

LAPEER COUNTY ANIMAL CONTROL ORDINANCE

ENROLLED ORDINANCE

NO. 2008 -

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## ANIMAL CONTROL ORDINANCE

### ARTICLE I

#### PURPOSE

The Board of Commissioners of the County of Lapeer recognizes that Act number 339 of the Public Acts of 1919, as amended, being Sections 287.261-287.290 of the Michigan Compiled Laws (hereinafter MCL), Act number 426 of the Public Acts of 1988, being MCL 287.321-287.323, and Act number 368 of the Public Acts of 1978, being MCL 333.1101-333.25211, constitute state law for the regulation of dogs. The Board finds 1) that it is necessary to establish and implement a program for the licensing and regulation of dogs and other animals and facilities that house them, 2) that animals require legal protection, 3) that the property rights of owners and non-owners of animals should be protected, and 4) that the health, safety, and welfare, of people in Lapeer County would best be served by adoption of such an ordinance, which shall be cited as “The Lapeer County Animal Ordinance.”

### ARTICLE II

#### AMENDMENT

The provisions of this Ordinance amend and supercede the provisions of the Animal Control Ordinance that was adopted by the Lapeer County Board of Commissioners on \_\_\_\_\_.

### ARTICLE III

#### DEFINITIONS

- A) "Animal Shelter" means the animal kennel facility used by Lapeer County to house stray or unwanted animals.
- B) "Animal" means any dog, cat or other mammal, bird, fish or reptile and includes any exotic, wild or otherwise dangerous animal.
- C) "Animal at large" means any animal that
  - 1) Is not physically restrained on private property (including motor vehicles) with permission of the property owner, in a manner that physically prevents that animal from leaving that property or reaching any public areas, or
  - 2) When not in compliance with subsection 1, is not restrained by a leash, tether or other physical control device not to exceed six (6) feet in length and under the physical control of a person.
- D) "Animal Control Officer" means any person employed by the County for the purpose of enforcing this Ordinance or state statutes pertaining to control of dogs or other animals; this person must have Animal Control certification as prescribed by Department of Agriculture, and Michigan Association of Animal Control Officers.
- E) "Kennel Officer" means any person employed by the County for the purpose of cleaning, recognizing disease, and ensuring the welfare of animals impounded and held under County control.
- F) "Chief Animal Control Officer" means a person employed by the County, under the direction of Health Department/Health Officer or any other agency designated by the Board of Commissioners, who oversees the operation of the Shelter and Officers.
- G) "Cattery Kennel" means any place, residence, or facility where domestic cats (Feline Catus) are housed for boarding purposes, for remuneration.
- H) "Commercial Kennel" means any facility except a duly licensed pet shop wherein or whereon three or more licensable animals are kept for breeding, sale, boarding or training purpose for remuneration.
- I) "Day" means any day the Lapeer County governmental offices are scheduled to conduct business. This shall include Saturdays, but does not include Sundays or holidays designated by the Board of Commissioners.
- J) "Director" means the Director of the Lapeer County Health Department.
- K) "Euthanasia" means putting an animal to death in a humane manner.

- L) "Exotic, wild or otherwise dangerous animal" means any animal that is not commonly domesticated, or that is not native to the State of Michigan, or that, irrespective of geographic origin, is of a wild or predatory nature, or that because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life or property if not kept maintained or confined in a safe and secure manner. It does not include such animals kept in bona fide public zoos, licensed laboratories or circuses where the custody is under the care of an attendant at all times to assure that such animal is securely confined. It does include wolf hybrid animals.
- M) "Farm" means the land, buildings and machinery used in the commercial production of farm products.
- N) "Farm operation" means a condition or activity that occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides and use of labor.
- O) "Farm product" means those plants or animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar produces, or other produces that incorporate the use of food, feed, fiber or fur.
- P) "Foster Homes" mean facilities that are licensed by the Michigan Department of Agriculture or the Animal shelter in that county for the purpose of holding animals for medical, judicial, pre-adoption under the direction of the above agency. Foster homes are not authorized to hold stray animals.
- Q) "Hobby Kennel" means any residence within Lapeer County which may own keep, 4 or more dogs for personal use, as authorized per zoned property.
- R) "Livestock" means farm animals used for human food and fiber. Livestock includes, but is not limited to, horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and fur bearings animals being raised in captivity. Livestock does not include animals that are human companions, such as dogs and cats.
- S) "Owner," when applied to the proprietorship of an animal, means any person who has a right of property in an animal, or any person who harbors, cares for, exercises control over or knowingly permits the animal to remain on or about any premises occupied by that person for a period of seven (7) consecutive days.

