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Amended June 21, 2006
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Amended January 18, 2012
Amended February 20, 2019

Eaton County Animal Control Ordinance

An ordinance, providing for general animal control within Eaton County, prescribing the licensing and regulation of animals and kennels, setting standards and conditions for animal care, prohibiting animal cruelty, establishing powers and duties of Animal Control Officers, prescribing the County Treasurer's duties with regard to animal control, providing for the impoundment, adoption, redemption and humane destruction of animals, providing special controls for keeping vicious and exotic animals, authorizing an annual dog census to be taken, establishing penalties for violations, declaring certain offenses as municipal civil infractions, establishing a municipal civil infraction violations bureau and repealing other inconsistent ordinances.

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SECTION 1. PREAMBLE.

1.1. Purpose, Findings and Policy. The County of Eaton deeming it advisable in the interest of protecting the public health and safety and welfare and to regulate and control the conduct, keeping and care of dogs and certain other animals, livestock and poultry, and 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, does hereby adopt the following revised animal control ordinance which is to be enforced by the Animal Control Division of the Eaton County Sheriff Office, under the direction of the Chief Animal Control Officer.

1.2. This Ordinance shall be known as the Eaton County Animal Control Ordinance.

SECTION 2. DEFINITIONS.

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

2.2. "Animal" means a mammal, bird, fish, reptile, ferret, snake, turtle, horse, mollusk, crustacean, or any other vertebrate other than a human being.

2.3. "Animal Control Officer" means any person employed by the Sheriff for the purpose of enforcing this Ordinance or state statutes pertaining to animals, and all persons and deputies employed by the County to act in the same or a similar manner.

2.4. "Animal Control Shelter" means a facility designated or recognized by Eaton County or State of Michigan for the purpose of impounding and/or caring for animals, including a contract service provider, such as a local animal protection shelter, which may include a humane society.

2.5. "At Large" means, except when hunting, an animal which is not on the premises of the owner and not under the control of a person either by leash, cord, chain, or otherwise.

2.6. "Chief Animal Control Officer " means the person employed by the Sheriff for the purpose of enforcing this ordinance or state statutes pertaining to animals who is responsible for the supervision of the Animal Control Division and maintaining all required records.

2.7. "Continuous Barking" means barking, howling, or yelping for a period of time in excess of 15 minutes.

2.8. "County" means the County of Eaton of the State of Michigan.

2.9. "Dangerous Animal" means any animal, which bites or attacks a person or an animal but does not include the following:

- (a) An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner; or
- (b) An animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or receiving cruel treatment by that person or animal; or
- (c) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or
- (d) An Exotic Animal.

2.10. "Dog" means any member of the species "*Canis Familiaries*."

2.11. "Domesticated Companion Animal" means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish.

2.12. "Hunting" means allowing a dog to range freely within the sight or sound of its owner while in the course of pursuing legal game.

2.13. "Kennel" means any establishment, except a pet shop, animal protection shelter, or licensed pound, where animals are kept for sale, boarding, breeding, training, or sporting purposes for remuneration.

2.14. "Neglect" means failure to comply with the minimum requirements for animal care set forth in this Ordinance.

2.15. "Owner" means any adult person who owns or resides on the property where the animal lives, every person having a right of property in the animal, an authorized agent of the person having a right, every person who has an apparent authority to have a right of property in the animal. Every person who keeps or harbors the animal or has it in his care, custody or control.

2.16. "Person" means any adult individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other entity.

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

2.18. Rabies Suspect Animal" means any animal which shows symptoms suggestive of rabies.

2.19. "Shelter" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

- (a) The residence of the dog's owner or other individual.
- (b) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- (c) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (b) that is accessible to the dog.

