

Ionia County Animal Control Ordinance

The Board of Commissioners of Ionia County having determined that the health, safety, and welfare of the citizens of Ionia County would be better served by adoption of an ordinance to provide for the collection of stray and unwanted animals, licensing and rabies vaccination of dogs, issuance of permits for dog kennels, control of animal behavior and the keeping of animals, and the impoundment of animals, the Board hereby adopts the following ordinance:

ARTICLE I - General Provisions

Section 101. Short Title. This Ordinance may be known as and may be cited and referred to as The Ionia County Animal Control Ordinance.

Section 102. Limitations. This Ordinance shall not be construed to apply to any city or township which has adopted an animal control ordinance pursuant to MCL 287.290.

Section 103. Authority. The authority for this Ordinance derives from the Dog Law of 1919, MCL 287.261 et. seq., 1988 Public Act No. 426, MCL 287.321-287.323, 1961 Public Act No. 236, MCL 600.8701 et. seq., and MCL 600.8396.

Section 104. Agents. Whenever a power is granted to, or a duty is imposed upon the Director, the power may be exercised, or the duty performed, by an agent authorized by the Director to exercise such power, or to perform such duty, unless this Ordinance or applicable law expressly provides otherwise.

Section 105. Establish Guidelines. The Director may establish guidelines and policies concerning the interpretation of these Ordinances. The guidelines and policies shall be subject to review and approval by the County Board of Commissioners prior to implementation.

Section 106. Severability. The various sections, paragraphs, sentences, clauses, and phrases of this Ordinance are hereby declared severable. If a court of competent jurisdiction adjudges any section, paragraph, sentence, clause, or phrase unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

Section 107. 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 female 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 only, 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 County Ordinance or any State or Federal laws or regulations, the latter shall prevail.
- (c) All County residents shall comply with the regulations set forth within this

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Ordinance.

- (d) All fees and charges established by the Board of Commissioners shall be charged by the Department. The Department reserves the right to charge all applicable fees for impoundment and/or boarding fees as set forth by the Board of Commissioners. The Treasurer of the County of Ionia shall receive all fees collected by the Department for the issuance and recording of licenses and other services.

ARTICLE II - Definitions

Section 201. Definitions. Whenever the following terms are used they shall have the meanings set forth in this article.

Section 202. Animal Control Officer shall mean any agent of the Department, designated by the Director, to enforce this Ordinance or state laws pertaining to control of dogs or other animals, and having the qualifications set forth in the Dog Law of 1919, MCL 287.261 et. seq., and Animal Control certification as prescribed by Department of Agriculture, and Michigan Association of Animal Control Officers.

Section 203. Animal Shelter shall mean the animal kenneling facility used by Ionia County to house stray or unwanted animals. The Animal Shelter is a part of Ionia County and is under the County's management and jurisdiction.

Section 204. Director shall mean the Director of the County department authorized by the Board of Commissioners to implement this ordinance, or his/her designee.

Section 205. Department shall mean the County Department assigned to implement this Ordinance on behalf of the County.

Section 206. Dog Kennel shall mean any establishment where dogs are kept for the purpose of breeding, sale, training or sporting purposes.

Section 207. Domestic animal shall mean those species of animals that live under the husbandry of humans.

Section 208. Exotic animal shall mean any animal that is not commonly domesticated, or that is not native to the State of Michigan, or that, irrespective of its 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 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 exotic animal is in the custody of an attendant at all times to ensure that such animal is securely confined. This definition includes wolf hybrid animals.

Section 209. Hobby Kennel means any place, residence or facility in the County that is authorized and licensed to own or keep multiple dogs for personal, non-commercial purposes and for which an additional license beyond an individual license is required.

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Section 210. Impound shall mean the capture and/or taking into custody of an animal.

Section 211. Owner, when applied to the proprietorship of an animal for the purpose of this Ordinance, shall mean any person who has a right of property in an animal, or any person who keeps or harbors the animal in his or her care, and any person who permits an animal to remain on or about any premises occupied by him or her for seven consecutive days.

Section 212. Person shall mean an individual person, a firm, partnership, corporation, trust, or any association of persons.

Section 213. Quarantine shall mean the enforced isolation of any animal or group of animals or restriction of movement of an animal or group of animals, to or from any structure, premises, or area.

Section 214. Stray shall mean an animal that is not under the control of the owner and not on the owner's premises.

