



Task Force on Animal Control Policy

Handbook

May 2012

Task Force on Animal Control Policy

Handbook

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- l. Washtenaw County Dog License Policy
- m. Annual animal control revenue and cost recovery summary /F46fi

Board of Commissioners Charge

On February 15, 2012, the Washtenaw County Board of Commissioners adopted Resolution 12-0027 authorizing a contract for animal control services with the Humane Society of Huron Valley, empowering the Office of the Sheriff to develop a cost model for animal control services, and establishing the Task Force on Animal Control Policy with reporting deadlines of May 15, 2012 and September 15, 2012. The Task Force is open to any County Commissioner. The text of that resolution follows.

RESOLUTION APPROVING AN AGREEMENT WITH THE HUMANE SOCIETY OF
HURON VALLEY AND AUTHORIZING AN ADDITIONAL EXPENDITURE OF \$165,000
FOR THE PROVISION OF ANIMAL CONTROL SERVICES THROUGH DECEMBER
31, 2012

WASHTENAW COUNTY BOARD OF COMMISSIONERS

February 15, 2012

WHEREAS, Washtenaw County has had a long standing relationship with the Humane Society of Huron Valley for the provision of animal control services; and

WHEREAS, Washtenaw County is mandated to provide certain animal control services, and currently the Humane Society of Huron Valley is the only qualified provider in the County; and

WHEREAS, the County desires to put out a Request for Proposals for animal control services for 2013; and

WHEREAS, entering into a contract with HSHV through December 31, 2012 provides the County with time to evaluate costs and services associated with the HSHV as well as other potential providers; and

WHEREAS, local ordinances enable a municipality to collect fees while utilizing the services of the Humane Society of Huron Valley under the County contract; and

WHEREAS, the County will likely not be able to offer this cost free service to jurisdictions with animal control ordinances in the future; and

WHEREAS, it will be imperative for the County to meet with local jurisdictions and with the HSHV to understand the needs and requirements of each party; and

WHEREAS, the new contract provides the County with the flexibility to reach out to cities and townships with applicable ordinances, and come to terms on a mutually beneficial solution; and

WHEREAS, it is also requested that the HSHV participate in the development of a methodology to determine the cost and services of an Animal Service Unit (ASU), and be agreeable to the outcome of that methodology after assisting in its development; and

NOW THEREFORE, BE IT RESOLVED, that the Washtenaw County Board of Commissioners hereby approves an agreement with the Humane Society of Huron Valley in the amount of \$415,000 for the provision of animal control services through December 31, 2012.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners hereby transfers \$165,000 from unallocated reserves to Animal Control in the budget of the Office of the Sheriff.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes the Office of the Sheriff to develop a methodology to determine the cost of an Animal Service Unit (ASU) on behalf of the County. The Sheriff may choose the members of his work group, with the understanding that the Board of Commissioners will appoint Commissioner Rob Turner to act as a liaison. The work group's report is due no later than September 15, 2012.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners hereby establishes a Task Force on Animal Control Policy. This group will exist solely for the purpose of developing an animal control policy for the county. This policy will be reflected in the RFP for a scope of services that the county will purchase. Meetings will be posted. Membership is open to any Commissioner who wishes to attend, and the preliminary report will be filed May 15, 2012. Once the data from the Sheriff's work group is published, the RFP will go out forthwith, and the final report of the taskforce will be published by October 15, 2012.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners hereby authorizes the County Administrator to sign a contract with the Humane Society of Huron Valley to provide animal control services from January 1, 2012 – December 31, 2012 with a budget not to exceed \$415,000.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Bergman	X			Ping			X	Conan Smith	X		
Brabec	X			Prater	X			Dan Smith	X		
Gunn	X			Rabhi	X			Turner	X		
Peterson	X			Sizemore	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE: TOTALS

10 0 1

STATE OF MICHIGAN)

COUNTY OF WASHTENAW)^{SS}

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on February 15th, 2012, as it appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 21st day of February, 2012.

LAWRENCE KESTENBAUM, Clerk/Register

BY: _____ Deputy Clerk



Res. No. 12-0027

Timeline and Process Overview

The Task Force on Animal Control Policy will meet at least five times before submitting its final report to the Board of Commissioners. The Task Force will be facilitated by The Dispute Resolution Center, using an interest-based bargaining approach in a transformative mediation process.

Standing Agenda

- I. Roll Call
- II. Approval of Minutes
- III. New Business
- IV. Items for Current/Future Discussion
- V. Public Comment
Out of respect to the interest-based process, we require that public comment be limited to three minutes and that interested parties first sign-up with County Administration at 734-222-6850. The comment period will be limited to a total of 15 minutes unless otherwise approved by the task force and commenters who have not spoken at a previous task force meeting will be given priority.
- VI. Adjourn to Next Session

Tentative Schedule

Although subject to amendment by the Task Force members, the currently posted meeting schedule and subject matters are as follows.

May 23, 2012 | 8:00 a.m. LLRC Meeting Room B
Topic: Mandates and Minimum Serviceability Levels

June 13, 2012 | 8:00 a.m. LLRC Meeting Room B
Topic: Preferred Serviceability Levels

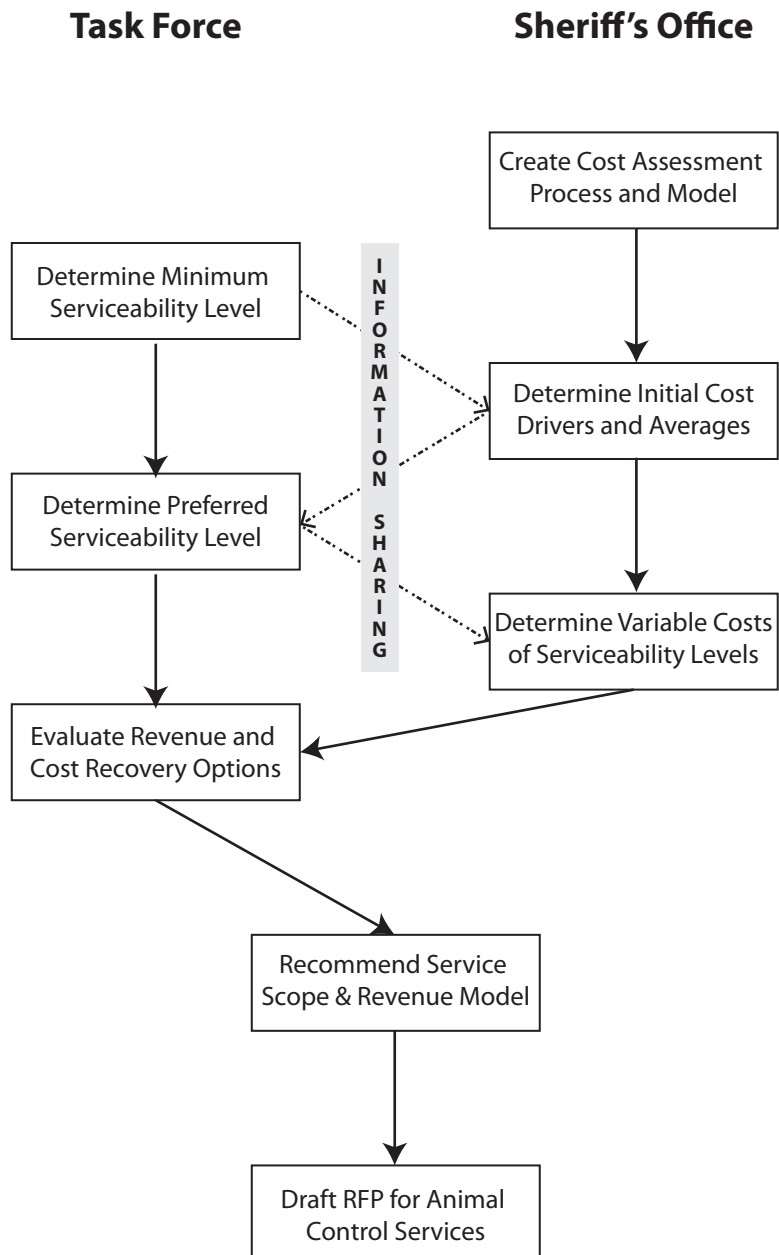
July 25, 2012 | 8:00 a.m. LLRC Meeting Room B
Topic: Revenue and Cost Recovery Options

August 22, 2012 | 8:00 a.m. LLRC Meeting Room B
Topic: Scope of Services and Revenue Recommendations

September 12, 2012 | 8:00 a.m. LLRC Meeting Room B
Topic: Final Recommendation and RFP Generation

Animal Control Policy Development Process

Two inter-related and parallel processes will combine analysis of the County's service provision objectives and the costs related to those services, allowing the Board of Commissioners to develop a solid set of animal control policies and issue a request for proposals to provide cost effective services. The Office of the Sheriff is conducting the empirical analysis of costs, while the Board task force is addressing the policy-related issues. Before the RFP can be completed, these two processes will merge so that the BOC and the Office of the Sheriff can mutually determine a level of animal control service that 1) meets the values of the community, 2) comports with County budget realities, and 3) fits within the capacity of the executive branch offices to manage.



DRC and Public Policy Mediation

Modeling a Facilitative Approach to Public Policy Development

The Dispute Resolution Center

Michigan Public Act 260 of 1988 created the Community Dispute Resolution program as a mediation alternative to the judicial process. Funding for court-ordered mediation comes from a two dollar surcharge onto filing fees collected in civil court cases. Funds are managed by the State Court Administrator's Office. The Dispute Resolution Center in Washtenaw County opened its doors in the fall of 1993 and began accepting mediation immediately. The DRC is managed by an executive and assistant director. All other staff is volunteers, including the mediators. The DRC is a non-profit corporation whose activities beyond court mediations are funded by tax-exempt donations and in-kind services from individuals and businesses in Washtenaw County. Washtenaw County has had a long partnership with the DRC, which is currently housed in the Annex at 110 North Fourth Ave.

As facilitators of the Task Force on Animal Control Policy, the DRC has adopted a "transformative mediation" approach that focuses on the interpersonal responsiveness and constructive interaction of the parties involved in the process. Their role will be two-fold: first, to support the Task Force through a functional process for developing policy recommendations and second, to help the negotiators (in this case the Commissioners participating in the process) recognize personal strengths and generate increasing openness to each other. Although not necessarily directly tied to the outcome of the Task Force, the experience of a transformative mediation process can help public officials who work in a competitive and conflict-filled environment to adopt more peaceful and mutually supportive practices.

For a list of DRC staff, visit their website at www.TheDisputeResolutionCenter.org.

Interest-Based Bargaining

The DRC specializes in a process called interest-based bargaining, which Washtenaw County uses to negotiate labor contracts with staff. This process can be used to develop public policy that addresses a wider array of community concerns than may be heard through a traditional legislative process. For example, at the federal level it's used by EPA, FEMA, even the Navy, to work through complex multilateral issues. For a quick primer, check out the [Federal Mediation and Conciliation Service](#), which has an arm dedicated to Public Policy and Negotiated Rule Making. FMCS also provides the following summary of interest-based bargaining:

A Different Way to Negotiate

Known by many names and practiced in many variations and settings: Win-Win Bargaining, Mutual Gains, Principled or Interest-Based Negotiation, Interest-Based Problem Solving, Best Practice or Integrative Bargaining. No matter which variation is used, Interest-Based Bargaining (IBB) may offer parties more flexibility than traditional

bargaining, not locking them into predetermined issues and bargaining positions. Instead, the process begins with understanding the problem and identifying the interests that underlie each side's issues and positions.

When everyone understands the interests and concerns that lead a person or group to take a position on an issue, they often find that some of those interests are mutual, that both sides at the table are trying to achieve the same goal, just taking different approaches. And they frequently discover that what at first appear to be competing interests are not really competing at all. Dealing with each other in this way makes it possible to generate and consider options to satisfy particular interests that may never have been considered before.

The Principles of Interest-Based Bargaining

Parties who participate in IBB have learned that agreements tend to address issues in more depth than those reached using traditional techniques because they are the result of a process aimed at satisfying mutual interests by consensus, not just one side's interests at the expense of the other. And because negotiators are dealing with each other on a different level, the results usually go beyond immediate issues to address longer term interests and concerns.

Interest-based bargaining is a process that enables traditional negotiators to become joint problem-solvers. It assumes that mutual gain is possible, that solutions which satisfy mutual interests are more durable, that the parties should help each other achieve a positive result.

In the collective bargaining context, it assumes that negotiation, like other aspects of the collective bargaining process, can enhance the labor-management relationship, and that decisions based on objective criteria obviate the need to rely only on power. IBB captures some of the highest principles originating, but not always practiced, in traditional distributive bargaining, and makes those principles consistent parts of the process:

- Sharing relevant information is critical for effective solutions.
- Focus on issues, not personalities.
- Focus on the present and future, not the past.
- Focus on the interests underlying the issues.
- Focus on mutual interests, and helping to satisfy the other party's interests as well as your own.
- Options developed to satisfy those interests should be evaluated by objective criteria, rather than power or leverage.

Source: Federal Mediation and Conciliation Service
<http://www.fmcs.gov/internet/itemDetail.asp?categoryID=131&itemID=15804>

Meeting Summaries

Meeting 1: Mandates and Minimum Serviceability

The currently scheduled meeting is Wednesday, May 23rd at 8 a.m. at LLRC. If this time does not work for a sufficient number of commissioners, we will reschedule the meeting.

The outcomes from this meeting include:

- 1) Clarifying the process, deliverables and expectations; and
- 2) Defining the minimum serviceability level of the County mandate.

Background materials for this meeting include:

- 1) Information on interest-based public policy mediation
- 2) A timeline of the task force process integrated with the Sheriff's cost assessment process
- 3) County corporate counsel's assessment of the animal control mandate
- 4) HSHV's board assessment of the animal control mandate
- 5) Dog Law of 1919
- 6) Animal Cruelty Codified Laws
- 7) *Youngblood v. County of Jackson*, 28 Mich.App. 361; 184 N.W.2d 290 (1970)

Meeting 2: Preferred Serviceability

The currently scheduled meeting is Wednesday, June 13 at 8 a.m. at LLRC. If this time does not work for a sufficient number of commissioners, we will reschedule the meeting.

The outcomes from this meeting include:

- 1) Understanding the initial draft of the cost drivers study from the Sheriff's process; and
- 2) Providing a preliminary preferred scope of services to the Sheriff's task force.

Background materials for this meeting include:

- 1) HSHV materials on animal intake and sheltering procedures
- 2) Summary of animals served at HSHV currently, including source location
- 3) LUG animal control ordinances
- 4) Flow chart of service options

Meeting 3: Revenue and Cost Recovery Options

The currently scheduled meeting is Wednesday, July 25 at 8 a.m. at LLRC. If this time does not work for a sufficient number of commissioners, we will reschedule the meeting.

The outcomes from this meeting include:

- 1) Assessing existing and potential revenue streams for animal control
- 2) Evaluating cost recovery opportunities and barriers for animal cruelty cases

Background materials for this meeting include:

- 1) Washtenaw County's Dog License Policy
- 2) Annual Revenue summaries of licensing and cost recovery
- 3) Farmington Hills pet license program
- 4)

Potential Additional Information as Necessary or Desired

- 1) Presentation from Treasurer's Office on the dog licensing program
- 2) Presentation from the Prosecutor's Office on animal cruelty cases

Meeting 4: Scope of Services and Revenue Recommendations

The currently scheduled meeting is Wednesday, August 22 at 8 a.m. at LLRC. If this time does not work for a sufficient number of commissioners, we will reschedule the meeting.

The outcomes from this meeting include:

- 1) Drafting a recommended serviceability level to the BOC
- 2) Drafting recommended revenue policies to the BOC
- 3) Drafting recommended cost recovery policies to the BOC

Meeting 5: Final Recommendation and RFP Generation

The currently scheduled meeting is Wednesday, September 12 at 8 a.m. at LLRC. If this time does not work for a sufficient number of commissioners, we will reschedule the meeting.

The outcomes from this meeting include:

- 1) Approving the final draft of the serviceability, revenue and cost-recovery policy recommendation to the BOC
- 2) Reviewing a recommended RFP for animal control services

Appendices

Meeting 1 Materials: Animal Control Mandates

- a. Dog Law of 1919
- b. Michigan Animal Cruelty Statutes
- c. *Youngblood v. County of Jackson*
- d. *Finley v Barker et al*
- e. Attorney General Opinions on County Animal Control Issues
- f. Washtenaw Corporate Counsel Summary of Animal Control Responsibilities

Meeting 2 Materials: Preferred Serviceability Levels

- g. Current contract with HSHV for animal control services
- h. HSHV Review of animal intake and sheltering procedures (TBD)
- i. Summary of HSHV Annual Animal Intakes (TBD)
- j. Local Unit Animal Ordinances
- k. Service Options Flow Chart (TBD)

Meeting 3 Materials: Revenues and Cost Recovery Options

- l. Washtenaw County Dog License Policy
- m. Annual animal control revenue and cost recovery summary (TBD)

DOG LAW OF 1919 Act 339 of 1919

AN ACT relating to dogs and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the determination and payment of damages done by dogs to live stock and poultry; imposing powers and duties on certain state, county, city and township officers and employees, and to repeal Act No. 347 of the Public Acts of 1917, and providing penalties for the violation of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919.

The People of the State of Michigan enact:

287.261 Short title; definitions.

Sec. 1. (1) This act shall be known and may be cited as the “dog law of 1919”.

(2) For the purpose of this act:

(a) “Livestock” means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing animals being raised in captivity.

(b) “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 protection act, Act No. 451 of the Public Acts of 1994, being sections 324.42701 to 324.42714 of the Michigan Compiled Laws.

(c) “Owner” when applied to the proprietorship of a dog means every person having a right of property in the dog, and every person who keeps or harbors the dog or has it in his care, and every person who permits the dog to remain on or about any premises occupied by him.

(d) “Kennel” means any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, or sporting purposes.

(e) “Law enforcement officer” means 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, and includes conservation officers and members of the state police.

(f) “Hunting” means allowing a dog to range freely within sight or sound of its owner while in the course of hunting legal game or an unprotected animal.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5245;—CL 1948, 287.261;—Am. 1959, Act 42, Eff. Mar. 19, 1960;—Am. 1973, Act 32, Imd. Eff. June 14, 1973;—Am. 1996, Act 63, Imd. Eff. Feb. 26, 1996.

287.262 Dogs; licensing, tags, leashes.

Sec. 2. It shall be unlawful for any person to own any dog 6 months old or over, unless the dog is licensed as hereinafter provided, or to own any dog 6 months old or over that does not at all times wear a collar with a tag approved by the director of agriculture, attached as hereinafter provided, except when engaged in lawful hunting accompanied by its owner or custodian; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash; or for any person except the owner or authorized agent, to remove any license tag from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5246;—CL 1948, 287.262;—Am. 1951, Act 173, Imd. Eff. June 8, 1951;—Am. 1969, Act 195, Eff. Mar. 20, 1970.

287.263 Repealed. 1969, Act 195, Eff. Mar. 20, 1970.

Compiler's note: The repealed section pertained to confinement of dog at night.

287.264 Supervision and enforcement.

Sec. 4. The state livestock sanitary commission shall have the general supervision over the licensing and regulation of dogs and the protection of livestock and poultry from dogs, and may employ all proper means for the enforcement of this act and all police officers of the state, county, municipality or township shall be at its disposal for that purpose. An animal control officer or a law enforcement officer of the state shall issue a citation, summons or appearance ticket for a violation of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5248;—CL 1948, 287.264;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am.

1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.265 Tags, blanks and license forms.

Sec. 5. It shall be the duty of the state live stock sanitary commission to purchase from time to time, as may be necessary, a sufficient number of tags for the state of Michigan, which tags shall be purchased from such commission by the treasurers of the counties as the same may be needed to comply with the provisions of this act. Such tags shall be sold at cost to the said treasurers. The state treasurer is hereby authorized to advance to the said commission, out of any funds of the state, such sum of money as may be necessary from time to time to pay for the tags so purchased by the state live stock sanitary commission, which sum shall be repaid to the state treasurer from the money collected from the county treasurers in payment for the tags. The said commission is hereby authorized to extend 30 days' credit to any county treasurer for tags so purchased. The commission shall also furnish to each county treasurer, on or before November fifteenth of each year, a book containing proper forms for issuing dog licenses required in his county, together with the necessary blanks for the use of the supervisors and assessors of such county; such books and blanks shall be furnished to said commission by the board of state auditors without cost to said commission. The tags required by this act shall be not more than 1 1/2 inches in length and uniform in shape throughout the state, the general shape of which shall be changed from year to year; such tags shall have impressed upon them the calendar year for which they are issued and shall bear the name of the county issuing them and shall be numbered consecutively.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5249;—CL 1948, 287.265.

287.266 Dog licenses; application; resolution; provisions; proof of vaccination.

Sec. 6. (1) The owner of a dog that is 4 or more months old shall apply to the treasurer of the county or, except as provided in section 14, the treasurer of the township or city where the owner resides, or to the treasurer's authorized agent, for a license for each dog owned or kept by him or her.

(2) Unless the county board of commissioners adopts a resolution under subsection (3), the owner shall apply for a license annually on or before March 1.

(3) The county board of commissioners of a county may adopt a resolution during the 60-day period before the beginning of the county's fiscal year providing when the owner of a dog that is required to be licensed under subsection (1) must apply for a license. Before adopting the resolution, the county board of commissioners shall obtain the county treasurer's written approval of the resolution. Subject to subsection (4), the resolution shall provide for 1 of the following:

- (a) That the owner apply for a license by March 1 every year or every third year, at the owner's option.
- (b) That the owner apply for a license by June 1 every year.
- (c) That the owner apply for a license by June 1 every year or every third year, at the owner's option.
- (d) That the owner apply for a license by the last day of the month of the dog's current rabies vaccination, every year.
- (e) That the owner apply for a license by the last day of the month of the dog's current rabies vaccination, every third year.

(f) That the owner apply for a license by 1 of the following, at the owner's option:

- (i) The last day of the month of the dog's current rabies vaccination every year.
- (ii) The last day of the month of the dog's current rabies vaccination, every third year.

(4) A resolution adopted under subsection (3) shall include necessary provisions for conversion to a new licensing schedule. The resolution may extend the effective period of outstanding licenses but shall not shorten the effective period of outstanding licenses or prorate license fees.

(5) The application shall state the breed, sex, age, color, and markings of the dog, and the name and address of the last previous owner. Except as otherwise provided in this subsection, the application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian. The certificate for vaccination for rabies shall state the month and year of expiration for the rabies vaccination, in the veterinarian's opinion. If the application for a license is submitted electronically, the owner of the dog is not required to provide a valid certificate of a current vaccination for rabies if the dog was licensed the previous year and the dog's current rabies vaccination on record with the treasurer of the county or, except as provided in section 14, the treasurer of the township or city where the owner resides, or the treasurer's authorized agent, is still valid. A license shall not be issued under subsection (3)(d), (e), or (f) if the dog's current rabies vaccination will expire more than 1 month before the date on which that license would expire. When applying for a license, the owner shall pay the license fee provided for in the county budget. The county board of commissioners may set license fees in the county budget at a level sufficient to pay all the county's expenses

of administering this act as it pertains to dogs. For a spayed or neutered dog, the license fee, if any, shall be set lower than the license fee for a dog that is not spayed or neutered. In addition, the license fee may be set higher for a delinquent application than for a timely application.

(6) If a dog is licensed before it becomes 5 months old and is subsequently spayed or neutered before it becomes 7 months old, the owner of the dog may exchange the license for a license for a spayed or neutered dog and receive a refund for the difference in the cost of the licenses. The owner shall exchange the license before the dog becomes 7 months old.

(7) Subsection (6) applies in a county only if the county board of commissioners adopts a resolution to that effect during the 60-day period before the beginning of the county's fiscal year. Before adopting the resolution, the county board of commissioners shall obtain the county treasurer's written approval of the resolution.

(8) The owner of a dog that is required to be licensed under this section shall keep the dog currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the United States department of agriculture.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—Am. 1927, Act 53, Eff. Sept. 5, 1927;—CL 1929, 5250;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1935, Act 17, Eff. Sept. 21, 1935;—Am. 1937, Act 47, Imd. Eff. May 18, 1937;—Am. 1947, Act 171, Eff. Oct. 11, 1947;—CL 1948, 287.266;—Am. 1949, Act 35, Eff. Sept. 23, 1949;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1971, Act 229, Eff. Mar. 30, 1972;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001;—Am. 2010, Act 18, Imd. Eff. Mar. 18, 2010.

287.266a Repealed. 1969, Act 195, Eff. Mar. 20, 1970.

Compiler's note: The repealed section pertained to proof of vaccination for rabies.

287.267 Dog license; tag, approval; kept on dog.

Sec. 7. The county treasurer shall then deliver to said owner a license and also 1 of the tags approved by the director of agriculture, before mentioned, such tag to 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 such dog is engaged in lawful hunting accompanied by its owner or custodian.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5251;—CL 1948, 287.267;—Am. 1951, Act 173, Imd. Eff. June 8, 1951.

287.268 Dog license; unlicensed and young dogs; application; fee after certain date.

Sec. 8. A person who becomes owner of a dog that is 4 or more months old and that is not already licensed shall apply for a license within 30 days. A person who owns a dog that will become 4 months old and that is not already licensed shall apply for a license within 30 days after the dog becomes 4 months old. In a county in which section 6(2) or section 6(3)(a) applies, if a person applies for an annual license under this subsection after July 10 of a calendar year, the license fee shall be 1/2 the fee provided for under section 6.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5252;—CL 1948, 287.268;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001.

287.269 Dog license; contents.

Sec. 9. Each dog license issued under this act shall display all of the following:

(a) An expiration date. Subject to section 6(4), the expiration date for a license issued under section 6(2) or 6(3)(b) shall be 1 year after the date on or before which the license was required to be obtained under section 6, and for a license issued under section 6(3)(a) or 6(3)(c) shall be 1 year or 3 years after that date. Subject to section 6(4), the expiration date of a license issued under section 6(3)(d), (e), or (f) shall be the earlier of the following:

- (i) One year or 3 years, as applicable, after the date on which the license was required to be obtained.
- (ii) The expiration date of the dog's rabies vaccination.
- (b) A serial number corresponding to the number on the metal tag furnished to the owner.
- (c) The name of the county issuing the license.
- (d) A full description of the dog licensed.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5253;—CL 1948, 287.269;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001.

287.269a Production of proof of license.

Sec. 9a. A person who owns or harbors a dog shall produce proof of a valid dog license upon request of a person who is authorized to enforce this act.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.270 “Kennel” defined; kennel license; fee; tags; certificate; rules; inspection; exception.

Sec. 10. For the purposes of this act, a kennel shall be construed as an establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in the kennel. Any person who keeps or operates a kennel may, in lieu of individual license required under this act, apply to the county treasurer for a kennel license entitling him to keep or operate a kennel. Proof of vaccination of dogs against rabies shall not be required with the application. The license shall be issued by the county treasurer on a form prepared and supplied by the director of the department of agriculture, and shall entitle the licensee to keep any number of dogs 6 months old or over not at any time exceeding a certain number to be specified in the license. The fee to be paid for a kennel license shall be \$10.00 for 10 dogs or less, and \$25.00 for more than 10 dogs. A fee of double the original license fee shall be charged for each previously licensed kennel, whose kennel license is applied for after June 1. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All the tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

The county treasurer or county animal control officer shall not issue a kennel license for a new kennel under the provisions of this act unless the applicant furnishes an inspection certificate signed by the director of the department of agriculture, or his authorized representative, stating that the kennel to be covered by the license complies with the reasonable sanitary requirements of the department of agriculture, and that the dogs therein are properly fed and protected from exposure commensurate with the breed of the dog. The director of the department of agriculture shall promulgate reasonable rules with respect to the inspections in the manner prescribed by law. The inspection shall be made not more than 30 days before filing the application for license. The provisions of this act shall not be effective in the counties of this state that are operating under the provisions of section 16 wherein the board of supervisors have appointed a county animal control officer with certain powers and duties, unless the counties by a resolution duly adopted by the board of supervisors accept the provisions of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5254;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1945, Act 245, Eff. Sept. 6, 1945;—CL 1948, 287.270;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

Administrative rules: R 285.129.1 of the Michigan Administrative Code.

287.270a Repealed. 1969, Act 195, Eff. Mar. 20, 1970.

Compiler's note: The repealed section pertained to vaccination of dog sold by licensed kennel.

287.270b Kennel licensing ordinance.

Sec. 10b. Any city, township or village having in its employment a full-time animal control officer may adopt an ordinance providing for the issuance of kennel licenses by the animal control officer on the same terms, conditions and fees as is provided in section 10. Upon the adoption of the ordinance the city, township or village shall be excepted from the provisions of sections 10 and 11 of this act.

History: Add. 1966, Act 132, Eff. Mar. 10, 1967;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.271 Rules governing kennel dogs.

Sec. 11. The licensee of a kennel shall, at all times, keep 1 of such tags attached to a collar on each dog 4 months old or over kept by him under a kennel license. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel. This section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5255;—CL 1948, 287.271.