2.20. Vicious Animal"

- (a) Means any animal that has:
 - (i) been declared a "Dangerous Animal" under this ordinance or under, MCL 287.321;
 - (ii) a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of persons or Domesticated Companion Animals; or
 - (iii) behaved in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other Domestic Companion Animals.
- (b) A Vicious Animal does not include the following:
 - (i) an animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner, or
 - (ii) an animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or cruel treatment by that person or animal; or
 - (iii) an animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or
 - (iv) an Exotic Animal.

SECTION 3. LICENSING AND REGULATION

3.1. License Requirements. It shall be unlawful for any person:

- (a) To own any dog four (4) months old or older, unless the dog is licensed;

(b) To own any dog four (4) months old or older that does not at all times wear a collar with an identifying tag approved by the Director of the Michigan Department of Agriculture attached as provided, except when engaged in lawful hunting accompanied by its owner; or

(c) To remove any collar and license tag from a dog, except the owner.

3.2. License Application. The owner of a dog 4 months old or older shall apply to the Chief Animal Control Officer or Treasurer in writing for a license for each dog owned or kept by the owner. The application for a license shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The owner of a dog that attains the age of four (4) months shall have (30) days to obtain a license. The application for a license shall contain the breed, sex, age, color, markings, and the address of the previous owner of the dog.

- a) Eaton County will offer the one (1) year mandatory dog license with the license expiring on the last day of the month in which the rabies vaccination expires one (1) year thereafter.
- b) Eaton County will offer an optional three (3) year dog license with the license expiring on the last day of the month in which the rabies vaccination expires three (3) years thereafter.
- c) All 2019 one (1) year licenses will have their expiration dates adjusted to expire on the last day of the month in which the rabies vaccination expires.
- d) To coincide with current rabies vaccination dates there will be a pro-rated two-year license fee of \$40 for sexed animals, and \$30 for spayed/Neutered animals during the 2020 calendar year. Thereafter, there will be no proration of prior license costs or fees. The method of adjustment to year-round sales based on the expiration date of the rabies vaccinations will have no negative cost basis for dog owners and will create more convenience and long term cost benefits to Eaton County.

3.3. License Fees. For all non spayed/neutered dogs that are (4) months of age of or older the license fee for dogs shall be as follows”

<u>License Type</u>	<u>One-Year License</u>	<u>Three-Year License</u>
a) Sexed Animal	\$20	\$55
b) Spayed/Neutered Animal	\$15	\$40
c) Spayed/Neutered Puppy	\$10	-Not available
<i>(Within 30 days after the dog becomes 4 months old)</i>		
d) Delinquent License Fee <i>(After date of rabies vaccination)</i>	\$20 plus cost of license	
e) Kennel Licenses – 10 dogs or less	\$75	
f) Kennel Licenses – more than 10 dogs <i>(Includes inspection fee of \$30.)</i>	\$100	

g) Fees for leader dogs or dogs in service training are waived;

h) For any dog that has been adjudicated a Dangerous Animal pursuant to Act 426 of the Public Acts of 1988, as amended (MCL 287.321), the license fees scheduled above shall be increased by \$25.00.\

i) The license fees may be amended by Motion or Resolution of the Board of Commissioners; and

j) Current licenses issued by other Michigan counties and by other governmental agencies shall be honored until the expiration of the license.

Transfer of License. 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 the dog may be likewise transferred by the last registered owner upon proper notice in writing to the Treasurer who shall note the transfer upon their records. This Ordinance does not require the purchase of a new license where the possession of the dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

3.4. Loss of License Tag. If any license tag is lost, it shall be replaced without cost by the Treasurer upon application by the owner and upon production of a license receipt and a sworn statement of the facts regarding the loss of the tag.

3.5. License Revocation. The Chief Animal Control Officer may revoke any dog or kennel license if the owner refuses or fails to comply with this Ordinance, or any laws or regulations governing the protection of animals.

SECTION 4. TREASURER'S RECORDS AND DUTIES; EVIDENCE.

4.1. Record of Licenses. The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in Eaton County. Such records 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; and in the 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. The Treasurer shall keep a record of all license fees collected.