Section 215. Barking Dog shall mean any dog that barks, whines or howls in an excessive, continuous or untimely fashion, as determined at the discretion of the Director.

Section 216. Nuisance Animal, Aggressive Animal, Dangerous Animal

Nuisance Animal shall mean an animal running at large, on public or private property other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to: (a) making physical contact with a person or other animal in a harassing manner; (b) barking; or (c) damaging inanimate personal property.

Aggressive Animal shall mean an animal that exhibits menacing behavior on public or private property, including that of its owner or keeper. Menacing behavior shall include, but not be limited to: charging, scratching, toppling, teeth-baring, snapping, growling, or other predatory mannerisms, directed at a person or other animal in a place where the person or other animal is legally entitled to be.

Dangerous Animal shall mean an animal that bites or otherwise causes serious injury to a person or other animal on public or private property where the injured person or other animal is legally entitled to be, including the property of the animal's owner or custodian. An animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or service purposes while engaged in the activities for which they were trained, shall be considered a dangerous animal.

Exceptions

An animal shall not be considered a nuisance, aggressive or dangerous where its act is caused by; (a) an illness or injury suffered by the animal at the time of the act; (b) the negligent or reckless conduct of any person to whom the act is directed; (c) lawful hunting while the animal is under

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the control of its owner or custodian; or (d) defense of the animal's owner, or members of the owner's family or household, or their property.

ARTICLE III - Collection of Stray and Unwanted Animals

Section 301. Capture. The Director may capture or take into custody:

- (a) Dogs reasonably suspected to have contracted rabies;
- (b) Dogs which are unlicensed, or without current rabies vaccination certificates;
- (c) Dogs which are running loose or which are not held properly in leash while off the owner's property; except that this Section 301(c) shall not apply to a dog accompanying its owner while lawfully hunting;
- (d) Stray, unwanted, unlicensed, abandoned or abused animals;
- (e) Animals maintained contrary to any city or township ordinance other than an animal control ordinance adopted pursuant to MCL 287.290;
- (f) Any animal which has bitten a person;
- (g) Any animal which has killed a dog or cat.

Section 302. Observation. The Director may capture and take into custody, or accept and care for any animal held for observation at the recommendation of a doctor, a veterinarian, or the County Health Department.

Section 303. Exhibition of Animals, Licenses or Certificates of Vaccination. The Director may request that a person owning any dog exhibit the dog, the required vaccination certificate, or the current license and license tag for such dog.

Section 304. Failure to Show License. It shall be a violation of this Ordinance for any person upon whom a demand is made by the Director to fail or refuse to exhibit any dog, rabies vaccination certificate, license or tag.

Section 305. Interference With the Director. No person shall interfere with the Director or his/her agents while the Director or his/her agents are engaged in the performance of any act authorized by this Ordinance.

Section 306. Unauthorized Removal From the Shelter. No person shall remove any animal from the custody of the Director, nor shall any person remove any animal from the Animal Shelter, without first receiving permission from the Director.

Section 307. Reclamation. All reclaimed dogs must be licensed as specified in Articles IV and VII.

Section 308. Private Property. The Director and/or his or her designee are authorized to examine, capture, or rescue any animal, or to conduct inspections of all properties, public or private (excepting entry into the private areas of buildings, unless in possession of a search warrant), in conjunction with the fulfillment of the duties and responsibilities in this Ordinance.

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No person shall refuse to permit the Director and/or his or her designees, after proper identification, to inspect any premises in connection with enforcement of this Ordinance.

ARTICLE IV - Individual Dog Licensing

Section 401. Licensing Required. All dogs shall be licensed by the County except:

- (a) A dog under four months of age;
- (b) A dog licensed by a municipality in which the dog owner and dog reside;
- (c) A dog licensed by another state or county in which the dog and owner reside, if the owner will be present in the County for thirty days or less;
- (d) Dogs kept in dog kennels licensed pursuant to Article V hereof.

Section 402. Rabies Vaccination. All dogs shall be currently protected by a rabies vaccine active at the time of license issuance. Such vaccine shall be administered by a veterinarian, except when a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated.

Section 403. Licensing Limitations. A dog license shall be issued only for an animal which has a current rabies vaccination; provided, however, that a license may be issued to an unvaccinated dog if the veterinarian certification set forth in Section 402 hereof has been obtained.

Section 404. Individual Licenses. The County Treasurer or his/her agent shall issue licenses as provided by MCL 287.266. License fees shall be established from time to time by the County Board of Commissioners. There is no license fee for dogs used as a guide or leader dog for a blind person, a hearing dog for a deaf or audibly impaired person, or a service dog for a physically limited person.