287.272 Lost tags.

Sec. 12. If any dog tag is lost, it shall be replaced without cost by the county treasurer, upon application by the owner of the dog, and upon production of such license and a sworn statement of the facts regarding the loss of such tag.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5256;—CL 1948, 287.272.

287.273 License and tag; transferability.

Sec. 13. No license or license tag issued for 1 dog shall be transferable to another dog. Whenever the

ownership or possession of any dog is permanently transferred from 1 person to another within the same county, the license of such dog may be likewise transferred, upon notice given to the county treasurer who shall note such transfer upon his record. This act does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred, for the purpose of hunting game, or for breeding, trial, or show, in the state of Michigan.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5257;—CL 1948, 287.273.

287.274 Application for license blanks and tags; issuance of dog licenses and tags; fee; return of unused tags, books, and receipts; contents of receipt; paying over money; resolution providing that clerk perform duties of treasurer.

Sec. 14. (1) Every township or city treasurer shall, on or before December 1 each year, apply to the county treasurer for necessary license blanks and tags for the ensuing year and shall issue dog licenses and tags in a manner prescribed for issuing licenses by the county treasurer. Every township or city treasurer shall receive for the services of licensing dogs a reasonable fee at a rate determined by the county board of commissioners for each dog license issued.

(2) Each township or city treasurer shall not later than March 1 each year, or June 1 each year for a county operating under section 6(3)(b) or (c), return to the county treasurer all unused tags, and the book or books from which dog licenses have been issued, containing receipts properly filled out, and showing the name of the person issued each license and the number of each license issued and a full description of each dog licensed. The township or city treasurer shall on or before March 1 each year, or June 1 each year for a county operating under section 6(3)(b) or (c), pay over all money received for issuing licenses less the amount set by the board of commissioners to be retained by the township or village for each license issued.

(3) A city may, by resolution of its legislative body, provide that its clerk shall perform the duties by this act imposed on the treasurer. Upon the adoption of the resolution, the treasurer of a city is not required to issue licenses under this act but the clerk of the city shall perform, in the manner and under the terms and conditions, and with the same compensation, all of the duties imposed upon city treasurers by this act.

(4) A township treasurer, city treasurer, or city clerk may enter an agreement with the county treasurer for the county treasurer to perform the duties of the township treasurer, city treasurer, or city clerk under this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1921, Act 310, Eff. Aug. 18, 1921;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5258;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1947, Act 168, Eff. Oct. 11, 1947;—CL 1948, 287.274;—Am. 1977, Act 317, Imd. Eff. Jan. 9, 1978;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001.

287.274a Issuance of dog license; information to be provided to dog owner; definitions.

Sec. 14a. (1) When issuing a dog license pursuant to section 14, a county treasurer, city clerk, city treasurer, township treasurer, or the authorized agent of a city or township treasurer, including, but not limited to, a licensed veterinarian, an animal control shelter, or an animal protection shelter, shall also provide information to the dog owner regarding both of the following:

(a) The availability of microchip implantation and registration for dogs by a licensed veterinarian, an animal control shelter, or an animal protection shelter.

(b) The availability of a statewide tattoo identification registry for dogs maintained by the state department of agriculture.

(2) As used in this section, "animal control shelter" and "animal protection shelter" mean those terms as defined in section 1 of 1969 PA 287, MCL 287.331, and are facilities registered with the state department of agriculture pursuant to section 6 of 1969 PA 287, MCL 287.336.

History: Add. 2006, Act 551, Eff. Mar. 30, 2007.

287.275 County treasurer's record; inspection.

Sec. 15. The county treasurer shall keep a record of all dog licenses, and all kennel licenses, issued during the year in each city and township in his or her county. Such record shall contain the name and address of the person to whom each license is issued and the expiration date of each license. For an individual license, the record shall also state the breed, sex, age, color, and markings of the dog licensed; and for a kennel license, it shall state the place where the business is conducted. The record is a public record and shall be open to inspection during business hours. The county treasurer shall also keep an accurate record of all license fees collected by the county treasurer or paid over to him or her by any city or township treasurer.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5259;—CL 1948, 287.275;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998.

287.276 Listing of dogs; compensation of supervisor; appointment, duties, and compensation of animal control officer.

Sec. 16. The supervisor of each township and the assessor of every city, annually, on taking his assessment of property as required by law, may make diligent inquiry as to the number of dogs owned, harbored or kept by all persons in his assessing district; and on or before June 1, make a complete report to the county treasurer, for his county, on a blank form furnished by the director of agriculture, setting forth the name of every owner, or keeper, of any dog, subject to license under this act, how many of each sex are owned by him, and if a kennel license is maintained such fact shall be also stated. Every supervisor or assessor shall receive for his services in listing such dogs at a rate determined by the board of supervisors for each dog so listed, which sums shall be paid out of the general fund of the county. In any city having a population of 5,000 or more, the county board of supervisors may by resolution appoint for a term of 2 years, an animal control officer, who shall perform in and for the city all the duties which this act prescribes for the supervisors of townships, and who shall receive the same compensation as is herein provided for supervisors. The board of supervisors of any county may, by resolution, appoint for the county for a term of 2 years an animal control officer whose duties and compensation shall be such as shall be prescribed by the board of supervisors and who may be delegated the duties required by this section to be performed by the supervisors and assessors without extra compensation.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—Am. 1925, Act 327, Imd. Eff. May 26, 1925;—CL 1929, 5260;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1941, Act 278, Eff. Jan. 10, 1942;—Am. 1947, Act 168, Eff. Oct. 11, 1947;—CL 1948, 287.276;—Am. 1967, Act 197, Eff. Nov. 2, 1967;—Am. 1968, Act 38, Eff. Jan. 1, 1969;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.277 Identification and location of unlicensed dogs; public nuisance; list; commencement of proceedings; duties of sheriff; nonfeasance in office.

Sec. 17. The county treasurer may, based on records of the dogs actually licensed in each city or township of the county and any report under section 16, identify and locate all unlicensed dogs. If a dog is required to be licensed under this act but is unlicensed, the dog is a public nuisance. The county treasurer shall immediately list all unlicensed dogs identified by this section and shall deliver copies of the list to the prosecuting attorney of the county and to the director of the department of agriculture. On receiving from the county treasurer the name of any owner of an unlicensed dog, the prosecuting attorney shall at once commence the necessary proceedings against the owner of the dog, as required by this act. The sheriff shall locate and kill, or cause to be killed, all such unlicensed dogs. Failure, refusal, or neglect on the part of a sheriff to carry out the provisions of this section constitutes nonfeasance in office.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5261;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—CL 1948, 287.277;—Am. 1967, Act 197, Eff. Nov. 2, 1967;—Am. 1968, Act 38, Eff. Jan. 1, 1969;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998.

287.278 Killing of dog molesting wildlife.

Sec. 18. A law enforcement officer may kill a dog determined to be molesting wildlife and not hunting as defined in this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5262;—CL 1948, 287.278;—Am. 1973, Act 32, Imd. Eff. June 14, 1973.

287.279 Killing of dog pursuing, worrying, or wounding livestock or poultry, or attacking person; damages for trespass; effect of license tag.

Sec. 19. Any person including a law enforcement officer may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock or poultry or attacking persons, and there shall be no liability on such person 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 his owner or his owner's agent, shall constitute a trespass, and the owner shall be liable in damages. Except as provided in this section, it shall be unlawful for any person, other than a law enforcement officer, to kill or injure or attempt to kill or injure any dog which bears a license tag for the current year.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5263;—CL 1948, 287.279;—Am. 1959, Act 42, Eff. Mar. 19, 1960;—Am. 1973, Act 32, Imd. Eff. June 14, 1973.

287.279a Killing dog or other animal; use of high altitude decompression chamber or electrocution prohibited.

Sec. 19a. An animal control officer or other person killing a dog or other animal pursuant to the laws of this state shall not use a high altitude decompression chamber or electrocution for that killing.

History: Add. 1980, Act 382, Eff. Mar. 31, 1981.

287.280 Loss or damage to livestock or poultry caused by dogs; complaint; examination; summons; proceedings; killing of dog; liability of owner or keeper.

Sec. 20. If a person sustains any loss or damage to livestock or poultry that is caused by dogs, or if the livestock of a person is necessarily destroyed because of having been bitten by a dog, the person or his or her agent or attorney may complain to the township supervisor or a township officer or other qualified person designated by the township board of the township in which the damage occurred. The complaint shall be in writing, signed by the person making it, and shall state when, where, what, and how much damage was done, and, if known, by whose dog or dogs. The township supervisor or a township officer or other qualified person designated by the township board shall at once examine the place where the alleged damage was sustained and the livestock or poultry injured or killed, if practicable. He or she shall also examine under oath, or affirmation, any witness called. After making diligent inquiry in relation to the claim, the township supervisor or a township officer or other person designated by the township board shall determine whether damage has been sustained and the amount of that damage, and, if possible, who was the owner of the dog or dogs that did the damage. If during the course of the proceedings the owner of the dog causing the loss or damage to the livestock becomes known, the township supervisor or a township officer or other person designated by the township board shall request the district court judge to immediately issue a summons against the owner commanding him or her to appear before the township supervisor or township officer or other person designated by the township board and show cause why the dog should not be killed. The summons may be served anyplace within the county in which the damage occurred, and shall be made returnable not less than 2 nor more than 6 days from the date stated in the summons and shall be served at least 2 days before the time of appearance mentioned in the summons. Upon the return day fixed in the summons the township supervisor or township officer or other person designated by the township board shall proceed to determine whether the loss or damage to the livestock was caused by the dog, and if so he or she shall immediately notify the sheriff or the animal control officer of the county of that fact and upon notification the sheriff or the animal control officer shall kill the dog wherever found. Any owner or keeper of the dog or dogs shall be liable to the county in a civil action for all damages and costs paid by the county on any claim as provided in this section.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5264;—Am. 1937, Act 47, Imd. Eff. May 18, 1937;—CL 1948, 287.280;—Am. 1968, Act 38, Eff. Jan. 1, 1969;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973;—Am. 1989, Act 45, Imd. Eff. June 12, 1989.

287.281 Report of examination.

Sec. 21. If after making the examination required in section 20, the township supervisor or other person designated by the township board has determined that damage has been sustained by the complainant, the township supervisor or other person designated by the township board, upon payment to him or her of his or her costs up to that time by the complainant, shall deliver a report of the examination and all papers relating to the case to the county board of commissioners of the county in which the loss was sustained. The report shall be filed in the office of the county board of commissioners. If the complainant has not paid the costs, the township supervisor or other person designated by the township board shall state that fact in the report and the amount of the unpaid costs.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1929, Act 131, Eff. Aug. 28, 1929;—CL 1929, 5265;—CL 1948, 287.281;—Am. 1980, Act 223, Imd. Eff. July 18, 1980.

287.282 Damage to livestock or poultry by dogs; fees of justice, inclusion in damages.

Sec. 22. Justices of the peace, for the services rendered under this act, shall receive \$4.00 for each case, and 10 cents per mile for each mile traveled, to be paid by the claimant in each case. In all cases where damages are awarded, the fees paid by claimants shall be included in the amount of such damages.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5266;—CL 1948, 287.282;—Am. 1958, Act 26, Eff. Sept. 13, 1958.

287.283 Payment for amount of loss or damage; costs; investigation.

Sec. 23. (1) When the county board of commissioners of the county receives a report of the township supervisor or other person designated by the township board pursuant to section 21, if it appears from the report that a certain amount of damage has been sustained by the claimant, the county board of commissioners shall immediately draw their order on the treasurer of the county in favor of the claimant for the amount of loss or damage which the claimant has sustained, together with all necessary and proper costs incurred. If the claim filed with the board appears from the report filed to be illegal or unjust, the board may make an investigation of the case and make its award accordingly.

(2) An amount awarded pursuant to this section shall be paid by the county out of its general fund. A payment shall not be made for any item which has already been paid by the owner of the dog or dogs doing

the injury. If a payment is made by the county for any livestock or poultry bitten by a dog or dogs, the payment shall not exceed the amount allowed by the county board of commissioners.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 31, Eff. Aug. 27, 1925;—Am. 1927, Act 52, Eff. Sept. 5, 1927;—Am. 1929, Act 131, Eff. Aug. 28, 1929;—CL 1929, 5267;—Am. 1931, Act 286, Eff. Sept. 18, 1931;—Am. 1945, Act 233, Eff. Sept. 6, 1945;—CL 1948, 287.283;—Am. 1980, Act 223, Imd. Eff. July 18, 1980.

287.284 Board of county auditors; duties.

Sec. 24. In a county having a board of county auditors, that board shall receive, audit, and determine all claims for damages under this act, and when a claim is found to be legal and just, the board of county auditors shall order its payment out of the general fund of the county. A township supervisor or other person designated by the township board in a county having a board of county auditors shall deliver the report of investigation under this act to the board of county auditors.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5268;—CL 1948, 287.284;—Am. 1980, Act 223, Imd. Eff. July 18, 1980.

287.285 Saving clause; disposition of dog fund; expense of dog department in cities, payment.

Sec. 25. Any valid claims for loss or damage to live stock which have accrued under any general or local laws, prior to the taking effect of this act, shall not abate by reason of the repeal of such laws by the operation of this act, but all such claims, and all claims arising under this act and all expense incurred in any county in enforcing the provisions of this act shall be paid out of the general fund of the county. At the time this act takes effect, all moneys then in the “dog fund” in the hands of township or city treasurers, derived from the taxation of dogs under existing laws, shall be turned into the county general fund: Provided, In all cities having a well regulated dog department, the reasonable expense of maintaining the same, shall be borne by said county, duly audited by the board of supervisors, and in any county having a board of county auditors, said board of county auditors shall audit said reasonable bills, to be paid out of the general fund of the county.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5269;—CL 1948, 287.285.

287.286 Penalties; disposition of fines.

Sec. 26. Any person or police officer, violating or failing or refusing to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine not less than \$10.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment. Any person presenting a false claim, knowing it to be false, or receiving any money on such false claim, shall be guilty of a misdemeanor and upon conviction, shall pay a fine of not less than \$10.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment. All fines collected under the provisions of this act shall be paid to the treasurer of the county to be credited to the library fund of the county.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5270;—CL 1948, 287.286;—Am. 1969, Act 195, Eff. Mar. 20, 1970.

287.286a Sworn complaint; contents; issuance of summons; hearing; order; penalty for disobedience; costs; audit and payment of claims.

Sec. 26a. (1) A district court magistrate or the district or common pleas court shall issue a summons similar to the summons provided for in section 20 to show cause why a dog should not be killed, upon a sworn complaint that any of the following exist:

(a) After January 10 and before June 15 in each year a dog over 6 months old is running at large unaccompanied by its owner or is engaged in lawful hunting and is not under the reasonable control of its owner without a license attached to the collar of the dog.

(b) A dog, licensed or unlicensed, has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner.

(c) A dog, licensed or unlicensed, has attacked or bitten a person.

(d) A dog has shown vicious habits or has molested a person when lawfully on the public highway.

(e) A dog duly licensed and wearing a license tag has run at large contrary to this act.

(2) After a hearing the district court magistrate or the district or common pleas court may either order the dog killed, or confined to the premises of the owner. If the owner disobeys this order the owner may be punished under section 26. Costs as in a civil case shall be taxed against the owner of the dog, and collected by the county. The county board of commissioners shall audit and pay claims for services of officers rendered pursuant to this section, unless the claims are paid by the owner of the dog.

History: Add. 1927, Act 114, Eff. Sept. 5, 1927;—CL 1929, 5271;—CL 1948, 287.286a;—Am. 1977, Act 261, Imd. Eff. Dec. 8, 1977.

287.286b Penalty for stealing or confining licensed dog.

Sec. 26b. Any person who shall steal, or confine and secrete any dog licensed under this act or kept under a kennel license, unless legally authorized to do so, or unless such confining be justifiable in the protection of person, property or game, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than \$50.00 nor more than \$100.00, or imprisonment in the county jail for not less than 60 nor more than 90 days, or both in the discretion of the court.

History: Add. 1939, Act 17, Eff. Sept. 29, 1939;—CL 1948, 287.286b.

287.287 Recovery of value of dog illegally killed.

Sec. 27. Nothing in this act shall be construed to prevent the owner of a licensed dog from recovery, by action at law, from any police officer or other person, the value of any dog illegally killed by such police officer or other person.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5272;—CL 1948, 287.287.

287.288 Common law liability.

Sec. 28. Nothing in this act contained shall be construed as limiting the common law liability of the owner of a dog for damages committed by it.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5273;—CL 1948, 287.288.

287.289 Dogs imported temporarily.

Sec. 29. None of the provisions of this act shall be construed to require the licensing of any dog imported into this state, for a period not exceeding 30 days, for show, trial, breeding or hunting purposes.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5274;—CL 1948, 287.289.

287.289a Animal control agency; establishment; employees; jurisdiction; contents of animal control ordinance.

Sec. 29a. The board of county commissioners by ordinance may establish an animal control agency which shall employ at least 1 animal control officer. The board of county commissioners may assign the animal control agency to any existing county department. The animal control agency shall have jurisdiction to enforce this act in any city, village or township which does not have an animal control ordinance. The county's animal control ordinance shall provide for animal control programs, facilities, personnel and necessary expenses incurred in animal control. The ordinance is subject to sections 6 and 30.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.289b County animal control officers; employment standards.

Sec. 29b. (1) The board of county commissioners shall adopt minimum employment standards relative to the recruitment, selection and appointment of animal control officers. The minimum standards shall include:

(a) Requirements for physical, educational, mental and moral fitness.

(b) A minimum course of study of not less than 100 instructional hours as prescribed by the department of agriculture.

(2) Subdivision (b) shall not apply if the animal control officer is a police officer or has served at least 3 years as an animal control officer.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.289c Municipal animal control officers; employment standards.

Sec. 29c. Any city, village or township adopting or having adopted an animal control ordinance shall provide in the ordinance that the minimum employment standards relative to the recruitment, selection and appointment of animal control officers shall at least equal the minimum standards set forth in section 29b.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.290 Municipal animal control ordinances; certificate of vaccination.

Sec. 30. A city, village or township by action of its governing body may adopt an animal control ordinance to regulate the licensing, payment of claims and providing for the enforcement thereof. A city, village, county or township adopting a dog licensing ordinance or ordinances shall also require that such application for a license, except kennel licenses, shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1921, Act 310, Eff. Aug. 18, 1921;—Am. 1929, Act 329, Eff. Aug. 28, 1929;—
Rendered Thursday, May 17, 2012

CL 1929, 5275;—Am. 1933, Act 189, Imd. Eff. June 28, 1933;—Am. 1941, Act 288, Eff. Jan. 10, 1942;—Am. 1943, Act 209, Imd. Eff. Apr. 17, 1943;—CL 1948, 287.290;—Am. 1949, Act 22, Eff. Sept. 23, 1949;—Am. 1952, Act 125, Eff. Sept. 18, 1952;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1959, Act 211, Eff. Mar. 19, 1960;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1971, Act 229, Eff. Mar. 30, 1972;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

Michigan Animal Cruelty Statutes

Source: Animal Legal and Historical Center | Michigan State University College of Law
<http://www.animallaw.info/statutes/stusmi750etseq.htm>

Summary: The Michigan Legislature has designed three primary provisions related to cruelty to animals: intentional infliction of pain and suffering, duty to provide care, and anti-animal fighting. The intentional infliction of pain and suffering provision carries the most severe penalties for animal cruelty and a violation is automatically a felony. A violation of the duty to provide care provision is initially a misdemeanor, which becomes a felony for a second or subsequent violation. A violation of the anti-animal fighting provision is either a misdemeanor or a felony, depending on the severity of conduct related to fighting. The provision does not apply to the lawful killing of livestock or customary animal husbandry of livestock, or lawful fishing, hunting, trapping, wildlife control, pest or rodent control, and animal research. Other provisions of the cruelty chapter are provided.

Statute in Full:

The Michigan Legislature has designed three primary provisions related to cruelty to animals: intentional infliction of pain and suffering, duty to provide care, and anti-animal fighting. The intentional infliction of pain and suffering provision carries the most severe penalties for animal cruelty and a violation is automatically a felony. A violation of the duty to provide care provision is initially a misdemeanor, which becomes a felony for a second or subsequent violation. A violation of the anti-animal fighting provision is either a misdemeanor or a felony, depending on the severity of conduct related to fighting (for example, being a spectator at a fight is a misdemeanor while organizing a fight is a felony). Michigan anti-animal cruelty law also protects animals in work-related roles, such as guide dogs and police animals.

Section 750.50b is the primary felony anti-animal cruelty provision in Michigan. This law was amended in late 2008 to clearly define killing or torturing an animal as a general intent crime (the terms "willfully" and "maliciously" were changed to "knowingly"). Under the statute, violation is an automatic felony punishable by a prison term of up to four years for knowingly killing, torturing, mutilating, maiming, poisoning any animal "without just cause." That phrase was added to exclude negligent conduct such as hitting a deer on the road. In addition, commission of a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured also falls under the statute. Among the exclusions are hunting, fishing, trapping, livestock husbandry, and scientific research. [Mich. Comp. Laws § 750.50b\(1\)-\(2\) \(2001\).](#)

The offense is a felony punishable by imprisonment for no more than 4 years and/or a fine of no more than \$5,000.00. [§750.50b\(2\).](#) The offender may be ordered to pay the costs of prosecution, to pay the costs of care, housing, and medical treatment for the animal victim, and to obtain a psychiatric or psychological evaluation and attend counseling if deemed necessary. [§ 750.50b\(3\)-\(4\).](#) Further, punishment may include the temporary or permanent relinquishment of animal ownership, the violation of which subjects the offender to possible revocation of probation and the contempt powers of the court. [§750.50b\(5\)-\(6\).](#)

The provision does not apply to the lawful killing of livestock or customary animal husbandry of livestock, or lawful fishing, hunting, trapping, wildlife control, pest or rodent control, and animal research. [§ 750.50b\(7\)-\(8\)](#).

Main Statutory Provisions:

[MCL 750.49 – Animal Fighting Provision](#) - The anti-animal fighting provision prohibits conduct related to animal fighting, including but not limited to organizing or being a spectator at a fight and training or using animals for fighting.

[MCL 750.50 - Duty to Provide Adequate Care Provision](#) - This statute sets out the Michigan duty of care for all vertebrate animals, including what define adequate food, water, and shelter. Also explained are the penalty and forfeiture provisions for violations of the statute. The exclusions under the statute include those animals used in hunting, fishing, trapping, horse racing, farming, zoos, and scientific research.

[MCL 750.50a - Leader Dog Provision](#) - This statute sets out the penalty for willful and malicious interference with guide dogs used by individuals defined by statute as blind, deaf, or physically limited. Under the statute, a first offense results in a misdemeanor conviction with penalty enhancement for subsequent convictions.

[MCLA 750.50b - Intentional Infliction of Pain and Suffering Provision](#) - This statute makes it an automatic felony punishable by a prison term of up to four years for the malicious and intentional torturing, maiming, poisoning or unjustified killing of any animal not excluded by statute. Among the exclusions are hunting, fishing, trapping, livestock husbandry, and scientific research.

[MCL 750.50c - Police Dog or Horse Provision](#) - This statute outlines the penalty for the intentional physical harm or interference with a police dog or horse. The statute provides for a misdemeanor in the case of interference to the animal and a five-year felony where the animal was killed or seriously physically injured. If the interference was committed during the commission of another felony, then the penalty rises to a potential two-year imprisonment.

[MCL 750.51 - Confining Animals on Railroad Cars](#) - This Michigan law provides that no railroad company shall permit the confinement of animals in railroad cars for longer than 36 consecutive hours without unloading for rest, water, and feeding of at least 5 consecutive hours unless prevented by a storm, or other "accidental causes." Any company, owner or custodian of such animals, who does not comply with the provisions of this section, can be fined between \$100 and \$500 for each and every such offense.

[MCL 750.52 - Duty to Enforce Provision](#) - This statute provides that it is the duty of the officials involved in animal cruelty investigations to arrest and prosecute those committing the offenses where there is knowledge or reasonable notice of the acts. The failure or neglect by an officer involved to do so may result in a misdemeanor.

[MCL 750.53 - Search and Seizure Provision](#) - This statute provides that a person violating any of the animal cruelty statutes may be arrested without warrant, similar to the arrest of those found disturbing the peace. Further, the official making the arrest has a duty to seize the animals involved and place them in the custody of the jurisdiction.

THE MICHIGAN PENAL CODE (EXCERPT) Act 328 of 1931

CHAPTER IX ANIMALS

750.49 Animal; definition; fighting, baiting, or shooting; prohibited conduct; violation as felony; costs; dog trained or used for fighting or offspring of dog trained or used for fighting; prohibited conduct; exceptions; confiscation of dog; award of dog to animal welfare agency; euthanasia; expenses; forfeiture of animals, equipment, devices, and money; disposition of money seized; additional exceptions.

Sec. 49. (1) As used in this section, "animal" means a vertebrate other than a human.

(2) A person shall not knowingly do any of the following:

(a) Own, possess, use, buy, sell, offer to buy or sell, import, or export an animal for fighting or baiting, or as a target to be shot at as a test of skill in marksmanship.

(b) Be a party to or cause the fighting, baiting, or shooting of an animal as described in subdivision (a).

(c) Rent or otherwise obtain the use of a building, shed, room, yard, ground, or premises for fighting, baiting, or shooting an animal as described in subdivision (a).

(d) Permit the use of a building, shed, room, yard, ground, or premises belonging to him or her or under his or her control for any of the purposes described in this section.

(e) Organize, promote, or collect money for the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).

(f) Be present at a building, shed, room, yard, ground, or premises where preparations are being made for an exhibition described in subdivisions (a) to (d), or be present at the exhibition, knowing that an exhibition is taking place or about to take place.

(g) Breed, buy, sell, offer to buy or sell, exchange, import, or export an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d), or breed, buy, sell, offer to buy or sell, exchange, import, or export the offspring of an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d). This subdivision does not prohibit owning, breeding, buying, selling, offering to buy or sell, exchanging, importing, or exporting an animal for agricultural or agricultural exposition purposes.

(h) Own, possess, use, buy, sell, offer to buy or sell, transport, or deliver any device or equipment intended for use in the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).

(3) A person who violates subsection (2)(a) to (e) is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

(b) A fine of not less than \$5,000.00 or more than \$50,000.00.

(c) Not less than 500 or more than 1,000 hours of community service.

(4) A person who violates subsection (2)(f) to (h) is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

(b) A fine of not less than \$1,000.00 or more than \$5,000.00.

(c) Not less than 250 or more than 500 hours of community service.

(5) The court may order a person convicted of violating this section to pay the costs of prosecution.

(6) The court may order a person convicted of violating this section to pay the costs for housing and caring for the animal, including, but not limited to, providing veterinary medical treatment.

(7) As part of the sentence for a violation of subsection (2), the court shall order the person convicted not to own or possess an animal of the same species involved in the violation of this section for 5 years after the date of sentencing. Failure to comply with the order of the court pursuant to this subsection is punishable as contempt of court.

(8) If a person incites an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting to attack a person and thereby causes the death of that person, the owner is guilty of a felony punishable by imprisonment for life or for a term of years greater than 15 years.

(9) If a person incites an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting to attack a person, but the attack does not result in the death of the person, the owner is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(10) If an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting attacks a person without provocation and causes the death of that person, the owner of the animal is guilty of a felony punishable by imprisonment for not more than 15 years.

(11) If an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting attacks a person without provocation, but the attack does not cause the death of the person, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(12) Subsections (8) to (11) do not apply if the person attacked was committing or attempting to commit an unlawful act on the property of the owner of the animal.

(13) If an animal trained or used for fighting or an animal that is the first or second generation offspring of a dog trained or used for fighting goes beyond the property limits of its owner without being securely restrained, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50.00 nor more than \$500.00, or both.

(14) If an animal trained or used for fighting or an animal that is the first or second generation offspring of a dog trained or used for fighting is not securely enclosed or restrained on the owner's property, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(15) Subsections (8) to (14) do not apply to any of the following:

(a) A dog trained or used for fighting, or the first or second generation offspring of a dog trained or used for fighting, that is used by a law enforcement agency of the state or a county, city, village, or township.

(b) A certified leader dog recognized and trained by a national guide dog association for the blind or for persons with disabilities.

(c) A corporation licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1083, when a dog trained or used for fighting, or the first or second generation offspring of a dog trained or used for fighting, is used in accordance with the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1083.

(16) An animal that has been used to fight in violation of this section or that is involved in a violation of subsections (8) to (14) shall be confiscated as contraband by a law enforcement officer and shall not be returned to the owner, trainer, or possessor of the animal. The animal shall be taken to a local humane society or other animal welfare agency. If an animal owner, trainer, or possessor is convicted of violating subsection (2) or subsections (8) to (14), the court shall award the animal involved in the violation to the local humane society or other animal welfare agency.