“Owner,” when applied to any property or premise, means both the owner of title of record and those occupying or in possession of such property or premise.

T) “Muzzle” means a device that when fitted upon an animal prevents it from biting any person or animal and that is made in a manner that will not cause injury to the animal or interfere with its vision or respiration.

U) “Person” means any natural person, association, partnership, firm or corporation.

V) “Dangerous Animal” means any animal that has been found to have engaged in any of the behaviors specified in the Michigan Dangerous Animal Act, MCL 287.321 *et seq.*

W) “Provoke” means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.

X) “Serious Injury” means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

Y) “Treasurer” means the Lapeer County Treasurer.

Z) “Torment” means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

ARTICLE IV  
ANIMAL CONTROL OFFICER  
DUTIES, AUTHORITY AND RESPONSIBILITIES

A) The Lapeer County Board of Commissioners may employ a Chief Animal Control Officer who shall direct the Animal Control Division of the Health Department, and Animal Control Officers as necessary and in accordance with County budgetary and personnel policies.

B) Animal Control Officers shall be authorized to and responsible for enforcing the provisions of this Ordinance and the laws of the State applying to the control and well-being of animals. This includes, but is not limited to, the issuance of a ticket, citation or summons to any person if reasonable cause exists to believe he or she is in violation of this Ordinance or applicable State law, and making complaint to the District Court regarding the same.

- C) Animal Control Officers, when enforcing this Ordinance, shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting it.
- D) No person or persons shall knowingly interfere with an Animal Control Officer rightfully engaged with animal control duties. The violator of this section shall be guilty of a misdemeanor and upon conviction shall be imprisoned for not more than ninety (90) days, fined in an amount not to exceed \$1,000.00, and/or required to perform not more than 240 hours of community service.

ARTICLE V  
SHELTER OPERATION, IMPOUNDMENT, RELEASE  
AND DISPOSAL

- A) The Chief Animal Control Officer shall operate and maintain an adequate facility as a shelter to receive, care for and safely confine any animal in the Officer's custody under provisions of this Ordinance. The shelter shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals.
- B) An Animal Control Officer may impound and hold at the shelter any animal when it is the subject of a violation of this Ordinance, when it requires protective custody and care because of mistreatment or neglect by its owner, when it is voluntarily donated by its owner for disposition or when otherwise ordered impounded by a court.
- C) An animal shall be considered impounded from the time an Animal Control Officer takes physical custody of the animal.
- D) Impoundment is subject to the following holding period and notice requirements:
  - 1) An animal bearing identification of ownership or whose ownership is otherwise known shall be held for a minimum of seven (7) days after its impoundment unless otherwise allowed by Court order. An Animal Control Officer shall make reasonable effort to give notice of the impoundment to the owner by phone within 24 hours of impoundment and shall document same. If unsuccessful, the Officer shall mail written notice by certified mail within 48 hours of impoundment advising the owner of the impoundment, the date by which redemption must be made and fees payable prior to redemption release.
  - 2) An animal whose ownership is not determined shall be held for a minimum of five (5) days after its impoundment unless otherwise allowed by Court order.

- 3) Animals held for periods prescribed under this section and not redeemed by their owners shall be subject to disposition.