Section 405. License Late Fees. Failure to comply with the licensing requirements of Section 404 will result in the imposition of such late fees and penalties as may be established from time to time by the County Board of Commissioners.

Section 406. Wearing of Tags. A valid license tag shall be affixed to a substantial collar to be furnished by the owner, which with the tag attached, shall at all times be kept on the dog for which the license is issued, except when:

1. Such dog is engaged in lawful hunting accompanied by its owner or custodian.
2. Such dog is on private property owned by or under the control of the owner of the dog.

Section 407. Dog Census. The Board of Commissioners may direct the Department to conduct a census to determine the number of dogs owned, harbored, or kept by persons within the County. Such census shall be taken at such time and in such manner as the Department shall direct. The matters to be determined by said census shall include the number of dogs owned, the sex of such dogs, whether licenses have been obtained as required by this Ordinance, and whether a kennel license has been issued. The results of the census shall be furnished to the County Treasurer who shall, when directed by the Board of Commissioners, compare his/her

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records of dogs actually licensed in each city, village, or township of the County with the report of the census to determine and locate all unlicensed dogs. Owners of such unlicensed dogs shall be subject to penalties and/or fines as provided by this Ordinance.

ARTICLE V - Dog Kennels

Section 501. Kennel License. Any person operating a Dog Kennel must obtain a kennel license in accordance with MCL 287.270 and applicable Administrative Rules. The cost of such license shall be set from time to time by the County Board of Commissioners. Each application shall be on a form provided by the department and shall set forth the location of the kennel and the maximum number of dogs which will be kept in the kennel.

Section 502. Rabies Vaccination. Each dog kept in the kennel shall be vaccinated for rabies as specified in Section 402, unless the dog is less than four months old.

Section 503. Inspection. Each kennel shall be inspected prior to the issuance of a kennel license to assure compliance with this Ordinance. Additional inspections may occur at any time, but at least annually, to assure compliance with this Ordinance and to prevent any community health problem.

Section 504. Revocation of License. A kennel license may be revoked if a condition exists which will endanger the health of the community or if the kennel is, in the opinion of the Director, not in compliance with this Ordinance. If a kennel license is revoked as provided in Section 504, all fees paid in connection with the issuance of the license shall be deemed forfeited to the County. Appeal of such revocation may be made through the Board of Commissioners by filing a written protest within ten (10) business days of the revocation. A hearing before the Board of Commissioners shall be scheduled within ten (10) business days after the receipt of the written protest.

Section 505. Display of License. Every person having a kennel license shall keep the license posted and exhibited in a conspicuous manner at the kennel.

Section 506. Local Zoning. A kennel license shall not be issued where a kennel would constitute a violation of the applicable zoning ordinance and/or official land use plan. Prior to issuance of a kennel license, the permissibility of the use under the applicable zoning ordinance and/or official land use plan shall be verified by the Department.

Section 507. Conditions of Kennel.

- (a) **Building.** All kennel buildings shall be of such construction as will adequately and humanely house any dogs kept therein during any season of the year. The buildings, including walls and floors, shall be of such construction as to be readily cleaned and kennels and yards connected and used to confine kennel dogs shall be kept cleaned and free from accumulation of filth, mud, and other debris. Enclosures which give adequate protection against weather extremes shall be

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provided. Floors and walls of buildings shall be of an impervious material to enable proper cleaning and disinfecting. The building temperature shall be maintained at a reasonable level, and adequate ventilation shall be provided.

- (b) **Cages.** Cages shall provide enough space to let each dog stand up, lie down and turn around without touching the top or sides of the cage. Cages shall be of a material and construction that permits cleaning and sanitizing. Cage floors, unless radiantly heated, shall have either a resting area above the cage floor or some type of bedding.
- (c) **Runs.** Dog runs shall be of concrete or pea gravel. Concrete runs shall have adequate slopes for sanitation. If pea gravel is used, droppings must be collected and removed. All runs must be periodically disinfected.
- (d) **Feeding.** All food shall be free of contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the daily requirements determined by the condition and size of the animal.
- (e) **Water.** All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner which prevents tipping.

ARTICLE VI - Animal Behavior

Section 601. Dogs Running At Large. A person who owns or has custody or control of a dog shall prevent the dog from running at large. A person who owns or has custody or control of a dog shall, at any time the dog is off that person's property, except when a dog is accompanying its owner while lawfully hunting, restrain the dog with a lead or leash, or any other appropriate means.

