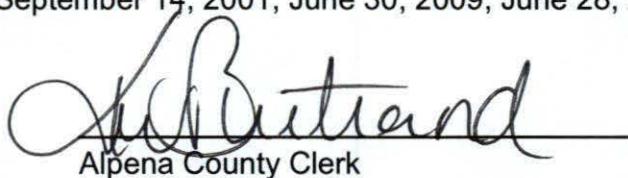


Alpena County Animal Control Ordinance

PASSAGE OF ORDINANCE

I, Keri Bertrand, County Clerk for the County of Alpena, do hereby certify that the following Ordinance was adopted on December 11, 1985, Amended September 14, 2001, June 30, 2009, June 28, 2022, and December 13, 2022.



Keri Bertrand
Alpena County Clerk

An Ordinance relating to and providing for animal control within the boundaries of Alpena County; Animal Control Officer, his/her duties, authority, responsibilities; licensing and vaccination of dogs; confinement of dogs and other animals and adequate shelter; redemption of dogs impounded; enumeration of certain violations and procedure therefore; humanely euthanize and seizing of dogs and other domestic animals; prohibition of livestock and poultry in non-agriculture areas; Treasurer's duties and records; fees and expenses; receipts and disbursements of funds; penalties; preservation of certain rights; construction; repeal.

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

ARTICLE 1: PURPOSE

Deeming it advisable in the interest of protecting the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and in accordance to Act 339 of the Public Acts of 1919, as amended, being Sections 287.261- 287.293 of the Michigan Compiled Laws of 1948, (MSA Sections 12.511-12.541), Act 426 of the Public Acts of 1988, being Sections 287.321 - 287.323 of the Michigan Compiled Laws as amended, of 1948 (MSA Sections 12.545(21)-12.545 (23)), Act 368 of the Public Acts of 1978, being Section 333.1101 - 333.25211 and Acts of 1970, as amended, being 287.29; and to include any additional amendments of the Michigan Compiled Laws. To create the position of Animal Control Officer and define their duties, authority, and responsibilities, and to regulate and control the conduct, keeping and care of dogs and certain other domestic animals, livestock and poultry. The Board of Commissioners furthermore recognizes that animals require legal protection, that the property rights of owners and non-owners of animals need to be protected, and that the health, safety and welfare of the people of Alpena County will best be served. The County of Alpena, Michigan, does hereby adopt the following Ordinance:

ARTICLE 2: DEFINITIONS

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

ADEQUATE CARE: Means the provision of sufficient food, water, shelter, tethering and medical attention to maintain an animal in a state of good health.

ANIMAL SHELTER: Shall mean the facility in which the county either operates and/or contracts with for the purpose of impound.

ANIMALS: Unless otherwise stated, the "Animal" as used in this Ordinance shall refer to "Domesticated Animals" - a population of animals that have had their behavior, life cycle, or physiology systemically altered as a result of being under human control for many generations. Including but not limited to, birds, fish, mammals and reptiles.

ANIMAL CONTROL OFFICER: Shall mean the person employed or appointed by the county for the purpose of enforcing this Ordinance or state statutes pertaining to dogs or other animals as well as officers employed by or appointed by the county to act in the Animal Control function.

BARKING: Shall be referred to in this Ordinance as frequent and excessive.

BOARD OF COMMISSIONERS: Shall mean The Alpena County Board of Commissioners.

DIRECTOR: Shall mean the person employed by or contracted by the Animal Shelter to fulfill the duties and responsibilities of acting in accordance with Michigan Compiled Laws.

EUTHANASIA: Shall mean the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an approved agent that causes painless loss of consciousness and subsequent death.

HARBOR: Shall mean to feed or shelter an animal(s) for three (3) or more consecutive days.

IMPOUND: Shall mean to place in an animal shelter, or other authorized facility, an animal for shelter purposes.

KENNEL: Shall mean any establishment wherein or whereon three (3) or more dogs are confined

and kept for sale, boarding, breeding or training purposes, for remuneration, constructed so as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein.

LARGE CARNIVORES: Shall include, but not be limited to, a lion, leopard, jaguar, tiger, cougar, panther, cheetah or bear.