E) Disposition of impounded animals shall be made in the following manner:

- 1) Any impounded animal shall be released to its owner or the owner's authorized representative if redeemed within the period set forth in this section upon payment of fees for impoundment and care including actual cost of veterinary care incurred while held in the animal shelter and if the owner is in compliance with provisions of this Ordinance and statutes of the State including licenses and vaccination requirements.
- 2) Any animal held for the prescribed period and not redeemed by its owner, and which is neither a potentially dangerous animals nor in a dangerous condition of health, may be released for adoption subject to provisions of Article VI.
- 3) Any animal held for the periods prescribed under this section without redemption or adoption shall be disposed of, as authorized by Federal, State, local laws, and Health Department policy, except that livestock and poultry may be sold in accordance with provisions of this Ordinance and statutes of the State.
- 4) Provisions of this section regarding holding periods do not apply to any animal that is sick or injured to the extent that the holding period would cause the animal undue suffering in the judgment of an Animal Control Officer, or to any animal voluntarily delivered to the animal shelter by the owner thereof requesting humane destruction. Such animals may be disposed of by euthanasia at any time.

## ARTICLE VI ADOPTION

A) A dog or a cat may be released for adoption by an Animal Control Officer under the following terms and conditions:

- 1) An Animal Control Officer has determined that the dog or the cat does not have an owner.
- 2) An Animal Control Officer has determined that the dog or the cat is not a dangerous animal.
- 3) An Animal Control Officer has obtained a written agreement from the prospective owner, which states that the prospective owner will have the

dog or the cat spayed or neutered within thirty (30) days of adoption or upon reaching the age of sexual maturity, whichever occurs first.

- 4) An Animal Control Officer has collected a fifty dollar (\$50.00) deposit from the prospective owner, which shall be refundable to the prospective owner upon the provision of written proof that the dog or cat which was adopted has been spayed or neutered by a licensed veterinarian.
  - 5) If the prospective owner fails to comply with the terms of the written agreement and fails to have the dog or cat spayed or neutered as described in this Ordinance, the prospective owner shall forfeit the fifty dollar (\$50.00) deposit. An Animal Control Officer may further charge the prospective owner with a civil infraction as provided in Article X of this Ordinance. An Animal Control Officer may further seek the return of the dog or the cat to the Animal Shelter as provided by the Michigan Pet Shop and Animal Shelter Act, MCL 287.331 *et seq* and rules promulgated thereunder.
- B) An Animal Control Officer may decline to release an animal for adoption under any of the following circumstances:
- 1) The prospective adoptive owner has been convicted of the crime of cruelty to animals within the previous five (5) years or period set by the Court.
  - 2) The prospective adoptive owner has, in the opinion of an Animal Control Officer, inadequate or inappropriate facilities for keeping the animal or providing proper care to the animal.
  - 3) Other circumstances exist that, in the opinion of an Animal Control Officer, would endanger the welfare of the animal or the health, safety or welfare of people.
  - 4) The animal does not meet the evaluation set forth by an Animal Control Officer. This determination may be appealed as set forth in the adoption policy.
  - 5) The prospective owner indicates that he or she will not comply with the provisions of this Ordinance.

## ARTICLE VII DOG LICENSES, RABIES VACCINATION, AND LICENSE TAGS

- A) Beginning at the age of four (4) months and continuing thereafter for the life of the animal, all dogs that reside in Lapeer County must be licensed by the Lapeer County Health Department and Lapeer County Animal Control in

accordance with the provisions of this Ordinance. The fees for licensing a dog in Lapeer County shall be established by the Lapeer County Board of Commissioners, as published in the Lapeer County Fee Schedule. In order to obtain a dog license, the owner must provide written proof (certification) that the dog has been vaccinated for rabies. The certification must be signed by a licensed veterinarian, and shall be considered valid for the period of time stated therein, not to exceed three (3) years from the date the rabies vaccination was performed.

- B) All dogs that have been licensed in Lapeer County shall display on or about their collar a license tag as provided by Lapeer County Animal Control.
- C) A dog license shall be considered valid for a period of one (1) year or (3) years. The anniversary date of the license shall coincide with the date upon which the dog first received a rabies vaccination. An owner shall be required to renew a dog license on a yearly basis, within thirty (30) days of the anniversary date. A failure to renew the license within thirty (30) days of the anniversary date shall subject the owner to a license delinquency fee as established by the Lapeer County Board of Commissioners, and published in the Lapeer County Fee Schedule.
- D) "A 3 year dog license" may be obtained at the owners request if the rabies vaccination is valid for the entire 3 years. If the rabies vaccine expires within the 3 year period the owner would only be allowed to purchase a one year license. Cost of License(s) would be as set forth in the fee schedule of Lapeer County. This fee is non-refundable.
- E) License and license tags are assigned to individual dogs and are not transferable to other animals. They shall remain with the dog upon transfer to another owner for the life of the license, except that upon transfer to another owner within Lapeer County the last registered owner shall notify the Animal Control Division so that it may note such transfer upon its records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.
- F) Transient dogs in Lapeer County must be licensed in the county in which the owner resides. Residents who are new to Lapeer County and who possess a dog or dogs which have been licensed outside of Lapeer County will be given ninety (90) days from the time they move into the County to obtain a Lapeer County Animal License. The anniversary date for the license of a dog that has moved to Lapeer County shall be the date upon which the original license was issued, consistent with the date of the dog's rabies vaccine.