Section 602. Quarantine. Every dog or other animal which has bitten a person shall be quarantined for a period of not less than ten days. Such quarantine shall be at the Animal Shelter, a veterinary office, or a place designated by the Director. The owner shall surrender the animal to the Director upon request.

Section 603. Health Hazard. Any animal that is known to have bitten a person or other animal may be declared a health hazard by the Director, in his/her sole discretion. The Director may require that the animal be removed from the community, quarantined or confined in a manner specified by the Director.

Section 604. Defecation. A person who owns or has custody or control of an animal shall prevent the animal from defecating on any public or private property other than his/her own, or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his/her property.

Section 605. Stray Livestock. A person who owns or has custody or control of livestock or poultry shall prevent such animals from running at large on public or private property without

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the consent of the property owner, provided, however, that this Section shall not prohibit leading or driving livestock, under the owner's or custodian's supervision, along a public highway.

Section 606. Nuisance. A person who owns or has custody of a dog shall prevent the dog from engaging in nuisance behavior. The owner of a dog shall prevent the dog from barking, whining, or howling in an excessive, continuous or untimely fashion.

Section 607. Aggressive or Dangerous Animal. A person who owns or has custody of a dog shall prevent the dog from engaging in aggressive or dangerous behavior.

ARTICLE VII - Impoundment Procedures

Section 701. Animal Shelter. The Animal Shelter is the animal custodial care facility of the county. The Director shall hold all animals impounded by him/her as provided in MCL 287.388. Any stray animal found in the County may be delivered to the custody of the Shelter during normal working hours. Procedures for the impoundment of exotic animals shall be determined in the Director's discretion.

Section 702. Apprehension of Strays. Any person finding a stray animal may assist the Department by holding such animal for the Director to pick up or by delivering it to the Animal Shelter, in accordance with Section 701.

Section 703. Length of Impoundment. Length of impoundment shall be:

- (a) **Unlicensed Animals.** The Animal Shelter shall hold all healthy unlicensed animals for 4 business days.
- (b) **Licensed Dogs.** The Animal Shelter shall hold all healthy stray dogs with current, valid licenses 7 business days from the date notice is given.
- (c) **Sick or Injured Animals.** Any animal that is suffering unduly from illness or injury may be destroyed at the discretion of the Director.
- (d) **Voluntarily Surrendered Animals.** Any animal may be destroyed at the request of the owner for a fee set from time to time by the County Board of Commissioners.

The length of impoundment shall be computed by excluding the first day the animal is brought to the shelter and including the last day of confinement. If the last day is a Saturday, Sunday or legal holiday, the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday.

Section 704. Records. The Director shall keep a record of each animal impounded by him/her, the date of the impounding, the date and manner of its disposal, as required by applicable law.

Section 705. Notice. When any animal wearing a current, valid license tag issued by the County

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of Ionia or any municipality within the County of Ionia is impounded pursuant to this Ordinance, the Director shall, within twelve working hours after receiving such animal, give written notice of the animal's confinement to the person to whom the license was issued.

Section 706. Compliance. The Director shall not release or sell any animal that has been impounded in accordance with this Ordinance, unless the person to whom the animal is released or sold provides satisfactory evidence that the animal will be maintained in accordance with this Ordinance and any other relevant ordinance or statute.

Section 707. Medical Attention. The Director may employ a veterinarian whenever s/he deems it necessary in order to properly care for an impounded animal. The County shall charge a fee for veterinary services, and such animal shall not thereafter be redeemed without payment of such fee in addition to other impoundment fees and costs.

Section 708. Payment of Fees. The Director shall not release any dog unless the dog is first licensed and vaccinated against rabies and all fees and costs established from time to time by the Department and the County Board of Commissioners have been paid in full.

Section 709. Unclaimed Animals. All animals not reclaimed within the period of time established for the holding of strays may be disposed of at the discretion of the Director, or his/her designee.

ARTICLE VIII - Keeping of Animals

Section 801. General Regulations. Every person who owns or who has charge, care or custody of an animal shall ensure that such animal is provided with sufficient food and water, and sanitary living conditions to ensure that the animal is healthy.

Section 802. Cruelty.

- (a) **Beating/Injury.** No person shall cause abusive injury to any animal.
- (b) **Tormenting.** No person shall torment any animal.
- (c) **Abandonment.** No person shall abandon any animal.