4.2. Comparison of Records. On July 1st of each year the Treasurer shall make a comparison of the records of the dogs actually licensed in Eaton County with the report of the Animal Control Officer to determine and locate all unlicensed dogs as required by state law.

4.3. Prima Facie Evidence of Ownership. In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or the lack of such records, showing the name of the owner and the license number to which any license has been 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.

4.4. Annual Dog Census. It shall be the duty of the Chief Animal Control Officer and his/her designees to annually make a census of the number of dogs owned by persons in Eaton County. During this census, a person who owns or harbors a dog shall produce proof of a valid license upon request of any person who is authorized to enforce this Ordinance.

4.5. Delegation of Duties. The duties and obligations imposed by this Ordinance upon the respective designated officials may be delegated when permitted by law to some other person or persons with like force and effect.

SECTION 5. CHIEF ANIMAL CONTROL OFFICER DUTIES, AUTHORITY AND RESPONSIBILITIES.

5.1. Requirements. A Chief Animal Control Officer shall be hired by the Eaton County Sheriff and shall serve as the head of the Animal Control Division; provided, however, that the Chief Animal Control Officer and all Animal Control Officers shall have and meet the minimum requirements contained in MCLA 287.289b; MSA 12.540(2).

5.2. Duties and Authority. The Chief Animal Control Officer and his/her designees shall have the following duties and authority:

(a) The Chief Animal Control Officer is authorized to investigate any complaints of violations of this ordinance or state laws regarding animals.

(b) The Chief Animal Control Officer may promptly seize, take up and place in the animal shelter, or contracted services provider, including a state licensed humane society, dogs, livestock, or poultry being kept or harbored or found running at large any place within Eaton County contrary to the provisions of this Ordinance or the statutes of the State.

(c) The Chief Animal Control Officer and his/her designees shall be properly deputized as peace or police officers. They shall have the legal authority and duty to issue appearance tickets, citations or summonses to those persons acting contrary to the provisions of this Ordinance or state laws relating to animals.

(d) The Chief Animal Control Officer or a duly recognized service provider under contract with Eaton County may, under the guidelines for holding periods and notification set forth in state statutes, dispose of impounded animals which are not claimed by the legal owner, by one of the following methods:

(i) adoption by an individual person who meets adoption criteria for the animal; or

(ii) humane euthanasia under MCL 287.279(a); or

(iii) release to a duly recognized service provider to Eaton County, such as a licensed humane society or animal protection shelter.

Note: The state guidelines for holding periods do not apply to animals that are sick or injured to the extent that the holding period would cause the animal to suffer. This section also does not apply to any animal that is voluntarily signed over to the Animal Control Shelter by its owner. In both of these cases no minimum holding period is required before disposing of the animal.

(e) The Chief Animal Control Officer shall maintain a record of when the animal was acquired, under what circumstances, copies of any required notices and the disposition of the animal. Regulations regarding the adoption of animals and boarding and other charges shall be posted in a conspicuous place at the animal control shelter.

(f) The Chief Animal Control Officer shall dispose of the bodies of all animals destroyed at the animal control shelter or elsewhere in Eaton County in a manner approved by the State of Michigan.

(g) The Chief Animal Control Officer shall promptly investigate all animal bite cases involving human injury and shall search out and attempt to discover the animal involved. If the Chief Animal Control Officer finds the animal responsible for the bite, he or she shall quarantine the animal for examination for disease in accordance with the applicable provisions of this Ordinance and the statutes of the State. The Chief Animal Control Officer shall also seize and impound any rabies-suspected animal and cause the Animal to be quarantined for examination.

(h) The Chief Animal Control Officer shall make efforts to locate and determine the number of all unlicensed dogs in Eaton County.

(i) The Chief Animal Control Officer shall have the duty to inspect any kennel, a license for which has been issued by Eaton County or its authorized agents pursuant to this Ordinance and the statutes of the State, and shall have the duty to suspend the license if conditions exist which are unhealthy or inhumane to the animals kept in the kennel, pending correction of such conditions; and further shall have the duty to revoke the license if such conditions are not corrected within a reasonable period of time.