- G) Any person requesting a license for a sexually altered animal must present a certificate signed by a licensed veterinarian that the animal has been surgically altered.
- H) If a license tag is lost, it shall be replaced for a fee as set forth by the Lapeer County Board of Commissioners, and published in the Lapeer County Fee Schedule. The owner shall provide proof that the dog is licensed and shall sign a statement that the tag has been lost.
- I) License fees shall be waived for any animal that is certified and actively working, such as a graduate leader dog, police dog, or hearing impaired companion dog. Foster dogs will be required to be licensed in Lapeer County.
- J) If a person obtains a new dog, the dog must be licensed within thirty (30) days of its acquisition. Failure to obtain a dog license within thirty (30) days shall subject the owner to penalties as stated in Article X and a license delinquency fee as established by the Lapeer County Board of Commissioners, and published in the Lapeer County Fee Schedule. Proof of new ownership must be shown at the time of application, in receipt form signed by the previous owner(s).
- K) No dog shall be exempt from the rabies vaccine requirements for licensing unless a licensed veterinarian certifies in writing that such rabies vaccine would be detrimental to the health of said dog. An Animal Control Officer shall approve the same in writing, shall issue a certificate authorizing the owner of said dog to obtain the license without rabies vaccination, and such dog shall be licensed by the Animal Control Division accordingly.
- L) The provisions of this Ordinance do not prevent any Township, Village, City, or other unit of government in Lapeer County from adopting an ordinance for the control and licensing of cats within its jurisdiction

ARTICLE VIII  
DOG KENNEL LICENSES

- A) Any person who owns or keeps multiple dogs may, in lieu of obtaining individual licenses as required under this Ordinance and under the statutes of the State, apply to the Animal Control Division for a commercial kennel license or a **hobby license**.
- B) A commercial kennel license shall entitle a person or persons to own, keep or operate a commercial kennel for the boarding, breeding, or selling of dogs in accordance with the applicable laws of the State as follows.

- 1) Any person who owns, keeps or operates a kennel at any single location within the boundaries of Lapeer County shall, within thirty (30) calendar days prior to the start of such operation, obtain a kennel license from the Animal Control Division.
  - 2) The application must be accompanied by the applicable fee for same, but proof of vaccination against rabies shall not be required when applying for a commercial kennel license.
  - 3) An Animal Control Officer shall issue such license upon proper application if the kennel is in compliance with Sections 10 and 11 of Act 339 of the Public Acts of 1919, as amended, being MCL 287.270, and 287.271, and in compliance with any applicable ordinance of the city, village or township in which it is located.
  - 4) Commercial kennel licenses shall be renewed prior to June 1<sup>st</sup> of each year.
  - 5) Failure to apply for a commercial kennel license within the prescribed time limit will result in a delinquent fee being charged as established by the Lapeer County Board of Commissioners, and published in the Lapeer County Fee Schedule.
- C) A hobby license shall entitle a person or persons to own or keep up to ten (10) dogs per zoned property for non-commercial purposes as follows.
- 1) The application must be accompanied by the applicable fee for same, as well as proof of vaccination for rabies for each animal covered by the hobby license.
  - 2) An Animal Control Officer shall issue such license and up to ten (10) individual license tags if the keeping of said dogs is authorized by the applicable township zoning requirements.
  - 3) Hobby licenses shall be renewed in accordance with the rabies vaccination given by a licensed veterinarian.
  - 4) Fees for Hobby Licenses shall be in accordance with the Lapeer County Fee structure.
- D) An Animal Control Officer shall have the right to inspect any commercial or hobby license in the County of Lapeer in order to determine whether said kennel is in compliance with the Ordinance and the statutes of the State. Kennel licenses may be suspended if, in an Animal Control Officer's opinion, conditions exist that are unhealthy or inhumane to the animals kept therein pending correction of such conditions, and may be revoked if such conditions are not corrected within a designated reasonable time.