(17) Upon receiving an animal confiscated under this section, or at any time thereafter, an appointed veterinarian, the humane society, or other animal welfare agency may humanely euthanize the animal if, in the opinion of that veterinarian, humane society, or other animal welfare agency, the animal is injured or diseased past recovery or the animal's continued existence is inhumane so that euthanasia is necessary to relieve pain and suffering.

(18) A humane society or other animal welfare agency that receives an animal under this section shall apply to the district court or municipal court for a hearing to determine whether the animal shall be humanely euthanized because of its lack of any useful purpose and the public safety threat it poses. The court shall hold a hearing not more than 30 days after the filing of the application and shall give notice of the hearing to the owner of the animal. Upon a finding by the court that the animal lacks any useful purpose and poses a threat to public safety, the humane society or other animal welfare agency shall humanely euthanize the animal. Expenses incurred in connection with the housing, care, upkeep, or euthanasia of the animal by a humane society or other animal welfare agency, or by a person, firm, partnership, corporation, or other entity, shall be assessed against the owner of the animal.

(19) Subject to subsections (16) to (18), all animals being used or to be used in fighting, equipment, devices and money involved in a violation of subsection (2) shall be forfeited to the state. All other instrumentalities, proceeds, and substituted proceeds of a violation of subsection (2) are subject to forfeiture under chapter 47 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709.

(20) The seizing agency may deposit money seized under subsection (19) into an interest-bearing account in a financial institution. As used in this subsection, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States.

(21) An attorney for a person who is charged with a violation of subsection (2) involving or related to money seized under subsection (19) shall be afforded a period of 60 days within which to examine that money. This 60-day period shall begin to run after notice of forfeiture is given but before the money is

deposited into a financial institution under subsection (20). If the attorney general, prosecuting attorney, or city or township attorney fails to sustain his or her burden of proof in forfeiture proceedings under subsection (19), the court shall order the return of the money, including any interest earned on money deposited into a financial institution under subsection (20).

(22) This section does not apply to conduct that is permitted by and is in compliance with any of the following:

(a) Part 401 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40101 to 324.40119.

(b) Part 435 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

(c) Part 427 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.42701 to 324.42714.

(d) Part 417 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

(23) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.49;—Am. 1976, Act 392, Eff. Mar. 31, 1977;—Am. 1988, Act 381, Eff. Mar. 30, 1989;—Am. 1995, Act 228, Eff. Jan. 1, 1996;—Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998;—Am. 2006, Act 129, Imd. Eff. May 5, 2006.

Former law: See section 2 of Act 70 of 1877; How., § 9392; Act 48 of 1893; CL 1897, § 11740; Act 234 of 1899; CL 1915, § 15536; and CL 1929, § 17067.

750.50 Definitions; charge or custody of animal; prohibited conduct; forfeiture of animal; violation as misdemeanor or felony; penalty; psychiatric or psychological counseling; other violation of law arising out of same transaction; consecutive terms; order to pay costs; order prohibiting owning or possessing animal for certain period of time; violation of subsection (9); revocation of probation; certain conduct not prohibited by section.

Sec. 50. (1) As used in this section and section 50b:

(a) "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

(b) "Animal" means any vertebrate other than a human being.

(c) "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization, for the care of homeless animals.

(d) "Animal control shelter" means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the county, city, village, or township or state law.

(e) "Licensed veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(f) "Livestock" means that term as defined in the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747.

(g) "Person" means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity.

(h) "Neglect" means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

(i) "Sanitary conditions" means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

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

(i) The residence of the dog's owner or other individual.

(ii) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.

(iii) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a

doghouse as provided under subparagraph (ii) that is accessible to the dog.

(k) "State of good health" means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

(l) "Tethering" means the restraint and confinement of a dog by use of a chain, rope, or similar device.

(m) "Water" means potable water that is suitable for the age and species of animal that is made regularly available unless otherwise directed by a licensed veterinarian.

(2) An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

(a) Fail to provide an animal with adequate care.

(b) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.

(c) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner.

(d) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

(e) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting is not abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.

(f) Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.

(g) Tether a dog unless the tether is at least 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 nonchoke collar designed for tethering.

(3) If an animal is impounded and is being held by an animal control shelter or its designee or an animal protection shelter or its designee or a licensed veterinarian pending the outcome of a criminal action charging a violation of this section or section 50b, before final disposition of the criminal charge, the prosecuting attorney may file a civil action in the court that has jurisdiction of the criminal action, requesting that the court issue an order forfeiting the animal to the animal control shelter or animal protection shelter or to a licensed veterinarian before final disposition of the criminal charge. The prosecuting attorney shall serve a true copy of the summons and complaint upon the defendant and upon a person with a known ownership interest or known security interest in the animal or a person who has filed a lien with the secretary of state in an animal involved in the pending action. The forfeiture of an animal under this section encumbered by a security interest is subject to the interest of the holder of the security interest who did not have prior knowledge of, or consent to the commission of the crime. Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing shall be conducted within 14 days of the filing of the civil action, or as soon as practicable. The hearing shall be before a judge without a jury. At the hearing, the prosecuting attorney has the burden of establishing by a preponderance of the evidence that a violation of this section or section 50b occurred. If the court finds that the prosecuting attorney has met this burden, the court shall order immediate forfeiture of the animal to the animal control shelter or animal protection shelter or the licensed veterinarian unless the defendant, within 72 hours of the hearing, submits to the court clerk cash or other form of security in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of initial impoundment to the date of trial. If cash or other security has been submitted, and the trial in the action is continued at a later date, any order of continuance shall require the defendant to submit additional cash or security in an amount determined by the court to be sufficient to repay all additional reasonable costs anticipated to be incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal until the new date of trial. If the defendant submits cash or other security to the court under this subsection the court may enter an order authorizing the use of that money or other security before final disposition of the criminal charges to pay the reasonable costs incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of impoundment to the date of final disposition of the criminal charges. The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held

under this subsection does not waive the person's constitutional right against self-incrimination. An animal seized under this section or section 50b is not subject to any other civil action pending the final judgment of the forfeiture action under this subsection.

(4) A person who violates subsection (2) is guilty of a crime as follows:

(a) Except as otherwise provided in subdivisions (c) and (d), if the violation involved 1 animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

- (i) Imprisonment for not more than 93 days.
- (ii) A fine of not more than \$1,000.00.
- (iii) Community service for not more than 200 hours.

(b) Except as otherwise provided in subdivisions (c) and (d), if the violation involved 2 or 3 animals or the death of any animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

- (i) Imprisonment for not more than 1 year.
- (ii) A fine of not more than \$2,000.00.
- (iii) Community service for not more than 300 hours.

(c) If the violation involved 4 or more animals but fewer than 10 animals or the person had 1 prior conviction under subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

- (i) Imprisonment for not more than 2 years.
- (ii) A fine of not more than \$2,000.00.
- (iii) Community service for not more than 300 hours.

(d) If the violation involved 10 or more animals or the person had 2 or more prior convictions for violating subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

- (i) Imprisonment for not more than 4 years.
- (ii) A fine of not more than \$5,000.00.
- (iii) Community service for not more than 500 hours.

(5) The court may order a person convicted of violating subsection (2) to be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling. The evaluation and counseling shall be at the defendant's own expense.

(6) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.

(7) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime including any other violation of law arising out of the same transaction as the violation of this section.

(8) As a part of the sentence for a violation of subsection (2), the court may order the defendant to pay the costs of the care, housing, and veterinary medical care for the animal, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reason for that action.

(9) As a part of the sentence for a violation of subsection (2), the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. If a person is convicted of a second or subsequent violation of subsection (2), the court may order the defendant not to own or possess an animal for any period of time, including permanent relinquishment of animal ownership.

(10) A person who owns or possesses an animal in violation of an order issued under subsection (9) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (9) is also subject to the civil and criminal contempt power of the court, and if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days, or by a fine of not more than \$500.00, or both.

(11) This section does not prohibit the lawful killing or other use of an animal, including the following:

- (a) Fishing.
- (b) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.
- (c) Horse racing.
- (d) The operation of a zoological park or aquarium.
- (e) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act,

1994 PA 451, MCL 324.8301 to 324.8336.

(f) Farming or a generally accepted animal husbandry or farming practice involving livestock.

(g) Activities authorized under rules promulgated under section 9 of the executive organization act of 1965, 1965 PA 380, MCL 16.109.

(h) Scientific research under 1969 PA 224, MCL 287.381 to 287.395.

(i) Scientific research under sections 2226, 2671, 2676, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

(12) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.50;—Am. 1988, Act 204, Imd. Eff. June 29, 1988;—Am. 1994, Act 334, Eff. Apr. 1, 1995;—Am. 1996, Act 458, Eff. Mar. 31, 1997;—Am. 1998, Act 405, Imd. Eff. Dec. 21, 1998;—Am. 2007, Act 152, Eff. Apr. 1, 2008.

Former law: See section 3 of Act 70 of 1877, being How., § 9393; CL 1897, § 11741; Act 321 of 1913; CL 1915, § 15537; and CL 1929, § 17068.

750.50a Guide or leader dog; prohibited conduct by individual; violation as misdemeanor; rebuttable presumption that conduct initiated or continued maliciously; conviction or sentence under other applicable law; definitions.

Sec. 50a. (1) An individual shall not do either of the following:

(a) Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass or injure a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a service dog for a physically limited individual.

(b) Willfully and maliciously impede or interfere with, or attempt to impede or interfere with duties performed by a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a service dog for a physically limited individual.

(2) An individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(3) In a prosecution for a violation of subsection (1), evidence that the defendant initiated or continued conduct directed toward a dog described in subsection (1) after being requested to avoid or discontinue that conduct or similar conduct by a blind, deaf, audibly impaired, or physically limited individual being served or assisted by the dog shall give rise to a rebuttable presumption that the conduct was initiated or continued maliciously.

(4) A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under any other applicable provision of law.

(5) As used in this section:

(a) “Audibly impaired” means the inability to hear air conduction thresholds at an average of 40 decibels or greater in the individual's better ear.

(b) “Blind” means having a visual acuity of 20/200 or less in the individual's better eye with correction, or having a limitation of the individual's field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees.

(c) “Deaf” means the individual's hearing is totally impaired or the individual's hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through other sensory input, including, but not limited to, lip reading, sign language, finger spelling, or reading.

(d) “Harass” means to engage in any conduct directed toward a guide, leader, hearing, or service dog that is likely to impede or interfere with the dog's performance of its duties or that places the blind, deaf, audibly impaired, or physically limited individual being served or assisted by the dog in danger of injury.

(e) “Injure” means to cause any physical injury to a dog described in subsection (1).

(f) “Maliciously” means any of the following:

(i) With intent to assault, beat, harass or injure a dog described in subsection (1).

(ii) With intent to impede or interfere with duties performed by a dog described in subsection (1).

(iii) With intent to disturb, endanger, or cause emotional distress to a blind, deaf, audibly impaired, or physically limited individual being served or assisted by a dog described in subsection (1).

(iv) With knowledge that the individual's conduct will, or is likely to harass or injure a dog described in subsection (1).

(v) With knowledge that the individual's conduct will, or is likely to impede or interfere with duties performed by a dog described in subsection (1).

(vi) With knowledge that the individual's conduct will, or is likely to disturb, endanger, or cause emotional distress to a blind, deaf, audibly impaired, or physically limited individual being served or assisted by a dog described in subsection (1).

(g) "Physically limited" means having limited ambulatory abilities and includes but is not limited to having a temporary or permanent impairment or condition that does 1 or more of the following:

- (i) Causes the individual to use a wheelchair or walk with difficulty or insecurity.
- (ii) Affects sight or hearing to the extent that an individual is insecure or exposed to danger.
- (iii) Causes faulty coordination.
- (iv) Reduces mobility, flexibility, coordination, or perceptiveness.

History: Add. 1994, Act 42, Eff. June 1, 1994.

750.50b Animal defined; prohibited acts; violation; penalty; exceptions.

Sec. 50b. (1) As used in this section, "animal" means any vertebrate other than a human being.

(2) Except as otherwise provided in this section, a person shall not do any of the following without just cause:

(a) Knowingly kill, torture, mutilate, maim, or disfigure an animal.

(b) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured.

(c) Knowingly administer poison to an animal, or knowingly expose an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal.

(3) A person who violates subsection (2) is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

(b) A fine of not more than \$5,000.00 for a single animal and \$2,500.00 for each additional animal involved in the violation, but not to exceed a total of \$20,000.00.

(c) Community service for not more than 500 hours.

(4) As a part of the sentence for a violation of subsection (2), the court may order the defendant to pay the costs of the prosecution and the costs of the care, housing, and veterinary medical care for the impacted animal victim, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reasons for that action.

(5) If a term of probation is ordered for a violation of subsection (2), the court may include as a condition of that probation that the defendant be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling at his or her own expense.

(6) As a part of the sentence for a violation of subsection (2), the court may order the defendant not to own or possess an animal for any period of time determined by the court, which may include permanent relinquishment.

(7) A person who owns or possesses an animal in violation of an order issued under subsection (6) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (6) is also subject to the civil and criminal contempt power of the court and, if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(8) This section does not prohibit the lawful killing of livestock or a customary animal husbandry or farming practice involving livestock. As used in this subsection, "livestock" means that term as defined in section 5 of the animal industry act, 1988 PA 466, MCL 287.705.

(9) This section does not prohibit the lawful killing of an animal pursuant to any of the following:

(a) Fishing.

(b) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, and orders issued under that act.

(c) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324.8336.

(d) Activities authorized under rules promulgated under section 9 of the executive organization act of 1965, 1965 PA 380, MCL 16.109.

(e) Section 19 of the dog law of 1919, 1919 PA 339, MCL 287.279.

(10) This section does not prohibit the lawful killing or use of an animal for scientific research under any of the following or a rule promulgated under any of the following:

(a) 1969 PA 224, MCL 287.381 to 287.395.

(b) Sections 2226, 2671, 2676, 7109, and 7333 of the public health code, 1978 PA 368, MCL 333.2226,

333.2671, 333.2676, 333.7109, and 333.7333.

(11) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

History: Add. 1994, Act 126, Eff. Mar. 30, 1995;—Am. 1996, Act 80, Imd. Eff. Feb. 27, 1996;—Am. 2008, Act 339, Eff. Jan. 1, 2009.

750.50c Police dog or police horse; definitions; violation as felony or misdemeanor; penalty; other violations.

Sec. 50c. (1) As used in this section:

(a) "Dog handler" means a peace officer who has successfully completed training in the handling of a police dog pursuant to a policy of the law enforcement agency that employs that peace officer.

(b) "Physical harm" means any injury to a dog's or horse's physical condition.

(c) "Police dog" means a dog used by a law enforcement agency of this state or of a local unit of government of this state that is trained for law enforcement work and subject to the control of a dog handler.

(d) "Police horse" means a horse used by a law enforcement agency of this state or of a local unit of government of this state for law enforcement work.

(e) "Search and rescue dog" means a dog that is trained for, being trained for, or engaged in a search and rescue operation.

(f) "Search and rescue operation" means an effort conducted at the direction of an agency of this state or of a political subdivision of this state to locate or rescue a lost, injured, or deceased individual.

(g) "Serious physical harm" means any injury to a dog's or horse's physical condition or welfare that is not necessarily permanent but that constitutes substantial body disfigurement, or that seriously impairs the function of a body organ or limb.

(2) A person shall not intentionally kill or cause serious physical harm to a police dog or police horse or a search and rescue dog.

(3) A person shall not intentionally cause physical harm to a police dog or police horse or a search and rescue dog.

(4) A person shall not intentionally harass or interfere with a police dog or police horse or search and rescue dog lawfully performing its duties.

(5) A person who violates subsection (2) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(6) Except as provided in subsection (7), a person who violates subsection (3) or (4) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$5,000.00, or both.

(7) A person who violates subsection (3) or (4) while committing a crime is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$15,000.00, or both.

(8) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law committed by that individual while violating this section.

History: Add. 1994, Act 336, Eff. Apr. 1, 1995;—Am. 2002, Act 672, Eff. Mar. 31, 2003;—Am. 2006, Act 517, Imd. Eff. Dec. 29, 2006.

750.51 Animals; confining on railroad cars.

Sec. 51. Confining animals on railroad cars—No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars for a longer period than 36 consecutive hours without unloading the same for rest, water, and feeding, for a period of at least 5 consecutive hours, unless prevented from so unloading by storm, or other accidental causes. In estimating such confinement, the time during which the animals have been confined without rest, on connecting roads from which they are received shall be included, it being the intention to prevent their continuous confinement beyond the period of 36 hours, except on contingencies hereinbefore stated. Animals so unloaded shall be properly fed, watered, and sheltered during such rest, by the owner or person having the custody thereof, or, in case of his default in so doing, then the railroad company transporting the same, at the expense of said owner or person in custody thereof; and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for any detention of such animals.

Any company, owner or custodian of such animals, who shall fail to comply with the provisions of this section, shall, for each and every such offense, be liable for, and forfeit, and pay a penalty of not less than 100 dollars nor more than 500 dollars: Provided, however, That when animals shall be carried in cars in which they can and do have proper food, water, space and opportunity for rest, the foregoing provisions in regard to

their being unloaded shall not apply.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.51.

Former law: See section 4 of Act 70 of 1877, being How., § 9394; CL 1897, § 11742; CL 1915, § 15538; Act 14 of 1919; and CL 1929, § 17069.

750.52 Duty of public officers.

Sec. 52. Duty of public officers—It shall also be the duty of all sheriffs, deputy sheriffs, constables, policemen and public officers, to arrest and prosecute all persons of whose violation of the provisions of the preceding sections of this chapter they may have knowledge or reasonable notice, and for each neglect of such duty, the officer so offending shall be deemed guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.52.

750.53 Arrest of persons; seizure of animals.

Sec. 53. Arrest of persons and seizure of animals—Persons found violating any of the provisions of the preceding sections of this chapter may be arrested and held without warrant, in like manner as in the case of persons found breaking the peace, and it shall be the duty of the person making the arrest to seize all animals and fowls found in the keeping or custody of the person arrested, and which are then being used, or held for use in violation of any of the provisions of the preceding sections of this chapter, and the person making such seizure shall cause such animals or fowls to be at once delivered to a poundmaster of the city, village or township in which the same may be, and it shall be the duty of such poundmaster to receive such animals or fowls, and to hold the same and proceed in regard to them in all respects as provided by law in other cases of animals impounded.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.53.

750.54 Search warrants.

Sec. 54. Search warrant—When complaint is made, on oath or affirmation, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any of the provisions of the preceding sections of this chapter are being, or are about to be violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue and deliver a search warrant to any sheriff, deputy sheriff, constable or public officer, authorizing him to search such building or place and to arrest any person or persons engaged in violating any of the provisions of the preceding sections of this chapter, as well as any person or persons there present, and aiding or abetting therein, and to bring such person or persons before some magistrate of competent jurisdiction, to be dealt with according to law. Such officer shall, at the same time, seize and bring to said magistrate every article or instrument found in said building or place especially designed or adapted to torture or inflict wounds upon any animal or to aid in the fighting or baiting of any animal; and unless within 10 days after the trial of the person or persons so arrested, the owner of said article or instrument shall show, to the satisfaction of said magistrate, that the same is not designed or adapted to the wounding or torture of animals, or if so designed or adapted, is not intended to be used or employed for such purpose, the magistrate shall destroy such article or instrument.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.54.

750.55 Incorporated society; representative deputy sheriff.

Sec. 55. Any society incorporated in this state for the purpose of preventing cruelty to animals may designate 1 or more persons in each county of the state to discover and prosecute all cases of the violation of the provisions of this chapter; and the sheriff of such county may appoint each person so designated a deputy sheriff, provided such person shall be of good moral character, and each person so appointed by the sheriff shall possess all the powers of a sheriff of the county in the enforcement of the provisions of this chapter. The sheriff shall not be responsible for any of the acts of such person or persons, but the society, if incorporated, and if not, then the officers and members of the society, on the request of which such person was appointed, shall be liable in the degree of a principal for the acts of an agent.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.55;—Am. 1968, Act 105, Imd. Eff. June 7, 1968.

750.56 Definitions.

Sec. 56. Definitions—In the preceding sections of this chapter the word “animal” or “animals” shall be held to include all brute creatures, and the words “owner”, “person”, and “whoever” shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the acts and knowledge of such corporations.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.56.

750.57 Burial of dead animals.

Sec. 57. A person who places a dead animal or part of the carcass of a dead animal into a lake, river, creek, pond, road, street, alley, lane, lot, field, meadow, or common, or in any place within 1 mile of the residence of a person, except the same and every part of the carcass is buried at least 4 feet underground, and the owner or owners thereof who knowingly permits the carcass or part of a carcass to remain in any of those places, to the injury of the health, or to the annoyance of another is guilty of a misdemeanor. Every 24 hours that the owner permits the carcass or part of a carcass to remain after a conviction under this section is an additional offense under this section, a misdemeanor punishable by a fine of not less than \$50.00 or more than \$500.00 or by imprisonment for not more than 90 days.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.57;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 1 of Act 70 of 1867, being CL 1871, § 7734; How., § 9323; CL 1897, § 11432; CL 1915, § 15150; and CL 1929, § 5306.

750.58 Horses; unhitching and driving away.

Sec. 58. Unhitching and driving away horses without authority—Any person who shall wilfully and maliciously or wantonly, and without authority unhitch any horse or team belonging to another, and lawfully hitched or standing in any street, alley or other place, or who in like manner shall ride or drive such horse or team away shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.58.

Former law: See section 1 of Act 97 of 1885, being How., § 9199a; CL 1897, § 11602; CL 1915, § 15360; and CL 1929, § 16968.

750.59 Animals unfit for work; disposition and use.

Sec. 59. Disposition and use of animals permanently unfit for work—Any person who shall offer for sale or sell or trade any horse or mule which by reason of debility, disease, lameness, injury or for any other cause is permanently unfit for work, except to a person or corporation operating a horse hospital, animal retreat farm or other institution or place designed or maintained for the humane keeping, treatment or killing of horses, mules or other live stock, shall be guilty of a misdemeanor.

Any person who shall lead, drive or ride any horse or mule, which by reason of debility, disease, lameness or injury, or for other cause is permanently unfit for work, on any public way for any purpose, except that of conveying such animal to a proper place for its humane keeping, or killing or for medical or surgical treatment shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.59.

Former law: See sections 1 to 3 of Act 354 of 1913, being CL 1915, §§ 15546 to 15548; CL 1929, §§ 17077 to 17079; and Act 129 of 1915.

750.60 Horses' tails; docking.

Sec. 60. (1) A person who cuts the bone of the tail of a horse for the purpose of docking the tail, or who causes or knowingly permits the cutting to be done upon the premises of which he or she is the owner, lessee, proprietor, or user, or who assists in or is present at such cutting, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00. However, this subsection does not apply to the cutting of the bone of the tail of a horse for the purpose of docking the tail when a certificate of a regularly qualified veterinary surgeon is first obtained certifying that the cutting is necessary for the health or safety of the horse.

(2) If a horse is found with its tail cut and with the wound resulting from the cutting unhealed, upon the premises of any person, those facts shall be prima facie evidence that the person occupying or using the premises on which that horse is found has committed the offense described in subsection (1).

(3) If a horse is found with its tail cut and with the wound resulting therefrom unhealed, in the charge or custody of any person, that fact shall be prima facie evidence that the person having the charge or custody of that horse has committed the offense charged in subsection (1).

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.60;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See sections 1 to 3 of Act 45 of 1901, being CL 1915, §§ 15549 to 15551; CL 1929, §§ 17080 to 17082; and Act 322 of 1905.

750.61 Docked horses; registration, bringing into state.

Sec. 61. Importation, etc., of unregistered docked horses—It shall be unlawful for any person or persons to import or bring into this state any docked horse or horses, or to drive, work, use, race or deal in any docked horse or horses within this state, unless the same shall be registered as provided for in the succeeding section

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of this chapter.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.61.

Former law: See section 4 of Act 45 of 1901, being CL 1915, § 15552; and CL 1929, § 17083.

750.62 Docked horses; registration.

Sec. 62. Registration of docked horses—Within 90 days after this act shall take effect, every owner or user of any docked horse within this state shall register such docked horse or horses by filing in the office of the county clerk of the county in which such docked horse or horses may be kept, a certificate which shall contain the name or names of the owner or owners, together with his or their post office address, together with a full description of the color, age, size and the use made of such docked horse or horses, which certificate shall be signed by the owner or the owners, or his or their agent. The county clerk shall number such certificates consecutively and shall record the same in a book kept for that purpose, and shall receive as a fee for the recording of such certificate the sum of 50 cents: Provided, This section shall not apply to or make necessary the re-registration of docked horses which have been registered pursuant to Act No. 45 of the Public Acts of 1901, as amended, being sections 17080 to 17086 inclusive of the Compiled Laws of 1929.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.62.

Compiler's note: Act 45 of 1901, referred to in this section, was repealed by Act 328 of 1931.

Former law: See section 5 of Act 45 of 1901, being CL 1915, § 15553; and CL 1929, § 17084.

750.63 Docked horses; unlawful docking, evidence.

Sec. 63. Prima facie evidence of unlawful docking—The driving, working, keeping, racing or using of any unregistered docked horse or horses subsequent to 90 days after this act shall take effect shall be deemed prima facie evidence of the fact that the party driving, working, keeping, racing or using such unregistered docked horse or horses, unlawfully docked the tail of such horse or horses.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.63.

Former law: See section 6 of Act 45 of 1901, being CL 1915, § 15554; and CL 1929, § 17085.

750.64 Docked horses; failure to register.

Sec. 64. A person who violates a provision of this chapter by failing to register a docked horse as herein provided is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$750.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.64;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 7 of Act 45 of 1901, being CL 1915, § 15555; and CL 1929, § 17086.

750.65 Bull; at large on highway or unenclosed land.

Sec. 65. Any person being the owner of a bull 6 months or more of age or having the same in charge, who shall permit said bull to run at large upon any highway or unenclosed lands shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than 30 days or by a fine of not more than \$100.00, or both such fine and imprisonment in the discretion of the court.

History: Add. 1947, Act 30, Eff. Oct. 11, 1947;—CL 1948, 750.65.

Former law: See section 1 of Act 185 of 1863, being CL 1871, § 2069; How., § 2133; CL 1897, § 5657; CL 1915, § 7347; CL 1929, § 5202; Act 29 of 1919; and Act 4 of 1921.

750.66 Person responsible for dog or wolf-dog cross that has bitten another person; information to be provided; violation as misdemeanor; exception; definitions.

Sec. 66. (1) If a person 18 years of age or older is responsible for controlling the actions of a dog or wolf-dog cross and the person knows or has reason to know that the dog or wolf-dog cross has bitten another person, the person shall immediately provide the person who was bitten with all of the following information:

(a) His or her name and address and, if that person does not own the dog or wolf-dog cross, the name and address of the dog's or wolf-dog cross's owner.

(b) Information, if known by that person, as to whether the dog or wolf-dog cross is current on all legally required vaccinations.

(2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) This section does not apply if the person is bitten by a police dog. As used in this subsection, "police dog" means that term as defined in section 50c.

(4) As used in this section, "dog" and "wolf-dog cross" mean those terms as defined in section 2 of the wolf-dog cross act, 2000 PA 246, MCL 287.1002.

History: Add. 2008, Act 205, Eff. Jan. 1, 2009.

750.66a Dog or wolf-dog cross bite; responsible person to remain on scene; violation as misdemeanor; penalty; exception; definitions.

Sec. 66a. (1) If a person 18 years of age or older is responsible for controlling the actions of a dog or wolf-dog cross and the person knows or has reason to know that the dog or wolf-dog cross has bitten another person, the person shall remain on the scene until the requirements of section 66 are fulfilled.

(2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) This section does not apply if the person is bitten by a police dog. As used in this subsection, "police dog" means that term as defined in section 50c.

(4) As used in this section, "dog" and "wolf-dog cross" mean those terms as defined in section 2 of the wolf-dog cross act, 2000 PA 246, MCL 287.1002.

History: Add. 2008, Act 206, Eff. Jan. 1, 2009.

750.67 Domestic animals or fowl on cemetery grounds, landing fields, airports.

Sec. 67. Domestic animals or fowl on cemetery grounds, landing fields and airports—Any owner or keeper of any domestic animal or fowl, who shall allow any domestic animal or fowl to run at large and enter or be upon any premises constituting a cemetery, landing field or airport in this state, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1933, Act 155, Imd. Eff. June 22, 1933;—CL 1948, 750.67.

Former law: See sections 1 and 2 of Act 34 of 1915, being CL 1915, §§ 11198 and 11199; and CL 1929, §§ 9045 and 9046.

750.68 Brand of animals.

Sec. 68. Changing, etc., brand of animals—Any person who shall mark or brand, or alter or deface the mark or brand of any domestic animal, the property of another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, shall be guilty of felony, and any person who shall mark or brand, or alter or deface the mark or brand of any domestic animal whether the property of himself or another with intent to sell, ship, trade or give away contrary to law any animal which has given the positive reaction to the bovine tuberculosis test or the blood test for Bang's disease or with intent to avoid any lawful quarantine of such animal, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 57, Imd. Eff. May 27, 1937;—CL 1948, 750.68.

