

REGULATIONS GOVERNING
ANIMAL CONTROL
IN
MACOMB COUNTY MICHIGAN

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MACOMB COUNTY ANIMAL CONTROL REGULATION

Preamble

It is recognized that in order to safeguard the public health of the citizens of Macomb County, the following Regulation provides for the collection of stray and unwanted animals, licensing and rabies vaccination of dogs, regulation of animal behavior, the keeping of animals and impoundment of animals for all municipalities adopting this regulation.

ARTICLE I - General Provisions

Section 1.1. Title.

This Regulation will be identified and cited as The Macomb County Animal Control Regulation.

Section 1.2. Limitation.

This Regulation shall not be construed to apply to any city or township that has adopted an animal control ordinance pursuant to MCLA 287..290.

Section 1.3. Authority.

The authority for this regulation is found in 1978 Public Act 368, part 24 (MCLA 333.2435-333.2441).

Section 1.4. Agents.

Whenever a power is granted to, or a duty is imposed upon, the Chief of Animal Control, the power may be exercised, or the duty performed, by an agent authorized by the Chief to exercise such power, or to perform such duty unless this Regulation expressly provides otherwise.

Section 1.5. Guidelines.

The Chief Animal Control Officer may establish guidelines and policies concerning the interpretation of these Regulations.

Section 1.6. Severability.

The various sections, paragraphs, sentences, clauses and phrases of these Regulations are declared severable. If a court of competent jurisdiction adjudges any section, paragraph, sentence, clause or phrase unconstitutional or invalid, the remainder of these Regulations shall not be affected.

Section 1.7. Words and Phrases.

When not inconsistent with the context, words used in the present tense include the future, words in singular number include the plural number, and words in the plural number include the singular number. The word "shall" is always

mandatory, and not merely directory. Words and terms not defined in this Regulation shall be interpreted in the manner of their common usage.

ARTICLE II - Definitions

A. Animal.

Animal shall mean any living vertebrate creature, wild or domestic, except humans.

B. Animal Control Officer.

Animal Control Officer shall mean any employee qualified to perform animal control duties who is under the direction of the Chief Animal Control Officer.

C. Animal Shelter.

Animal Shelter shall mean the animal kenneling facility used by Macomb County to house stray or unwanted animals.

D. Department.

Department shall mean the Macomb County Animal Control.

E. Director.

Director shall mean the Director of the Macomb County Health Department and his/her designee.

F. Chief Animal Officer.

Chief Animal Control Officer shall include his/her designee.

G. Dog Kennel.

Dog Kennel shall mean any establishment that keeps, harbors or boards more than five dogs whether for breeding, sale, animal rescue\protection or sporting purposes.

H. Owner.

Owner shall mean:

- i. every person having a right of property in an animal;
- ii. an authorized agent of the person having a right of property in an animal;
- iii. every person who keeps or harbors an animal or has it in his or her care, custody or control;
- iv. every person who permits an animal to remain on or about the premises occupied by him or her;
- v. every person who has the apparent authority to have a right of property in an animal;
- vi. any person having control or purporting to have control over an animal;
- vii. the person named in the licensing records of any animal as the owner;

- viii. the occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing records;

The parent or guardian of an owner under 18 years of age shall be deemed the owner as defined in this section. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner, even if the animal was in the possession of or under the control of a keeper at the time of the offense.

I. Person.

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

J. Nuisance Animal, Dangerous Animal.

- i. 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: (1) making physical contact with a person or other animal in a harassing manner; (2) urinating or defecating; or (3) damaging inanimate personal property.
- ii. Dangerous Animal shall mean an animal whose behavior is dangerous. Dangerous behavior shall include, but not be limited to: biting or otherwise causing 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.
- iii. Exceptions: An animal shall not be considered a nuisance 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 the control of its owner or custodian;
 - (d) defense of the animal's owner, members of the owner's family or household, or their property.

ARTICLE III - Collection of Stray and Unwanted Animals

Section 3.1. Capture.

The Chief Animal Control Officer / Director may capture or take into custody:

- a) Unlicensed dogs;
- b) Dogs that are running at large or that are not on a leash or lead while off the owner's property;
- c) Stray, unwanted, abandoned, or abused animals;

- d) Animals maintained contrary to any city or township ordinance other than an animal control ordinance adopted pursuant to MCLA 287.290;
- e) Animals which the owner or custodian is not able to care for properly as a result of:
 - 1. Illness;
 - 2. Bankruptcy;
 - 3. Litigation;
 - 4. Other contingencies;
- f) Any animal that has bitten a person.

Section 3.2. Observation.