ARTICLE IX  
REPORTS OF ANIMAL BITES

- A) The owner of an animal that has attacked, bitten, or scratched a person or another animal shall report that attack to an Animal Control Officer.
- B) Every animal that has attacked, bitten, or scratched a person shall be impounded and quarantined for a period of ten (10) days, or as directed by a Health Officer or Animal Control Officer. Such quarantine shall be at the owner's residence, the animal shelter, a veterinarian clinic, or such other place as designated by an Animal Control Officer. The owner shall surrender the animal to the Animal Control Officer upon request.

ARTICLE X  
ORDINANCE VIOLATIONS, ENFORCEMENT, AND PENALTIES

- A) Unless otherwise stated herein, the penalty for violation of any provision of this Ordinance shall be as follows.
  - 1. As to the first or second offense, the violation shall be a civil infraction, and upon a finding of responsibility the violator shall be fined as set forth below.
  - 2. As to the third or subsequent offense, the violation shall be a misdemeanor, and upon conviction the violator shall be imprisoned for not more than ninety (90) days, fined in an amount not to exceed \$1,000.00, and/or required to perform not more than 240 hours of community service.
  - 3. In addition, court costs may be levied against any person determined to be guilty of or responsible for a violation.
- B) Tickets, citations or summonses for violation of this Ordinance may be issued by any Animal Control Officer or other peace officer upon reasonable cause to believe that a violation has occurred. It is not necessary that the violation be witnessed by an Animal Control Officer or other peace officer. This provision is not intended to and should not be construed to effect in any way the right of an Animal Control Officer, other peace officer, or prosecutor to take action under applicable State law for a violation thereof.
- C) If the recipient fails to appear before the Court to answer the ticket, citation or summons, an Animal Control Officer or other peace officer may proceed to obtain a default judgment against the recipient or the issuance of a

warrant for the arrest of the recipient to bring said person before the Court to answer the charges.

D) Fines levied against violators found responsible or guilty by the court shall be placed into the fund of Animal Control. Such funds shall be used and authorized by the Health Officer/Board of Commissioners for the purpose of animal control enforcement.

E) For the purposes of this Article, the term "permit" shall include human conduct that is intentional, deliberate, careless, or negligent in relation to an owned animal.

F) It shall be unlawful for any person or owner to:

1) Permit any animal to be at large or to stray beyond the property of such person unless such animal is restrained by a leash or unless such animal is engaged in lawful hunting or hunting practice and is accompanied by a responsible person.

FINES (PER ANIMAL):

FIRST OFFENSE	\$ 50.00
SECOND OFFENSE	\$100.00

2) Permit any animal to trespass upon property or to cause damage to property, real, or personal, of another person.

FINES (PER ANIMAL)

FIRST OFFENSE	\$ 50.00
SECOND OFFENSE	\$100.00

3) Keep an exotic, wild or otherwise dangerous animal unless specifically approved by the governing body of the village, city or township in which kept, or to violate any restrictions on such animal's custody as may be prescribed by that governing body.

FINES (PER ANIMAL):

FIRST OFFENSE	\$ 50.00
SECOND OFFENSE	\$100.00

4) Engage in any of the activities prohibited by Act 381 of the Public Acts of 1988 relating to animals owned, possessed, trained or used for fighting, baiting or target shooting.

FINES (PER ANIMAL):

FIRST OFFENSE \$ 500.00  
SECOND OFFENSE \$1000.00

- 5) Permit a dog in heat (estrus) to be accessible to a male dog not in the person's ownership except for intentional breeding purposes.

FINES (PER ANIMAL):

FIRST OFFENSE \$ 50.00  
SECOND OFFENSE \$100.00

- 6) Permit any animal unreasonably to cause annoyance, alarm or noise disturbance at any time of the day or night by repeated barking, whining, screeching, howling, braying, or other like sounds that may be heard beyond the boundaries of the owner's property.