(j) The Chief Animal Control Officer shall have the duty to investigate complaints of animals alleged to be treated cruelly or kept in violation of this ordinance, and may seek a court order to seize, take up and impound any animal that has been subject to such cruelty, abandonment or neglect.

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

5.3. Enforcement of Ordinance. The Chief Animal Control Officer in enforcing the provisions of this Ordinance and the statutes of the State pertaining to animals may make complaints to the Eaton County Prosecuting Attorney and to the District Court in regard to any violations of this Ordinance.

5.4. Fees and Monies Collected. All fees and monies collected by the Animal Control Division shall be accounted for and turned over to the Treasurer on or before the first of each month under the standard practices of the Treasurer's accounting system. Funds received by the Treasurer as forfeitures from the sterilization fund shall be maintained in a separate account to be disbursed for use by the animal control according to state law.

SECTION 6. ANIMAL CARE

6.1. Adequate Care. Every owner or caregiver of an animal shall be required to provide the animal with the minimum standard of care set forth in this Ordinance, which means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

6.2. Food and Water. Every owner or caregiver of an animal shall provide, on a daily basis, the animal with sufficient good and wholesome food and water.

6.3. Cleanliness. Every owner or caregiver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.

6.4. Shelter. Every owner or caregiver of animals shall provide all animals with a proper shelter.

6.5. Veterinary Care. The owner or caregiver of a diseased or injured animal shall provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals to prevent transmittal of disease.

6.6. Abuse. No person shall beat, cruelly treat, improperly tether, torment, overload, overwork or otherwise abuse an animal.

6.7. Abandonment and Neglect. No owner or caregiver of an animal shall abandon or neglect any animal. An animal is deemed abandoned and/or neglected if the owner or caregiver fails to properly maintain the animal.

6.8. Poison. No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her property common rat poison mixed only with vegetable substances.

6.9. Disfigurement. No person, except a licensed veterinarian, shall crop an animal's ears or dock an animal's tail.

6.10. Housing Conditions for Multi-Animal Housing.

(a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from illness or injury, to contain the animals, and to restrict the entrance of other animals.

(b) Every building or enclosure where animals are maintained shall be constructed of material that can be easily cleaned and shall be kept in a clean and sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals and sanitation.

(c) All animal rooms, cages, kennels, and runs shall be of sufficient size to provide all animals with adequate room for exercise and general proper accommodations.

(d) All animal rooms, cages, kennels, and runs shall provide all animals with proper shelter and protection from the weather at all times, including, but not limited to, a minimum of a roofed, three-sided structure of suitable size. All animals must be provided with an area protected from the elements so as to provide a dry, clean area for the animals to rest.

(e) No person shall fail to provide an animal with adequate shelter.

6.11. Other Conditions. No animal shall be left without proper attention and care for more than 24 consecutive hours. Whenever an animal is left unattended at a commercial animal facility, the name, address and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property.

(a) No condition shall be maintained or permitted that is or could be injurious to the animals.

(b) All reasonable precautions shall be taken to protect the public from the animals and animals from the public.

(c) No person shall give an animal any alcoholic beverage or prescription drug, unless prescribed by a veterinarian.

(d) No person shall knowingly allow animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to each other, the animals shall be deemed not to be natural enemies.

(e) Working animals shall be given adequate rest periods with water and shade provided. Confined or restrained animals shall be given proper exercise.

(f) No person shall work, use, or rent any animal which is malnourished, undernourished, overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit. This shall mean that if an animal is not shod, it must be provided with footing (i.e., grass, hay, wood shavings or dirt).

(g) No person shall allow any animal that the Animal Control Shelter has suspended from use, to be worked or used until released by the Chief Animal Control Officer.