LAW ENFORCEMENT OFFICER: Shall mean any person employed or elected by the people of the State, or by any municipality, county or township, whose duty it is to preserve peace or to make arrests or to enforce the law, which also includes conservation officers, State Police, Federal law enforcement officers, and Federal game wardens.

LIVESTOCK: Shall mean horses, sheep, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, hog, swine, and all those fur bearing animals being raised in captivity.

NEGLECT: Shall mean to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

OWNER: Shall mean a person having a right of property ownership in an animal, who keeps or harbors the animal or has the animal in his or her care or custody, or who permits the animal to remain on or about any premises occupied by the person. An owner does not mean a person who harbors an animal in the course of conducting a boarding, grooming or training business, or a veterinary hospital, or a person who harbors an animal in violation of ACT 309 of the Public Acts of 1939, being Sections 287.301 to 287.308 of the Michigan Compiled Laws.

PERSON: Shall mean an individual, partnership, corporation, cooperative, association, joint venture, or other legal entity.

POULTRY: Means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeder's license pursuant to part 427 (breeders and dealers) of the Natural Resources and Environmental Act. ACT 451 of the Public Acts, being Sections 324.42701 - 324.42714 of the Michigan Compiled Laws.

QUARANTINE: Shall mean a state of enforced isolation. To detain in or exclude by quarantine, to isolate from normal relations or communication. An animal that has bitten shall be quarantined in accordance with this Ordinance and or the statutes of the State. The Animal Control Officer shall decide whether to impound for quarantine or allow quarantine in the home or secure structure that would not allow any other person or animal to come into contact with the quarantined animal, except

for members of the same household. Animals may be quarantined at a veterinary clinic if deemed necessary.

RABIES SUSPECT ANIMAL: Shall mean any animal which has bitten a human or another animal or any animal that has been in contact with or bitten by a rabid animal, or any animal that shows symptoms suggestive of rabies.

SANITARY CONDITIONS: Shall mean space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health.

SERVICE DOG: Shall mean any dog which is trained or being trained to aid a person who is blind, hearing impaired, or otherwise disabled under MCL 287.291; MSA 12.543 (1970 PA 207), or any dog which is trained or being trained for law enforcement or as a private security animal.

SHELTER: Shall mean adequate protection from the elements, suitable for the age and species of the animal to maintain the animal in a state of good health, including structure or natural features in accordance with MCL 750.50; Section 1, paragraph (j); (j-i -j-iii), under The Michigan Penal Code.

SPORTING DOGS: Three or more sporting dogs shall be under the definition of Kennel Dogs.

STATE OF GOOD HEALTH: Shall mean freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, free from parasites, sores and any disease of the skin as a result of improper grooming.

STERILIZED: Shall mean an animal which has, by virtue of a surgically performed castration or ovariohysterectomy or other recognized veterinary procedure been rendered incapable of sexual reproduction.

TETHERING: Shall mean the restraint and confinement of an animal by use of a chain, rope, or similar device.

TREASURER: Shall mean the Treasurer of the County of Alpena.

VETERINARIAN: Shall mean a person licensed to practice veterinary medicine under Article 15 of the Public Health Code, 1978 PA 368, MCL 333.16101 to 333.18838.

WILDLIFE: Shall mean all fur bearing animals and birds by definition of the Department of Natural Resources.

WOLF-DOG HYBRID: Shall mean a canid resulting from the breeding of any of the following: A wolf with a dog; a wolf-dog cross with a wolf a wolf-dog cross with a dog; a wolf-dog cross with a wolf-dog cross; in accordance with; 2000 PA 246.

ARTICLE 3: ANIMAL CONTROL OFFICER DUTIES, AUTHORITY & RESPONSIBILITIES

Section 3.1 An Animal Control Officer Position shall be established by the Board of Commissioners and shall meet the qualification set forth in ACT 339, PA 1919 as amended. The Animal Control Officer may, when qualified, be deputized by the Sheriff as a peace officer to enforce this Ordinance and State statutes pertaining to control, regulation, and protection of dogs and other animals, including the issuance of tickets, citations, or summonses to persons in violation of this Ordinance and or State statutes.