The Chief Animal Control Officer / Director may capture and take into custody, or accept and care for, any animal to be held for observation at the recommendation of a doctor, veterinarian, or the Health Department.

Section 3.3. Private Property.

The Chief Animal Control Officer / Director is authorized to rescue any animal on any property, public or private, in conjunction with the fulfillment of the duties and responsibilities in this Regulation. No person shall refuse to permit The Chief Animal Control Officer / Director, after proper identification, to inspect any premises in accordance with MCLA 333.2446 nor shall any person interfere with or resist The Chief Animal Control Officer / Director in the discharge of these duties and the protection of the public health.

Section 3.4. Exhibition of Animals, Licenses or Certificates of Vaccination.

The Chief Animal Control Officer / Director may require that a person owning any dog exhibit: the dog; the required vaccination certificate, or the current license and license tag for the dog.

Section 3.5. Wearing of License Tag.

Dogs must wear valid license tags when off their owner's property. An owner whose dog is off his/her property without wearing a valid license tag is in violation of this Regulation and MCL 287.90.

Section 3.6. Failure to Show License.

It is a violation of this Regulation for a person upon whom a demand is made under Section 3.4 to fail or refuse to exhibit the dog, its certificate of vaccination, its license or its license tag.

Section 3.7. Interference With an Animal Control Officer.

No person shall interfere with, oppose, or resist an Animal Control Officer while he/she is engaged in the performance of any act authorized by this Regulation.

Section 3.8. Unauthorized Removal from the Shelter.

No person shall remove any animal from the custody of the Chief Animal Control Officer nor shall any person remove any animal from the Animal Shelter without first receiving permission from the Chief Animal Control Officer.

Section 3.9. Reclamation.

All reclaimed animal must be licensed and micro- chipped as specified in Articles IV and VII.

ARTICLE IV - Individual Dog Licensing

Section 4.1. Licensing Required.

All dogs shall be licensed in accordance with State law (MCL287.266) except:

- 1) A dog under four months of age;
- 2) A dog licensed by a municipality in which the dog and owner reside;
- 3) A dog licensed by another state or county in which the dog and owner reside, if the owner will be present in Macomb County for thirty days or less.

Section 4.2. 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 4.3. Licensing Limitations.

A dog license shall be issued for only an animal that has a current rabies vaccination. A license may be issued to an unvaccinated dog if the required veterinarian certification has been obtained.

Section 4.4. Individual Licenses.

The Chief Animal Control Officer shall issue licenses as provided by MCLA 287.274 License fees shall be established from time to time by the Macomb County Board of Commissioners.

Section 4.5. License Late Fees.

Failure to comply with the licensing requirements of Section 4.4 will result in the imposition of such late fees and penalties as may be established from time to time by the Macomb County Board of Commissioners in addition to penalties established by local and state laws.

Section 4.6. Micro-Chipping & Vaccinations.

All animals impounded by Macomb County Animal Control are subjected to micro-chipping and vaccinations prior to release at the expense of their owner.

ARTICLE V - Dog Kennels

Section 5.1. Kennel License.

Any person operating a dog kennel shall obtain a kennel license in accordance with MCLA 287.270.

Section 5.2. Rabies Vaccination.

Each dog kept in a kennel shall be up to date on age appropriate vaccinations including but not limited to rabies vaccination as specified in Section 4.2.

Section 5.3. Display of License.

Every person having a kennel license shall keep the license posted in a conspicuous manner at the kennel and obtain individual dog licenses for each qualifying dog (over 4 months old).

Section 5.4. Conditions of Kennel.

- a) Building. Enclosures that give adequate protection against weather extremes shall be 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 turnaround 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 that prevents tipping.

ARTICLE VI - Animal Behavior**Section 6.1. 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, restrain the dog with a lead or leash of a length sufficient to maintain effective control of the animal.

Section 6.2. Quarantine.

Every animal that has bitten/scratched a person/animal shall be quarantined for a period of not less than 10 days. Such quarantine shall be at the Animal Shelter, a veterinary office, or a place designated by the Chief Animal Control Officer. The owner shall surrender the dog to the Chief Animal Control Officer upon request. Should the owner refuse to cooperate, the Chief Animal Control Officer may seek a court order or warrant to enforce the quarantine in accordance with Sections 2241 and 2242 of the Public Health Code.

Section 6.3. Public Health Hazard.

The Chief Animal Control Officer may declare any animal that is known to have bitten a person or other animal a public health hazard. At his discretion, the Chief Animal Control Officer may require that the animal be removed from the community, quarantined or confined in a manner specified by the Chief Animal Control Officer. Should the owner refuse to cooperate, the Chief Animal Control Officer may seek a court order or warrant to enforce the removal, quarantine, or confinement in accordance with Sections 2241 and 2242 of the Public Health Code. The Chief Animal Control Officer shall give written notice to the owner of his intent to petition a court of competent jurisdiction for authorization to euthanize or otherwise dispose of the animal. The owner shall then have 48 hours to respond before the petition is filed.