(h) All livestock shall be kept under humane restraint and not permitted to run at large.

(i) All dogs shall be kept under humane restraint and shall not be permitted to be at large.

(j) No owner shall permit a dog to leave the owner's premises unless such animal is wearing a leash and is under the positive control of a person of suitable age and discretion. The leash shall be of sufficient strength to restrain the particular animal.

(k) While restrained by a leash, no animal shall be permitted to enter upon private property of another without the permission from that person.

6.12. Barking Dog. No owner of a dog shall permit continuous barking which disturbs another person.

6.13. Animals in Motor Vehicles.

(a) No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle. If a person is transporting or carrying an animal in an unenclosed or partially enclosed vehicle (including, but not limited to convertibles, pick-up and flat-bed trucks), the person shall confine the animal in a container case, or other device that is of proper and adequate size to prevent the animal from falling from or jumping from the motor vehicle.

(b) No person shall transport or leave any animal in a vehicle in such a way as to endanger the animal's health, safety or welfare, including but not limited to dangerous temperatures, lack of air, food, water, or proper care.

Any Animal Control Officer, or law enforcement officer employed by Eaton County is authorized to use reasonable force to remove an animal from any vehicle whenever it appears that the animal's health, safety, or welfare is, or may be, endangered.

(c) No person shall carry or cause to be carried in or upon any vehicle or otherwise, any live animals having the feet or legs tied together or in any other cruel or inhumane manner or without providing suitable and humane facilities including racks, crates or cages in which such animal may stand up or lie down during transportation or while awaiting slaughter or sale.

6.14. Ferret Owners' Responsibilities.

(a) No person owning, possessing or having charge of any ferret shall permit a ferret to leave the owner's property unless the ferret is confined or leashed and under the direct control of the owner or a responsible person designated by the owner.

(b) No person shall release a ferret into the wild or abandon a ferret.

SECTION 7. DEAD ANIMALS

7.1. General Requirements. It shall be unlawful for an owner or caregiver, or person possessing an animal to do any of the following:

(a) To allow the carcass of a dead animal to be left unattended and not properly disposed of.

(b) To put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, roadway, street, alley, lane, or lot.

SECTION 8. QUARANTINE OF ANIMAL AFTER BITING A PERSON OR OTHER ANIMAL

8.1. Domesticated Companion Animal. The owner of any Domesticated Companion Animal that bites a person or other animal shall immediately quarantine the biting Animal inside an appropriate building or enclosure for a minimum of ten (10) days. If the Owner of the biting Animal fails to do so, or if the Owner of the biting Animal cannot be identified or found, then the Chief Animal Control Officer may take possession of the Domesticated Companion Animal and quarantine it at the Animal Control Shelter or Animal Protection Shelter until the expiration of the ten (10) day period. The Owner shall be responsible for all expenses incurred for the quarantine. At the expiration of the ten (10) day period, if the Owner shows satisfactory evidence that the Domesticated Companion Animal is not suffering from rabies, and pays the requisite expenses, the Chief Animal Control Officer shall release the Domesticated Companion Animal to its Owner.

The Chief Animal Control Officer may immediately humanely destroy the Domesticated Companion Animal that has bitten if the Animal is determined by a veterinarian to be suffering from rabies or upon request of the owner. In such cases, following the humane destruction of the Domesticated Companion Animal, the Chief

Animal Control Officer shall immediately send a sample specimen to the Michigan Department of Public Virology Laboratory in Lansing, Michigan.

8.2. Animals That Are Not Domesticated. If an animal that is not domesticated bites a person or other animal, and there is no identifiable owner, then the Chief Animal Control Officer shall if possible, humanely confine and destroy the animal and immediately send the animal or sample specimen to the Michigan Department of Public Health Virology Laboratory in Lansing, Michigan.