Section 3.2 The Animal Control Officer, his/her deputies or assistants, shall act reasonably and with the exercise of judgment in the enforcement of the State Law and County Ordinance in reference to animals. The duties, in addition to those stated elsewhere in this Ordinance and State statutes, shall include the following:

- a) Take up and place in the animal shelter dogs running at large or being kept or harbored any place within the County contrary to the provisions of this Ordinance or the statutes of the State. All other animals, livestock, poultry, wild life, birds, fish, reptiles, etc., shall be placed or lodged in alternate facilities as authorized by the Board of Commissioners. Impound and hold at an approved animal shelter any animal when it is the subject of a violation of this Ordinance.
- b) Investigate bite cases involving human or animal exposure. Either seize and impound, or require its owner to quarantine, all domestic animals which are rabies suspects, for examination for disease in accordance with this Ordinance and or the statutes of the State. Failure of an owner to maintain a quarantine shall constitute a municipal civil infraction and shall be punishable as set forth in Article14 of this Ordinance.
- c) Investigate all dog noise complaints.
- d) Investigate complaints of cruelty or neglect and to all dogs or other animals, livestock and poultry and to take such action as authorized by the statutes of the State and this Ordinance, including seizing, taking up and impounding any dog or other animal which has been subject to cruelty or neglect, require protective custody and care, or as ordered by a court of this State.
- e) Investigate complaints of dogs or other animals alleged to be dangerous to persons, property or other animals and take such actions as seizing, taking up, impounding or petitioning the court under the Dangerous Animal Act; ACT 426 of 1988.
- f) Shall assume the duty (provided in Section 316 of ACT 339 of the Public Acts of 1919, being Section 287.276 of the Michigan Compiled Laws of 1948, MSA Section 12.526) as

amended to determine and locate all unlicensed dogs, to list such dogs, and to deliver said list to the Treasurer or other County official for the necessary proceedings as provided by this Ordinance and or the statutes of the State.

- g) Inspect all kennels in the County.
- h) Conduct themselves in a professional manner and be properly uniformed and identifiable to the public.
- i) Shall turn over all fees and moneys collected to the Treasurer of the County and as established by the County Treasurer pursuant to statute.
- j) To enforce the provisions of this Ordinance and the statutes of the State pertaining to dogs and other animals.
- k) Such other duties relating to the enforcement of this Ordinance and the statutes of the State as the Board of Commissioners may, from time to time, assign to the Animal Control Officer.

ARTICLE 4: LICENSING AND VACCINATION OF DOGS

Section 4.1 It shall be required that any dog four (4) months of age or older be licensed. License fees shall be set by the Board of Commissioners on or before November 1 of each year and set forth in attached, License & Fee Schedule, Exhibit A.

Section 4.2 The owner of any dog four (4) months old or over shall apply to the County or authorized agent where the owner resides for a license for each dog owned or kept by him/her. Such application for a license shall include the breed, sex, age, color, markings, animal name, previous owner, name, address and phone number of the current owner and must be accompanied by proof of a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian, rabies vaccination date of expiration shall include month and year.

Section 4.3 The owner of said animal shall securely attach the license tag to the animals' collar to be displayed at all times, except when a dog is engaged in lawful hunting and accompanied by the owner.

Section 4.4 The license and license tag are assigned to the dog and is not transferable to another animal. They shall remain with the animal upon transfer to another owner. The last registered owner shall notify the Treasurer's Office so that they may note such transfer of ownership upon its records.

Section 4.5 An animal displaying a license tag from another Michigan County shall not require licensing in Alpena County until expiration of the current license, provided that the dog remains in the possession of the owner to whom the license was issued.

Section 4.6 If the Alpena County license tag is lost, it shall be replaced without charge by the Treasurer upon application by the owner and production of such license and a signed statement of the fact regarding loss of such tag.

Section 4.7 Fees shall be waived for licenses issued for any service dog upon presentation of an affidavit by the dog's owner. The waiver shall apply to all subsequent licenses issued to that dog so long as it remains the property of the person named in the affidavit.

Section 4.8 A penalty equal to twice the applicable license fee shall be charged to any person who fails to apply for an initial license or a renewal license within the times specified. See License Fee Schedule, Exhibit A.