FINES (PER ANIMAL):

FIRST OFFENSE \$ 50.00  
SECOND OFFENSE \$100.00

- 7) Permit an animal to be confined within or on a motor vehicle at any location under such conditions as may endanger the health or well being of the animal, including but not limited to dangerous temperature, or lack of food, water or attention.

FINES (PER ANIMAL):

FIRST OFFENSE \$200.00  
SECOND OFFENSE \$500.00

- 8) Abandon any animal in or upon any sidewalk, street, alley, road, public right of way, park or other public property, or in or upon the property of another person.

FINES (PER ANIMAL):

FIRST OFFENSE \$ 50.00  
SECOND OFFENSE \$100.00

- 9) Knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to any animal except rodents.

FINES (PER OCCURRENCE):

FIRST OFFENSE \$ 50.00  
SECOND OFFENSE \$100.00

10)Physically mistreat any animal either by deliberate abuse or by neglecting to furnish adequate care and shelter including veterinary attention, or to leave the animal unattended for more than twenty-four (24) hours without adequate care.

FINES (PER ANIMAL):

FIRST OFFENSE \$200.00  
SECOND OFFENSE \$500.00

11)Permit any animal to leave the confines of any officially prescribed quarantine area.

FINES (PER ANIMAL):

FIRST OFFENSE \$100.00  
SECOND OFFENSE \$200.00

12)Seize, molest or tease any animal while on the property of its owner or while held on leash by its owner, or to decoy or entice any animal out of an enclosure or off the property of its owner.

FINES (PER ANIMAL):

FIRST OFFENSE \$ 50.00  
SECOND OFFENSE \$100.00

13)Fail to spay and/or neuter a dog and/or a cat that has been adopted pursuant to the provisions of Article VI of this Ordinance.

FINES (PER ANIMAL):

FIRST OFFENSE \$100.00  
SECOND OFFENSE \$200.00

14)Intentionally, or by failure to exercise due control, permit any animal to bite a person or another animal except in defense of the owner during the commission of a crime by another.

FINES (PER ANIMAL):

FIRST OFFENSE \$100.00  
SECOND OFFENSE \$200.00

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

FINES (PER OCCURRENCE):

FIRST OFFENSE	\$100.00
SECOND OFFENSE	\$200.00

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

FINES:

FIRST OFFENSE	\$ 50.00
SECOND OFFENSE	\$100.00

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

FINES (PER ANIMAL):

FIRST OFFENSE		
WITH PROOF OF LICENSE	\$ 25.00	
WITHOUT PROOF OF LICENSE	\$100.00	
SECOND OFFENSE	\$200.00	

18) Fail to provide adequate food, care, water, shelter, and medical attention for an animal.

FINES:

FIRST OFFENSE	\$200.00
SECOND OFFENSE	\$500.00

19) Abandon an animal at a shelter, veterinary clinic, pet shop, groomer, or other place of business.

FINES:

FIRST OFFENSE	\$ 50.00
SECOND OFFENSE	\$100.00

20) Being an owner of the animal, fail to report to an Animal Control Officer an attack by that animal upon a person or another animal.

FINES:

FIRST OFFENSE	\$100.00
SECOND OFFENSE	\$200.00

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

FINES

FIRST OFFENSE	\$100.00
SECOND OFFENSE	\$200.00

22) Refuse to surrender a found animal to an Animal Control Officer upon request.

FINES

FIRST OFFENSE	\$50.00
SECOND OFFENSE	\$100.00

ARTICLE XI  
REPORTING OF FOUND ANIMALS

- A) Any person who finds and harbors an animal shall notify the Animal Control Division within twenty-four (24) hours. It shall be the duty of an Animal Control Officer to take into custody any animal reported found.
- B) The finder shall surrender the animal to the Animal Control Facility in the county where found. If the owner of the animal has not claimed the animal within the legal holding time, the animal may be released for adoption as provided for in Article VI. If the finder wants to adopt the animal, he or she must do so according to the policy.