Section 6.4. 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 own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his property.

Section 6.5. 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 the consent of the property owner. However, this Section shall not prohibit the leading or driving of livestock, under the owner's or custodian's supervision, along a public highway.

Section 6.6. Nuisance or Dangerous Animal.

A person who owns or has custody of an animal shall prevent the animal from engaging in nuisance or dangerous behavior as defined in Section 2.9 above.

ARTICLE VII - Impoundment Procedures

Section 7.1. Animal Shelter.

The Animal Shelter is the animal custodial care facility for Macomb County. The Chief Animal Control Officer shall hold all animals impounded by him/her as provided in MCLA 287.388. Any animal found stray in Macomb County which is delivered to the Animal Shelter shall be delivered during normal working hours.

Section 7.2. Relinquishing Strays.

Any person picking up any stray animal or animal found running at large shall deliver such animal to the Chief Animal Control Officer by taking it to the Animal Shelter.

Section 7.3. Apprehension of Strays.

Any person finding a stray animal may assist the Chief Animal Control Officer by holding such animal for the Chief Animal Control Officer to pick up or by delivering it to the Animal Shelter.

Section 7.4. Length of Impoundment.

Length of impoundment before the animal becomes County property shall be:

- a) Unlicensed Animals. The Animal Shelter shall hold all healthy unlicensed animals for four days.
- b) Animals with current owner information (including but not limited to micro-chip, dog license and ID tag that leads us to the owner). Animal Control shall hold all healthy stray dogs with current, valid licenses seven days from the date notice is given
- c) Sick or Injured Animals. Any animal that is suffering unduly may be euthanized at the discretion of the Chief Animal Control Officer.
- d) Voluntarily Surrendered Animals. Any animal may be euthanized at the request of the owner for health or adverse behavioral reasons.
- e) Animals Deemed a Public Health Hazard. The Animal Shelter shall hold any animal deemed to be a public health hazard until such time as a court of competent jurisdiction makes a determination as to the disposition of the animal or the owner consents.

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 Sunday, New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, or Christmas Day, the period shall be extended to the next business day.

Section 7.5. Records.

The Chief Animal Control Officer shall keep a record of each animal impounded, the date of the impounding, the date and manner of its disposal and if redeemed, reclaimed or sold, the name and amount of all fees collected because of the impounding, reclaiming, or purchasing of the animal, together with the number of any license tag or kennel license exhibited or purchased upon the redemption or sale.

Section 7.6. Notice.

When any animal wearing a current valid license tag issued by Macomb County or any municipality within Macomb County is impounded pursuant to this Regulation, the Chief Animal Control Officer / 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 7.7. Compliance.

The Chief Animal Control Officer / Director shall not release or sell any animal that has been impounded in accordance with this Regulation unless the person to whom the animal is released provides satisfactory proof that the animal will be maintained in accordance with this Regulation and any other relevant ordinance or statute.

Section 7.8. Medical Attention.

The Chief Animal Control Officer / Director may employ a veterinarian whenever he deems it necessary in a medical emergency in order to care properly for an impounded animal. The County shall charge a fee for veterinary services and such animal shall not be redeemed without payment of such fee in addition to other impoundment fees and costs.

Section 7.9. Payment of Fees.

The Chief Animal Control Officer / 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 Macomb County Health Department and Macomb County Board of Commissioners have been paid in full.

Section 7.10. Unclaimed Animals.

All animals not reclaimed within a period of time established for the holding of strays shall be adopted, euthanized, or suitably placed at the discretion of the Chief Animal Control Officer / Director.

ARTICLE VIII - Keeping of Animals

Section 8.1. General Regulations.

Every person who owns or who has charge, care or custody of an animal shall comply with each of the following requirements:

- a) Feeding. Each animal shall be supplied with sufficient, good, wholesome food and water as established by USDA animal welfare act and regulations.
- b) Cleanliness. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- c) Unattended Animals. No animal shall be without attention for a reasonable period of time. Whenever a commercial animal facility is left unattended, the name, address and telephone number of the owner of the facility and the person responsible for the care of animals shall be posted in a conspicuous place at the front of the facility.
- d) Dangerous Surroundings. No condition shall be maintained or permitted that is, or could reasonably be expected to be, injurious to the animal.
- e) Teasing. Every reasonable precaution shall be taken to insure that animals are not teased, abused, mistreated, annoyed, tormented or made to suffer by any person or means.
- f) Protection. All reasonable precautions shall be taken to protect the public from animals and animals from the public.
- g) Sick Animals. Every commercial animal facility shall isolate sick animals sufficiently so as not to endanger the health of other animals.
- h) Ventilation and Light. Every building or enclosure where animals are maintained shall be constructed of materials easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals with sufficient light to allow observation of the animals.