Section 4.9 No owner shall purchase a license for a dog at the sterilized price unless the animal is sterilized and has a written statement from a licensed veterinarian stating that the animal is sterile or for medical reasons, can not undergo the sterilization procedure.

Section 4.10 No dog shall be exempt from the rabies vaccination requirements unless the veterinarian certifies, in writing, that such rabies vaccine would be detrimental to the animal's health.

Section 4.11 None of the provisions of this Ordinance shall be construed as requiring the licensing of any dog imported into Alpena County from outside the State for a period not to exceed thirty (30) days for show, trial, breeding or hunting purposes. Said animal(s) would be required to be current on rabies vaccination; owner shall be responsible for showing proof of rabies certificate.

ARTICLE 5: KENNEL LICENSING

Section 5.1 Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required for dogs under this Ordinance and under the statutes of the State, apply to the Treasurer for a kennel license entitling that person to own, keep or operate such kennel in accordance with applicable laws of the State. The fees for a kennel license shall be set forth by the Board of Commissioners upon the approval of the Treasurer; Exhibit A. The dogs in the kennel covered by the kennel license must be kept for sale, boarding, breeding, training or sporting purposes for remuneration. Pets must be licensed individually and will not be covered under the kennel license.

Section 5.2 In order to obtain a kennel license, any person who owns, keeps, or operates a kennel within the boundaries of Alpena County, except in the city, township or village with their own ordinance that prohibits kennels, shall, within thirty (30) days prior to start of such operation or within thirty (30) days prior to expiration date of previously issued license shall obtain a kennel inspection by the Animal Control Officer and be certified that the kennel meets the requirements in accordance with the statutes of the State.

Section 5.3 Kennel Inspection Fee shall be set forth by the Board of Commissioners; See License Fee Schedule, Exhibit A.

Section 5.4 Any kennel dog four (4) months old or older, must possess a valid rabies vaccination before a current kennel license can be issued.

Section 5.5 Failure to apply or obtain a kennel license within the prescribed time limits set forth

by MCL 287.270 will result in a doubling of the application fee.

Section 5.6 The Animal Control Officer shall, at any time, have the authority to inspect any kennel within Alpena County to ensure compliance with this Ordinance and state animal control laws; may suspend a kennel license and operations, upon probably cause to believe the kennel lacks adequate care, as defined by state law, MCL 750.50, as to any animal, such suspension to be lifted only upon clear proof that the condition leading to the lack of adequate care has been fully corrected.

ARTICLE 6: CONFINEMENT AND ADEQUATE SHELTER

Section 6.1 Any dog or warm blooded animal that bites a person, animal or livestock shall be securely confined by the owner inside an appropriate building or enclosure for a minimum often (10) days following the bite. In the event the owner of such animal is unwilling to do so, or is unwilling to release tests of said animal to the Animal Control Officer, or when so directed the owner fails to deliver said animal to a veterinarian clinic, or animal shelter for confinement, at the expense of the owner, such actions by the owner shall constitute a violation of this Ordinance and subject to the penalties set forth in Article 14. If the owner of such animal is unknown, the animal is to be confined at the animal shelter or veterinarian clinic.

Section 6.2 A dog can not be tethered unless the tether is at least three (3) times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or unchoke collar designed for tethering and in an area free from obstacles of entanglement. It is therefore considered inadequate shelter if the animal is confined in such a manner that it is unable to seek shelter no matter the length of time the animal is out in the weather, confined in poor sanitary conditions or in such a fashion that the animal does not have a dry area to rest or lacks suitable water and food.

Section 6.3 Confinement and ownership of ferrets shall be governed by ACT 358 of the Public Acts of 1994, as amended, being Sections 287.893 -287.901 of the Michigan Compiled Laws of 1948 (MSA 12.481 (201)- 12.481 (211).

Section 6.4 Confinement and ownership of Wolf-Dog Hybrid's shall be governed by ACT 246 of the Public Acts of 2000, being Sections 287.1001 - 287.1023 of the Michigan Compiled Laws.

Section 6.5 Confinement and ownership of Large Carnivore shall be governed by ACT 274 of the Public Acts of 2000, being Sections 1 - 23 of the Michigan Compiled Laws.