ARTICLE XII  
LIVESTOCK DAMAGE CLAIMS

- A) All claims for livestock damage in Lapeer County caused by dogs shall be made in accordance with the provisions of Act number 339 of the Public Acts of 1919, as amended, being MCL 287.280 to 287.285.
- B) In addition to the provisions described in part A of this Article, all persons making a claim for livestock damage in Lapeer County shall follow the following procedure. Failure to follow this procedure may cause a livestock damage claim to be denied.

- 1) Contact Lapeer County Animal Control and submit an animal damage claim report, including information concerning any and all insurance relevant to said livestock.
  - 2) Make the actual animals damaged by dogs available for viewing by an Animal Control Officer and/or township supervisor as requested by same.
  - 3) Lapeer County Animal Control shall file a report with the Township Supervisor of the livestock damage.
- C) The liability of Lapeer County for any claim of livestock damage caused by dogs shall not exceed that provided by State law.
- D) The payment of any claim for livestock damage caused by dogs by Lapeer County shall not exceed the amount allowed by the Lapeer County Board of Commissioners. See PA 1919, No. 339, sec. 23 (MCL 287.283(2)).
- E) The provisions of this article shall not be construed to abrogate, waive, amend, or affect in any manner the governmental immunity of Lapeer County and the Lapeer County Health Department and Lapeer County Animal Control.

ARTICLE XIII  
CATTERY KENNEL INSPECTIONS

- A) Any person who operates a Cattery Kennel shall allow Officers of Lapeer County to inspect the area used to house these animals for compliance with Michigan Animal Regulations.
- B) Inspections include, but are not limited to, the following:
- 1) Existence of a comfortable caging type system.
  - 2) Proper cages according to size.
  - 3) Clean, fresh water supply and adequate and proper food.
  - 4) Cages are kept cleaned and free of fecal matter.
  - 5) Resting perches are provided for cats where two or more are housed in the same cage system.
- C) There shall be an administration fee for inspection purposes only. This fee shall be established and approved by the Lapeer County Board of Commissioners and Lapeer County Health Department.

- D) Under this Ordinance, there shall not be a license issued to the person or persons operating a Kennel Cattery. A copy of the inspection will be made available to the operator for display.

ARTICLE XIV  
ANIMAL CRUELTY

- A) The provisions of Michigan's Animal Cruelty Statute, being section 50 of Act number 328 of the public acts of 1931, as amended (MCL 750.50), are hereby incorporated into and made a part of this Ordinance.
- B) A violation of the provisions of Michigan's Animal Cruelty Statute shall constitute a violation of this Ordinance, and be punishable as a misdemeanor by up to 90 days in jail, and/ or a \$1,000.00 fine.

ARTICLE XV  
SEVERABILITY

- A) If any section of the Ordinance is held invalid, such section shall not effect other sections of this regulation.

ARTICLE XVI  
CONSTRUCTION

- A) When not inconsistent with the context, words used in the present tense include the future. Words in the singular include plural, and words in the plural include the singular. Masculine shall include the feminine and neuter. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any Article or section of this Ordinance.
- B) Where any of the provisions of this Ordinance are in conflict with provisions of any other local Ordinance or any State laws or regulations, the latter shall prevail.
- C) All County residents shall comply with the regulations set forth within this ordinance.
- D) All fees and charges set forth by the Lapeer County Board of Commissioners and the Lapeer County Health department shall be charged by the Lapeer County Animal Shelter. Lapeer County Animal Shelter and the Lapeer County Health Department reserve the right to charge all

applicable fees owed to the shelter for impoundment and/or boarding fees as set forth by the Lapeer County Board of Commissioners.

- E) Lapeer County Animal Shelter, being under the direction of Lapeer County Health Department, accepts and conforms with the Michigan Health Codes and Regulations where applicable.

ARTICLE XVII  
SAVINGS CLAUSE

Any and all rules, regulations and Ordinances adopted by the County of Lapeer prior to the effective date of this Ordinance shall continue in full force and effect except to the extent they conflict with this Ordinance, or have been superseded or amended by the provisions of this Ordinance.

ARTICLE XVIII  
EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after notice of its adoption has been published in a newspaper of general circulation in Lapeer County.

Dated: \_\_\_\_\_

\_\_\_\_\_ Chairperson  
Lapeer County Board of Commissioners