor which is dry and constructed of material that provides insulation or the floor augmented with resting boards. Insulating bedding materials shall be provided during inclement weather.

Section 14.2 RESTRAINT BY LEASH OR CHAIN; SPECIFICATIONS.

If any animal is restrained by a chain, leash, or similar restraint, it shall be designed and placed as defined under **RESTRAINT** in this Ordinance.

Section 14.3 ABANDONMENT.

No person shall abandon any animal. Abandonment consists of leaving such animal for a period in excess of 24 hours, without providing for someone to feed, water, and check on the animal's condition. No owner shall leave an animal by a roadside or other area, or leave such animal on either public or private property, without the property owner's consent. In the event that an animal is found so abandoned, such animal may be taken by an Animal Control Officer, law enforcement or humane officer and impounded in the Animal Shelter, and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in Article VII. The owner or the person, if any, who has been charged with the animal's care, shall be subject to a citation for violation of this section.

Section 14.4 CROPPING OF EARS OR TAIL.

No person shall crop a dog's ears or tail, except a veterinarian.

Section 14.5 CRUELTY; EXHIBITION FIGHTING PROHIBITED.

(A) No person shall neglect, beat, cruelly ill-treat or torment any animal or cause, permit or be a party to any planned or arranged dogfight, cockfight or other combat between animals. For the purpose of this section, neglect, cruel, ill-treatment and torment of an animal shall be defined as a failure by a person to adhere to the requirements and provisions of Section 14.1. In the event there is a reasonable cause to suspect that an animal is being beaten, cruelly ill-treated, neglected or tormented or involved in a planned or arranged dogfight, cockfight or other combat, custody of such animal may be taken by an Animal Control Officer, law enforcement, or humane officer and impounded in the Animal Shelter. The animal shall be held as evidence and confined in such facility in a humane manner. Upon finding by a court that the animal has been neglected, beaten, cruelly ill-treated or tormented or involved in a planned or arranged dogfight, cockfight or other combat between animals, the animal shall become the property of the Shelter.

(B) No person shall own, possess, keep, or train any animal with the intent that such animal shall be engaged in an exhibition of fighting. In the event that a person shall own, possess, keep, or train any animal with the intent that such animal shall be engaged in an exhibition of fighting, he/she shall be liable for citation for violation of this section and be subject to the penalties provided for in Article XX.

(C) No person shall be present at any planned or arranged dogfight, cockfight or combat between animals. In the event that a person is present at a dogfight, cockfight, or combat between animals, he/she shall be liable for citation for violation of this section and be subject to the penalties provided in Article XX.

(D) Any person who is found present at a planned or arranged dogfight, cockfight, or combat between animals, and who is charged with being a spectator in violation of this section, and who is then and there in possession or control of and/or is the owner of an animal of the same species as that involved in the animal fight, shall be charged with intent to engage in an exhibition of fighting in violation of this section. The animal shall be confiscated if found on the premises or in the immediate area of the dogfight, cockfight, or combat between animals.

Section 14.6 POISONS.

No person shall store, maintain or place any poisonous substance, which may be harmful to any domesticated animal in any location where it could be eaten by such animal.

Section 14.7 OFFERING ANIMAL AS PRIZE OR AWARD.

(A) No person shall offer any live animal as a prize or award in connection with any raffle, protest, demonstration, promotion, or as an incentive to participate in any game, promotion, or otherwise.

(B) The provisions of this section shall not apply to any raffle or promotion conducted by a private, non-profit, livestock-related organization engaged in such activity at a show or exhibition sanctioned by the Michigan Department of Agriculture.

Section 14.8 KILLING DOGS, CATS FOR FOOD OR FUR PROHIBITED.

No person shall raise or kill a dog or cat for food or the skin or fur; nor possess any items made from or containing dog, puppy, cat or kitten fur; or any food item containing dog, puppy, cat or kitten. All items made from or containing any type of fur must be labeled with the name of the species whose fur is used.