Section 6.6 It shall be unlawful to own, possess or harbor any wildlife animal under the definition of The Department of Agriculture in accordance with ACT 57 of the Public Acts of 1995; 324.40106 as amended of the Michigan Compiled Laws.

Section 6.7 All costs of confinement including necessary disposal of animal carcasses, shall be the responsibility of the owner. Failure of an owner to pay said costs shall constitute a violation of

this ordinance and subject to the penalties set forth in Article 14.

ARTICLE 7: ANIMAL SHELTER AND IMPOUNDMENT

Section 7.1 Any dogs found running at large may be seized by the Animal Control Officer, his/her deputies or assistants, or other law enforcement officers, and impounded at an animal shelter for a period of four (4) days if the owner is unknown, no collar or evidence of owner, or seven (7) days if the animal possesses a collar or owner identification. If ownership of said animal is known, such animal need not be impounded; the Animal Control Officer, his/her deputies or assistants can issue a citation to appear in court to answer charges of violation of this Ordinance. Provisions of this section regarding holding periods do not apply to any animal which is sick or injured to the extent that the holding period would cause the animal undue suffering, in the discretion of the Director of the Animal Control Shelter or the Animal Control Officer.

Section 7.2 Immediately upon impounding a dog, the Animal Control Officer shall make every reasonable effort to notify the owner of such dog so impounded and inform such owner of the conditions whereby custody of such dog may be regained pursuant to the regulations for the operation of the animal shelter.

Section 7.3: An owner may redeem a dog from the animal shelter by executing a sworn statement of ownership, furnishing a license and a tag as required by this Ordinance and state law, and paying the fees set forth by the Board of Commissioners attached, Exhibit A. If an owner is unable to show proof of current license or valid certificate of rabies vaccination, the owner shall have said animal vaccinated and licensed within a period of ten (10) days of impoundment and proof of such provided to the Animal Control Officer or authorized deputies or assistants.

Section 7.4 Animals held for periods prescribed under this section and not redeemed by their owners shall be subject to disposition as follows:

- a) Euthanize at the discretion of the Director of the animal shelter.
- b) May be released for adoption if such animal is neither potentially dangerous or in a dangerous condition of health.
- c) The adoptive owner shall pay the applicable adoption fee set by the animal shelter. The Animal Control Officer may decline to release an animal for adoption if the prospective owner has been convicted of cruelty to animals or has inadequate or inappropriate facilities for keeping or harboring the animal and providing proper care or there is the existence of other circumstances, which in the opinion of the Animal Control Officer, would endanger the welfare of the animal or the health, safety and welfare of the public.
- d) In the case of dogs which are capable of sexual reproduction, the dog shall be altered prior to being released to the adoptive owner whenever possible or the adoptive owner shall

pay a surgical deposit which shall be refunded upon furnishing written certification by a licensed veterinarian that the animal has been altered by spaying or neutering; and shall sign a written agreement to alter an adopted dog within thirty, (30) days of the adoption or upon the animal's attaining six (6) months of age, whichever event occurs last. Failure to comply with the agreement shall result in a forfeiture of the amount deposited under paragraph two (2) of this section, and the Director shall require return of the adopted dog to the animal shelter in accordance to MCL 287.331 – 287.339; Section 8 (a). or confiscated by the Animal Control Officer.

Section 7.5: An animal that has bitten shall be quarantined. The Animal Control Officer shall decide in their professional judgement whether to impound for quarantine, at owner's expense (See Fee Schedule, Exhibit A) or allow quarantine in the home or secure structure that would not allow any other person or animal to come into contact with, except for members of the same household. Animals may be quarantined at a veterinary clinic if deemed necessary.

ARTICLE 8: ENUMERATION OF VIOLATIONS AND PROCEDURE THEREFORE

It shall be a violation of this Ordinance to:

Section 8.1 Permit a dog in heat (estrus) to be accessible to a male dog except for intentional breeding purposes.

Section 8.2 Permit an animal to be 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 temperatures, lack of food, water or proper care.

Section 8.3 Abandon an animal.

Section 8.4 Knowingly place food or item of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to any animal except rodents.

Section 8.5 To leave an animal unattended for more than twenty four (24) hours without adequate care.