Former law: See section 3 of Act 122 of 1893, being How., § 2074c; CL 1897, § 5662; CL 1915, § 7352; and CL 1929, § 5292.

750.69 Rescuing animals.

Sec. 69. Rescuing animals—Any person who shall rescue any cattle, horse, mule, sheep, swine or goat when impounded, or while being driven or taken to the pound or other place of custody by any officer or person in charge of such animals, or while such animals are shut up by and in the custody of any person for trespassing upon premises, or for running at large contrary to law, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.69.

Former law: See section 9 of Act 248 of 1879, being How., § 3076; CL 1897, § 5621; CL 1915, § 7301; CL 1929, § 9055; and Act 196 of 1881.

750.70 Impounding animals unlawfully.

Sec. 70. Unlawfully impounding animals—Any person who shall take any animal mentioned in the next preceding section not running at large contrary to law from the stable, pasture, or any enclosure or other place where such animals are lawfully and rightfully kept, or may be, and any person who shall drive, or let them out, or untie, or unloose the same, or shall knowingly seize or take the same from the custody of any person driving or taking the same on the public highway or streets to or from a pasture or to or from any other place where the same may be lawfully taken or driven, for the purpose of impounding such animals contrary to law, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.70.

Former law: See section 10 of Act 248 of 1879, being How., § 3077; CL 1897, § 5622; CL 1915, § 7302; CL 1929, § 9056; and Act 196 of 1881.

THE MICHIGAN PENAL CODE (EXCERPT) Act 328 of 1931

750.158 Crime against nature or sodomy; penalty.

Sec. 158. Any person who shall commit the abominable and detestable crime against nature either with mankind or with any animal shall be guilty of a felony, punishable by imprisonment in the state prison not more than 15 years, or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be 1 day and the maximum of which shall be life.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.158;—Am. 1952, Act 73, Eff. Sept. 18, 1952.

Former law: See section 16 of Ch. 158 of R.S. 1846, being CL 1857, § 5871; CL 1871, § 7706; How., § 9292; CL 1897, § 11705; CL 1915, § 15479; CL 1929, § 16831; and Act 57 of 1923.

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C

Court of Appeals of Michigan, Division No. 2.
 Audrey M. YOUNGBLOOD, Plaintiff-Appellant,
 and
 Frank J. Kelley, Attorney General of the State of
 Michigan, Intervening Plaintiff-Appellant,
 v.
 COUNTY OF JACKSON, Defendant-Appellee,
 and
 The Regents of the University of Michigan, Inter-
 vening Defendant-Appellee.

Docket Nos. 9280, 9316.

Dec. 2, 1970.

Leave to Appeal Denied Feb. 2, 1971.

Released for Publication March 5, 1971.

Action to restrain Jackson County from giving or selling dogs impounded by the county to the University of Michigan for experimental purposes. The Attorney General intervened as third-party plaintiff and filed a complaint in quo warranto to test the county's questioned authority to so act. The Board of Regents of the University of Michigan intervened as a third-party defendant. The Jackson County Circuit Court, John C. Dalton, J., dissolved temporary restraining order and dismissed the actions. The plaintiff and the third-party plaintiff appealed. The Court of Appeals, Quinn, P.J., held that Jackson County has authority to operate a dog pound and to sell impounded and unlicensed dogs to University of Michigan for experimental purposes.

Affirmed.

West Headnotes

Animals 28 104

[28](#) Animals

[28k103](#) Pounds

[28k104](#) k. Establishment and Maintenance. [Most Cited Cases](#)

Animals 28 106

[28](#) Animals

[28k103](#) Pounds

[28k106](#) k. Sale of Impounded Animals. [Most Cited Cases](#)

Jackson County has authority to operate a dog pound and to sell impounded and unlicensed dogs to University of Michigan for experimental purposes. M.C.L.A.Const.1963, art. 7, § 34; M.C.L.A. §§ 287.261 et seq., 287.277, 287.331 et seq., 287.381 et seq., 287.388, 287.389, 287.394.

****290 *362** Frank J. Kelley, Atty. Gen., Robert A. Derengoski, Sol. Gen., Mixine Boord Virtue and Milton I Firestone, Asst. Attys. Gen., Phillip C. Kelly, Kelly, Kelly & Kelly, Jackson, for appellant.

***363** Bruce A. Barton, Pros. Atty., Jackson, for Jackson County.

Domke, Marcoux, Allen & Beaman, Jackson, for Regents.

Before QUINN, P.J., and DANHOF and CARROLL [FN*](#), JJ.

[FN*](#) HOWARD R. CARROLL, Circuit Judge for the County of Macomb, appointed by the Supreme Court for the hearing month of November, 1970 pursuant to s 306, P.A.1964, No. 281.

QUINN, Presiding Judge.

April 11, 1969, plaintiff filed this action to restrain the county from giving or selling ****291** dogs impounded by the county to the University of Michigan for experimental purposes on the theory that the county had no authority to do so. On the filing of the complaint, a temporary restraining order issued restraining Jackson county from giving or selling dogs impounded by the county to the University of Michigan. The attorney general intervened as third-party plaintiff and filed a complaint in Quo warranto to test the county's questioned authority. Later, the Board of Regents of the University of Michigan was authorized to intervene as a third-party defendant. At the con-

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clusion of the proceedings in the trial court and on March 26, 1970, the temporary restraining order was dissolved, the actions were dismissed, and plaintiff and third-party plaintiff appeal.

During the pendency of these actions, P.A.1969, No. 224, M.C.L.A.1970 Cum.Supp. s 287.381 Et seq. (Stat.Ann.1970 Cum.Supp. ss 12.580(21) Et seq.) became the law effective March 20, 1970. M.C.L.A.1970 Cum.Supp. ss 287.388, 287.389 and 287.394 are pertinent to present decision. They read:

‘Neither a dealer nor a county, city, village or township operating a dog pound or animal shelter shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal.

Dogs and cats shall not be offered for sale or sold to a research facility at public auction or by weight; or purchased by a research facility at public auction or by weight. A research facility shall not purchase any dogs or cats except from a licensed dealer, public dog pound, humane society, or from a person who breeds or raises dogs or cats for sale. Any county, city, village or township operating a dog pound or animal shelter may sell for an amount not to exceed \$10 per animal or otherwise dispose of unclaimed or unwanted dogs and cats to a Michigan research facility.

The provisions of this act shall be in addition to and not in contravention of the provisions of act No. 339 of the Public Acts of 1919, as amended, being ss 287.261 to 287.290 of the Compiled Laws of 1948.’ ^{FN*}

^{FN*} See also P.A.1969, No. 287, M.C.L.A.1970 Cum.Supp. s 287. 331 Et seq. (Stat.Ann.1970 Cum.Supp. ss 12.481 (101) Et seq.).

On the basis of P.A.1969, No. 224, the trial court held that the county had authority to sell impounded and unlicensed dogs to the University of Michigan and that the questions raised by these actions were moot.

If Jackson county has authority to operate a dog pound, the trial court was correct in holding that P.A.1969, No. 224 authorized the sale of impounded and unlicensed dogs to the University of Michigan by

the county.

At the outset, we disagree with the view of plaintiff and third-party plaintiff that counties have only those powers which have been conferred on them by constitution and statutes insofar as that view implies that such powers are limited to Express powers. *364 Our disagreement arises from Const.1963, art. 7, s 34, which provides that the constitution and law concerning counties shall be liberally construed in their favor and that powers granted to counties by the constitution and by law shall include those fairly implied and not prohibited by the constitution.

It is apparent from the language employed in M.C.L.A.1970 Cum.Supp. s 287.394, Supra, that the provisions of P.A.1969, No. 224, must be read in context with M.C.L.A. s 287.261 et seq. (Stat.Ann.1967 Rev. ss 12.511 et seq.), which is generally referred to as ‘the dog law’. The ultimate enforcement of the licensing provisions of the dog law lies with the county, M.C.L.A.1970 Cum.Supp. s 287.277 (Stat.Ann.1970 Cum.Supp. s 12.527), but the authority to kill unlicensed dogs must be exercised with some judgment, [Finley v. Barker \(1922\)](#), 219 Mich. 442, 189 N.W. 197. An element of that judgment is **292 holding a dog for a period after obtaining it before disposing of it. This requires a place for confinement, namely: a pound. The authority to operate a pound may fairly be implied from the obligation placed on the county by the dog law.

There is no testimonial record in this case but unrefuted factual allegations in defendant's pleadings indicate that unclaimed, unlicensed dogs found running at large are disposed of but licensed stray dogs are held for the owners. This conduct we find to be in compliance with the county's statutory obligation as interpreted by Finley, supra. Both courses of action require a place for confining dogs pending their disposition.

This conclusion obviates discussion of the validity of the county's dog ordinance.

Affirmed without costs, a public question being involved.

Mich.App. 1970.
 Youngblood v. Jackson County
 28 Mich.App. 361, 184 N.W.2d 290

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C

Supreme Court of Michigan.
 FINLEY
 v.
 BARKER et al.

No. 60, April Term, 1922.
 July 20, 1922.

Appeal from Circuit Court, Van Buren County, in
 Chancery; L. Burget Des Voignes, Judge.

Suit for injunction by Lucian Finley against
 Dwight C. Barker and others. Decree granting plaintiff
 part of the relief prayed for, and defendants appeal.
 Affirmed.

Argued before FELLOWS, C. J., and WIEST,
 McDONALD, CLARK, BIRD, SHARPE, MOORE,
 and STEERE, JJ.

Fellows, C. J., and Bird, J., dissenting in part.

West Headnotes

[1] Constitutional Law 92 4311

92 Constitutional Law
92XXVII Due Process
92XXVII(G) Particular Issues and Applica-
tions
92XXVII(G)13 Animals and Plants, Regu-
lation of
92k4311 k. Domestic animals and
pets. Most Cited Cases
(Formerly 92k320)

Though dogs are recognized as property which
 may be the subject of larceny, they are a proper subject
 for legislative regulation under the police power, and
 the Legislature can authorize, as it did by Pub.Acts
 1919, No. 339, the summary killing of unlicensed
 dogs without depriving the owner of his property
 without due process of law.

[2] Animals 28 43.1

28 Animals
28k43 Injuring or Killing Animals in General
28k43.1 k. In general. Most Cited Cases
(Formerly 28k4)

The provision of Pub.Acts 1919, No. 339, § 17,
 making it the duty of the sheriff or members of the
 state constabulary to locate and kill unlicensed dogs,
 does not require the officers to trespass upon private
 premises of the owner of the dogs for the purpose of
 killing them.

[3] Animals 28 49

28 Animals
28k47 Running at Large
28k49 k. Statutory regulations in general. Most
Cited Cases

The provision of Pub.Acts 1919, No. 339, § 17,
 requiring the sheriff to kill on complaint from the
 prosecuting attorney any dog that is in the habit of
 running at large, which is defined, as applied to un-
 confined stock, as strolling without restraint, goes
 beyond reasonable regulation, and is invalid.

[4] Animals 28 2.5(3)

28 Animals
28k2.5 Licensing
28k2.5(3) k. Licenses, permits and tags. Most
Cited Cases
(Formerly 28k4)

Under Pub.Acts 1919, No. 339, requiring owners
 of dogs to apply for a license by January 10th of each
 year, and fixing subsequent dates on which the offi-
 cers are to perform certain acts, but neither expressly
 permitting or prohibiting the issuance of licenses after
 the specified date, the treasurer can issue a license on
 application made even after June 15th, when he is
 required to furnish to the sheriff a list of unlicensed
 dogs, but such license will not protect the owner from
 prosecution for failure to apply for the license in time,
 and the owner runs the risk of his dogs being killed

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before the sheriff receives notice of the issuance of the license.

Animals 28 **3.5(2)**

28 Animals

28k3.5 Regulation in General

28k3.5(2) k. Power to regulate in general; preemption. Most Cited Cases
 (Formerly 28k4)

Animals 28 **43.1**

28 Animals

28k43 Injuring or Killing Animals in General

28k43.1 k. In general. Most Cited Cases

(Formerly 28k4)

Though dogs are recognized as property which may be the subject of larceny, they are a proper subject for legislative regulation under the police power, and the Legislature can authorize, as it did by Pub. Acts 1919, No. 339, the summary killing of unlicensed dogs.

***443 **198** James E. Chandler, of Paw Paw (Merlin Wiley, Atty. Gen., of counsel), for appellants.

Harry C. Howard, of Kalamazoo, for appellee.

STEERE, J.

Defendants are county officers of Van Buren county, Duncombe being county treasurer, Barker sheriff, and Chandler prosecuting attorney. Upon each duties are imposed in the administration and execution of Act No. 339, Pub. Acts 1919. In former years various so-called dog laws of the state and territory of Michigan have been enacted from time to time, beginning as early as 1805, but this one the Legislature introductorily declared in its section 1 'shall be known and may be cited as the Dog Law of 1919 of the state of Michigan.'

Plaintiff resided upon and owned a farm in Almena ***444** township, in said county. He kept there, and owned, five dogs of various ages, whose lives were put in jeopardy by defendants' activities in performance of their respective duties under said act, impelled thereto by the fact that plaintiff had neglected to timely pay license fees for the current year and

procure protective insignia for his dogs to wear as required by said Dog Law. Failing in a belated effort to pay the license fees and save his dogs before the sheriff located and destroyed them as public nuisances, he filed this bill of complaint and secured a temporary injunction protecting his dogs pending the hearing. When the case was heard the court denied plaintiff's attack upon the constitutionality of the law, but construed the act as permitting him to obtain licenses for his dogs at the time he made application to the county treasurer and tendered payment therefor. With this he was apparently content. Questioning the court's construction of the act, defendants appealed.

Denying certain of plaintiff's inferences and legal conclusions, defendants admit in their answer the material facts stated in his bill of complaint sufficient to fairly present the questions argued. The case was submitted without proofs by stipulation of counsel on the pleadings.

It is shown by plaintiff's bill that he has been a resident of Van Buren county for over 50 years, has during that time owned and kept at his home in Almena township many dogs, for which he always paid taxes and secured licenses as the laws required, in all respects complying with existing acts upon that subject; that the dogs he now owns are valuable animals, for which he intended and was desirous of securing licenses and complying with the law as to them; for that purpose he went to defendant Duncombe, the county treasurer, on or about both July 11 and 12, 1921, and unsuccessfully made application ***445** to him for licenses for the five dogs he kept on his farm, stating age, breed, markings, etc., and on July 14, 1921, he again made application to the county treasurer for such licenses in writing, tendering him \$21 in lawful money of the United States therefor, but on each of said dates the treasurer refused to accept his tender or to favorably consider his application; therefore he brings into court the said sum of \$21, being the lawful fees for such licenses, and 'stands ready and willing to pay any other or further sum required by law as fees for licenses for said dogs'; that as a result of the county treasurer's refusal his dogs are without licenses and liable to be killed, and he to be prosecuted for keeping them; that defendant Chandler threatens as prosecuting attorney to institute proceedings against him for violating said act, and defendant Barker, as sheriff, threatens to kill his unlicensed dogs, which he fears and has good reason to

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believe they will do. Finding himself and his dogs in that uncomfortable situation without adequate remedy at law, he appeals to the chancery court for relief.

Plaintiff concedes the facts stated in paragraph 9 of defendants' answer, which fairly presents their position as follows:**199

'Answering the ninth paragraph of said bill of complaint, defendants admit the allegations therein contained, and say that on the 10th day of January, 1921, and on each and every day between that day and, to wit, the 15th day of June, 1921, when the county treasurer of said county made his return to the sheriff and the prosecuting attorney of said county of the dogs therein on which license fees had not been paid, and for which licenses had not been applied, the said Lucian Finley was the owner of the dogs described in paragraph 7 of said bill of complaint, and had not applied for or paid the license fees on any of said dogs up to said 15th day of June, 1921, and, on making the aforesaid reports to *446 the said sheriff and prosecuting attorney of the unlicensed dogs within the limits of the county of Van Buren, the said county treasurer thereafter refused to accept license fees and issue license on dogs after said day, for the reason that, under the so-called Dog Law of 1919, he was without authority to receive the money of the said Lucian Finley and issue him licenses applied for on the aforesaid dogs.'

The act under consideration indicates legislative recognition that former dog laws administered by independent local officials were often more honored in the breach than in observance and enforcement, which it was the intent to remedy by providing state control. Section 4 of the act gives supervision over licensing and regulation of dogs to the State Live Stock Sanitary Commission, with authority to employ all proper means for enforcement of the act, and 'all public offices of the state, county, municipality or township' are put at its disposal for that purpose. By section 26 police officers failing or refusing to comply with any provision of the act are made guilty of a misdemeanor, and subject to fine and imprisonment.

License tags, blank forms, and books for registration are to be furnished by the state treasurer under direction of the commission to each county treasurer before the first of the year, who is himself authorized to issue licenses and, on application, to furnish tags,

blanks, etc., to city and township treasurers for issuance by them. They are required to account and report to him. He is required to keep a complete record of all licenses issued in the county during the year, with specific data as to locality, description of dog, owner, etc. Every supervisor and city assessor is required when making his assessment to take a census of dogs and dog owners in his assessment district, and make a complete report of the same, on blank forms furnished by the Live Stock Commission, *447 to the county treasurer on or before June 1 of each year, for which such assessor receives a fee for each dog reported. Owners of dogs are required to apply for licenses on or before January 10. While in default for not so doing, with their unlicensed dogs outlawed, the act does not in express terms forbid issue of licenses to them thereafter on proper application and payment therefor. The program providing for conducting and rounding up the business gives color to the contention that a belated owner may save his dog if yet alive by proper application and payment of the annual license fee until at least June 15, when the open season for unlicensed dogs and imperative action by the officers to make it effectual appears to be provided by section 17 of the act, as follows:

'On June fifteenth of nineteen hundred twenty and each year thereafter, each county treasurer shall make a comparison of his records of the dogs actually licensed in each city or township of his county with the report of the supervisor of said township or assessor of said city, to determine and locate all unlicensed dogs, On and after June fifteenth of each year every unlicensed dog, subject to license under the provisions of this act, is hereby declared to be a public nuisance and the county treasurer shall immediately thereafter list all such unlicensed dogs, as shown by the returns in his office of the supervisors and assessors, and shall deliver copies of such lists to the sheriff and prosecuting attorney of said county. On receiving from the county treasurer the name of any owner of any unlicensed dog, the prosecuting attorney shall at once commence the necessary proceedings against the owner of said dog, as required by the provisions of this act. It shall also be the duty of the sheriff or any member of the state constabulary to locate and kill, or cause to be killed, all such unlicensed dogs. Failure, refusal or neglect on the part of any sheriff to carry out the provisions of this section shall constitute non-feasance in office. The sheriff shall also kill, on complaint from the prosecuting attorney, any dog that is in the habit of *448 running at large unaccompanied by

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owner or his agent.’

This section is complained of by plaintiff as drastic, harsh, unreasonable, and unconstitutional, because it gives officers power to locate and kill an unlicensed yet valuable and harmless dog even if in charge of or confined on the premises of its owner, and thereby deprive him of his property without due process of law.

[1] Statutory authority to kill unlicensed dogs, which necessarily deprives the owner of them, does not in itself render unconstitutional a law enacted under the police power of the state for their regulation and license. Though not at common law regarded as subjects of larceny, dogs have by statutory provision and court construction come to be quite generally recognized as in their nature and relations with man ‘goods or chattels,’ and in a qualified sense property which may be subject to larceny as defined by statute.

‘Property in dogs is of an imperfect or qualified nature and they may be subjected to peculiar and drastic police regulations by the state without depriving their owner of any federal right.’ [Nicchia v. New York](#), 254 U. S. 228, 41 Sup. Ct. 103, 65 L. Ed. 235, 13 A. L. R. 826.

****200** In [Sentell v. New Orleans, etc., Ry.](#), 166 U. S. 698, 17 Sup. Ct. 693, 41 L. Ed. 1169, the subject is instructively discussed by Justice Brown in part as follows:

‘The very fact that they are without the protection of the criminal laws shows that property in dogs is of an imperfect or qualified nature, and that they stand, as it were, between animals *ferae naturae* in which, until killed or subdued, there is no property, and domestic animals, in which the right of property is perfect and complete. * * * They have no intrinsic value, by which we understand a value common to all dogs as such, and independent ***449** of the particular breed or individual. Unlike other domestic animals, they are useful neither as beasts of burden, for draught (except to a limited extent), nor for food. They are peculiar in the fact that they differ among themselves more widely than any other class of animals, and can hardly be said to have a characteristic common to the entire race. While the higher breeds rank among the noblest representatives of the animal kingdom, and are justly esteemed for their intelligence, sagacity, fidelity,

watchfulness, affection, and, above all, for their natural companionship with man, others are afflicted with such serious infirmities of temper as to be little better than a public nuisance. All are more or less subject to attacks of hydrophobic madness. * * * Acting upon the principle that there is but a qualified property in them, and that, while private interests require that the valuable ones shall be protected, public interests demand that the worthless shall be exterminated, they have, from time immemorial, been considered as holding their lives at the will of the Legislature, and properly falling within the police powers of the several states.’

Various authorities are cited and reviewed in that opinion supporting the general proposition that destruction of unlicensed dogs pursuant to specific statutory requirement is not in violation of the owner's constitutional property protection, but to regulate and control the use and keeping of such property in a manner deemed by the Legislature reasonable and expedient in the public interest. The police power has been said to include regulations which authorize killing unlicensed dogs running at large, without notice to the owner. [Julienne v. Jackson](#), 69 Miss. 34, 10 South. 43, 30 Am. St. Rep. 526; [Leach v. Elwood](#), 3 Ill. App. 453; [Morey v. Brown](#), 42 N. H. 373. But in [Kerr v. Seaver](#), 11 Allen (93 Mass.) 151, it was said a provision in a dog law that ‘any person may, and every police officer and constable shall, kill or cause to be killed all such [unlicensed] dogs whenever ***450** and wherever found,’ did not authorize entering upon the owner's premises without leave and pursuing such dog into the house to capture it for that purpose.

In this state they have long been recognized as a proper subject for special and peculiar legislative regulation under its police power. [Van Horn v. People](#), 46 Mich. 183, 9 N. W. 246, 41 Am. Rep. 159. In [Heisrodt v. Hackett](#), 34 Mich. 283, 22 Am. Rep. 529, where a dog license law, was under consideration which provided that ‘any person may, and it shall be the duty of any police officer and constable of any township or city to kill any all dogs going at large and not licensed or collared according to the provisions of this act,’ it was appropriately suggested:

‘The Legislature, undoubtedly, in adopting this statute, contemplated that at least some judgment would be exercised by the person before killing the dog.’

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In [Hagerstown v. Witmer, 86 Md. 293, 37 Atl. 965, 39 L. R. A. 649](#), where it was held provisions for summary destruction of dogs found running at large contrary to statute or ordinance were within the police power of the state, and constitutional, the court said in commenting on the law under consideration:

‘But while this is true, an ordinance embracing such drastic features should be very cautiously enforced. As many of the provisions of the one before us are, to say the least, severe, it should be construed liberally in favor of the owners of dogs, if any cases arise under it, and it ought not to be extended beyond what is absolutely required by its terms.’

[2] The provision in section 17 of this act making it the duty of officers to locate and kill or caused to be killed unlicensed dogs is of the class where ‘at least *451 some judgment’ should be exercised in executing it, and by fair construction within constitutional bounds its reasonable execution does not require trespassing upon or invading the private premises of its owner for the purpose of killing his unlicensed but otherwise unoffending dog. We cannot agree with defendants’ contention that such construction draws the teeth of the act, and renders it ineffectual, for in the same section it authorizes and requires the prosecuting attorney to commence proceedings against the owner of the dog as required by the act, and the act makes the owner who has violated it by keeping an unlicensed dog guilty of a misdemeanor involving a fine of \$100 and ninety days’ imprisonment.

[3] The closing provision of section 17, requiring the sheriff on the ipse dixit of the prosecuting attorney to kill any dog that is in the habit of running at large unaccompanied by an owner or his agent, if taken, as it reads, to include licensed dogs, goes beyond reasonable regulations. ‘Running at large’ is an idiomatic phrase of varied meaning. It is said to mean, as applied to unconfined stock, ‘strolling without restraint or confinement; rambling at will.’ [Eklund v. Toner, 121 Mich. 687, 80 N. W. 791](#). A law which ipso facto forfeits for so doing without notice to his owner the life of a licensed dog otherwise well behaved and harmless is unreasonable and unconstitutional. **201 Only under special conditions are wellbroken dogs of good disposition kept in confinement. A presumption of value attends a licensed dog. The owner who has complied with the law, paid for and obtained a license

entitling his dog to live, is at least entitled to notice and a hearing before the dog is killed.

[4] The act does not in exact words say that the county treasurer may or may not issue licenses to all applicants throughout the year. It gives him the power to license and makes him the responsible licensing *452 officer of his county, under general supervision of the State Live Stock Sanitary Commission, assisted by township and city treasurers made accountable to him. It provides that at stated times during the year certain things shall be done which, standing alone, give room for the contention that the time for issuing licenses then terminates. But, when taken in connection with other provisions, and considered in the light of the plain purpose of the act, such is not the necessary inference. The indicated intent running through the act is not to provide a period of the year in which owners of valuable or valued dogs cannot protect their lives by registering and procuring licenses for them, but rather by an early beginning of liability and increasing hazards make death of the dog an inevitable finality of failure to secure a license for him. As a spur to prompt action the owner is required to get a license for his dog by January 10th, in default of which he is liable to criminal prosecution for keeping it without a license; annually, on January 25th, the township and city treasurers are required to account to the county treasurers for the licenses furnished them and fees collected; thereafter, when taxes are assessed in the spring, the tax assessors are required to take a census of dogs subject to license, with their owners, and report the same to the county treasurer by June 1st; on June 15 the treasurer is required to determine from his records and locate dogs then remaining unlicensed, and furnish a list of them to the sheriff and prosecuting attorney, whose duties to prosecute and exterminate are then made imperative. The power to license, which was vested in the county treasurer, is not even then terminated by any express provision in the act, but, on the contrary, the treasurer is required to keep a record of all licenses ‘issued during the year,’ and by section 8 provision is made for his licensing after-acquired dogs *453 over four months old during the entire year. Puppies under that age being exempt, the owner is required to secure licenses for them when they are four months old, ‘and in case of application made at any time after the 10th day of July of any year, the license fee shall be one-half the amount fixed as the annual license fee for such dog.’

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The severe and drastic features of this law are for a worthy purpose. Former experience with milder dog laws points to the necessity of such provisions for their enforcement, but liberal construction and discreet enforcement of the more drastic features are permissible within the imperative requirements of its terms and efficient enforcement to accomplish its purpose.

In [State v. Tripp, 84 Conn. 640, 81 Atl. 247](#), where a dog law specified on or before the 1st day of May in which application should be made to the town clerk for a license, the court said:

‘Although the owner of a dog or kennel may be subjected to a penalty for not having applied for a license on or before May 1st of each year, his failure to do so would not render it illegal for the town clerk to afterward issue a license, as was done in this case, for the year following the 1st of May, upon payment of the full license fee for that year.’

Although plaintiff may be subject to fine and imprisonment for previously keeping unlicensed dogs, we conclude that his failure to do so would not affect the right of the county treasurer to issue him the licenses he later applied for on his payment of full license fees for that year, and are satisfied that, under a fair construction of the law considered in its entirety, authority yet remained with the treasurer to accept the fees and issue the licenses. The purpose of the law was accomplished and the reason for killing the dogs no longer existed, although plaintiff by his *454 delinquency laid himself liable to prosecution and took the hazard of the officers performing their duty and exterminating his dogs until they were duly notified that licenses for them had been issued.

Owing to the somewhat obscure wording of the statute as applied to the position in which plaintiff's delay put them, defendants, as public officials, were justified in appealing for an interpretation of the act as to their rights and duties under it.

The decree will therefore stand affirmed, without costs.

MOORE, SHARPE, CLARK, WIEST, and McDONALD, JJ., concur.

FELLOWS, C. J. (dissenting in part).

Dogs have been recognized as property and the subject of larceny in this state. [Rockwell v. Oakland Circuit Judge, 133 Mich. 11, 94 N. W. 378](#). In my judgment the state may not destroy the property of its citizens upon the sole ground that taxes, either general or specific, upon it or license fees exacted have not been paid. In so far as this law authorizes the killing of dogs whose owners have not paid the exacted fee, I think it is invalid.

BIRD, J., concurs.

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STATE OF MICHIGAN

FRANK J. KELLEY, ATTORNEY GENERAL

Opinion No. 5341

July 31, 1978

COUNTIES:

Operation of a spay and neuter clinic for dogs and cats

DOGS AND CATS:

Operation of a spay and neuter clinic by a county

A county is not authorized to operate a spay and neuter clinic for dogs and cats.