Section 14.9 MUTILATION OF ANIMALS.

No person shall mutilate any dead or living animal. This provision does not apply to accepted livestock practices concerning slaughter at licensed stockyards, slaughterhouses and meat packing establishments or on the premises of bona fide farming operations. Further, this section shall not apply to the processing of fish or wildlife taken through legal hunting and fishing methods.

Section 14.10 SEXUAL ACTS WITH ANIMALS.

No person shall engage in a sexual act with any animal.

Section 14.11 REMOVAL OF ANIMAL IN IMMEDIATE DANGER.

Any animal observed by a law enforcement or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

Section 14.12 CONFISCATION OF VICTIMIZED ANIMAL.

(A) Any animal found involved in a violation of any portion of this Article may be confiscated by any Animal Control Officer or any law enforcement officer and held in a humane manner.

(B) Upon a hearing before a district court judge, and that judge finding probable cause that the violation was committed, the court shall order immediate forfeiture of the animal to the Animal Shelter unless the owner, or his/her designated agent within 24 hours of such finding, posts a cash bond with the court equal to the cost of care of the animal(s), including all estimated boarding fees in the amount established by the Board of Commissioners for each animal, for the first 30 days of its impoundment in addition to any veterinary costs or other fees for each animal that has been incurred. If after 30 days, the case has not been adjudicated, the owner must post another full cash bond on the 30th day in the same amount of the original bond or equal to the cost and care of each animal for the first 30 days, whichever is greater. This same process shall be followed each 30-day period until the case has been adjudicated.

(1) Upon entry of a finding of guilt the cash bond(s) shall be immediately paid to the Animal Control Department. The owner shall also be responsible to pay all costs of care from the date of the impoundment until the time of the first hearing and the posting of the initial bond, as well as any other associated expenses not covered by the daily boarding fee(s). Any portion of the posted bond that exceeds the daily costs incurred at the time of the finding of guilt shall be returned to the owner. Upon conviction, all animals not forfeited pursuant to subsection (B) herein above shall become the property of the Shelter.

(2) Upon a finding of not guilty or dismissal or withdrawal of the charge(s), the animal and any cash bond(s) posted shall be immediately returned to the owner.

(C) The Animal Control Department shall be allowed reasonable access to inspect the property of anyone found guilty of violation of any of the provisions under Section 14.1 through 14.12 of this Article.

ARTICLE XV

SALE OF ANIMALS FROM ANIMAL SHELTER

***Section 15.1* SALE OF ANIMALS FROM ANIMAL SHELTER.**

(A) All dogs and cats purchased or obtained from the Shelter must be surgically altered to prevent breeding within 30 days of obtaining the dog or cat. For purposes of this Article, "obtained" does not include reclaimed.

(B) Prior to the sale or adoption of any animal from the Animal Shelter, the Animal Control Department may require the prospective buyer to complete an animal placement questionnaire. The questionnaire is designed to determine the prospective owner's ability to properly care for the animal. Past experience and knowledge of Animal Control Department personnel of the prospective owners, as well as previous violations of this section by the prospective owners, may be grounds to refuse the sale or adoption. Additional grounds may be whether the prospective owner is able to provide an enclosure where the animal is to be kept which is adequate to keep the animal restrained, whether the animal is being purchased for resale, whether the prospective owner has obtained another animal from the Animal Shelter in the past 12 months, whether the prospective owner has owned a pet which has died without appropriate veterinary care, and whether the prospective owner is purchasing the animal solely for guard or attack purposes. The Animal Shelter is not obligated to sell any animal in its custody.

(C) Any person adopting an animal is required to comply with all stipulations and conditions set forth in the adoption agreement. Failure to do so may result in the issuance of an appearance citation for violation of this section and forfeiture of the animal.