Section 8.6 Allow any animal to leave the confines of any officially prescribed quarantine area.

Section 8.7 Allow a dog not accompanied by its owner to come closer than six (6) feet from a public walkway, roadway, highway, or adjoining property, except when the dog is in an area that is completely fenced in or except when engaged in lawful hunting.

Section 8.8 Interfere with, hinder, resist, oppose, obstruct or molest an Animal Control Officer in the legal performance of his/her duties or for any person to remove any animal from an Animal Control vehicle or property; (live trap) without permission of the Animal Control Officer.

Section 8.9 Hinder, harass, injure, or interfere with a dog or another animal being used for law enforcement purposes by a law enforcement officer or a service dog.

Section 8.10 To allow a dog to bark loud, excessive and frequent thus disturbing the peace any time of the day or night except when engaged in lawful training or hunting.

Section 8.11 To allow a dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, to run at large except when a dog is;

- a) engaged in lawful hunting.
- b) within effective range of electronic control device.

Section 8.12 To allow livestock, poultry or any other animal to run at large.

Section 8.13 To allow a dog licensed or unlicensed to attack or bite a person or another animal.

Section 8.14 To allow any animal, licensed or unlicensed to destroy property, real or personal, or trespass in a damaging way on property of person other than the owner.

Section 8.15 To allow a dog, licensed or unlicensed, accompanied by owner or not accompanied by owner, to be within the confines of any public park when such park, by appropriate designation at its entrance, or any public street, alley or public or private grounds that prohibits dogs.

Section 8.16 To remove a collar or a tag from any dog or other animal without permission of its owner, or to decoy or entice any dog or other animal out of an enclosure or off the property of its owner, or to seize, molest or tease any dog or other animal while held or led by any person while on the property of its owner.

Section 8.17 To intentionally run down or otherwise abuse, harass or worry any animal with any vehicle including, but not limited to, a bicycle or motor vehicle, including a motorcycle or motorbike.

Section 8.18 To withhold immediately reporting information on a found dog(s) to the animal shelter or the Animal Control Officer or delay the transferring custody of the found dog(s) to the animal shelter or the Animal Control Officer.

Section 8.19 To kill any animal without just cause.

Section 8.20 To torture, mutilate, maim, beat or disfigure an animal.

Section 8.21 Fail to provide medical care when an animal is in pain or distress including but not limited to the following:

- a) In a state of emaciation.
- b) Unable to rise or walk.
- c) Unable to urinate or defecate.
- d) Unable to eat or drink.
- e) Suffering from unattended broken bones, wounds, burns or contusions.
- f) Painful or difficult breathing.
- g) Passing blood in urine and feces.
- h) Presence of maggots or infested with other parasites.
- i) Severe skin disease.
- j) Indication of pain or distress

ARTICLE 9: KILLING AND SEIZING OF DOGS AND OTHER ANIMALS

Section 9.1 The Animal Control Officer, his/her deputies or assistants may kill any dog or other animal which they see in the act of pursuing, attacking or wounding any livestock or poultry or attacking a person, and there shall be no liability on such Officer, deputy or assistant in damages or otherwise, for such killing. Any dog that enters any field or enclosure which is owned by or leased by a person producing livestock or poultry, outside of a city, unaccompanied by its owner, shall constitute a trespass, and the owner shall be liable for damages.

Section 9.2 It shall be lawful for any person to seize any dog or other animal running at large in violation of this Ordinance and turn said animal over to the Animal Control Officer or animal shelter.

Section 9.3 It shall be unlawful for any person, except as authorized by law, to kill or injure or attempt to kill or injure any dog for the laws of this state, including, by way of an example, the safe discharge of firearms.

ARTICLE 10: LIVESTOCK AND POULTRY

Section 10.1 No livestock or poultry shall be owned, kept, possessed, harbored or kept charge of within the boundaries of any non-agricultural area within Alpena County except as such places are provided for shipping said livestock or poultry; showing at the Alpena County Fair.

Section 10.2 It shall be unlawful to allow livestock or poultry to run at large.