Honorable Richard J. Allen

State Senate

The Capitol

Lansing, Michigan

You have requested my opinion on the following three questions:

- (1) May a county legally operate a spay and neuter clinic for dogs and cats?
- (2) If the answer to the first question is yes, may a county advertise using the words 'low cost' spaying and neutering when these services are in fact available in the private sector for a lower fee than charged by the county?
- (3) If the answer to the first question is yes, may a county legally provide spay and neuter services upon animals belonging to out-of-county residents?

A County is a body corporate as provided in Const 1963, art 7, Sec. 1 and has those powers provided by law, although its powers are to be liberally construed. Const 1963, art 7, Sec. 34.

In Youngblood v Jackson County, 28 Mich App 361; 184 NW2d 290 (1970), the Court of Appeals considered the Dog Law of 1919 of the State of Michigan, 1919 PA 339; MCLA 287.261 et seq; MSA 12.511 et seq., within the context of Const 1963, art 3 Sec. 7, and art 7, Sec. 34. The Court there said:

' . . . The ultimate enforcement of the licensing provisions of the dog law lies with the county, but the authority to kill unlicensed dogs must be exercised with some judgment. An element of that judgment is holding a dog for a period after obtaining it before disposing of it. This requires a place for confinement, namely: a pound. The authority to operate a pound may fairly be implied from the obligation placed on the county by the dog law.' (Citations omitted). Youngblood v Jackson County, 28 Mich App at 365; 184 NW2d at 291-292

The authority in Michigan to control dogs, as noted in Youngblood v Jackson County, supra, is provided by the Dog Law of 1919 of the State of Michigan, supra. The title to the Dog Law of 1919 of the State of Michigan indicates that the purpose of the law is:

' . . . [protecting] livestock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases, . . . imposing powers and duties on certain state, county, city and township officers and employees. . . . '

In keeping with its title, the Dog Law of 1919 of the State of Michigan, supra, provides for protection of the public from damage

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caused by dogs, for the licensing of dogs, for regulation of the keeping of dogs, and for destruction of dogs in certain cases. No provision of the act specifically or impliedly authorizes a county to establish and maintain a spay and neuter clinic and cats are not mentioned in either the title or body of the act. Therefore, this law may not be used as a source of authority by a county to operate a spay and neuter clinic for dogs and cats.

It may also be noted that 1969 PA 287; MCLA 287.331 *et seq*; MSA 12.481(101) *et seq*, is an act to regulate pet shops, dog pounds and animal shelters. Section 1(a) of 1969 PA 287, *supra*, defines 'dog pound' as . . . any facility operated by a county, city, village or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the county, city, village or township or state law. The same section defines 'animal' as any mammal other than rodents and livestock. Thus, a county is authorized to operate a pound to care for and hold dogs and cats. Again, however, there is nothing in this law, either explicitly or by reasonable implication, which allows a county to operate a neuter service on the animals within its control.

It is therefore my opinion, in response to your first question, that there is no authority for a county to operate a spay and neuter clinic for dogs and cats. This response obviates the necessity of answering questions two and three.

Frank J. Kelley

Attorney General

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State of Michigan, Department of Attorney General

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STATE OF MICHIGAN

FRANK J. KELLEY, ATTORNEY GENERAL

Opinion No. 6183

September 20, 1983

DOGS:

Recovery for loss or damage to livestock or poultry bitten by dogs within a city

The Dog Law of 1919 makes no provision for a person to file a claim or to recover for loss or damage to livestock or poultry arising from having been bitten by dogs within a city.

Fred R. Hunter, III

Prosecuting Attorney

Allegan County

Room 20

County Building

Allegan, Michigan 49010

You have requested my opinion on the following questions concerning the Dog Law of 1919; 1919 PA 339; MCLA 287.261 et seq; MSA 12.511 et seq, in light of the fact that the Dog Law of 1919, supra, Sec. 6, requires dog owners, including city residents, to license their dogs and pay license fees:

1. May a city assessor act in the stead of a township supervisor in regard to loss or damage to livestock or poultry by dogs which occurs within a city?
2. Are persons authorized to make claims for damage to poultry or livestock if the damage occurs within a city?

When a person sustains loss or damage to livestock or poultry by dogs, the person may make a complaint to the township supervisor or appointed township trustee within the township in which the damage occurred. Upon filing of the complaint, the township supervisor or township trustee is required to make an investigation to determine whether any damage has been sustained and, if so, the amount of the damage. The Dog Law of 1919, supra, Sec. 20.

If such investigation determines that damage has been sustained by the complainant, the supervisor or trustee is required to deliver a report of the examination and all papers related to the case to the county board of commissioners. The Dog Law of 1919, supra, Sec. 21.

The Dog Law of 1919, supra, Sec. 23, provides:

'(1) When the county board of commissioners of the county receives a report of the township supervisor or other person designated by the township board pursuant to section 21, if it appears from the report that a certain amount of damage has been sustained by the claimant, the county board of commissioners shall immediately draw their order on the treasurer of the county in favor of the claimant for the amount of loss or damage which the claimant has sustained, together with all necessary and proper costs incurred. If the claim filed with the board appears from the report filed to be illegal or unjust, the board may make an investigation of the case and make its award accordingly.

'(2) An amount awarded pursuant to this section shall be paid by the county out of its general fund. A payment shall not be

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made for any item which has already been paid by the owner of the dog or dogs doing the injury. If a payment is made by the county for any livestock or poultry bitten by a dog or dogs, the payment shall not exceed the amount allowed by the county board of commissioners.' [Emphasis added.]

The legislative history of the Dog Law of 1919, Sec. 20, supra, indicates that it was amended by 1968 PA 38 to substitute the term 'township supervisor or appointed trustee of the township' for 'justice of the peace' throughout that section. See, OAG, 1979-1980, No 5654, p 620 (February 15, 1980), which discussed the constitutional problem of the justice of the peace as a judicial officer carrying out administrative functions, and concluded that a legislative amendment to section 21 was required if the county board of commissioners is to make payment for the loss or damage. Thereafter, 1980 PA 223 was enacted to amend the Dog Law of 1919, Sec. 21, supra, to substitute 'township supervisor or other person designated by the township board' for 'justice of the peace.'

The Dog Law of 1919, supra, makes reference to both cities and townships. The title to the Dog Law of 1919, supra, states, in part:

'AN ACT relating to dogs and the protection of livestock and poultry from damage by dogs . . . imposing powers and duties on certain state, county, city and township officials and employees, . . .'

The Dog Law of 1919, supra, Sec. 16, states, in part:

'The supervisor of each township and the assessor of every city; . . .'

The Dog Law of 1919, supra, Sec. 19, distinguishes between cities and other areas of the state by stating:

'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 his owner or his owner's agent, shall constitute a trespass, . . .' [Emphasis added.]

Therefore, it is clear that the Legislature dealt with both cities and townships in the Dog Law of 1919, supra, and chose to treat cities differently from townships. In the event the Legislature determines there is a need to authorize the filing of claims for loss or damages to livestock or poultry where such loss or damage occurs within a city, the Legislature should make an appropriate amendment to the Dog Law of 1919, supra.

It is my opinion, therefore, that the Dog Law of 1919, supra, does not authorize city assessors to act in the stead of township supervisors or appointed township trustees to investigate and report on complaints for loss or damage sustained by claimant for injury to livestock or poultry from having been bitten by a dog within a city. It is my further opinion that the Dog Law of 1919, supra, does not authorize the filing of a claim for loss or damage to livestock or poultry where such loss or damage was sustained within a city.

Frank J. Kelley

Attorney General

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STATE OF MICHIGAN

FRANK J. KELLEY, ATTORNEY GENERAL

Opinion No. 6024

January 12, 1982

COUNTIES:

Killing of dog running at large by county animal officer

DOGS AND CATS:

Killing by county animal control officer

A county animal control officer may not summarily kill a dog because the dog is running at large and unaccompanied by its owner.

Anthony A. Monton

Prosecuting Attorney

Oceana County

Hart, Michigan 49420

You have requested my opinion on the following question:

May a county animal control officer who observes a dog running at large and unaccompanied by its owner or keeper, who has been unsuccessful in determining the owner or keeper of the dog and unable to catch the dog after reasonable efforts, legally kill the dog without a court order?

The Dog Law of 1919, 1919 PA 339; MCLA 287.261 et seq; MSA 12.511 et seq, provides for the licensing and regulation of dogs. Pursuant to that statute the owner of a dog is required to obtain an annual license for the dog by paying the applicable fee. ⁽¹⁾ A dog owner who fails to obtain the requisite license may be prosecuted and suffer imposition of a fine or imprisonment, or both, pursuant to 1919 PA 339, supra, Sec. 26, which provides in pertinent part:

'Any person or police officer, violating or failing or refusing to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine not less than \$10.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment. . . .'

See OAG, 1952-1954, No 1761, p 321 (April 15, 1954).

A county animal control officer may be employed by the county to enforce the provisions of 1919 PA 339, supra. In 1919 PA 339, supra, Sec. 4, the Legislature has conferred the following authority:

'[An] animal control officer or a law enforcement officer of the state shall issue a citation, summons or appearance ticket for a violation of this act.'

There is no provision in 1919 PA 339, supra, which empowers an animal control officer summarily to kill a dog merely because it is running at large, unaccompanied by its owner. ⁽²⁾

Youngblood v Jackson County, 28 Mich App 361; 184 NW2d 290 (1970), lv den, 384 Mich 810 (1971), considered the authority of a county with respect to stray dogs, pursuant to 1919 PA 339, supra, as follows:

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'[t]he authority to kill unlicensed dogs must be exercised with some judgment, . . . An element of that judgment is holding a dog for a period after obtaining it before disposing of it . . .

'[d]efendant's pleadings indicate that unclaimed, unlicensed dogs found running at large are disposed of but licensed stray dogs are held for the owners. This conduct we find to be in compliance with the county's statutory obligation as interpreted by Finley, supra. Both courses of action require a place for confining dogs pending their disposition.' [Emphasis added.] 28 Mich App at 365.

Thus, 1919 PA 339, supra, as interpreted in Youngblood v County of Jackson, supra, contemplates holding a stray dog for some period prior to disposing of it.

A procedure for an animal control officer to follow is set forth in 1919 PA 339, supra, Sec. 26a(1)(a), (e) and (2):

'(1) A district court magistrate or the district or common pleas court shall issue a summons similar to the summons provided for in section 20 to show cause why a dog should not be killed, upon a sworn complaint that any of the following exist:

'(a) After January 10 and before June 15 in each year a dog over 6 months old is running at large unaccompanied by its owner or is engaged in lawful hunting and is not under the reasonable control of its owner without a license attached to the collar of the dog.

(e) A dog duly licensed and wearing a license tag has run at large contrary to this act.

'(2) After a hearing the district court magistrate or the district or common pleas court may either order the dog killed, or confined to the premises of the owner. . . .' ⁽³⁾

Consideration must also be given to the definition of 'owner' as set forth in 1919 PA 339, supra, Sec. 1(2)(c) as follows:

'(2) For the purpose of this act:

(c) 'Owner' when applied to the proprietorship of a dog means every person having a right of property in the dog, and every person who keeps or harbors the dog or has it in his care, and every person who permits the dog to remain on or about any premises occupied by him.'

An unlicensed dog found to be running at large may also constitute a public nuisance, 1919 PA 339, supra, Sec. 17. If the owner failed to claim the dog after it had been held for a period of time in accordance with Youngblood v Jackson County, supra, such an unlicensed dog may be killed after observing the procedures in 1919 PA 339, Sec. 26a, supra.

It is my opinion, therefore, that an animal control officer is not authorized summarily to kill a dog merely because it is running at large unaccompanied by its owner. However, a summons may be issued pursuant to the 1919 PA 339, supra, to show cause why the dog should not be killed. After a hearing, the court may either order the dog confined to the premises of its owner or killed.

Frank J. Kelley

Attorney General

(1) The details of the licensing procedure need not be reviewed to answer your question. Moreover, those details may vary from one locality to another as the Dog Law of 1919, supra, Sec. 30 authorizes a city, village or township to adopt its own animal control ordinance to license and regulate dogs.

(2) You have not raised, and this opinion does not address, the situation where a dog is attacking or molesting livestock or wildlife or is attacking people. See Dog Law of 1919, supra, Secs. 18 and 19.

(3) 1969 PA 287, MCLA 287.331 et seq; MSA 12.481(101) et seq, provides for the registration of 'animal shelters' defined by Section 1(d) as:

'A facility operated by a person, humane society, a society for the prevention of cruelty to animals or any other nonprofit organization for the care of homeless animals.'

If, for example, no owner of a dog may be located, it would presumably be within the discretion of the court to permit the voluntary surrender of the dog to an animal shelter as an alternative to killing it.

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STATE OF MICHIGAN

FRANK J. KELLEY, ATTORNEY GENERAL

Opinion No. 5654

February 15, 1980

DOGLAW:

Reimbursement by county for damages to livestock caused by dogs

COUNTIES:

Reimbursement for damages to livestock caused by dogs

JUSTICE OF PEACE:

Abolishment of office

No member of the executive or legislative branch of a township government may exercise powers of the Justice of the Peace conferred by the Dog Law.

Unless the Legislature amends the Dog Law to designate a township officer to exercise the power of determination of damages to be paid to the owner of livestock damaged by dogs, the county board of commissioners may not reimburse the owner of livestock for damages caused by dogs.

Honorable Thomas Guastello

State Senator

The Capitol

Lansing, Michigan

You have requested my opinion on the following question:

May a county board of commissioners establish a standard maximum value of all injuries to livestock caused by dogs in the county?

The Dog Law of 1919, 1919 PA 339; MCLA 287.261 et seq; MSA 12.511 et seq, provides for the protection of livestock and poultry from damage by dogs and for the determination and payment of money damages from county funds for losses caused by an attack on livestock by dogs.

A person sustaining any loss or damages to any livestock or poultry by dogs may complain in writing to the township supervisor or a trustee of the township in accordance with 1919 PA 339, supra, Sec. 20, as last amended by 1972 PA 349. Under this section of the statute, the township supervisor or a township trustee appointed by the township board is required to examine the place where the alleged damage was sustained and the livestock or poultry injured or killed, examine any witness, and determine whether any damage has been sustained and the amount thereof. It also provides that if the appropriate township officer learns of the identity of the owner of the dog causing the damage to the livestock or poultry, the township official may request the district court judge to issue a summons commanding the owner to appear before the township officer and show cause why the dog should not be killed. Upon the return day fixed in the summons, this section further provides that the township officer shall determine whether the loss or damage to the livestock was caused by the dog, and upon such determination the sheriff or animal control officer shall kill the dog wherever found. Finally, 1919 PA 339, Sec. 20, supra, states that any owner or keeper of the dog or dogs shall be liable to the county in a civil action for all damages and costs paid by the county on any claims as hereinafter provided.

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The legislative history of this section indicates that it was also amended by 1968 PA 38 to substitute the term 'township supervisor or appointed trustee of the township' for 'justice of the peace' throughout the section.

1919 PA 339, supra, Sec. 21 provides:

'Upon making the examination required in the preceding section, if the justice of the peace shall determine that any damage has been sustained by the complainant, he shall, upon payment to him of his costs up to that time, by the complainant, deliver his report of such examination, and all papers relating to the case to the board of supervisors of the county in which the loss was sustained, which report shall be filed in their office. In case the complainant has not paid the costs the justice shall so state in said report and the amount thereof.'

While the legislature, by means of 1968 PA 38, eliminated the reference to the justice of the peace in 1919 PA 339, Sec. 20, supra, it made no such change in 1919 PA 339, Sec. 21, supra.⁽¹⁾

In Titus v Chase, 126 Mich 621; 86 NW 137 (1901), judicial review was sought of the determination of the justice of the peace as to the amount of damages sustained to livestock killed or wounded by dogs pursuant to 1897 CL 5600. The court found that the statute provided for no trial of the question of fact before the justice of the peace, the determination being made on viewing of the injured or dead livestock. Thus, the proceeding for the determination of damages was summary and not open to review by the courts. A predecessor statute, 1917 PA 347, came before the Michigan Supreme Court in Fremont Canning Co v Waters, 209 Mich 178; 176 NW 577 (1920), on the ground, *inter alia*, that the provisions deprived the township of property without due process of law. The court noted that the authority to determine the damages had been vested in the township board, but by 1917 PA 347, it was reposed in a justice of the peace of the township, and upheld the power of the legislature to transfer such authority. The court found that the monies in the fund to pay for damages to livestock was not the property of the township and, therefore, the township was not deprived of its property without due process of law.

Implicit in these holdings is the conclusion that a justice of the peace, in determining the amount of damages, is exercising an administrative function. Township of Dearborn v Dearborn Township Clerk, 334 Mich 673; 55 NW2d 201 (1952), held the justice of the peace to be a judicial officer and it was unconstitutional to fix duties of a legislative or administrative character in such judicial office. It must follow that 1919 PA 339, supra, Sec. 21, violates Const 1963, art 3, Sec. 2, which prohibits a person exercising powers in one branch to exercise powers properly belonging under another branch, except as expressly provided in the Constitution.

Assuming, arguendo, that the legislature conferred a judicial function upon the justice of the peace by means of 1919 PA 339, Sec. 21, supra, that office no longer exists and no member of the executive or legislative branch of the township may exercise powers conferred in this portion of the Dog Law of 1919, supra. Consequently, the legislature should consider amending 1919 PA 339, Sec. 21, supra, to designate the township officer to exercise the duty of determining damages to be paid the owner of dead or wounded livestock if the county board of commissioners is to discharge its duties as specified in 1919 PA 339, Sec. 23, supra.

In view of this response, it is not necessary to address the question of whether a county board of commissioners may establish a standard maximum value of compensation to owners of livestock killed or injured by dogs.

Frank J. Kelley

Attorney General

(1) It must be observed that in accordance with Const 1963, art 6, Sec. 26, the people have abolished the office of justice of the peace.

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STATE OF MICHIGAN

FRANK J. KELLEY, ATTORNEY GENERAL

Opinion No. 5566

September 24, 1979

MUNICIPALITIES:

Adoption of animal control ordinance

COUNTIES:

Adoption of animal control ordinance by municipalities within county

ANIMALS:

Adoption of animal control ordinance by municipalities

A city, village or township that enacts its own animal control ordinance is responsible for its own enforcement expenses and may not charge the county for such expenses.

Joseph T. Barberi, Esq.

Isabella County Prosecuting Attorney

200 North Main Street

Mt. Pleasant, Michigan 48858

County Building

Marquette, Michigan 49855

You have asked whether a city may establish an animal control program without adopting an ordinance, and then charge the county the reasonable expense of maintaining it. 1919 PA 339, Sec. 25, MCLA 287.285; MSA 12.535, provides:

'Any valid claims for loss or damage to live stock which have accrued under any general or local laws, prior to the taking effect of this act, shall not abate by reason of the repeal of such laws by the operation of this act, but all such claims, and all claims arising under this act and all expense incurred in any county in enforcing the provisions of this act shall be paid out of the general fund of the county. At the time this act takes effect, all moneys then in the 'dog fund' in the hands of township or city treasurers, derived from the taxation of dogs under existing laws, shall be turned into the county general fund: Provided, In all cities having a well regulated dog department, the reasonable expense of maintaining the same, shall be borne by said county, duly audited by the board of supervisors,⁽¹⁾ and in any county having a board of county auditors, said board of county auditors shall audit said reasonable bills, to be paid out of the general fund of the county.'

This section indicated that 1919 PA 339 operated to repeal prior general and local laws, with the proviso that '[i]n all cities having a well regulated dog department, the reasonable expense of maintaining the same, shall be borne by the said county.'

At the time that section 25 was first enacted, the only exception from the provisions of said act were cities having a population of 250,000 or more. See 1919 PA 339, Sec. 30 as originally enacted; MCLA 287.290; MSA 12.541.⁽²⁾ The legislative history of this section, discussed in OAG, 1963-1964, No 4353, pp 513, 517 (December 1, 1964), reflects the legislative intention to increasingly broaden the exceptions from the application of said act. That opinion states:

'The foregoing recitals demonstrate that Section 30 has always been treated by the legislature as a medium for delineating exclusionary exceptions to state enforcement where local enforcement machinery exists and is satisfactory to the

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legislature. . . '

The exceptions were further broadened by 1972 PA 349, which amended section 30 to authorize all cities, villages and townships to adopt their own animal control ordinances, without regard to their population. Section 30 now provides:

'A city, village or township by action of its governing body may adopt an animal control ordinance to regulate the licensing, payment of claims and providing for the enforcement thereof. . . '

1972 PA 349 also added section 29a, MCLA 287.289a; MSA 12.540(1), limiting a county's jurisdiction for enforcement, expense, etc., to animal control programs in cities, villages and townships which do not have their own animal control ordinances:

' . . . The [county] animal control agency shall have jurisdiction to enforce this act in any city, village or township which does not have an animal control ordinance. The county's animal control ordinance shall provide for animal control programs, facilities, personnel and necessary expenses incurred in animal control. The ordinance is subject to sections 6 and 30.' [Emphasis added]

In letter opinions to Senator John Toepp, dated March 7, 1978, and Mr. Gary L. Walker, Marquette County Prosecuting Attorney, dated January 3, 1979, (see appendices A and B) I concluded that a home rule city that enacted its own animal control ordinance is responsible for its own enforcement expenses, and may not charge the county for such expenses. The Toepp opinion quoted at length from OAG, 1963-1964, No 4353, and explained how the growth of the exceptions to section 30 has eroded the application of section 25.

While OAG, 1949-1950, No 968, p 255 (June 30, 1949) held that a city with a population under 5,000 may be charter provision or ordinance, establish a well regulated dog department and charge the county the reasonable expense of maintaining the same, that opinion was issued before section 29a was added to 1919 PA 339 to except cities, villages and townships from county control and reimbursement with their own ordinances. In light of changes made from time to time to section 30, and the addition of section 29a, the responsibility for the expense of such city programs has been changed by the legislature. The recent opinions reflect the changes in the scope of local enforcement and the more limited jurisdiction and responsibility of counties for enforcement and the expense of animal control programs subsequent to the issuance of OAG, 1949-1950, No 968, supra, and should therefore be deemed controlling.

Cities, villages and townships are presently authorized to establish dog departments by adoption of animal control ordinances. When such ordinances are adopted, county enforcement is precluded by section 29a, supra. If a local ordinance is not adopted, the county animal control agency has jurisdiction for enforcement, personnel, expenses, etc., under the same provision. It is my opinion that a city, village or township may not establish its own animal control program unless a local ordinance is adopted by the city, village or township as provided for by section 30, supra, and that such municipalities may not charge counties for the expenses of animal control programs when they have adopted their own ordinances.

Frank J. Kelley

Attorney General

March 7, 1978.

Honorable John F. Toepp

State Senator

The Capitol

Lansing, Michigan 48909

Dear Senator Toepp:

You have requested my opinion on the following questions relating to the Dog Law of 1919, 1919 PA 339, as last amended by 1972 PA 349; MCLA 287.261 et seq; MSA 12.511 et seq:

1. May the City appoint its own dog warden and maintain its own dog control program if the county elects to appoint a dog warden for the city as provided in Sec. 16 of the dog law?
2. If the answer to No. 1 is yes, is the county still responsible for the salary of the city's dog warden and other expenses?

In responding to your questions it is first necessary to review the history of this act for only a detailed review of its legislative history can explain why the growth of the exceptions contained in 1919 PA 339, supra, Sec. 30 has eroded the rule stated in section 25. As such a review was comprehensively set forth in OAG, 1963-1964, No 4353, p 513, 514-517 (December 1, 1964),

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I quote the following at length from that opinion:

'Act 339, P.A. 1919 is the present dog law. Reviewing only the amendments to Section 30 thereof, we find that in the original act, the section read as follows:

"All cities in this State having a population of two hundred fifty thousand, according to the last federal census, or that shall hereafter attain such a population, are hereby excepted from all the provisions of this act.'

'The section was amended by Act 310, P.A. 1921, to insert and add, after the words 'such a population,' the words:

"and all cities and villages located entirely within the limits of any such city of two hundred fifty thousand population'

The words 'are hereby excepted from the provisions of this act' then followed the insertion.

'The section was amended by Act 239, P.A. 1929, by inserting after the words 'two hundred fifty thousand population' the words:

"and all villages located within twenty miles of the corporate limits of such cities of two hundred fifty thousand population.'

'Act 189, P.A. 1933, expanded the language by adding the words 'or more' after the words 'two hundred fifty thousand population' in the three places where the words occur, and excepting cities within twenty miles.

'Act 288, P.A. 1941, amended Section 30 to read:

"All cities in this state having a population of 250,000 or more, according to the last federal census, or that shall hereafter attain such a population, and all cities and villages entirely within the limits of such city of 250,000 population or more, or located within twenty miles of the corporate limits of such cities of 250,000 or more, [and all townships in the county lying within a radius of 20 miles or the corporate limits of such cities of 250,000 or more and having an ordinance or ordinances regulating the licensing of dogs, payment of claims and providing for the enforcement of such ordinances], are hereby excepted from the provisions of this act. [Any such township shall be authorized by action of its township board to adopt an ordinance or ordinances regulating the licensing of dogs, payment of claims and providing for the enforcement of such ordinances.]'t 209, P.A. 143, further expanded Section 30 by changing 'the county' and subsequent phrase in the seventh line of the section as quoted above to read: 'counties having a city of 250,000 population or more.'

'Act 22, P.A. 1949, amended the section by adding the words 'or townships contiguous to cities having a population of 250,000 or more' before the words 'and having an ordinance. . . .'

'Act 125, P.A. 1952, amended the section by adding after 'such ordinances' a proviso as follows:.

"Provided, however, In counties which have or may hereafter by resolution of the board of supervisors adopted rabies vaccination requirements as set forth in Act No. 35 of the Public Acts of 1949, any city, village, or township adopting a dog licensing ordinance or ordinances shall also require that such application for a license shall be accompanied by proof of vaccination of the dog for rabies within the year preceding the date of the application.'

'Act 172, P.A. 1953, further amended Section 30 of the 1919 dog law so that it reads as follows:

"All cities in this state having a population of 250,000 or more, according to the [latest or each succeeding federal decennial census,] or that shall hereafter attain such a population, and all cities and villages entirely within the limits of such city of 250,000 population or more, or located within 20 miles of the corporate limits of such cities of 250,000 or more, and all townships in counties having a city of 250,000 population [or more] or township contiguous to cities having a population of 250,000 or more and having an ordinance or ordinances regulating the licensing of dogs, payment of claims and providing for the enforcement of such ordinances, [with the exception of the provisions in section 10, 10a and 11 of this act,] are hereby excepted from the other provisions of this act. Any such [city, village or] township shall be authorized by action of the [city, village or] township board to adopt an ordinance or ordinances regulating the licensing of dogs, payment of claims and providing for the enforcement of such ordinances: Provided, however, In counties which have or may hereafter by resolution of the board of supervisors adopted rabies vaccination requirements as set forth in Act No. 35 of the Public Acts of 1949, any city, village or township adopting a dog licensing ordinance or ordinances shall also require that such application for a license, [except kennel licenses,] shall be accompanied by proof of vaccination of the dog for rabies within the year preceding the date of the application.'t 211, P.A. 1959, amended the section to read, and it currently reads, as follows:

"All cities in this state having a population of 250,000 or more, according to the latest or each succeeding federal decennial census, and all cities and villages located within 20 miles of the corporate limits of such cities of 250,000 or more, and townships having an ordinance or ordinances regulating the licensing of dogs, payment of claims and providing

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for the enforcement of such ordinances, with the exception of the provisions in sections 10, 10a and 11 of this act, are hereby excepted from the other provisions of this act. Any city, village, or township [in a county of 150,000 population or more according to the latest or each succeeding federal decennial census] shall be authorized by action of the city or township [governing body] to adopt an ordinance or ordinances regulating the licensing of dogs, payment of claims and providing for the enforcement of such ordinances. In counties which have or may hereafter by resolution of the board of supervisors adopted rabies vaccination requirements as set forth in Act No. 35 of the Public Acts of 1949, any city, village, or township adopting a dog licensing ordinance or ordinances shall also require that such application for a license, except kennel licenses, shall be accompanied by proof of vaccination of the dog for rabies within the year preceding the date of the application.' (C.L.S. 1961 Sec. 287.209; M.S.A. 1963 Cum. Supp, Sec. 12.541) ^(a1)

'The foregoing recitals demonstrate that Section 30 has always been treated by the legislature as a medium for delineating exclusionary exceptions to state enforcement where local enforcement machinery exists and is satisfactory to the legislature. The dog law being a regulatory measure under the police power and not a tax or revenue measure, it seems appropriate to conclude that no duality of regulation was intended by the legislature and accordingly the 1959 amendment should be construed as excepting dog owners from the requirements of purchase of a county license if they reside in and own dogs in cities, villages or townships within counties of 150,000 population or more which have adopted ordinances regulating the licensing of dogs.' [Footnotes omitted]

Responding now to your first question, a reading of the entire statute indicates that 1919 PA 339, supra, Sec. 16 authorizes a county to appoint an animal control officer to act within a city only where a city does not have its own effective ordinance regulating dogs. Accordingly, it is my opinion that, by virtue of its home rule powers and pursuant to 1919 PA 339, supra, Sec. 30 a city in a county with a population of 150,000 or more may adopt an animal control ordinance and may appoint its own dog warden or animal control officer; further, a county of a population of 150,000 persons or more may not enforce its dog ordinance within a city which has adopted its own ordinance pursuant to 1919 PA 339, Sec. 30, supra.