ARTICLE XVI

DANGEROUS ANIMALS

Section 16.1 No dangerous animal as defined in this Ordinance shall be kept within Cass County, except as provided in Article XVII and Article XVIII 3 (B) of this Ordinance.

ARTICLE XVII

DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS LICENSE, LICENSING, HOUSING & OTHER REQUIREMENTS, PROHIBITION, EXEMPTIONS

Section 17.1

(A) PERMIT. A person shall not own, harbor, possess or keep a dangerous dog unless such dog is licensed under this section or an application for licensing such animal under this section is pending.

(B) LICENSING REQUIREMENTS. Any owner of a dangerous dog shall apply to the Animal Control Department for licensing of said animal. The application shall be on a form provided by the Animal Control Department and shall be accompanied by the following:

- (1) A valid driver's license or state issued picture identification showing the owner's name and current address;
- (2) Proof that the applicant owns said animal and is eighteen (18) years of age or older;
- (3) One (1) copy of the current immunization and health record for said animal showing the animal received a current rabies vaccination by a licensed veterinarian;
- (4) Proof that the applicant has insurance coverage for no less than three hundred thousand dollars (\$300,000.00) for any injury, damage or loss by said animal;
- (5) Four (4) photographs of said animal from four (4) different sides taken not more than one (1) month before the date of license application. Such photographs shall consist of front, back, left and right view of the animal.
- (6) Proof that the animal has been micro-chipped by a licensed veterinarian.
- (7) Payment of licensing and inspection fees established by the Board of Commissioners.

(C) HOUSING REQUIREMENTS. The dangerous dog shall be confined, at all times, within a habitable escape-proof dwelling or an escape-proof cage made of at least 14 gauge wire with at least seven (7) foot high sides, a wood or wire roof and a

brick or cement floor. The cage door shall be locked with a padlock. However, when such animal is not confined within a habitable dwelling or an escape-proof cage, it shall be muzzled and reined or tethered to its harbinger, owner or keeper who shall maintain control over the animal to prevent injury to any person or animal.

(D) TAG REQUIREMENT. The dangerous dog shall wear a license tag issued by the Animal Control Department stating that the animal is registered as a dangerous dog.

(E) When licensing an animal not previously licensed under this Article, the Animal Control Department shall assign a specific license number to said animal, without duplication, which number shall remain the same for the life of the animal.

(F) If said animal is lost or escaped, the owner or owner's agent shall report said incident immediately to the Animal Control Department.

(G) The owner of a dangerous dog shall post signs on his or her property where such animal will be kept, clearly visible from the closest street, advising the general public about such animal's presence on the premises. Such signs shall be supplied by the Animal Control Department after applicant pays for the inspection. The permit, however shall not be issued until the owner posts the signs and the Animal Control Department inspects the property to verify proper posting of signs. The cost of the signs is non-refundable and they will belong to the applicant even if the permit is reissued or revoked.

(H) No person shall be issued a dangerous dog permit if they have been convicted of a felony.

(I) The Animal Control Department shall visually inspect the premises where the animal is kept. The inspection will consist of the cage, or if there is no cage, the officer will inspect the escape-proof habitat dwelling, doors, windows and screen opening to determine if, in fact they are escape-proof. Also the inspection will verify the placement of warning signs and the animal leash, muzzle and padlock requirements for the cage. The Animal Control Department must be satisfied that the owner has met all licensing regulations before issuing or renewing a permit.

(J) If a dangerous dog permit is revoked, the owner shall not be reissued another permit.

(K) Duly authorized members of the police department or other law enforcement agencies, shall be exempt from the provisions of this section if the dog is performing law enforcement duties.

(L) If the Animal Control Department is notified of an address where a dangerous dog is being kept or harbored, and that animal and owner of the animal has not been in violation of any section of this Article, the owner shall have a maximum of

fourteen (14) business days to obtain the dangerous dog license and permit. If the license and permit is not obtained within the required time limit, the dog shall be impounded. The animal will then be held for a maximum of ten (10) days so that a license and permit can be obtained. If the license and permit are not obtained within that ten (10) day time period, the animal shall be euthanized.