A violation of Section 802 shall be deemed a misdemeanor.

Section 803. Exotic Animals. No person shall keep any exotic animal or type of animal which the Director may determine to be a hazard to the community.

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ARTICLE IX – Enforcement and Penalties

Section 901. Penalties. Violations of this Ordinance may be addressed as set forth in this Section 901.

1. **Corrective Action.** The Director may order correction of a violation and may specify the nature of corrective action required and a reasonable time limit for the corrective action to be completed. In the case of violations that may present an imminent danger to public health and safety, immediate corrective action may be required.

2. **Civil Infractions.** Unless otherwise designated, first or second offense violations of this Ordinance shall be deemed municipal civil infractions, as provided by MCL 600.8727. Civil infractions shall be punishable by a fine of Fifty (\$50.00) to Two Hundred (\$200.00) Dollars, in accordance with the schedule of civil fines adopted by the County Board of Commissioners. Civil infraction tickets may be written by the Animal Control Officer or by such other persons as may be provided for by law. Court costs may be levied against any person determined to be guilty of or responsible for a violation of the Ordinance. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Ordinance shall not prevent civil proceedings for abatement or termination of the activity prohibited by this Ordinance.

3. **Misdemeanors.** Unless otherwise designated, third or subsequent violations of this Ordinance shall be deemed misdemeanors, and shall be punishable by 90 days jail and/or \$100 to \$500 fine, plus the costs of prosecution.

The classification of an offense as a civil infraction or misdemeanor under this Ordinance shall not preclude the Department and its designees, the Prosecuting Attorney, the Attorney General, or any other law enforcement officer from electing to prosecute the offense or offender under any other applicable state law.

Section 902. Enforcement. Any Ionia County Sheriff's Deputy, Animal Control Officer, or other authorized County official (as provided in MCL 600.8701) is authorized to issue and serve municipal civil infraction citations if the Deputy, Animal Control Officer, or authorized County official has reasonable cause to believe that a person has committed a violation of this ordinance.

Section 903. Fines. The applicable fines and/or penalties for violations of this Ordinance are set forth in the "Ionia County Animal Control Fine Schedule," which is attached hereto and incorporated herein by this reference.

Section 904. Violations Bureau. Ionia County 64A District Court has been established as the Violations Bureau for the municipal civil infraction violations.

Section 905. Payment. All persons who receive citations will have thirty (30) days to contact 64A District Court to pay the fine or contest the violation.

Section 906. Contested Violations. If the defendant contests the violation, the complaint will be forwarded immediately to the District Court to schedule an informal or formal hearing.

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IONIA COUNTY ANIMAL CONTROL FINE SCHEDULE

30 days after issuance, complaint citations will be forwarded to District Court and fines and costs may increase

Sec. 305	Interference with Director	\$100
Sec. 306	Unauthorized removal from Animal Shelter custody	\$100
Sec. 401	Failure to obtain license	\$50
Sec. 402	Failure to vaccinate	\$50
Sec. 406	Failure to wear tag on dog	\$20
Sec. 501	Failure to obtain kennel license	\$150
Sec. 502	Licensed kennel, failure to vaccinate	\$50
Sec. 507	Failure to maintain proper conditions	\$50
Sec. 601	Dog running stray &	
Sec. 606	Nuisance Animal, Barking dog:	
	1 st offense	\$35
	2 nd offense	\$70
	3 rd offense	\$140
Sec. 602	Violation of quarantine	\$100
Sec. 604	Promiscuous defecation	\$25
Sec. 605	Stray livestock:	
	1 st offense	\$50
(plus transportation & housing costs)	
	2 nd offense	\$100
(plus transportation & housing costs)	
	3 rd offense	\$200
(plus transportation & housing costs)	
Sec. 607	Aggressive Animal & Dangerous Animal	
	1 st offense	\$25
	1 st offense causing injury.....	\$100
	2 nd offense	\$200
Sec. 801	Keeping of Animals	
	1 st offense	\$25
	2 nd offense	\$50
Sec. 802	Cruelty.....	Misdemeanor
Sec. 803	Exotic Animals	\$100

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This Ordinance was adopted by action of the Ionia County Board of Commissioners on August 9, 2011, and approved by action of the Ionia County Board of Commissioners on August 9, 2011.

This Ordinance shall be effective as of August 9, 2011.

Amended on May 8, 2012.