SECTION 9. IMPOUNDMENT, REDEEMING AND ADOPTING ANIMALS

9.1. Impoundment by Animal Control Officer. The Chief Animal Control Officer may humanely seize and impound at the Animal Control Shelter any Domesticated Companion Animal or livestock found running at large. If the animal is non-vicious or non-dangerous and its owner can be ascertained and is available, the Chief Animal Control Officer may return the Animal to its owner, and may cite the owner of the animal for any violation that has occurred. The Chief Animal Control Officer may also seize and impound any Animal that is, within his or her reasonable discretion, subject to abuse, cruelty, abandonment or neglect, and may cite the owner with a violation of this Ordinance and/or applicable state laws.

9.2. Impoundment by Citizens. Any citizen shall be empowered to temporarily take and hold any domestic animal or livestock that is running loose within plain view that, according to a reasonable person, is in danger itself or poses an imminent danger of causing serious bodily injury or death to a Person. Any such citizen shall immediately contact Eaton County Animal Control with a description of the animal and location where found and may turn over the animal to Animal Control. Any citizen acting reasonably and in good faith under this Section should not be liable for civil claims or criminal charges resulting from such actions.

9.3. Notification of Owner. Immediately after impounding an animal, if the owner of the animal can be identified by collar, license, tag or by other means, the Chief Animal Control Officer shall notify the owner about the animal's impoundment by first class mail. The Chief Animal Control Officer shall inform the owner of the steps necessary to regain custody of the animal.

(a) The Chief Animal Control Officer or a duly recognized service provider under contract with Eaton County may dispose of impounded animals which are not claimed within the state statutory holding periods in a manner set forth by the terms of this ordinance.

9.4. Redeeming Impounded Animals. An owner may redeem an animal from impoundment by executing a sworn statement of ownership, furnishing a license and tag, as required by this Ordinance and State laws and paying all expenses associated with the seizure and impoundment of the animal. The Chief Animal Control Officer shall not knowingly release any impounded animal to an owner who has been convicted of animal cruelty, abandonment, neglect or other related criminal violations of State law or of this Ordinance without a Court Order.

9.5. Adoption of Impounded Animals.

(a) A person who wishes to adopt an impounded animal that has not been redeemed by its owner must sign an adoption agreement that contains a sworn statement that he or she will own and keep the animal in accordance with the terms of this Ordinance and State laws.

(b) If the animal has not been sterilized, the sworn statement must also provide that the adopted animal will be immediately sterilized or, in the case of a puppy, kitten, sick or injured animal, will be sterilized immediately after a veterinarian determines that the animal is of sufficient age and health to undergo sterilization.

(c) The sworn statement must also provide that the animal will not be used for fighting or other illegal activity and will not be subjected to, sold, or otherwise used for medical or other testing or experimentation.

(d) Any person adopting an impounded animal must pay shelter, boarding and other charges associated with the seizure and impoundment of the animal prior to the release of the animal. Such charges shall be posted conspicuously at the Animal Control Shelter. Any subsequent failure to follow any of the terms of the adoption agreement shall be a violation of this ordinance.

(e) The Chief Animal Control Officer shall not knowingly adopt an animal to a person who has been convicted of animal cruelty, abandonment, neglect or other related criminal violations of state law or of this ordinance without a court order. The Chief Animal Control Officer may decline to adopt an animal if other circumstances exist, which, in the opinion of the Chief Animal Control Officer would endanger the health, safety, or welfare of people or animals.

SECTION 10. KENNELS

10.1. Licensing. A person who owns, keeps or operates a kennel shall obtain a kennel license from the Chief Animal Control Officer. The Chief Animal Control Officer shall inspect all kennels annually in accordance with this ordinance and State law. Kennels must also comply with applicable Building Code and Zoning Ordinances.

10.2. Compliance with Statutes, Regulations and Ordinances. The Chief Animal Control Officer shall not issue a kennel license to a person unless they are in full compliance with this Ordinance and State law. The Chief Animal Control Officer shall not knowingly issue a kennel license to a person who has been convicted of animal cruelty, abuse or neglect, or other related criminal violations of State law or of this ordinance without a Court Order.