(M) If the owner of a dangerous dog violates any provisions of this Article, the animal shall be impounded immediately and the owner cited to appear in District Court for a violation of this Article.

(N) In the event that a dangerous dog ownership changes, the new owner shall apply for a new permit. The original owner's permit shall not be transferable to the new owner. The original owner shall notify the Animal Control Department that the dog's ownership has been transferred.

(O) The owner of a dangerous dog shall notify the Animal Control Department if the address changes where the animal is being kept. The owner must report the new address so an inspection can be made of the premises.

(P) All licenses issued under this Article shall expire December 31st of each year.

(Q) The owner, or the owner's agent, of an animal required to be licensed under this Article shall notify the Animal Control Department or the Cass County Sheriff's Department within four (4) hours if said animal is running at large, has been stolen or has attacked a person or a domestic animal.

(R) PROHIBITION. No dangerous dog shall commit an attack or severe attack, as previously defined. In the event that a law enforcement officer or Animal Control Officer witnesses either type of attack or witnesses the wounds or injuries caused by the attack, and the offending animal(s) can be identified by credible evidence, including, but not limited to, witness identification, forensic evidence, or other physical evidence, the dog(s) shall be impounded and the owner cited for violation of this Section. If the owner is cited and the animal(s) impounded, the animal(s) shall remain impounded subject to the conditions set forth in Article IX pending a decision by District Court, unless ownership is voluntarily relinquished and the dog(s) turned over to the Animal Control Department. Upon a plea or finding of guilt, the dog(s) may be redeemed by the owner after inspection and verification of a proper enclosure as previously defined, unless ordered euthanized by the court. There the dog(s) shall remain, securely confined, and may not be removed except to be treated by a veterinarian or to be turned in to or inspected by the Animal Control Department. While being transported to the veterinarian or animal control shelter, the dog must be muzzled and restrained by a leash no longer than three feet in length. No owner of a dangerous dog(s) or potentially dangerous dog(s) may transfer ownership or the location where the animal(s) is contained. The owner shall be responsible for all veterinary, euthanasia, redemption, and/or boarding fees.

Section 17.2 (B) EXEMPTIONS. An animal shall not be deemed to be a potentially dangerous dog or dangerous dog solely because it bites or attacks:

(1) Anyone assaulting its owner. This shall not include any law enforcement officer attempting to subdue or effect the arrest of a suspect.

(2) Any person who is in the act of tormenting or abusing it.

(3) Any unrestrained animal which attacks it or its young while it is restrained in compliance with this Section.

(4) Anyone entering the owner's property to commit robbery, burglary, assault, or other crime. Simple trespass by a person onto private property shall not be considered provocation for any attack.

(5) While performing work by a governmental law enforcement agency.

ARTICLE XVIII

WILD/EXOTIC/DANGEROUS ANIMALS

Section 18.1 EXHIBITIONS OF WILD/EXOTIC/DANGEROUS ANIMALS

PROHIBITED. No person shall keep, or permit to be kept on his/her premises any wild, exotic or dangerous animal for display or for exhibition purposes, whether gratuitously or for a fee.

Section 18.2 PROHIBITED ANIMALS. Wild, exotic or dangerous animals as defined in this ordinance may not be possessed, bred, exchanged, bought, sold or attempted to be bought or sold in Cass County except within the provisions cited below.

Section 18.3 EXCEPTIONS.

(A) Notwithstanding the above provisions, it shall not be a violation of this Ordinance for a person, persons, corporation or business entity in lawful possession of an animal to travel through Cass County on a public highway for a destination out of the County. Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums, or wild life sanctuaries accredited by the Association of Sanctuaries and/or the American Sanctuary Association, nature preserves, circuses, and bona fide scientific, medical or educational research facilities are also an exception.