As to your second question, it is my opinion that a city which adopts its own ordinance is responsible for the full cost of implementing that ordinance and that, conversely, the county has no financial responsibility for enforcement of the city's ordinance.

I recognize that 1919 PA 339, supra, Sec. 25 contains a proviso which states:

' . . . In all cities having a well regulated dog department, the reasonable expense of maintaining the same, shall be borne by said county, . . . '

However, this proviso must be read in conjunction with 1919 PA 339, Sec. 30, supra, excepting certain cities from the act, the legislative history of which reveals that the section 25 proviso is only intended to apply to such cities, villages and townships not included within section 30.

Thus, for the purposes of illustration, the proviso should be read as though the underlined portions were included:

' . . . In all cities having a well regulated dog department, except those which have their own ordinance or ordinances regulating the licensing of dogs, payment of claims and providing for the enforcement of such ordinances, the reasonable expense of maintaining the same shall be borne by said county. . . . '

It is therefore my opinion that a home rule city that enacts its own animal control ordinance pursuant to 1919 PA 339, Sec. 30, supra, is responsible for its own enforcement expenses payable from fees collected thereunder.

Very truly yours,

Frank J. Kelley

Attorney General.

January 3, 1979.

Mr. Gary Walker

Marquette County Prosecuting Attorney

Dear Mr. Walker:

Your correspondence indicates that the County of Marquette does not have an animal control ordinance or program and that the City of Marquette has submitted a bill to Marquette County for reimbursement of the city's expenses for its animal control program for the fiscal year beginning July 1, 1978. You request my opinion on the following question:

Is a county required by 1919 PA 339 Sec. 25; MCLA 287.285; MSA 12.535, to reimburse a city in the county for the

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expenses of the city's administration of an animal control program under the city's ordinance?

Your question has previously been answered in the negative in a letter opinion to Senator John F. Toepp dated March 7, 1978, which discussed section 30, supra, and the proviso of section 25, as follows:

'However, this proviso must be read in conjunction with 1919 PA 339, Sec. 30, supra, excepting certain cities from the act, the legislative history of which reveals that the section 25 proviso is only intended to apply to such cities, villages and townships not included within section 30.

'Thus, for the purposes of illustration, the proviso should be read as though the underlined portions were included:

' . . . In all cities having a well regulated dog department, except those which have their own ordinance or ordinances regulating the licensing of dogs, payment of claims and providing for the enforcement of such ordinances, the reasonable expense of maintaining the same shall be borne by said county. . . .'

'It is therefore my opinion that a home rule city that enacts its own animal control ordinance pursuant to 1919 PA 339, Sec. 30, supra, is responsible for its own enforcement expenses payable from fees collected thereunder.'

Very truly yours,

Frank J. Kekket

Attorney General.

(1) Now entitled county board of commissioners pursuant to 1966 PA 261 as added by 1969 PA 137; MCLA 46.416; MSA 5.359(16).

(2) Section 30 has since been amended by 1921 PA 310, 1929 PA 239, 1933 PA 189, 1941 PA 288, 1943 PA 209, 1949 PA 22, 1952 PA 125, 1953 PA 172, 1959 PA 211, 1969 PA 195, 1971 PA 229 and 1972 PA 349.

(a1) The added language is indicated by brackets'

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State of Michigan, Department of Attorney General

Last Updated 11/10/2008 15:49:34

Key Points-Washtenaw County Legal Mandate Regarding Animals

1. Washtenaw County's General Legal Duty

- Dog Law of 1919 (MCLA 287.261 et seq)
- County Treasurer oversees the licensing of individual dogs and kennels (MCLA 287.265-270)
- County Sheriff has the duty to kill unlicensed dogs (MCLA 287.277) (This provision has been softened over the years so that an unlicensed dog that does not pose an immediate threat must first be kept for a period of time by the County before it may be destroyed. This means that the County must maintain or contract with another entity to maintain a dog pound to hold stray/unlicensed dogs for a period of time. See Youngblood v Jackson County, 28 Mich App 361 (1970))
- No mandate in the Dog Law indicating how long a county must hold a stray or unlicensed dog before it may be euthanized
- Use of Dogs and Cats for Research Act (MCLA 287.381 et seq), however, indicates, in part, that a county operating a dog pound must hold a dog without a collar, license or other evidence of ownership for 4 days; dogs with such evidence of ownership must be held for 7 days (MCLA 287.388) This has commonly been accepted as the waiting period for stray animals in Michigan.
- County may, if it chooses, pass an ordinance to create an animal control agency. The ordinance shall provide for animal control programs, personnel and necessary expenses incurred in animal control. A county animal control agency created pursuant to ordinance does not have jurisdiction in those areas of the county where a city, village or township has passed its own animal control ordinance. (MCLA 287.289a)
- An animal control program established by ordinance could address the handling of other stray animals other than dogs and provide for an animal control shelter to house such animals.
- Definition of "Animal Control Shelter" "A facility operated by a county, city, village or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the county, city, village or township or state law." (MCLA 750.50(d))
- Washtenaw County has never adopted an animal control ordinance; as such, its general legal mandate is to handle stray dogs, it is not, however, generally responsible for stray cats, raccoons or any other species of stray animal. As such, it is more precise to state that the County is responsible for operating a dog pound, not the more broader animal control shelter.

2. Specific Laws other than the Dog Law and a County's Responsibility Under Those Laws

- **Dangerous Animals Act** (MCLA 287.321 et seq) Under this Act, a dangerous animal may be ordered by a court to be placed in an animal control authority, an incorporated humane society, a licensed veterinarian or a boarding kennel at the owner's option

- pending the outcome of the legal proceeding involving that animal. The owner, however, not the County or Humane Society is financially responsible for the boarding of the animal during this period. (MCLA 287.322(2)).
- **Criminal Dog Fighting Act** (MCLA 750.49). An animal used in a fighting ring shall be confiscated as contraband by a law enforcement officer and taken to a local humane society or other animal welfare agency. (MCLA 750.49(16)) Note that the duty is charged to a law enforcement officer, not specifically to the Sheriff or his/her deputies.
 - Similar to the Dangerous Animal Act, expenses incurred in connection with the housing, care, upkeep or euthanasia of the animal by a humane society or other animal welfare agency shall be assessed against the owner of the animal, not the county or a humane society.
 - **Crimes against Animals, Cruel Treatment, Abandonment, Failure to Provide Adequate Care** (MCLA 750.50)
 - MCLA 750.53 provides, in part, that when any person is arrested for violating animal cruelty charges under MCLA 750.50, “it shall be the duty of the person making the arrest to seize all animals and fowls found in the keeping or custody of the person arrested...and the person making such seizure shall cause such animals or fowls to be at once delivered to a pound master of the city, village or township...and it shall be the duty of such pound master to receive such animals or fowls, and to hold the same and proceed in regard to them in all respects as provided by law in other cases of animals impounded.” Interestingly, this section does not mention a county pound master; however, since the seizure of the animals and/or fowls involves the enforcement of the criminal laws of the state, I believe the county would be generally responsible for the cost to hold these animals/fowls, unless the specific criminal statute involved places the burden of paying for such boarding costs on another party such as the Dog Fighting Act, referenced above which plainly states that all expenses for boarding the animal are the responsibility of that animal’s owner.
 - A close review of MCLA 750.50 also reveals that an animal which is being held as part of a criminal animal cruelty case does not necessarily have to be held by the Humane Society or animal protection shelter for the duration of the trial. Section (3) of MCLA 750.50 provides a process whereby the county prosecutor may file a civil action before the disposition of the criminal case seeking the forfeiture of the animal or animals to the Humane Society or other entity holding such animals. According to this section, the court must hold a hearing on this civil action within 14 days of the filing of the action by the prosecutor. The prosecutor must establish by a preponderance of the evidence (51%) that the animal in question has suffered the cruelty as alleged in the criminal complaint. If the court agrees with the prosecutor’s motion, it shall order the immediate forfeiture of the animal to the animal control shelter or animal protection shelter unless within 72 hours of the court’s decision, the animal’s owner submits to the court clerk enough cash or other security sufficient to repay all costs incurred in boarding the animal and all costs anticipated to be incurred in boarding the animal from the date of impoundment to the date of trial. Simply put, under this process, the

ownership of the animal may be transferred from the owner to the shelter holding the animal or alternatively, the owner must pay for all the costs to keep that animal at the boarding facility through trial. In either case, the county would not be responsible for boarding such animals through the entire trial process in a cruelty case.

- In addition, MCLA 750.50(8) also provides that as part of sentencing for a conviction for animal cruelty, “the court may order the defendant to pay the costs of the care, housing and veterinary medical care for the animal, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reason for that action.” While this section does not mandate that the defendant/owner upon conviction pay for the cost of boarding an animal during the trial process, it is clear that a judge is encouraged to assess such costs against the defendant or to explain in his/her order why such costs are not being assessed.
- **Killing, Torturing, Mutilating, Maiming or Disfiguring Animals (MCLA 750.50b)**
 - MCLA 750.50b is similar to MCLA 750.50 in that the prosecutor has the ability to file a civil action to forfeit the animal to an animal control or protection shelter. Likewise, it contains identical language to MCLA 750.50 giving the court the power to assess boarding and all related costs for the animal to the animal’s owner and instructing the judge to indicate on the record any reasons why he/she is not ordering the owner to pay such charges.
 - MCLA 750.52 simply states that it is the duty of all law enforcement personnel, including sheriff’s deputies, constables, policemen and public officers to arrest and prosecute all persons who they have knowledge of violating the animal cruelty laws. This section also states that it is a misdemeanor for a law enforcement individual to neglect this duty. Again, the duty here is placed on all law enforcement personnel, not just the county sheriff or his deputies.
- **Public Health Responsibilities**
 - Primarily involves suspected rabies cases. If a stray dog, cat or ferret is suspected of having contact with a rabid wild animal but still appears healthy, it is to be held for the statutory period (4 days if there’s a collar or other indicia of ownership on the animal or 7 days if there is no evidence of ownership). Alternatively, these animals may be held for the general 10 day observation period. If any animal, whether a stray or not is showing symptoms of rabies, it must be euthanized and tested. If an owned animal appears healthy but the owner no longer wants the animal, it is to be euthanized and tested. Conversely, if the owner wishes to keep the animal and it appears to be healthy, it must be confined for 10 days to determine if symptoms of rabies will appear. The above stated time periods are consistent with Michigan law as published by the Michigan Department of Community Health.

Summary

The County is responsible for the housing of stray dogs under the Dog Law of 1919. The County must pay for those dogs to be boarded for the statutory holding period of 4 days if the dog has a collar, license or other indicia of ownership or 7 days if it does not have such evidence of ownership. After this holding period, the dog could be euthanized and the county would have no further responsibility for the animal.

The County has no similar financial responsibility for other stray animals. While a county may, by ordinance, create an animal control agency to address the handling of these other species, Washtenaw County has never adopted such an ordinance and thus is not generally responsible for these animals.

The County has no financial responsibility for animals boarded under the Dangerous Animal or Fighting Dog laws as they acts specifically allocate the cost of boarding any animals under those laws, to the animal's owner.

The County would have financial responsibility to pay for animals boarded under the general animal cruelty law found in MCLA 750.49-53. However, the two main sections involving animal cruelty, MCLA 750.50 and MCLA 750.50b both provide a process for the animal to be forfeited to the animal control or protection shelter. In addition, each of these acts encourages judges to assess boarding costs against the animal's owner.

Finally, under the Public Health Code, the county would be responsible for holding certain animals suspected of having come into contact with a rabid animal for a period of time up to 10 days depending upon whether the animal was a stray, had indicia of ownership etc.

Source: Washtenaw County Corporate Counsel

H: general/hshvpints

SERVICE CONTRACT
HUMANE SOCIETY OF HURON VALLEY

AGREEMENT is made this _____ day of _____, 2012, by the COUNTY OF WASHTENAW, a municipal corporation, with offices located in the County Administration Building, 220 North Main Street, Ann Arbor, Michigan 48107 ("County") and Humane Society of Huron Valley (HSHV) located at 3100 Cherry Hill Road, Ann Arbor, Michigan 48105 ("Contractor").

In consideration of the promises below, the parties mutually agree as follows:

ARTICLE I - SCOPE OF SERVICES

The Contractor will:

1. Accept, impound and release or humanely euthanize, in accordance with the laws of the State of Michigan or other applicable law or ordinance, all dogs and cats brought to the Contractor's facility by any law enforcement officer in the employ of the County, or any local unit of government within Washtenaw County or their designee.
2. Collect statistics that accurately reflect the number and source of animals brought to its shelter, the jurisdiction (city, village or township) from which the animal was picked up, and the disposition of the animals, and maintain financial information that accurately indicates its costs under this Agreement; and
3. Work cooperatively with the County to develop cost and service models for future animal control services.

ARTICLE II - COMPENSATION

Upon completion of the above services and submission of invoices the County will pay the Contractor an amount not to exceed Four Hundred Fifteen Thousand and No/100 Dollars (\$415,000.00) for the calendar year 2012, to be paid in equal monthly installments of Thirty Four Thousand Five Hundred Eighty Three and 33/100 Dollars (\$34,583.33) within approximately 10 business days after submission by Contractor of an invoice for services. Upon receipt of an invoice, the County will also pay to Contractor the amount of Five Thousand Five Hundred Eighty Three and 33/100 Dollars (\$5,583.33), which represents compensation under this contract for the difference in the payment made for January 2012 and the monthly pro rata amount due under this contract.

ARTICLE III - REPORTING OF CONTRACTOR

Section 1 - The Contractor is to report to the Washtenaw County Administrator and will cooperate and confer with him/her as necessary to insure satisfactory work progress.

Section 2 - All reports, estimates, memoranda and documents submitted by the Contractor must be dated and bear the Contractor's name.

Section 3 - All reports made in connection with these services are subject to review and final approval by the County Administrator.

Section 4 - The County may review and inspect the Contractor's activities during the term of this contract.

Section 5 - When applicable, the Contractor will submit a final, written report to the County Administrator.

Section 6 - After reasonable notice to the Contractor, the County may review any of the Contractor's internal records, reports, or insurance policies.

ARTICLE IV - TERM

This contract is effective beginning on January 1, 2012 and ends on December 31, 2012.

ARTICLE V - PERSONNEL

Section 1 - The contractor will provide the required services and will not subcontract or assign the services without the County's written approval.

Section 2 - The Contractor will not hire any County employee for any of the required services without the County's written approval.

Section 3 - The parties agree that the Contractor is neither an employee nor an agent of the County for any purpose.

Section 4 - The parties agree that all work done under this contract shall be completed in the United States and that none of the work will be partially or fully completed by either an offshore subcontractor or offshore business interest either owned or affiliated with the contractor. For purposes of this contract, the term, "offshore" refers to any area outside the contiguous United States, Alaska or Hawaii.

ARTICLE VI - INDEMNIFICATION AGREEMENT

To the extent permitted by Michigan law, the Contractor will protect, defend and indemnify Washtenaw County, its officers, agents, servants, volunteers and employees from any and all liabilities, claims, liens, fines, demands and costs, including legal fees, of whatsoever kind and nature which may result in injury or death to any persons, including the Contractor's own employees, and for loss or damage to any property, including property owned or in the care, custody or control of Washtenaw County in connection with or in any way incident to or arising out of the occupancy, use, service, operations, performance or non-performance of work in connection with this contract resulting in whole or in part from negligent acts or omissions of Contractor, any sub-contractor, or any employee, agent or representative, including volunteers, of the Contractor or any sub-contractor.

To the extent permitted by Michigan law, Washtenaw County will protect, defend and indemnify the Contractor, its officers, agents, servants, volunteers and employees from any and all liabilities, claims, liens, fines, demands and costs, including legal fees, of whatsoever kind and nature which may result in injury or death to any persons, including Washtenaw County's own employees, and for loss or damage to any property, including property owned or in the care, custody or control of the Contractor in connection with or in any way incident to or arising out of the occupancy, use, service, operations, performance or non-performance of work in connection with this contract resulting in whole or in part from negligent acts or omissions of Washtenaw County, any sub-contractor, or any employee, agent or representative of Washtenaw County.

ARTICLE VII - INSURANCE REQUIREMENTS

The Contractor will maintain at its own expense during the term of this Contract, the following insurance:

1. Workers' Compensation Insurance with Michigan statutory limits and Employers Liability Insurance with a minimum limit of \$100,000 each accident for any employee.
2. Commercial General Liability Insurance with a combined single limit of \$1,000,000 each occurrence for bodily injury and property damage. The County shall be added as "additional insured" on general liability policy with respect to the services provided under this contract.
3. Automobile Liability Insurance covering all owned, hired and nonowned vehicles with Personal Protection Insurance and Property Protection Insurance to comply with the provisions of the Michigan No Fault Insurance Law, including residual liability insurance with a minimum combined single limit of \$1,000,000 each accident for bodily injury and property damage.

Insurance companies, named insureds and policy forms may be subject to the approval of the Washtenaw County Administrator, if requested by the County Administrator. Such approval shall not be unreasonably withheld. Insurance policies shall not contain endorsements or policy conditions which reduce coverage provided to Washtenaw County. Contractor shall be responsible to Washtenaw County or insurance companies insuring Washtenaw County for all costs resulting from both financially unsound insurance companies selected by Contractor and their inadequate insurance coverage. Contractor shall furnish the Washtenaw County Administrator with satisfactory certificates of insurance or a certified copy of the policy, if requested by the County Administrator.

No payments will be made to the Contractor until the current certificates of insurance have been received and approved by the Administrator. If the insurance as evidenced by the certificates furnished by the Contractor expires or is canceled during the term of the contract, services and related payments will be suspended. Contractor shall furnish the County Administrator's Office with certification of insurance evidencing such coverage and endorsements at least ten (10) working days prior to commencement of services under this contract. Certificates shall be addressed to the County Administrator, P. O. Box 8645, Ann Arbor, MI, 48107, and shall provide for 30 day written notice to the Certificate holder of cancellation of coverage.

ARTICLE VIII - COMPLIANCE WITH LAWS AND REGULATIONS

The Contractor will comply with all federal, state and local regulations, including but not limited to all applicable OSHA/MIOSHA requirements and the Americans with Disabilities Act.

ARTICLE IX - INTEREST OF CONTRACTOR AND COUNTY

The Contractor promises that it has no interest which would conflict with the performance of services required by this contract. The Contractor also promises that, in the performance of this contract, no officer, agent, employee of the County of Washtenaw, or member of its governing bodies, may participate in any decision relating to this contract which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested or has any

personal or pecuniary interest. However, this paragraph does not apply if there has been compliance with the provisions of Section 3 of Act No. 317 of the Public Acts of

1968 and/or Section 30 of Act No. 156 of Public Acts of 1851, as amended by Act No. 51 of the Public Acts of 1978, whichever is applicable.

ARTICLE X - CONTINGENT FEES

The Contractor promises that it has not employed or retained any company or person, other than bona fide employees working solely for the Contractor, to solicit or secure this contract, and that it has not paid or agreed to pay any company or person, other than bona fide employees working solely for the Contractor, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this contract. For breach of this promise, the County may cancel this contract without liability or, at its discretion, deduct the full amount of the fee, commission, percentage, brokerage fee, gift or contingent fee from the compensation due the Contractor.

ARTICLE XI - EQUAL EMPLOYMENT OPPORTUNITY

The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief (except as it relates to a bona fide occupational qualification reasonably necessary to the normal operation of the business).

The Contractor will take affirmative action to eliminate discrimination based on sex, race, or a handicap in the hiring of applicant and the treatment of employees. Affirmative action will include, but not be limited to: Employment; upgrading, demotion or transfer; recruitment advertisement; layoff or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship.

The Contractor agrees to post notices containing this policy against discrimination in conspicuous places available to applicants for employment and employees. All solicitations or advertisements for employees, placed by or on the behalf of the Contractor, will state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, sexual orientation, national origin, physical handicap, age, height, weight, marital status, veteran status, religion and political belief.

ARTICLE XII - LIVING WAGE

The parties understand that the County has enacted a Living Wage Ordinance that requires covered vendors who execute a service or professional service contract with the County to pay their employees under that contract, a minimum of either \$11.05 per hour with benefits or \$ 12.96 per hour without benefits. Contractor agrees to comply with this Ordinance in paying its employees. Contractor understands and agrees that an adjustment of the living wage amounts, based upon the Health and Human Services poverty guidelines, will be made on or before April 30, 2012 and annually thereafter which amount shall be automatically incorporated into this contract. County agrees to give Contractor thirty (30) days written notice of such change. Contractor agrees to post a notice containing the County's Living Wage requirements at a location at its place of business accessed by its employees.

ARTICLE XIII - EQUAL ACCESS

The Contractor shall provide the services set forth in Article I without discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, physical handicap, or age.

ARTICLE XIV - OWNERSHIP OF DOCUMENTS AND PUBLICATION

All documents developed as a result of this contract will be freely available to the public. None may be copyrighted by the Contractor. During the performance of the services, the Contractor will be responsible for any loss of or damage to the documents while they are in its possession and must restore the loss or damage at its expense. Any use of the information and results of this contract by the Contractor must reference the project sponsorship by the County. Any publication of the information or results must be co-authored by the County.

ARTICLE XV - ASSIGNS AND SUCCESSORS

This contract is binding on the County and the Contractor, their successors and assigns. Neither the County nor the Contractor will assign or transfer its interest in this contract without the written consent of the other.

ARTICLE XVI - TERMINATION OF CONTRACT

Section 1 - Termination without cause. Either party may terminate the contract by giving thirty (30) days written notice to the other party.

ARTICLE XVII - PAYROLL TAXES

The Contractor is responsible for all applicable state and federal social security benefits and unemployment taxes and agrees to indemnify and protect the County against such liability.

ARTICLE XVIII - PRACTICE AND ETHICS

The parties will conform to the code of ethics of their respective national professional associations.

ARTICLE XIX- CHANGES IN SCOPE OR SCHEDULE OF SERVICES

Changes mutually agreed upon by the County and the Contractor, will be incorporated into this contract by written amendments signed by both parties.

ARTICLE XX - CHOICE OF LAW AND FORUM

This contract is to be interpreted by the laws of Michigan. The parties agree that the proper forum for litigation arising out of this contract is in Washtenaw County, Michigan.

ARTICLE XXI - EXTENT OF CONTRACT

This contract represents the entire agreement between the parties and supersedes all prior representations, negotiations or agreements whether written or oral.

ARTICLE XXII – ELECTRONIC SIGNATURES

All parties to this contract agree that either electronic or handwritten signatures are acceptable to execute this agreement.

ATTESTED TO:

WASHTENAW COUNTY

By:

Laurence Kestenbaum
 3/13/2012 10:30:53
 Lawrence Kestenbaum (DATE)
 County Clerk/Register

By:

Verna J. McDaniel
 3/13/2012 2:33 AM
 Verna J. McDaniel (DATE)
 COUNTY ADMINISTRATOR

CONTRACTOR

APPROVED AS TO CONTENT:

By:

Tanya Hilgendorf
 3/5/12
 Tanya Hilgendorf (DATE)
 Executive Director, HSHV

By:

Jerry L. Clayton
 3/9/12
 Jerry L. Clayton (DATE)
 County Sheriff

APPROVED AS TO FORM:

By:

Curtis N. Hedger
 3/13/2012 9:20:34 AM
 Curtis N. Hedger (DATE)
 Office of Corporation Counsel
 CURTIS N. HEDGER
 CORPORATION COUNSEL

Chapter 107 - ANIMALS ^[40]

⁽⁴⁰⁾ **Editor's note**— Ord. No. 4-76, adopted March 29, 1976, amended Ch. 107 in its entirety to read as herein set out.

[9:35. - Cruelty to animals.](#)
[9:36. - Poisoning animals.](#)
[9:37. - Birds and birds' nests.](#)
[9:38. - Domestic animals and fowl.](#)
[9:39. - Bees.](#)
[9:40. - Traps.](#)
[9:41. - Injured animals.](#)
[9:42. - Keeping of chickens.](#)
[9:43, 9:44. - Reserved.](#)
[9:45. - Definitions.](#)
[9:46. - Dog licenses.](#)
[9:47. - Violations.](#)
[9:48. - Authority of Animal Control Officer.](#)
[9:49. - Impounding and release procedures.](#)
[9:50. - Alternative confinement.](#)
[9:51. - Interference with animal control officer.](#)
[9:52. - Penalty.](#)
[9:53. - Permit.](#)
[9:54—9:60. - Reserved.](#)

9:35. - Cruelty to animals.

No person shall torture, torment, cruelly beat, cruelly kill or otherwise inflict cruelty upon any animal or bird.

(Ord. No. 63-79, 12-17-79)

9:36. - Poisoning animals.

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird, except rats or mice.

9:37. - Birds and birds' nests.

No person shall molest, injure, kill or capture any wild bird, or molest or disturb any occupied wild bird's nest or the contents thereof.

9:38. - Domestic animals and fowl.

(1) No person shall keep or house any animals or domestic fowl within the City except dogs, cats, rabbits, canaries or small animals commonly classified as pets which are customarily kept or housed

inside dwellings as household pets.

(2) Subsection (1) shall not apply to animals or fowl that are kept or housed at city park facilities for exhibition.

(3) Subsection (1) shall not apply to the keeping of chickens in compliance with all requirements of Section 9:42

(4) Nothing in this Chapter shall prohibit the City or a third party from bringing a nuisance action based on the keeping of animals.

(Ord. No. 29-85, 8-5-85; Ord. No. 16-88, § 1, 4-18-88; Ord. No. 08-19, § 1, 6-2-08, eff. 8-7-08)

9:39. - Bees.

No person shall keep or possess an apiary containing more than 2 stands or hives of bees within the City of Ann Arbor.

9:40. - Traps.

No person shall use a leghold trap within the City.

9:41. - Injured animals.

No person who has injured or killed a dog or cat with a motor vehicle shall fail to, as soon as possible, stop said vehicle and notify either the police or the owner of the animal.

9:42. - Keeping of chickens.

(1) Any person who keeps chickens in the City of Ann Arbor shall obtain a permit from the City prior to acquiring the chickens. No permit shall be issued to a person, by the City, and no chickens shall be allowed to be kept unless the owners of all residentially zoned adjacent properties (as defined below in subsection (3)j.) consent in writing to the permit and this consent is presented along with an application for a permit. Written statements waiving the distance requirement in subsection (3) below shall also be submitted at the time of application and become a part of the permit if issued. Application shall be made to the City Clerk and the fee for the permit shall be as determined by Council resolution.

Permits expire and become invalid 5 years after the date of issuance. A person who wishes to continue keeping chickens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

(2) Notwithstanding the issuance of a permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(3) A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:

TITLE IX - POLICE REGULATIONS
Chapter 107 - ANIMALS

- a. Have been issued the permit required under subsection (1) of this section.
- b. Keep no more than 4 chickens.
- c. The principal use of the person's property is for a single-family dwelling or two-family dwelling.
- d. No person shall keep any rooster.
- e. No person shall slaughter any chickens.
- f. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Fenced enclosures are subject to all provisions of Chapter 104 (Fences).
- g. A person shall not keep chickens in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.
- h. No covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an adjacent property;
- i. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 40 feet to any residential structure on an adjacent property provided, however, this requirement can be waived as follows:
 - (i) If the principal use of applicant's property is for a single-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners that there is no objection to the issuance of the permit.
 - (ii) If the principal use of the applicant's property is for a two-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners and of the occupants of the other dwelling stating that there is no objection to the issuance of the permit.
- j. For purposes of this section, adjacent property means all parcels of property that the applicant's property comes into contact with at 1 or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a public or private street.
- k. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- l. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- m. If the above requirements are not complied with, the City may revoke any permit granted

under this section and/or initiate prosecution for a civil infraction violation.

(4) A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.

(Ord. No. 08-19, § 2, 6-2-08, eff. 8-7-08)

9:43, 9:44. - Reserved.

9:45. - Definitions.

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

(1) *Animal Control Officer.* Any City Police Officer or such other persons as the administrator may designate provided that such persons meet the qualifications specified by Act 339, Public Acts of 1919, as amended.

(2) *Dangerous animal.* An animal which has bitten a person so as to draw blood or caused a person broken bones or which has repeatedly attacked, chased or menaced any person or damaged the property (including animals) of persons other than the owner. An animal shall not be considered dangerous solely because it has bitten or attacked a person or any animal attacking its owner or its owner's family nor shall an animal be considered dangerous if it bites or injures a person who has, without justification, provoked it by attacking it or its young.

(3) *Dog play area regulation.* A regulation that provides rules and requirements for the use of designated dog play areas by dogs and dog owners. The Community Services Administrator or designee may make and issue dog play area regulations, which shall be effective upon approval by City Council and filing with the City Clerk.