10.3. Exemption from Requirement for Individual Animal Licenses. A person who shall obtain a kennel license under this ordinance is exempt from obtaining individual licenses for animals required under this ordinance.

10.4. Licensing Fees. The fees for a kennel license shall be set by the County Board of Commissioners.

10.5. Humane Treatment. All kennels must be kept sanitary and provide adequate housing and humane treatment of the animals in the kennel including, but not limited to, fresh food and water daily, sufficient room and opportunity for daily exercise, protection from the elements, adequate ventilation, vaccinations against diseases and adequate veterinarian care. Any person who owns, keeps or operates a kennel is subject to the minimum standards of care and all provisions of this Ordinance in its entirety for each of the animals kept in the kennel.

SECTION 11. SPECIAL PROVISIONS REGARDING VICIOUS ANIMALS.

11.1. Standards for Keeping Vicious Animals.

(a) **Confinement.** Except as provided below, all Vicious Animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel. The pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground to a depth of no less than two (2) feet. All structures erected to house such animals must comply with all zoning and building regulations of the City or Township where located. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure.

(b) **Confinement Indoors.** No Vicious Animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacles preventing the animal from exiting the structure.

(c) **Leash.** No person shall permit a Vicious Animal to go outside of its kennel, pen or the owner's residence unless such animal is securely leashed with a leash no longer than four (4) feet in length. A person of suitable age and capacity must be in physical control of the leash at all times. The animal may not be leashed to inanimate objects such as trees, posts, or buildings.

(d) **Muzzle** In addition to being on a leash, while being outside its kennel, pen or the owner's residence, all

such animals on a leash outside of the animals kennel, pen or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(e) **Signs.** All owners, keepers or harborers of Vicious Animals shall display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using such words as "*Beware of Vicious Animal!*" or other appropriate warning language. In addition, a similar sign must be posted on the kennel or pen of such animal.

11.2. Insurance Identification and Reporting Requirements.

(a) **Insurance.** All owners, keepers or harborers of Vicious Animals must provide to the Chief Animal Control Officer proof of liability insurance in an amount of five hundred thousand dollars (\$500,000.00) for each occurrence for bodily injury to or death of any person or persons which may result from ownership, keeping or maintenance of such animal. The insurance policy shall provide that no cancellation of the policy will be effective unless ten (10) days written notice is first given to the Chief Animal Control Officer at his or her business address.

(b) **Identification photographs.** All owners, keepers or harborers of Vicious Animals must provide the Chief Animal Control Officer with two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

(c) **Reporting requirements.** All owners, keepers or harborers of Vicious Animals must, within three (3) days of the following incidents, report the following in writing to the Animal Control Officer:

- (i) The removal from Eaton County or death of a Vicious Animal.
- (ii) The birth of offspring of a Vicious Animal.
- (iii) The new address of a Vicious Animal if the owner moves within Eaton County limits.
- (iv) The animal is on the loose, has been stolen or has attacked a person.

11.3. Failure to Comply. If the owner, keeper or harbinger of a Vicious Animal resident within the County of Eaton fails to comply with the requirements and conditions set forth in this Section, in addition to the owner being cited for the violations, the animal shall be subject to immediate seizure and impoundment and further disposition in accordance with this Ordinance.

SECTION 12. PENALTIES AND ENFORCEMENT PROCEDURES

12.1. State Law Offenses. Violations of the ordinance that are also violations of State law may be prosecuted under either.

12.2. Municipal Civil Infraction Citations. A person who violates this ordinance shall be deemed responsible for a municipal civil infraction, the penalty for which, shall be a civil fine plus any cost, damages, expenses and other sanctions, as authorized under Chapter 87 of 1961 PA 236, as amended, being MCL 600.8701 *et seq.*, and other applicable laws.

12.3. Authorized Enforcement Officials. The Chief Animal Control Officer, his/her designees, and deputies, and deputies of the Eaton County Sheriff, are the County officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Ordinance.