(B) If a person is in possession of a wild and/or exotic animal as defined in this Ordinance on the effective date of this Ordinance, that person must apply for a permit to keep said animal within 90 days after the effective date of the Ordinance. The person shall file an application with the Animal Control Department and pay any application, inspection and/or permit fee(s) as set by the Board of Commissioners. The owner shall

abide by all standards set by the Animal Control Department in the keeping of said animal.

(C) (1) If there is probable cause to believe this Article is being violated, an Animal Control Officer may give notice of the violation in writing to the owner of the wild and/or exotic animal. The notice shall identify the violation.

(2) Not more than 30 days after the notice is delivered, the owner of the wild and/or exotic animal shall transfer ownership and possession of said animal, or subject to subsection (3), correct the violation and shall notify the Animal Control Officer of the action taken.

(3) If the violation was failure to obtain a permit and the violation was committed knowingly, not more than 14 days after the notice is delivered, the owner of the animal shall transfer ownership and possession of the animal and notify the Animal Control Officer of the action taken.

(4) An animal transferred under subsection (2) or (3) shall be transferred to:
(a) An approved animal control or animal protection shelter, (b) A person licensed or approved by the Department of Natural Resources of this State or by the Fish and Wildlife Service of the United States Department of the Interior, (c) A zoological park approved or accredited by the American Zoo and Aquarium Association or (d) A person approved by the Association of Sanctuaries or the American Sanctuary Association.

ARTICLE XIX

COMMON LAW LIABILITY

Section 19.1 Nothing in this Ordinance shall be construed to prevent the owner of a licensed dog from recovery in an action at law from any law enforcement officer or other person, except as herein provided.

Section 19.2 Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of a dog for damages committed by said dog.

ARTICLE XX

PENALTY

Section 20.1 Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$500 or be imprisoned for a period not to exceed 90 days in the County jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

Section 20.2 Any person found guilty of owning a dangerous dog, in addition to the penalties imposed, may be required by a District Court Judge to have the dog humanely euthanized if in the opinion of that judge the severe attack warrants such action.

Section 20.3 Any person found guilty of owning a potentially dangerous dog or dangerous dog shall be fined not less than \$250 and shall have the dog spayed or neutered within seven days of that finding. Proof of the surgery must be provided to the Animal Control Department within 24 hours of its performance.

Section 20.4 Any person found guilty of owning a potentially dangerous dog or dangerous dog, in addition to any other penalties or stipulations imposed, shall within seven days of that finding also have the dog implanted with a microchip identification. Within seven days of that implantation, the owner shall present the animal to the Animal Control Department for scanning and verification of the microchip and identification number.

Section 20.5 In addition to any penalties and/or stipulations imposed, anyone convicted of violations of section 14.1 through 14.10 and 16.1 shall also be required to relinquish ownership of the animal(s) to the Animal Shelter immediately upon that conviction.

ARTICLE XXI

FEEES AND EXPENDITURES

All fees associated with this Ordinance are set by the Board of Commissioners. All resolutions regarding fees are incorporated by reference herein. All fees associated with this Ordinance, are to be credited to the County General Fund to pay the costs and expenses of animal control.

ARTICLE XXII

REPEAL

Section 22.1 All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ARTICLE XXIII

SEVERABILITY

Section 23.1 If any part of this Ordinance shall be held void, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

ARTICLE XXIV

ADOPTION AND REVISIONS

Section 24.1 This Ordinance adopted on this 10th day of October 19 84, by the Board of Commissioners of the County of Cass, State of Michigan.

Section 24.2 This Ordinance was revised on this 12th day of December 20 00 by the Board of Commissioners of the County of Cass, State of Michigan.

Section 24.3 This Ordinance was revised on this 17th day of August 20 06 by the Board of Commissioners of the County of Cass, State of Michigan.

EFFECTIVE DATE OF ORDINANCE AND REVISIONS

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

Chairperson, Board of Commissioners

County Clerk-Register