(4) *Noise nuisance.* Barking, howling, meowing, squawking or making other sounds, frequently or for a continued duration, which annoys, endangers, injures or disturbs a person of normal sensitivities on premises other than that occupied by the owner of the animal. After 10:00 p.m. and before 7:00 a.m., animal noises audible beyond the property line of the property where the animal is located are presumed to be an annoyance and disturbance and are presumed to constitute a noise nuisance.

(5) *Sanitation nuisance.* Unsanitary conditions resulting from animal droppings, food waste, debris, or any other thing to cause vermin infestation, odors, or disease hazards.

(6) *Own.* To have possession or a right of property in an animal or to permit a dog or cat to remain on or about one's premises 5 days or more.

(7) *Under reasonable control.* A dog which is:

(a) Secured by a leash held by the owner or the owner's agent;

(b) Secured by a leash which is attached to a stationary object and attended by the owner or the owner's agent; or

(c) On the premises of the owner or confined in a vehicle.

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(d) On the premises of a dog play area as designated by the Community Services Area Administrator or designee and upon approval by City Council.

(8) *Vicious animal.* An animal which:

(a) Has killed a person or caused a person serious bodily injury, including, but not limited to, injuries resulting in hospital confinement or reconstructive surgery.

(b) Is owned, possessed, harbored or trained for the purpose of animal fighting.

(c) Repeatedly bites or in any way injures people.

(Ord. No. 59-88, § 1, 12-19-88; Ord. No. 25-93, § 1, 8-16-93; Ord. No. 16-07, § 1, 6-18-07; Ord. No. 27-07, § 1, 8-6-07; Ord. No. 08-19, § 3, 6-2-08, eff. 8-7-08)

9:46. - Dog licenses.

(1) The City Clerk shall issue dog licenses and tags to City residents who:

(a) Make application for such licenses on forms provided by the Clerk;

(b) Pay the City a license fee of \$14.00 for 2 years effective July 1, 2005 and thereafter as established by resolution of City Council; and

(c) Present valid certification of rabies vaccination of the dog to be licensed.

(2) All dog licenses shall expire on June 30 of the second year following issuance of the license.

(3) The City Clerk is authorized to establish procedures for issuing licenses through a humane society, veterinarians and by mail and for issuing licenses tags containing the name and address of the dog owner.

(Ord. No. 59-88, § 1, 12-19-88; Ord. No. 25-93, § 1, 8-16-93; Ord. No. 16-03, § 5, 5-19-03; Ord. No. 20-04, § 3, 6-21-04; Ord. No. 18-05, § 3, 5-16-05)

9:47. - Violations.

The owner of any dog or other animal shall be guilty of a violation of the chapter if:

(1) The dog is at any time not under reasonable control;

(2) The animal causes a noise nuisance;

(3) The animal causes a sanitation nuisance;

(4) The dog is over 6 months old and is not currently licensed or is not wearing a license tag issued pursuant to this chapter;

(5) The dog (except leader dogs for the blind) discharges its feces on property other than that of its owner and the owner does not immediately remove such feces;

(6) The dog or dog-owner is in violation of any dog play area regulation.

(7) The animal is vicious;

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- (8) The dog is at a location other than as specified in a confinement order issued pursuant to this chapter;
- (9) The animal has symptoms of rabies or has bitten or been bitten by another animal showing symptoms of rabies and the owner fails to notify an Animal Control Officer of that fact;
- (10) The owner fails to comply with all the terms of a confinement order;
- (11) The dog has been impounded and disposed of or sold pursuant to section 9:49(4) and the owner acquires another dog within 1 year of said impoundment;
- (12) The owner of a cat older than 6 months fails to have it at all times immunized against rabies;
- (13) The owner fails to provide the animal with proper food, drink or shelter from the weather;
- (14) The owner fails to provide the animal with medical attention necessary to prevent the animal from suffering;
- (15) The owner confines or leaves the animal in a vehicle or other enclosure without adequate ventilation to prevent the animal from suffering;
- (16) A dangerous dog, when kept out of doors, is not in a pen or kennel sufficient to restrain the dog and surrounded by a perimeter fence not sharing common fencing with the pen or kennel;
- (17) The animal, other than a dog, is dangerous and is not kept indoors;
- (18) The person is convicted of owning a vicious dog and then acquires another dog within 2 years of the date of the conviction.

(Ord. No. 63-79, 12-17-79; Ord. No. 59-88, § 2, 12-19-88; Ord. No. 25-93, § 2, 8-16-93; Ord. No. 16-07, § 2, 6-18-07; Ord. No. 27-07, § 2, 8-6-07)

9:48. - Authority of Animal Control Officer.

An Animal Control Officer shall have authority to:

- (1) Impound any dog not under reasonable control;
- (2) Impound any dog which has bitten a person;
- (3) Impound any dangerous animal;
- (4) Humanely kill any domestic or wild animal when such action is needed to protect persons or property or to prevent suffering by the animal;
- (5) Impound any unlicensed dog;
- (6) Impound any animal causing a noise nuisance;
- (7) Impound any animal causing a sanitation nuisance;
- (8) Impound any animal showing symptoms of rabies or which has bitten or been bitten by another animal showing symptoms of rabies.

(Ord. No. 25-93, § 3, 8-16-93)

9:49. - Impounding and release procedures.

(1) Animals impounded pursuant to this chapter shall be confined at a City pound or at such animal shelter or veterinary hospitals which arrange with the City to perform confinement and release procedures established by this chapter.

Council by resolution shall designate an agency which shall provide impounded animals with a safe and sanitary environment and also which shall provide adequate water and wholesome food during the period of impoundment.

(2) Animals impounded for biting a person or because they are suspected of having rabies shall be confined for 10 days to determine whether or not they have rabies.

(3) Animals impounded pursuant to this chapter may be released to the owners, after any required confinement period, upon the following conditions:

(a) Payment to the City of a fee of \$65.00 or as established by Council resolution.

(b) Payment of a boarding fee of \$4.00 on the first day or fractional day and \$3.00 for each subsequent day or fractional day or such other fees as Council may establish by resolution;

(c) Presentation of proof that the animal has been inoculated and licensed if such is required by this chapter.

(4) If the owner of an animal does not obtain its release within 4 days of the time it was impounded or of the end of a rabies confinement, it may be disposed of or sold. If such animal has a license or other indication of the name and address of the owner, the disposal or sale may occur only after 7 days from the time the owner is notified of the impoundment.

(Ord. No. 70-80, 11-3-80; Ord. No. 17-02, § 1, 5-20-02)

Editor's note— It should be noted that the provisions of Ord. No. 17-02 become effective July 1, 2002.

9:50. - Alternative confinement.

(1) Where this chapter provides that an animal be impounded and confined for rabies examination, an Animal Control Officer may issue a confinement order on the following terms:

(a) The owner shall securely confine the animal for 10 days at the owner's premises or at a veterinary hospital as specified in the order;

(b) If confined at the owner's premises, the animal shall be kept within the dwelling, or, when outside, be securely chained of a length to keep the animal at least 5 feet away from any street, sidewalk or property line;

(c) The owner shall pay the City a \$30.00 inspection fee or an amount as established by Council resolution;

(d) If the animal dies, its remains shall be examined by a veterinarian and the report of said examination presented to the Animal Control Officer.

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(2) Such an order for alternative confinement may be issued on the sole discretion of the Animal Control Officer upon finding that:

- (a) The owner is willing to comply with the terms of the order;
- (b) The owner has the means to comply with the order;
- (c) The public will not be endangered by such alternative confinement;
- (d) The animal is not vicious;
- (e) The animal has not previously been the subject of an order for alternative confinement.

(Ord. No. 59-88, § 3, 12-19-88; Ord. No. 18-02, § 1, 5-20-02)

Editor's note— It should be noted that the provisions of Ord. No. 18-02 become effective July 1, 2002.

9:51. - Interference with animal control officer.

No person shall willfully interfere with an Animal Control Officer who is attempting to perform the functions specified by this chapter.

9:52. - Penalty.

Violation of this chapter shall be punished by a fine of not less than \$25.00 nor more than \$500.00. For the second and subsequent violations of this chapter within a 2-year period, the fine shall not be less than \$50.00 nor more than \$500.00. In addition, violation of section 9:35 and subsection 9:47()(7) may be punished by imprisonment for up to 90 days. However, violation of 9:47(1), (2), (3), (4) and (5) shall be punishable by only a civil fine of not less than \$25.00 nor more than \$500.00 for a first offense and for a second offense not less than \$50.00 nor more than \$500.00.

(Ord. No. 70-80, 11-3-80; Ord. No. 59-88, § 4, 12-19-88; Ord. No. 60-92, § 1, 9-8-92; Ord. No. 25-93, § 4, 8-16-93; Ord. No. 08-19, § 4, 6-2-08, eff. 8-7-08)

9:53. - Permit.

Sections 9:36 and 9:37 shall not apply to actions taken pursuant to a permit issued by the city administrator for the control or eradication of animals or birds that are causing property damage or are creating a nuisance or health hazard. No such permit shall be issued unless a permit for the actions has been issued by the Michigan Department of Natural Resources under the authority of 1929 PA 286, being MCLA 311.1 et seq.

(Ord. No. 5-81, 2-2-81)

9:54—9:60. - Reserved.

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ARTICLE I. - IN GENERAL

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Sec. 14-1. - Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means every nonhuman species of animal, both domestic and wild.

Animal control officer means any person who is qualified to perform such duties under the laws of this state, including the city ordinance officer, county dog officer when the city contracts with the county for the services of this individual, investigators of the Humane Society of Huron Valley when the city contracts with them for such services, and the city police department.

Animal shelter means any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption, or euthanasia.

Auction means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.

Circus means a commercial variety show featuring animal acts for public entertainment.

Commercial animal establishment means any pet shop, grooming shop, animal auction, stable, petting zoo, zoological park, circus, performing animal exhibition, or kennel.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard dog means any dog that will detect and warn its handler that an intruder is present in/or near an area that is being secured.

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Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and/or cats, or any dwelling unit where four or more dogs and/or cats are harbored other than dogs and/or cats under four months of age.

Licensing authority means the city manager or his designee.

Owner means any person, partnership, or corporation owning, keeping, harboring, or having custody of one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more except for wild birds fed from outdoor bird feeders.

Performing animal exhibition means any spectacle, display, act, or event, other than circuses and parades, in which performing animals are used.

Pet means any animal kept for pleasure rather than utility or any animal of a species that has been bred and raised to live in or about the habitation of human beings and is dependent on people for food or shelter.

Pet shop means any person, partnership, or corporation, except for a licensed kennel, veterinary hospital, or animal shelter, whether operated separately or in connection with another business enterprise, that buys, sells, or boards any species of animal.

Restraint means any animal secured by a leash or lead extending six feet or less and under the control of a responsible person and obedient to that person's commands, or when confined securely in a shipping receptacle, crate, or closed automobile, or when within the real property limits of its owner and under the control of a leash or being fenced in or by some other suitable physical means kept from leaving the property at any time.

Stable means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animals, including a racetrack, trotting track, or rodeo.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Wild animal means any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, nonpoisonous insects, and captive-bred species of rodents, common cage birds, nonpoisonous aquarium reptiles, aquarium amphibians, and aquarium fish.

Zoological park means any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals.

Cross reference— Definitions generally, § 1-2.

Sec. 14-2. - Enforcement.

(a) The animal control officer shall enforce the civil and criminal provisions of this chapter. It shall be a violation of this chapter to interfere with any such officer in the performance of his duties.

(b) The animal control officer shall:

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- (1) Make arrangements with the Humane Society of Huron Valley or other suitable facility for the retention of animals impounded under this chapter;
- (2) Seek an ex parte order in the district court any time an animal is to be confined in the Humane Society of Huron Valley for more than three days, ordering and requiring Humane Society of Huron Valley to hold the animal for the specified period of time;
- (3) Make a report to the city clerk of all unlicensed animals not duly licensed found in the city, after May 1 of each year;
- (4) Keep a record of the breed, sex, age, color and markings of every animal impounded together with the date and hour of its impounding and the name of the owner, if known;
- (5) Use tranquilizers or other chemical means when reasonably necessary to capture and impound unrestrained animals. Furthermore, the animal control officer and humane society and the city shall not be liable for any accidental death as a result thereof.

(c) The city police department shall also possess all the powers granted to the animal control officer and shall act in concert with the animal control officer at all times.

Sec. 14-3. - Impoundment; release; adoption; violation notice.

(a) The animal control officers shall take and impound in an animal shelter and there confine in a humane manner all:

- (1) Unrestrained dogs;
- (2) Public nuisance animals;
- (3) Animals not duly licensed as provided by article II of this chapter;
- (4) Animals not inoculated as provided by sections articles II and IV of this chapter;
- (5) Any animal being treated in violation of section 14-10
- (6) Any animal found to be in violation of this chapter.

(b) Any animal exposed to rabies or any animal that has attacked any person or other animal shall be kept for such additional time and under such conditions as required by article IV of this chapter.

(c) Any unlicensed animal or any animal not identified by a tag or other means shall be kept for not fewer than five working days after which any such animal not reclaimed by its owner shall become the property of the local government authority or humane society and shall be placed for adoption in a suitable home or humanely euthanized by sodium pentobarbital, FP-3, or cooled and bottled carbon monoxide only.

(d) If, by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or first class mail. Any such animal not reclaimed by its owner within five working days after the animal officer has made a reasonable effort to notify the owner shall become the property of the local government authority or humane society and shall be placed for adoption in a suitable home or humanely euthanized by sodium pentobarbital, FP-3, or cooled and bottled carbon monoxide only.

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(e) An owner reclaiming an impounded animal shall pay a fee as set by resolution of the city council, plus:

- (1) For unlicensed animals, the license fee;
- (2) For animals not inoculated, the inoculation fee;
- (3) For the first day impounded, a fee as set by resolution of the city council;
- (4) For each additional day impounded, a fee as set by resolution of the city council.
- (5) The cost to the city for the animal being captured or taken into possession and delivered to the Humane Society or other holding facility.

Subsequent impounds occurring within 12 months shall be charged double.

(f) Any animal impounded, seized, or delivered under this chapter that has not been inoculated as provided by articles II and IV of this chapter shall be inoculated by a veterinarian unless the animal is to be humanely euthanized under the provisions of this chapter. No such animal shall be released that has not been inoculated.

(g) The shelter director shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded at the shelter, and all penalties paid and collected.

(h) No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and at a specified date in the contract for pups and kittens. Adoption fees and, where applicable, sterilization fees or deposits as required and set by the Humane Society of Huron Valley must be paid at the time of adoption.

(i) The owner of an impounded animal may also be proceeded against for violation of this chapter.

(Ord. No. 898, 7-20-1999)

Sec. 14-4. - Removal of animal for four or more violations.

Any time the owner or keeper of an animal shall be convicted of four or more violations of this chapter relating to that animal in a two-year period, at the discretion of the court, the animal may be removed from the owner and turned over to the Humane Society of the Huron Valley to do with as it sees fit.

Sec. 14-5. - Additional liability.

Nothing in this chapter shall be construed as limiting the common law liability of the owner of a animal for damages committed by it.

Sec. 14-6. - Slaughterhouses and slaughtering.

(a) *Generally.* No person, partnership or corporation shall keep, maintain or use or permit to be kept, maintained or used, any slaughterhouse within the limits of the city. No person, partnership or corporation shall slaughter any sheep, swine or cattle within the limits of the city.

(b) *Keeping slaughterhouses for purpose of slaughtering, declared nuisance.* It is hereby declared that the keeping, maintaining or use of a slaughterhouse for the purpose of slaughtering sheep, swine or

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cattle within the limits of the city is a nuisance.

Cross reference— Businesses, ch. 22.

Sec. 14-7. - Restrictions on keeping certain animals.

(a) *Pets.* No owners shall keep or house any animals or domestic fowl within the city except dogs, cats, nonpoisonous insects, and captive-bred species of rodents, common cage birds, cage birds kept pursuant to license under state or federal law, including but not limited to Michigan Act 451, PA of 1994, as amended, and the Wildlife Conservation Order as amended and under the Code of Federal Regulation (CFR), including but not limited to 50CFF 13 subpart D and 50 CFR; 1.28 and 21.29, nonpoisonous aquarium reptiles, aquarium amphibians, and aquarium fish commonly classified as pets and which are customarily kept or housed inside dwellings as household pets.

(b) *Wild animals.*

(1) No person shall own, possess, or have custody on his premises any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to AAZPA accredited facilities or cage birds kept under state or federal license.

(2) No person shall keep or permit to be kept any wild animal as a pet.

(3) The licensing authority may grant temporary permits for the keeping of infant wild animals. However, the licensing authority shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.

(c) *Bees.* No owner shall keep or possess any apiary containing any stands or hives of bees except as provided by chapter 122

(d) *Rights protected by the Michigan Right to Farm Act excluded.* This section does not extend or revise in any manner the provisions of the Michigan Right to Farm Act or generally accepted agricultural and management practices developed under the Michigan Right to Farm Act. Specifically, the following are excepted from the prohibitions of this section: A farm or farm operation under the Michigan Right to Farm Act that conforms to generally accepted agricultural and management practices according to policy determined by the Michigan Commission of Agriculture and, therefore, is not a public nuisance pursuant to MCL 285.473; and a farm or farm operation that existed before a change in land use or occupancy of land within one mile of the boundaries of the farm land, and if before that change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.

(e) *Municipal civil infraction.* A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38

(Ord. No. 1020, 12-6-2005; Ord. No. 1092, § 1, 3-3-2009)

Sec. 14-8. - Restraint.

(a) *Generally.* All animals shall be kept under restraint.

(b) *Dogs or cats in heat.* Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with an unneutered male of the same species except for planned breeding.

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(c) *Impediment to pedestrian traffic.* No animal shall be left unattended in a location so as to permit it to impede pedestrian traffic to and from sites of entrance and egress to public buildings or buildings to which the public is invited.

(d) *Municipal civil infraction.* A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38

Sec. 14-9. - Removal of animal waste.

(a) *Responsibility.* The owner of every animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, or private property.

(b) *Municipal civil infraction.* A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 70-38

Cross reference— Solid waste, ch. 86.

Sec. 14-10. - Animal care.

(a) The following acts are prohibited:

(1) No owner shall fail to provide to animals within the owner's custody sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(2) No owner of an animal which appears to be diseased or sick shall fail to procure proper veterinary treatment for the animal. The animal control officer upon seeing any diseased or sick animal shall inform its owner that the animal is diseased or sick and that proper veterinary care should be procured. If after three days following such warning, proof of receiving veterinary care has not been procured, the animal control officer shall seek an order in the district court, giving the animal control officer authority to seize the animal and confine it for treatment, with all costs for the entire process to be borne by the owner.

(3) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and human beings.

(4) No owner of an animal shall abandon such animal.

(5) No person shall crop or have cropped a dog's ears or dock or have docked a dog's tail, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort or when required to conform to American Kennel Club breed standards. In no event shall any person except a licensed veterinarian perform such an operation.

(6) Chickens, ducklings, or rabbits younger than eight weeks of age may not be sold in quantities of fewer than 25 to a single purchaser.

(7) No owner shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the

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purpose of attracting trade.

(8) No person shall molest, injure, kill or capture any wild bird, or molest or disturb any occupied wild bird's nest or its contents.

(9) Performing animal exhibitions:

a. No person may sponsor, promote, train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.

b. All equipment used on a performing animal shall fit properly and be in good working condition.

(10) Any person who, as the operator of a motor vehicle, strikes a mammal shall stop at once and render such assistance as may be possible and, for mammals other than wild mammals, shall immediately report the injury or death to the mammal's owner. If the owner cannot be ascertained and located, or the mammal is a wild mammal, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(11) No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall endanger or be likely to endanger any animal, provided that it shall be lawful for a person to expose on his own property common rat poison mixed only with vegetable substance and to use household and garden insect sprays, traps, granules, and powders as directed by their instructions. This subsection shall not apply to state licensed exterminators.

(12) No person shall use any leghold trap within the city.

(13) No person shall shoot, kill, cripple, hunt, chase or in any way injure any animal within the limits of the city; provided, however, this shall not prohibit an owner or occupant from exterminating rats or other pest animals.

(b) Any person convicted of a violation of section 14-10 on two or more occasions within a two-year period shall incur a minimum penalty of five days in jail and/or a fine of not less than \$75.00 and not more than \$500.00, and if he is the owner of the maltreated animal, at the discretion of the court, the animal shall be turned over to the Humane Society of Huron Valley to do as it sees fit. An owner of a maltreated animal, if convicted of a violation of section 14-10 with respect to that animal, shall have all licenses and permits to own, keep, harbor, or have custody of animals automatically revoked and no new licenses and permits may be issued.

Sec. 14-11. - Public nuisance animals.

(a) Any animal or animals that unreasonably annoy persons, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property is a public nuisance. The term "public nuisance animal" shall mean and

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include, but is not limited to, any animal that:

- (1) Is repeatedly found not under restraint or repeatedly damages the property of anyone other than its owner;
- (2) Molests or unreasonably intimidates pedestrians or passersby;
- (3) Chases vehicles;
- (4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (5) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (6) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (7) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or
- (8) Attacks other domestic animals.

(b) An owner shall exercise the proper care and control of his animals to prevent them from becoming a public nuisance.

(c) No person shall own or feed or harbor an animal which is a public nuisance.

Cross reference— Nuisances generally, § 42-31 et seq.

Sec. 14-12. - Vicious animal.

(a) Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals is a vicious animal.

(b) No person, partnership or corporation shall own or feed or harbor a vicious animal.

(c) Upon recommendation of the animal control officer, the court is authorized to have an animal destroyed for a violation of this section or whenever in the discretion of the court, the animal represents a danger to society.

State law reference— Regulation of dangerous animals, MCL 287.321 et seq.

Sec. 14-13. - Keeping of female chickens (hens).

(a) Any person who keeps hens in the City of Ypsilanti shall obtain a permit from the city prior to acquiring the hens and pay a permit fee set by city council. This permit shall be kept by the owner and presented upon demand by any city official or police officer. Permits are non-transferable and do not run with the land. A permit may be obtained by any property owner of a property whose principle use is as a single-family or two-family zoned property within the City of Ypsilanti. Permits issued prior to June 1, 2010

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will expire on July 1, 2011 and be renewable for two-year periods. Permits shall provide a limited license for the activity, and no vested zoning rights shall arise from said permit issuance.

(b) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit keeping of hens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(c) A person who keeps or houses hens on his or her property shall comply with the following requirements:

- (1) Must obtain a permit pursuant to subsection (a) of this section.
- (2) Keep no more than four hens.
- (3) The principal use of the person's property must be for a single-family dwelling or two-family dwelling.
- (4) No person shall keep a male chicken (rooster).
- (5) No person shall slaughter any hens.
- (6) Any person keeping hens shall remain subject to public nuisance animal controls codified in section 14-11 of the Ypsilanti Code of Ordinances.
- (7) The hens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Fenced enclosures are subject to the provisions of section 122-714 of the Code of Ordinances.
- (8) A person shall keep hens in the backyard only. For this subsection, "backyard" means the portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.
- (9) All enclosures for the keeping of hens shall be constructed, repaired and maintained in a manner to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- (10) All feed and other items associated with the keeping of hens that are likely to attract or to become infested shall be so protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- (11) Chicken coops and enclosures shall be at least 20 feet from any residential structure not owned by the permittee unless written permission is granted from the owner of the affected residential structure.

(d) If the requirements of subsection (c) are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.

(Ord. No. 1100, § 1, 7-21-2009; Ord. No. 1118, § 1, 6-1-2010)

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id="PTIICOOR_CH14AN_ARTIINGE_SS14-14--14-30RE"><p class="sec">Secs. 14-14—14-30. - Reserved.

ARTICLE II. - LICENSES ^[25]

⁽²⁵⁾ **State Law reference**— Authority to establish licensing requirements for ferrets, MCL 287.898.

DIVISION 1. - GENERALLY
DIVISION 2. - DOGS

DIVISION 1. - GENERALLY

[Sec. 14-31. - Municipal civil infraction.](#)
[Sec. 14-32. - Licensing at owner's expense.](#)
[Sec. 14-33. - Review of violations.](#)
[Sec. 14-34. - License periods, issuance and revocation.](#)
[Secs. 14-35—14-45. - Reserved.](#)

Sec. 14-31. - Municipal civil infraction.

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

Sec. 14-32. - Licensing at owner's expense.

Any animal found not duly licensed under this chapter shall be so licensed at the owner's expense.

Sec. 14-33. - Review of violations.

The licensing authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations under this chapter have been assessed in a 12-month period.

Sec. 14-34. - License periods, issuance and revocation.

(a) License periods shall begin on January 1 and shall run for one year. Renewal applications shall be made from 30 days before to 60 days after the end of the license period. New applications may be made at any time. Owners applying for a license after July 1 shall be required to pay 50 percent of the applicable fee. All applications shall be made as required by this chapter.

(b) After an application is filed, the licensing authority may inspect facilities prior to issuing a license.

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(c) The licensing authority may revoke any permit or license if the owner holding the license refuses or fails to comply with this chapter, the regulations promulgated by the licensing authority, or any law governing the protection and keeping of animals. Any owner whose license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored. No part of the license fee shall be refunded.

(d) It shall be a condition of the issuance of any license that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the license of the refusing owner.

(e) If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a license or revoke any license already issued.

(f) No person who has been convicted of a violation of section 14-10 shall be issued or have transferred to their name a license under this chapter.

(g) Any person having been denied a license may not reapply for a period of 30 days. Each reapplication shall be accompanied by a fee as set by resolution of the city council. <p class="sec">Secs. 14-35—14-45. - Reserved.

DIVISION 2. - DOGS ^[26]

⁽²⁶⁾ **State Law reference**— Dog license, MCL 287.266 et seq.; authority for city to license dogs, MCL 287.290.

[Sec. 14-46. - Licensing.](#)
[Sec. 14-47. - License application contents.](#)
[Sec. 14-48. - Required for dog four months of age.](#)
[Sec. 14-49. - Exemption to license fees.](#)
[Sec. 14-50. - Issuance of tag or collar.](#)
[Sec. 14-51. - Identification to be worn.](#)
[Sec. 14-52. - Record of licenses.](#)
[Sec. 14-53. - License fees.](#)
[Sec. 14-54. - Duplicate licenses; fee.](#)
[Sec. 14-55. - Use of tag of another animal.](#)
[Sec. 14-56. - Exhibit of license upon request.](#)
[Secs. 14-57—14-80. - Reserved.](#)

Sec. 14-46. - Licensing.

An owner of any dog over four months of age within this municipality must obtain a license as provided by this chapter. This provision does not apply to animal shelters, veterinary hospitals, licensed animals boarded at kennels.

Sec. 14-47. - License application contents.

Written application for licenses must be made to the licensing authority and shall include:

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- (1) The name and address of the applicant;
- (2) A description of the dog;
- (3) The appropriate fee;
- (4) A rabies certificate issued by a licensed veterinarian or antirabies clinic for a term equal to or exceeding the license term.

Sec. 14-48. - Required for dog four months of age.

Applications for a license must be made within 30 days after obtaining a dog over four months of age; this requirement does not apply to a dog owned by a nonresident and kept within the municipality for not longer than 60 days.

Sec. 14-49. - Exemption to license fees.

License fees shall not be required for certified seeing eye dogs, hearing dogs, other certified dogs that are trained to assist the physically handicapped, or governmental police dogs.

Sec. 14-50. - Issuance of tag or collar.

Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the dog's collar or harness.

Sec. 14-51. - Identification to be worn.

Dogs must wear identification tags or identification collars at all times when off the premises of the owners.

Sec. 14-52. - Record of licenses.

The licensing authority shall maintain a record of the identifying numbers of all tags and collars issued and shall make this record available to the public at all times.

Sec. 14-53. - License fees.

Annual licenses will not be issued until all conditions are met and the payment of the applicable fee as set by resolution of the city council for the following categories shall be made:

- (1) Unneutered male dog.
- (2) Neutered male dog.
- (3) Unspayed female dog.
- (4) Spayed female dog.

Sec. 14-54. - Duplicate licenses; fee.

A duplicate identification tag or collar may be obtained upon payment of a replacement fee as set by resolution of the city council.

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Sec. 14-55. - Use of tag of another animal.

No owner or person may use any identification tag or collar for any animal other than the animal for which it was issued.

Sec. 14-56. - Exhibit of license upon request.

An owner must exhibit the license to a law enforcement officer upon request. <p class="showURLs" href="javascript:void(0)" >Secs. 14-57—14-80. - Reserved.