(a) Municipal civil infractions may be issued by an authorized enforcement official when he/she personally observes the violation. A municipal civil infraction may also be issued by an authorized enforcement official who after investigation has reasonable cause to believe that a violation occurred and it is approved by the Prosecuting Attorney prior to its issuance.

12.4. Service of Municipal Civil Infractions. Municipal civil infractions should be served personally if possible. If personal service cannot readily be obtained, municipal civil infractions may be served by first class mail. When served by mail, the defendant's correct name and address shall be confirmed prior to mailing.

12.5. Municipal Civil Infraction Citations; Contents.

(a) A municipal civil infraction citation shall contain:

- (i)) A description of the violation;
- (ii) The time within which the alleged violator must contact the Bureau for purposes of admitting or denying responsibility;
- (iii) The address and telephone number of the Bureau;
- (b) Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - (i) Admit responsibility for the municipal civil infraction within the time specified for appearance and pay the specified fine by mail or in person;
 - (ii) Admit responsibility for the municipal civil infraction “with explanation” within the time specified for appearance by mail or in person, or by representation; or
 - (iii) Deny responsibility for the municipal civil infraction and requesting either an informal or formal hearing in the matter.

12.6. Establishment of Municipal Civil Infractions Violations Bureau. The Municipal Civil Infraction Violations Bureau for disposition of municipal civil infractions is the Eaton County 56A District Court Office, 1045 Independence Boulevard, Charlotte, Michigan.

12.7. Fines. A person, corporation or firm, who accepts responsibility for, or is found responsible for a municipal civil infraction under this ordinance, shall pay a civil fine of not less than \$75 and not more than \$500, plus costs for each infraction. A fine schedule shall be determined and posted at the 56A District Court.

SECTION 13. MISCELLANEOUS.

13.1. Rules of Construction. When not inconsistent with the context, words used in the present tense include the future and past tenses. Words in the singular include the plural and words in the plural include the singular. Masculine includes the feminine and neuter. Words or terms not defined in this Ordinance shall be interpreted in accordance with their common meaning. The words "shall" and "will" are mandatory and not merely directive. Headings are inserted for convenience and shall not limit or increase the scope of any provision or Section of this Ordinance.

13.2. Severability. If any part of this Ordinance shall be held unconstitutional or void, such part shall be deemed severable and its invalidity shall not affect the remaining parts of this Ordinance.

13.3. Safety Clause. Eaton County hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the cities of the County, the County, and the inhabitants.

SECTION 14. REPEAL AND SAVINGS CLAUSE.

14.1. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are repealed to the extent they are in conflict with this Ordinance. However, any and all civil and criminal actions arising out of any Ordinance repealed by this Ordinance which are pending in a court of this State, or otherwise vested on the effective date of this Ordinance shall not abate and shall be saved and may proceed to conclusion pursuant to the terms of the repealed Ordinance.

SECTION 15. ADOPTION OF ORDINANCE.

15.1. Adoption; Effective Date. This Ordinance shall be adopted only after a majority of the Commissioners elected and serving shall vote in favor of its adoption. The Clerk of the Board of Commissioners shall then endorse this Ordinance and the Chairperson of the County Board of Commissioners shall sign this Ordinance, which shall then be certified by the Clerk before it is considered adopted. This Ordinance shall then take

effect seven (7) days after the date that it is published in a newspaper of general circulation in Eaton County. The County Clerk shall certify the publication.

Effective (date) _____

Chairman, Board of Commissioners

Clerk, Board of Commissioners

I, _____, Clerk of the Circuit Court for said County of Eaton do hereby certify that the foregoing is a true copy of a record now remaining in the Office of the Clerk of said County and Court. In testimony whereof, I have hereunto set my hand, and affixed the seal of said Court and County, at the City of Charlotte, this _____ day of _____ AD, 2019.

BY

Clerk