



COUNTY ADMINISTRATOR
220 NORTH MAIN STREET, P.O. BOX 8645
ANN ARBOR, MICHIGAN 48107-8645
(734)222-6850
FAX (734)222-6715

TO: Felicia Brabec, Chair
Ways & Means Committee

THROUGH: Verna J. McDaniel
County Administrator

FROM: Catherine McClary
Treasurer

DATE: November 6, 2013

SUBJECT: Civil Infractions Ordinance For Owning an Unlicensed Dog

BOARD ACTION REQUESTED:

It is requested that the Board of Commissioners adopt an Ordinance to provide for the issuance of municipal civil infractions for owning an unlicensed dog; to establish the bureau for this municipal civil infraction as the Washtenaw County Treasurer; to provide for licensing fee changes; and to provide and effective date as permitted by Public Act 236 of 1961 as amended, MCL 600.8701 et seq., the Revised Judicature Act of 1961; and Public Act 339 of 1919 as amended, MCL 287.261 et seq, Dog Law of 1919.

BACKGROUND:

The establishment of a municipal civil ordinance for owning an unlicensed dog will provide for sanctions and violations of municipal civil infraction actions, and collect and retain civil fines and costs pursuant to a schedule as prescribed by this ordinance, as permitted by Public Act 236 as amended, MCL 600.8396, the Revised Judicature Act of 1961:

MCL 600.8396 "A county, city, village, or township may by ordinance establish a municipal ordinance violations bureau to accept admissions of responsibility for municipal civil infractions and to collect and retain civil fines and costs pursuant to a schedule as prescribed by ordinance. The expense of operating a municipal ordinance violations bureau shall be borne by the county, city, village, or township, and the personnel of the bureau shall be county, city, village, or township employees."

In 1961 that State revised the Judicature Act to consolidate the statutes relating to the organization and jurisdiction of the courts of the State. A revision of the Act in 1994 included the authorization of municipalities to issue municipal civil infractions for the

violation of a municipal ordinance, MCL 600.8701 et seq. The Act also allows for the creation of a municipal ordinance violation bureau which accepts admission or responsibility for municipal ordinance civil infraction violation notices, and collects and retains fines and costs related to each offense. This law permits Counties to allow for civil penalties for certain misdemeanor criminal offenses.

DISCUSSION:

In October 2012, the County adopted an ordinance to provide for municipal civil infractions violation bureaus; and to provide for sanctions for violations of municipal civil infraction. Per the ordinance, the Bureau for each violation is located within, and under the supervision and control of the County elected official or department generally responsible for administering and enforcing the ordinance under which the violation is cited.

In 2010 the Washtenaw County Board of Commissioners increased dog license fees for the first time since 1981. Upon the request of the Treasurer, they also authorized the issuance of three-year dog licenses, expiring on the rabies vaccination expiration date. The Treasurer implemented various efficiencies in the dog licensing process and increased on-line applications, thus decreasing the cost of administration. Lowering the dog licensing fee to \$6 per year for spayed or neutered dogs and \$12 per year for unaltered dogs will better reflect the cost of administration. Allowing a discount for a three-year license will encourage additional efficiency in administration.

CONCLUSION:

The ability to issue municipal civil infractions is intended to increase enforcement of licensed dogs, thereby increasing public safety. The decrease in fees is intended to better reflect the cost of administration, conform with case law, bring pricing uniformity with other local units of government, and promote an increased rate of licensure which would increase revenue.

IMPACT ON HUMAN RESOURCES:

None

IMPACT ON BUDGET:

None

IMPACT ON INDIRECT COSTS:

None

CONFORMITY TO COUNTY POLICIES:

- Enhance customer service.
- Ensure adequate provision of mandated services.
- Focus on the root causes of problems that affect the quality of life of County citizens by aggressively pursuing prevention strategies.
- Provide leadership on intragovernmental, intergovernmental and intersectoral cooperation and collaboration aimed at improving services to County citizens.

ATTACHMENTS/APPENDICES: Resolution and Ordinance attached

RESOLUTION TO PROVIDE FOR THE ISSUANCE OF MUNICIPAL CIVIL
INFRACTIONS FOR OWNING AN UNLICENSED DOG; TO ESTABLISH THE
BUREAU FOR THIS MUNICIPAL CIVIL INFRACTION AS THE WASHTENAW
COUNTY TREASURER; TO PROVIDE FOR LICENSING FEE CHANGES; AND TO
PROVIDE AN EFFECTIVE DATE

WASHTENAW COUNTY BOARD OF COMMISSIONERS

NOVEMBER 20, 2013

WHEREAS, Public Act 236 of 1961, as amended, MCL 600.8701 et seq., the Revised Judicature Act of 1961 allows for the issuance and service of municipal civil infractions; and

WHEREAS; Public Act 236 of 1961 as amended, MCL 600.8396, the Revised Judicature Act of 1961; allows for the establishment of a municipal ordinance violations bureau; and

WHEREAS, the Washtenaw County Treasurer seeks to increase dog licensure to promote public safety; and

WHEREAS, the Washtenaw County Treasurer intends to set dog license fees to reflect the cost of administration; and

WHEREAS; the Chief Judge of 14-A District Court in Washtenaw County and the Corporation Counsel have reviewed this proposal; and

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners authorizes an ordinance for municipal civil infractions for owning an unlicensed dog.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes the Washtenaw County Treasurer as the Municipal Civil Infractions Violations Bureau for this ordinance.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners adopts the schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices, which may be amended by a subsequent Resolution. Unless another fine schedule is adopted in another ordinance, the initial schedule of fines payable at the Bureau shall be as follows:

First offense	\$50.00
Second offense	\$100.00
Third (or any subsequent) offense	\$500.00

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes the dog license fee structure is as follows:

For Spayed or Neutered Dogs

- \$6 a year or partial year OR
- \$15 for a maximum of 3 years to coincide with the rabies vaccination expiration date

For Unaltered Dogs

- \$12 a year or partial year OR
- \$30 for a maximum of 3 years to coincide with the rabies vaccination expiration date

Service dogs with proper documentation and proof of rabies vaccination are licensed at no charge.

BE IT FURTHER RESLOVED that this ordinance will take effect after publication in a newspaper of general circulation in the county.

BE IT FURTHER RESOLVED that a 50 day referendum period, as provided in MCLA 46.11 (j) shall begin upon adoption of this ordinance.