- i) Veterinarian Attention. The owner or custodian shall take an animal to a veterinarian for an examination and treatment if the Chief Animal Control Officer / Director finds this is necessary in order to maintain the health of the animal and so orders.
- j) Cages. All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodation for the animals.
- k) Shelter. Proper shelter of suitable size and protection from the weather shall be provided at all times as established by USDA animal welfare act and regulations.
- l) Structural Strength. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals.

Section 8.2. Cruelty.

- a) Beating. No person shall beat, kick, hit, bite, burn, or in any manner cause an animal to suffer needlessly.
- b) Injury. No person shall cause abusive injury to an animal.
- c) Teasing. No person shall tease or entice a dog or other animal.
- d) Alcohol. No person shall give an animal any alcoholic beverage or controlled drug unless prescribed by a veterinarian.
- e) Incompatible Animals. No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible to be quartered together or so near each other as to cause injury, fear, or torment. Animals shall not be considered enemies if two or more animals are trained so that they can be placed together without attacking each other, or performing, or attempting any hostile act toward each other.
- f) Injurious Tack. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to an animal.
- g) Proper Exercise. Working animals shall be given exercise proper for the individual animal under the particular conditions.
- h) Working Sick Animals. No person shall work or use any animal that is overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.
- i) Bitch in Heat. No person having a bitch in heat shall permit her to be contained in a fashion that gives stray animals access to her or that permits her to escape.
- j) Confinement. No person shall confine a dog on a chain for an unreasonable time unless the chain permits movement over at least 30 square feet and allows the dog free access to a suitable shelter.
- k) Abandonment. No person shall abandon any animal.

Section 8.3. Exotic Animals.

No person shall own, possess or harbor any dangerous or exotic animals. As used in this section, the term "dangerous or exotic animals means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a

wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property. Dangerous or exotic animals include, but are not limited to, any poisonous animals, including reptiles and insects; and animals covered under Michigan's Large Carnivore Act (per MLC Act - 287.1101 - 287.1123 (without proper Federal, State or Local permits)

ARTICLE IX - ENFORCEMENT

Section 9.1. Criminal Penalties.

A violation of this Regulation is a misdemeanor as adjudicated by a court of competent jurisdiction, punishable by imprisonment for not more than ninety days, or a fine of not more than \$200.00 or both pursuant to Section 2441 (2) of the Michigan Public Health Code, Act 368 of 1978, as amended. Each day that a violation of this Regulation continues may be deemed a separate offense by a court of competent jurisdiction.

Section 9.2. Civil Penalties.

The Macomb County Board of Commissioners may adopt a schedule of monetary civil penalties to be assessed for violations of this Regulation as provided in Sections 2461-2462 of the Michigan Public Health Code, Act 368 of 1978, as amended.

Section 9.3. Injunctive Proceedings.

If a person has violated a provision of this Regulation, the Chief Animal Control Officer / Director may seek injunctive relief from a court of competent jurisdiction to restrain, enjoin, prevent or correct the violation as provided in Section 2465 of the Michigan Public Health Code, Act 368 of 1978, as amended.

ARTICLE X - APPEALS

Section 10.1. General Provisions.

Any person taking exception to, or aggrieved by, a decision, ruling, requirement, notice, or violation issued under this Regulation, after an opportunity for an Administrative Conference with the Chief Animal Control Officer / Director, has the right to a contested case hearing in the matter. The contested case hearing shall be conducted in accordance with written policies and procedures adopted by the department and applicable provisions of the Administrative Procedures Act of 1969. Any person taking exception to or aggrieved by any administrative action shall have the right to seek judicial review.

ARTICLE XI - AMENDMENTS

Section 11.1. General Provisions.

The Chief Animal Control Officer / Director may adopt amendments to this Regulation with the approval of the Macomb County Board of Commissioners,

pursuant to Sections 2441 and 2442 of the Michigan Public Health Code, Act 368 of 1978 as amended.

ARTICLE XII - APPROVAL AND EFFECTIVE DATE

Section 12.1. General Provisions.

This Regulation has been adopted by the Macomb County Board of Commissioners on _____, and shall be effective _____.

(Last Version: Adopted: July 17, 2003, Effective: September 1, 2003)