ARTICLE III. - PERMITS

DIVISION 1. - GENERALLY
DIVISION 2. - COMMERCIAL ANIMAL ESTABLISHMENTS AND ANIMAL SHELTERS
DIVISION 3. - GUARD DOG TRAINING CENTERS
DIVISION 4. - KENNELS

DIVISION 1. - GENERALLY

[Sec. 14-81. - Promulgation of regulations.](#)
[Sec. 14-82. - Municipal civil infraction.](#)
[Sec. 14-83. - Separate permits.](#)
[Sec. 14-84. - Permit periods, issuance and revocation.](#)
[Sec. 14-85. - Permit fees.](#)
[Sec. 14-86. - Transfer of permit.](#)
[Sec. 14-87. - Failure to obtain permit.](#)
[Secs. 14-88—14-100. - Reserved.](#)

Sec. 14-81. - Promulgation of regulations.

The licensing authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for the public health and welfare or for the protection of animals.

Sec. 14-82. - Municipal civil infraction.

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

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Sec. 14-83. - Separate permits.

Every facility regulated by this chapter shall be considered a separate enterprise requiring an individual permit.

Sec. 14-84. - Permit periods, issuance and revocation.

(a) Permit periods shall begin on January 1 and shall run for one year. Renewal applications shall be made from 30 days before to 60 days after the end of the permit period. New applications may be made at any time. Owners applying for a permit after July 1 shall be required to pay 50 percent of the applicable fee. All applications shall be made as required by this chapter.

(b) After an application is filed, the licensing authority shall inspect facilities prior to issuing a permit.

(c) The licensing authority may revoke any permit if the owner holding the permit refuses or fails to comply with this chapter, the regulations promulgated by the licensing authority, or any law governing the protection and keeping of animals. Any owner whose permit is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept, or harbored. No part of the permit fee shall be refunded.

(d) It shall be a condition of the issuance of any permit that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit of the refusing owner.

(e) If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or revoke any permit already issued.

(f) No person, nor a commercial animal establishment that employs such a person in a position that cares for animals, who has been convicted of a violation of section 14-10 shall be issued or have transferred to their name a permit under this chapter.

(g) Any person, partnership, or corporation having been denied a permit may not reapply for a period of 30 days. Each reapplication shall be accompanied by a fee as set by resolution of the city council.

Sec. 14-85. - Permit fees.

(a) When an applicant has shown willingness and ability to comply with the regulations promulgated by the licensing authority and with this chapter, an annual permit shall be issued or renewed upon payment of the applicable fee as set by resolution of the city council for each of the following categories:

- (1) Kennel authorized to house or train fewer than ten dogs and/or cats.
- (2) Kennel authorized to house or train ten or more but fewer than 50 dogs and/or cats.
- (3) Kennel authorized to house or train 50 or more dogs and/or cats.
- (4) Pet shop.
- (5) Riding stable.
- (6) Auction.
- (7) Zoological park.

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- (8) Circus.
- (9) Grooming shop.
- (10) Petting zoo.
- (11) Guard dog training center.

(b) No fee shall be required of any veterinary hospital, animal shelter, or government-operated zoological park.

Sec. 14-86. - Transfer of permit.

Permits shall be transferred upon a change in ownership upon the payment of a transfer fee as set by resolution of the city council and a showing of willingness and ability by the new owner to comply with the regulations promulgated by the licensing authority and with this chapter.

Sec. 14-87. - Failure to obtain permit.

No person shall fail to obtain the appropriate permit before opening or reclassifying any facility covered in this article. <p class="sec">Secs. 14-88—14-100. - Reserved.

DIVISION 2. - COMMERCIAL ANIMAL ESTABLISHMENTS AND ANIMAL SHELTERS ^[27]

⁽²⁷⁾ **Cross reference—** Businesses, ch. 22.

[Sec. 14-101. - Permits.](#)

[Sec. 14-102. - Reclassification.](#)

[Secs. 14-103—14-115. - Reserved.](#)

Sec. 14-101. - Permits.

No person shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this article.

Sec. 14-102. - Reclassification.

Commercial animal establishments and animal shelters shall be reclassified upon change in circumstances. Adjustments shall be made for increased permit fees and must be paid before permits are reclassified. <p class="sec">Secs. 14-103—14-115. - Reserved.

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DIVISION 3. - GUARD DOG TRAINING CENTERS ^[28]

⁽²⁸⁾ **Cross reference—** Businesses, ch. 22.

[Sec. 14-116. - Permit required.](#)

[Sec. 14-117. - Guard dog training; license required; contents of application.](#)

[Secs. 14-118—14-130. - Reserved.](#)

Sec. 14-116. - Permit required.

No person shall train guard dogs in the city without having first secured a permit to operate a guard dog training center pursuant to sections 14-84 through 14-87.

Sec. 14-117. - Guard dog training; license required; contents of application.

No person shall train any dog to be used as a guard dog without possessing a valid license. This division shall not apply to the city/county/state government or any of its agencies. The applications for a guard dog training license shall state the name and address of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility. <p class="showURLs" href="javascript:void(0)">Secs. 14-118—14-130. - Reserved.

DIVISION 4. - KENNELS ^[29]

⁽²⁹⁾ **Cross reference—** Businesses, ch. 22.

[Sec. 14-131. - Permit required.](#)

[Sec. 14-132. - Requirements, limitations and regulations.](#)

[Sec. 14-133. - Maintenance of premises.](#)

[Secs. 14-134—14-150. - Reserved.](#)

Sec. 14-131. - Permit required.

No person shall operate a kennel in the city without having first secured a permit to operate such kennel as required by sections 14-84 through 14-87.

Sec. 14-132. - Requirements, limitations and regulations.

No person shall be permitted to operate a kennel unless he shall comply with the following requirements, limitations and regulations:

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- (1) No kennel shall operate with less than 2,000 square feet of open ground or enclosed building available and in use for such animals.
- (2) All kennels located within 1,000 feet of any dwelling house or property known as residential property under chapter 122, shall also have to provide a completely enclosed building within which animals shall be confined each day during the time between sunset and 9:00 a.m. of the following day. Such enclosed building shall be constructed as nearly soundproof as may be through ordinary building construction.
- (3) All outdoor enclosures shall be either wire fence and heavy shrubbery, or solid fencing. Fencing must be at least eight feet in height so that there shall be a complete barricade to sight from the inside of the enclosure to the outside.
- (4) If four or more dogs are maintained or kept in such kennels, the ground area required under subsection (1) of this section shall be increased by 400 square feet for each additional dog over six months of age.
- (5) All kennel animals shall be fed, maintained and housed in separate compartments so that animals shall not come in physical contact with other animals except when breeding is taking place, and further, except in the cases of a mother and her young or animals boarded together at their owner's request. All kennel dogs must have separate outdoor runways and their compartments must be constructed so that they cannot see dogs in adjacent compartments.
- (6) All inside and outside spaces shall be completely and entirely cleaned of all refuse matter at least twice a day.
- (7) In case any kennel is located within 500 feet of one or more buildings used or occupied as residences by others than the operators of the kennel, the animals shall be continuously confined within the kennel building and not allowed to run unrestrained or to be in the outdoor enclosure of the kennel.

Sec. 14-133. - Maintenance of premises.

Kennel premises shall be maintained in a clean, sanitary condition at all times and sanitary methods shall be used to obliterate or prevent any offensive odors. Any dogs which are habitual barkers shall be confined inside the enclosed building at all times. The animal control officer of the city shall have the right to inspect such kennels at all reasonable hours.

<p class="showURLs" href="javascript:void(0)" >Secs. 14-134—14-150. - Reserved.

⁽²⁹⁾ **State Law reference—** Authority to adopt ordinance for issuance of kennel licenses, MCL 287.270b. (Back)

ARTICLE IV. - RABIES CONTROL ^[30]

⁽³⁰⁾ **State Law reference—** Persons bitten by dogs, MCL 287.351; rules for control of rabies and the disposition of

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nonhuman agents carrying disease, including rabid animals, MCL 333.5111.

[Sec. 14-151. - Vaccination.](#)

[Sec. 14-152. - Prevention.](#)

[Secs. 14-153—14-170. - Reserved.](#)

Sec. 14-151. - Vaccination.

No owner of a dog or cat shall permit the dog or cat to be on a highway or street or other public place at any time, even where permitted by this chapter, unless the dog or cat shall have been immunized against rabies. Proof of the dog or cat having a rabies vaccination effective for the present time shall be presented to an animal control officer upon request.

Sec. 14-152. - Prevention.

(a) No person, partnership or corporation shall own, keep or harbor an animal that has been bitten by any animal known to have been afflicted with rabies or which shall have bitten any person or other animal. Any owner of an animal which has contracted rabies or which is suspected of having rabies or which has bitten or injured any person or other animal, shall upon demand of an animal control officer of the city, produce and surrender the animal to the officer to be held for observation. It shall be the duty of any owner of an animal which has been attacked or bitten by an animal showing symptoms of rabies or which has bitten or injured any person or any other animal suspected of having rabies, to immediately notify the animal control officer or police department of the city, that the owner has possession of the animal.

(b) Whenever an animal is reported to have bitten any person or other animal, it shall be thereupon the duty of the animal control officer to make a reasonable effort to notify the owner of the animal and to either:

(1) Notify the owner of the animal in person or in writing to quarantine the animal on the owner's premises for a period of not less than ten nor more than 15 days;

(2) Notify the owner of the animal in person or in writing to confine the animal in a veterinary hospital in the city, or the vicinity thereof, or with the Humane Society of Huron Valley, for a period of not less than ten days nor more than 15 days; or

(3) Seize and confine the animal in a veterinary hospital in the city or vicinity thereof, for a period of not less than ten days nor more than 15 days, for the purpose of ascertaining whether such animal is afflicted with rabies.

(c) Whenever an animal is found to be afflicted with rabies, it shall be destroyed under the direction of the animal control officer. When a animal is confined pursuant to subsection (b) of this section, and is found not to be afflicted with rabies, it may be returned to the owner as hereinafter provided. If any animal is confined under the provisions of this section, the owner thereof shall be liable to the confining institution for any fees and costs which are incurred because of the retention of the animal.

(d) If an animal is to be confined by the owner, pursuant to subsection (b) of this section, the owner shall be responsible to see to it that the animal remains confined for the required period. If the animal is not confined as required, the animal shall be seized and impounded for the required observation period.

[Secs. 14-153—14-170. - Reserved.](javascript:void(0))

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ARTICLE III. - DOG LICENSING AND VACCINATION

Chapter 14 - ANIMALS ^[2]

⁽²⁾ **Cross reference**— Offenses and miscellaneous provisions, ch. 42; parks and recreation, ch. 46.

ARTICLE I. - IN GENERAL
ARTICLE II. - ANIMAL CONTROL
ARTICLE III. - DOG LICENSING AND VACCINATION

⁽²⁾ **State Law reference**— Dog law, MCL 287.261 et seq. (Back)

ARTICLE I. - IN GENERAL

[Sec. 14-1. - \[Pit bulls.\]](#)

[Secs. 14-2—14-25. - Reserved.](#)

Sec. 14-1. - [Pit bulls.]

(a) *Pit bull* means a Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier or any mixed breed dog displaying five out of the following eight distinguishing characteristics:

- (1) Head is medium length, with a broad skull and very pronounced cheek muscles, a wide, deep muzzle, a well-defined, moderately deep stop, and strong under jaw. Viewed from the front the head is shaped like a broad, blunt wedge.
- (2) Eyes are round to almond shaped, are low in the skull and set far apart.
- (3) Ears are set high. Un-cropped ears are short and usually held rose or half prick, though some hold them at full prick.
- (4) Neck is heavy and muscular, attached to strong, muscular shoulders.
- (5) Body is muscular, with a deep, broad chest, a wide front, deep brisket, well-sprung ribs, and slightly tucked loins.
- (6) Tail is medium length and set low, thick at the base, tapering to a point.
- (7) Hindquarters are well muscled, with hocks, set low on the legs.
- (8) Coat is a singled coat, smooth, short and close to the skin.

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(b) No person may own, keep, reside with or harbor a pit bull within the township that is not spayed or not neutered.

(c) Subsection (b) does not apply to:

(1) Pit bull puppies 16 weeks or younger;

(2) Any dog examined by a licensed Humane Society of Huron Valley veterinarian, which is certified as having less than five of the characteristics set forth in subsection (a);

(3) A pit bull which is registered with the American Kennel Club or United Kennel Club and participates at least once a year in a dog show sponsored by the American Kennel Club or United Kennel Club. A dog owner who presents proof of AKC or UKC registration and participation on an annual basis in an AKC or UKC dog show is exempt from the neutering and spaying requirements of this section.

(4) A pit bull with a chronic or debilitating disease or medical condition whose health will be seriously, permanently and detrimentally affected if it is spayed or neutered.

(Ord. No. 2010-409, 10-19-10)

Editor's note— Ord. No. 2010-409, adopted Oct. 19, 2010, did not specify manner of inclusion; hence, codification as § 14-1 was at the direction of the city.

Secs. 14-2—14-25. - Reserved.

ARTICLE II. - ANIMAL CONTROL ^[3]

⁽³⁾ **Editor's note**— Ord. No. 2009-397, §§ 1—9, adopted Sept. 15, 2009, repealed the former Art. II, §§ 14-26—14-85, and enacted a new Art. II as set out herein. The former Art. II pertained to dogs and derived from Code 1975; Ord. No. 96-151, adopted June 18, 1996; Ord. No. 2001-262, adopted Dec. 19, 2000; Ord. No. 2001-271, adopted June 5, 2001; and Ord. No. 2001-282, adopted Oct. 16, 2001.

[Sec. 14-26. - Purpose.](#)

[Sec. 14-27. - Definitions.](#)

[Sec. 14-28. - Nuisance animals prohibited.](#)

[Sec. 14-29. - Dog tethering to stationary object.](#)

[Sec. 14-30. - Dog at large prohibited.](#)

[Sec. 14-31. - Impoundment of dogs running at large.](#)

[Sec. 14-32. - Animal control officer; law enforcement officer; authority; violations.](#)

[Sec. 14-33. - Confinement for rabies observation.](#)

[Sec. 14-34. - Penalty for violation of article.](#)

[Secs. 14-35—14-65. - Reserved.](#)

Sec. 14-26. - Purpose.

The Charter Township of Ypsilanti Board of Trustees finds and determines that there has been a substantial increase in the number of citizen complaints concerning the number of dogs in the township

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that are running at large, causing physical injury to persons, damage to property, creating a nuisance and preventing the full enjoyment by citizens of their property; and that as a result of the foregoing, there is a condition that is detrimental to the health, safety and welfare of citizens residing in such areas. This article is enacted to provide for animal control within the boundaries of the township.

(Ord. No. 2009-397, § 1, 9-15-09)

Sec. 14-27. - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings described in this section:

Animal control officer: Any person employed by the county for the purpose of enforcing this article or state statutes pertaining to dogs or other animals.

At large: Refers to a dog that is not in an enclosure, or is otherwise not under physical control, or is not under the control of the owner or other responsible person by means of a leash, cord, chain or other means of physical restraint.

Cat: A feral or domestic feline, including a stray.

Dog: A domestic canine including a stray.

Microchip identification: A passive electronic device that is injected into an animal by means of a hypodermic syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owner.

Nuisance: An animal shall be considered a nuisance if any of the following occurs:

- (1) By the frequent barking, howling, yelping, growling or making other noises shall unreasonably interfere with the quiet enjoyment of persons in the vicinity.
- (2) Chases or snaps at a pedestrian, bicyclist or vehicle.
- (3) Defecates on private or public property, other than its owner's, and the animal owner fails to remove the feces deposited by the animal.
- (4) Attacks or bites a person. The person must be lawfully on the property where the attack or bite occurs. This subsection does not apply to an animal tormented or provoked by the person.
- (5) Attacks or bites a domesticated animal while the domesticated animal is on its owner's property or under the lawful control of its owner.
- (6) Charges a person in a manner that restricts the person's freedom of movement by placing the person in reasonable fear of an imminent attack. The person must be lawfully on the property where the charge occurs. This subsection does not apply to an animal tormented by the person.
- (7) Molests passers-by or persons on adjoining property by viciously, continuously, and aggressively barking or growling unless the dog is securely confined in a manner which ensures that the dog cannot escape the premises.
- (8) Causes an offensive stench, odor or smell which extends into the property of another. This provision shall not apply to farm animals (horses, cattle, sheep and chickens).

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ARTICLE III. - DOG LICENSING AND VACCINATION

Owner: The term "owner" when applied to the proprietorship of an animal means: every person having a right of property in the animal, an authorized agent of the owner, every person who keeps or harbors an animal or has it in their care, custody or control, and every person who permits the animal to remain on the premises occupied, owned or controlled by such person.

Premises: That portion of land owned or occupied by an owner not including any portion of such land that is accessible to the public as a right-of-way.

Provoked: A willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate a bite or attack by an ordinary dog or animal.

Rabies suspect animal: The term "rabies suspect animal" shall mean any animal which has been determined by the Michigan Department of Public Health to be a potential rabies carrier and which has bitten a human, or any animal which has been in contact with or been bitten by another animal which is a potential rabies carrier, or any animal which is a potential rabies carrier which shows symptoms suggestive of rabies.

Tormented: An act or omission that causes unjustifiable pain, suffering and distress to an animal, or causes mental and emotional anguish in the 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 a bite, attack or charge.

(Ord. No. 2009-397, § 2, 9-15-09)

Cross reference— Definitions generally, § 1-2.

Sec. 14-28. - Nuisance animals prohibited.

It shall be unlawful to be the owner of an animal which is a nuisance as defined in section 14-27.

(Ord. No. 2009-397, § 3, 9-15-09)

Sec. 14-29. - Dog tethering to stationary object.

It shall be unlawful for a person to tether, fasten, chain, tie or restrain a dog or cause such restraining of a dog, to a tree, fence, post, dog house or other stationary object on a tethering device which is less than three times the length of the dog. The length of the dog shall be measured from the tip of its nose to the end of its tail. The weight of the collar shall not exceed more than one-eighth of the dog's body weight and shall not, due to weight, inhibit the free movement of the dog. The tethering shall not cause injury to the dog or entanglement with fixed objects such as fences, trees, or other manmade or natural obstacles.

(Ord. No. 2009-397, § 4, 9-15-09)

Sec. 14-30. - Dog at large prohibited.

It shall be unlawful to be the owner of a dog which is at large as defined in section 14-27.

(Ord. No. 2009-397, § 5, 9-15-09)

Sec. 14-31. - Impoundment of dogs running at large.

(a) Any dog found or kept in violation of this chapter, may be impounded by an animal control officer, law enforcement officer or humane society animal cruelty investigator. If entry is required to a structure or

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premises, permission to enter must, prior to entry, be obtained from the owner or occupant. If entry is refused, the township attorney may institute the appropriate legal proceeding to authorize entry to the structure or premises and impoundment of dog(s) found or kept in violation of this chapter.

(b) It shall be lawful for any person to seize any dog running at large in violation of this article and to turn said dog over to the animal control officer or law enforcement officer.

(c) When a dog is found running at large, and its ownership is known or is readily determined by the animal control officer or other law enforcement officer, a citation may be issued to the dog owner in lieu of impoundment.

(d) 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 humane society.

(e) An owner may redeem a dog from the humane society by executing a sworn statement of ownership, furnishing a license and tag as required by this article and state law, and paying the following fees:

- (1) A boarding fee as established by the humane society.
- (2) Proof of a current license, a valid certificate of rabies vaccination, and microchip identification.
- (3) If a dog owner is unable to prove that the dog has a current license and a valid certificate of rabies vaccination, the owner shall in addition to the fees set forth above, pay the fees established for licensing and rabies vaccination.
- (4) If microchip identification is not present, a microchip with the owner's name, address and dog identification code shall be imbedded by the humane society. The owner is responsible to pay the fee as established by the humane society for imbedding the microchip.

(Ord. No. 2009-397, § 6, 9-15-09; Ord. No. 2010-410, 10-19-10)

Sec. 14-32. - Animal control officer; law enforcement officer; authority; violations.

An animal control officer or a deputized law enforcement officer may issue appearance tickets, citations, or summons to persons owning, keeping, caring for, or permitting a dog to remain on the premises occupied by him in violation of this article.

(Ord. No. 2009-397, § 7, 9-15-09)

Sec. 14-33. - Confinement for rabies observation.

(a) Any person who shall have in his possession or control an animal which has contracted rabies or has been subjected to the same, or which is suspected of having rabies, or which has bitten any person or other animal, shall, upon demand of the animal control officer or any law enforcement officer of the township, produce and surrender up such animal to such officer to be held for observation as provided in this section. It shall be the duty of any person owning a animal which has been attacked or bitten by another animal showing symptoms of rabies, or which has bitten any person or any other animal suspected of having rabies, to immediately notify the animal control officer or a local law enforcement officer that such person has such an animal in his possession.

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(b) Whenever a dog is reported to have bitten any person, it shall thereupon be the duty of the animal control officer to seize such animal and confine the animal in one of the veterinarian hospitals in the township or the vicinity thereof, or with the Huron Valley Humane Society, for a period of at least ten days for the purpose of ascertaining whether such animal is afflicted with rabies. The animal control officer may notify, in writing, the person owning or possessing such dog, to confine the dog in one of the veterinarian hospitals of the township or the vicinity thereof, or with the Huron Valley Humane Society, for a period of at least ten days for the purpose of ascertaining whether such dog is afflicted with rabies. It shall thereupon be the duty of such owner to accomplish the confinement of such dog within 12 hours after receiving such notice from the animal control officer in any one of the places above indicated for such period of ten days, for the purpose of ascertaining whether such dog is afflicted with rabies. If such dog is not afflicted, it may be returned to its owner.

(c) If any dog is confined under the provisions of this section, the owner thereof shall be liable for any fees and costs which accrue because of the detention of such dog.

(d) Whenever a dog confined under this section is suspected of having rabies, it shall be the duty of its owner or the animal control officer to arrange for the delivery of such dog to the state department of health for a laboratory diagnosis of the presence or absence of rabies.

(Ord. No. 2009-397, § 8, 9-15-09)

Sec. 14-34. - Penalty for violation of article.

Any person violating a provision of this article is guilty of a misdemeanor punishable by not more than a \$500.00 fine and/or imprisonment for not more than 90 days.

(Ord. No. 2009-397, § 9, 9-15-09)

Secs. 14-35—14-65. - Reserved.

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⁽⁴⁾ **Editor's note**— Ord. No. 2009-397, §§ (1)—(4), adopted Sept. 15, 2009, repealed the former Art. III, §§ 14-86 and 14-87, and enacted a new Art. III as set out herein. The former Art. III pertained to offensive odors and derived from Ord. No. 2001-282, adopted Oct. 16, 2001.

[Sec. 14-66. - Licensing and vaccination.](#)

[Sec. 14-67. - Fees.](#)

[Sec. 14-68. - Records kept by animal control officer.](#)

[Sec. 14-69. - Penalty.](#)

Sec. 14-66. - Licensing and vaccination.

(a) It shall be unlawful for any person to own any dog four months old or over, unless the dog is licensed

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as hereinafter provided, or to own any dog four months old or over that does not at all times wear a collar with a tag approved by the director of the Michigan Department of Agriculture, attached, as hereinafter provided, except when engaged in lawful hunting accompanied by its owner; or for any person except the owner, to remove any collar and/or license tag from a dog.

(b) The owner of any dog four months or over, shall annually apply to the township treasurer for a license by the last day of the anniversary month of the dog's current rabies vaccination. Such application shall be in writing and state the breed, sex, age, color and markings of the dog, and the name and address of the last previous owner. The application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The certificate for the vaccination for rabies shall state the month and year of expiration for the rabies vaccination. A license shall not be issued if the dog's current rabies vaccination will expire more than one month before the date on which that license would expire.

(c) A dog may be exempt from the rabies vaccination requirements as herein set forth if in the written opinion of a licensed veterinarian, administration of the rabies vaccine will result in the death of the dog due to a preexisting disease or terminal illness.

(Ord. No. 2009-397, § (1), 9-15-09)

Sec. 14-67. - Fees.

(a) The annual fee for licenses purchased from the township treasurer or the Humane Society of Huron Valley under their pet adoption program for male and female dogs four months of age or over shall be \$6.00.

The annual fee for licenses for unlicensed and unsterilized male or female dogs four months of age or over which are impounded or boarded at the Humane Society of Huron Valley due to violations of this chapter or state law shall be \$120.00 per year.

The annual fee for licenses for unlicensed and sterilized male or female dogs four months of age or over which are impounded or boarded at the Humane Society of Huron Valley due to violations of this chapter or state law shall be \$20.00.

(b) For dogs reaching the age of four months, the owner thereof shall obtain a license within 30 days of the date in which a dog reaches four months of age at the rate set forth in subsection (a).

(c) A dog which is 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 is not subject to any fee for licensing, as provided in MCL 287.291.

(d) Whenever a dog has been licensed for the current year elsewhere in the state and the owner thereof becomes a resident of the township, the owner shall register such dog with the treasurer and otherwise comply with all of the provisions of subsection (a).

(e) No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the township, the license of such dog may likewise be transferred, upon proper notice, in writing by the last registered owner, given to the treasurer who shall note such transfer upon his/her records. This article does not require the procurement of a new license, or the transfer of a license already secured, when the

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possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

(Ord. No. 2009-397, § (2), 9-15-09; Ord. No. 2009-401, § (2), 12-15-09)

Sec. 14-68. - Records kept by animal control officer.

The Washtenaw County Animal Control Officer shall keep a record of the breed, sex, age, color and markings of every dog impounded, together with the date, hour and location of such impounding and the name of its owner, if known.

(Ord. No. 2009-397, § (3), 9-15-09)

Sec. 14-69. - Penalty.

Any person violating any provisions of this article shall be responsible for a civil infraction and subject to a fine as follows:

- (1) The maximum fine for any first violation of this article shall be \$100.00;
- (2) The maximum fine for any violation of this article which the violator has, within the past two years, been found in violation of once before, shall be \$250.00;
- (3) The maximum fine for any violation of this article which the violator has, within the past two years, been found in violation of twice before, shall be \$500.00.

(Ord. No. 2009-397, § (4), 9-15-09)



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Dog and Kennel Licenses

RESIDENTS OF YPSILANTI AND ANN ARBOR

The Washtenaw County Treasurer sells dog licenses for all residents **except** those who reside in the following areas:

- **City of Ann Arbor** -Call the City Clerk's Office at 734-994-2725 for licensing information.
- **City of Ypsilanti** -Dog Licenses are sold through the Building Department at 734-482-1025.
- **Charter Township of Ypsilanti** -Call the Treasurer's Office at 734-484-1002 for licensing information.

APPLY ONLINE



Simply Click on the dog paw above or the link below and fill out the application. Payment must be made with a credit card. You will be required to fax or upload your valid rabies certificate. A receipt and tag will be mailed to you. If you have any questions about the online application process, please contact us at 734-222-6600.

dogs.ewashtenaw.org

Pricing Structure

The fee schedule for dog licenses is set by resolution of the County Board of Commissioners, 2010, for licenses sold through the Treasurer's Office. The annual fees for dog licenses are as follows:

- Spayed/Neutered Dog

- 1 Year: \$12.00
 - 3 Year: \$36.00

- Unaltered Dog

- 1 Year: \$24.00
 - 3 Year: \$72.00

- Service Dog - No Charge

GENERAL INFORMATION

Dog licenses are sold in accordance with the provisions of the Dog Law of 1919 as amended.

Public Act 339 as amended, MCL 287.261-290, the Dog Law of 1919, option (f) of section 6(c) states:

- (f) That the owner apply for a license by 1 of the following at the owner's option:
- (i) The last day of the month of the dog's current rabies vaccination every year
 - or
 - (ii) The last day of the month of the dog's current rabies vaccination every third year

All dogs over four months of age must be vaccinated against rabies before a license can be issued. The vaccinations must remain current in order for owners to obtain annual dog licenses.

Items to include with a completed application

- A valid rabies vaccination certificate (with a vaccine licensed by the U.S. Department of Agriculture)
- If applicable, proof of spay/neuter
- License fee (credit card required for online application)
- Proof of Service Dog, if applicable

If you prefer to mail your application a [printable application](#) (pdf) is available. Complete the application and enclose a copy of your dog's current rabies certificate. Include your check or credit card information and mail to: Catherine McClary, Washtenaw County Treasurer, PO Box 8645, Ann Arbor, MI 48107-8645. Or visit our [office](#) in downtown Ann Arbor at 200 N Main Street, Suite 200. If you have any additional questions, please call us at 734-222-6600. Our customer staff is ready to assist you.

OTHER IMPORTANT INFORMATION

Kennel License Information

Swift Run Dog Park

Animal Control

A Washtenaw County dog tag could help get your dog back home should it become lost or stolen. This is your pet's way of "calling home". A current tag tells animal control officers that a dog has a human companion whose contact information should be on file and rapidly accessible.

Microchip Implantation

Did you know? Microchip implantation and registry is available for your dog. Please contact your

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veterinarian for details and cost. A statewide tattoo identification registry for dogs is maintained by the Michigan Department of Agriculture. Please contact them at (517) 241-2748 or visit www.michigan.gov/mda and search "tattoo."

If you have any questions, please feel free to contact our office at: (734) 222-6600 or email dogs@ewashtenaw.org



Catherine McClary, CPFO
Washtenaw County Treasurer



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