Section 10.3 The Bodies of Dead Animals Act. Public Act 239 of 1982, as amended, establishes guidelines for the proper disposal of dead animals, to protect human, animal and environmental health. A person who violates the Bodies of Dead Animals Act or the rules promulgated under this act, is guilty of a misdemeanor punishable by a minimum fine or imprisonment, or both.

ARTICLE 11: TREASURER'S RECORDS AND DUTIES

Section 11.1 On March 1st of each year, the Treasurer shall make a comparison of their records of the dogs actually licensed in each city or township of the County with a report of the supervisors said township or assessors of said city or the Animal Control Officer, to determine and locate all unlicensed dogs.

Section 11.2 On and after March 1st of each year, every unlicensed dog subject to license under the provisions of this Ordinance or the statutes of the State is hereby declared to be a public nuisance, and the Treasurer shall immediately list all such unlicensed dogs as shown by the returns in his/her office to township supervisors, city or designated agents, shall deliver copies of such list to the Animal Control Officer and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in ACT 339 of the Public Acts of 1919, being 287.277 of the Michigan

Compiled Laws (MSA 12.527), as amended.

Section 11.3 The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and the County. Such records shall contain the name and address of the person to whom each license is issued. In case of all individual licenses, the records shall also state the breed, sex, age, color and markings of the dog licensed; and in case of a kennel license, it shall state the place where the kennel is located. The records shall be a public record open to inspection during business hours. The Treasurer shall also keep an accurate record of all license fees collected by them or paid over to them by their agents.

Section 11.4 In all prosecutions of violations of this Ordinance, the records of the Treasurer's Office, or lack of same, showing the name of owner and the license number to which any license has been issued, and the licensed 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 or license or tag.

ARTICLE 12: FEES AND EXPENSES

Section 12.1 It shall be the duty of the Animal Control Officer annually to make a census of the number of dogs owned by all persons in Alpena County, Michigan, in accordance with statutes of the State. The Animal Control Officer is hereby empowered to employ whatever personnel they reasonably believe necessary to conduct this census; such personnel shall receive for their services in listing such animals, such sum as shall be set forth by the Board of Commissioners and attached as Exhibit A.

Section 12.2 The fees and expenses as established by this Ordinance shall be changed on or before November 1st of each year and for subsequent years on the basis of the posted rate of inflation.

ARTICLE 13: RECEIPTS AND DISBURSEMENT OF FUNDS

Section 13.1 All fees and moneys collected under the provision of this Ordinance shall be transferred to the General Fund of Alpena County, Michigan, in accordance with the standard practices of the Treasurer and the moneys paid out in accordance with this Ordinance shall be drawn upon the General Fund of Alpena County, Michigan.

Section 13.2 In the presence of a contract made between Alpena County and an incorporated animal shelter, all moneys directly involved with the sheltering, impounding of animals pursuant to this Ordinance, may be retained by the incorporated animal shelter.

ARTICLE 14: PENALTY

Section 14.1 Any persons, firm or corporation violating any of the provisions of this ordinance shall be deemed responsible as violating a civil infraction and shall be fined not more than \$500.00. Nothing in the Ordinance shall be deemed in contravention of state law specifically the Michigan Penal Code, ACT 328 of Public Act of 1931, being Sections 750.1 - 750.568 of the Michigan Compiled Laws.

ARTICLE 15: CONSTRUCTION

Section 15.1 The regulations of this code are minimum standards supplemental to the rules and regulations duly enacted by the Michigan Department of Health and to the laws of the State of Michigan relating to public health. Where any of the provision of this Ordinance are in conflict with provisions of any state statutes or regulations, the latter shall prevail.

Section 15.2 Headings shall be deemed for convenience and shall not limit the scope of any article or section of this Ordinance.

Section 15.3 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.

Section 15.4 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 16: REPEAL

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

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect sixty (60) days after the date of its adoption.

Adoption Date Shall be on the 27th day of July, 2001.

Amended Date September 14, 2001, Amended Date June 30, 2009.

Amended Date June 28, 2022, Amended Date December 13, 2022.

C:\Users\hannahmc\Documents\Proposed Alpena County Animal Control Ordinance 10.21.21.doc
L:\Shared Files\Ordinances\2021\Proposed Alpena County Animal Control Ordinance 10.21.21.doc