

LIVINGSTON COUNTY ANIMAL CONTROL ORDINANCE

APPROVED: APRIL 6, 1987

RESOLUTION #487-085

AMENDED: NOVEMBER 20, 1989

RESOLUTION #1189-280

AMENDED: MAY 19, 2008

RESOLUTION #2008-05-156

An Ordinance relating to and providing for animal control within the boundaries of Livingston County; purpose of Ordinance; definitions: County Animal Control Officer, his duties, authority, responsibilities and removal from office; Licensing and vaccination of dogs; confinement of dogs and other animals under certain circumstances; County Animal Shelter and impoundment of dogs and other animals and redemption of dogs and other animals impounded; killing and seizing of dogs and other animals; enumeration of certain violations and procedure therefor; penalties; preservation of certain rights; County Treasurer's duties and records; fees and expenses; receipts and disbursements of funds; construction; repeal.

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

ARTICLE I - PURPOSE

Deeming it advisable in the interest of protecting the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and, in particular, Act #339 of the Public Acts of 1919, as amended, being Section 287.261 - Section 287.290 of the Compiled Laws of 1948 (MSA 12.511 - 12.541) and to create the position of Animal Control Officer and define his duties, authority and responsibilities, and to regulate and control the conduct, keeping and care of dogs and certain other animals, the County of Livingston, Michigan, does hereby adopt the following Ordinance.

ARTICLE II - DEFINITIONS

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

- (a) **AGGRESSION.** The term aggression refers to observed or historical behavior that makes an animal a danger to the health and safety of people or other animals.
- (b) **ANIMALS.** Unless otherwise stated, the word "Animal" as used in this ordinance shall include birds, fish, mammals and reptiles.
- (c) **ANIMAL CONTROL OFFICER** means any person employed by the County for the purpose of enforcing this Ordinance or State statutes pertaining to dogs or other animals, as well as persons or deputies employed by the County to act in the Animal Control Department.
- (d) **ANIMAL SHELTER** means Livingston County Animal Shelter.
- (e) **BOARD OF COMMISSIONERS** means the Livingston County Board of Commissioners.
- (f) **BULLY BREEDS.** See sub-section (n).
- (g) **COUNTY** means the County of Livingston of the State of Michigan.
- (h) **DAY** means Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturdays, Sundays, and holidays during which County offices are closed shall not be included in the definition of DAY.

- (i) KENNEL shall mean any establishment, except a pet shop, animal shelter or pound licensed pursuant to Act 287 of the Public Acts of 1969, as amended, being sections 287.331 to 287.340 of the Compiled Laws of 1948 [MSA 12.481(101) - 12.481(110)], wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, constructed so as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein. This definition shall not be deemed to apply to a litter of puppies with their mother and under six (6) months of age."
- (j) LIVESTOCK means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, hogs, swine, and furbearing animals being raised in captivity.
- (k) NON-AGRICULTURAL AREA shall mean any area zoned by a city, village, township or other governmental body, agency or commission as other than for agricultural purposes.
- (l) OWNER, and "persons owning premises" shall mean both the owner of title of record and those occupying or in possession of any property or premise.

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, and every person who keeps or harbors the animal or has it in his care, custody or control, and every person who permits the animal to remain on or about the premise occupied by him.
- (m) PERSON. The word "person" shall include state and local officers or employees, individuals, corporations, co-partnerships and associations.
- (n) PIT BULL. The term Pit Bull refers to the Pit Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, American bulldog and mixes, and will be referred to as "Bully breeds"
- (o) POLICE OFFICER means any person employed or elected by the people of the State of Michigan, or by any city, village, county or township whose duty it is to preserve peace or make arrest or to enforce the law, and includes game, fish and forest fire wardens and members of the State Police and Conservation Officers.
- (p) POULTRY means all domestic fowl, ornamental birds and game birds possessed or being reared under the authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended, being Sections 317.71 to 317.85 of the Compiled Laws of 1948 (MSA 13.1271-13.1285).
- (q) RABIES SUSPECT ANIMAL means 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.
- (r) STATE means the State of Michigan.
- (s) TREASURER means the Livingston County Treasurer.

ARTICLE III - ANIMAL CONTROL OFFICER

DUTIES, AUTHORITY AND RESPONSIBILITIES:

Section 1. An Animal Control Officer shall be appointed by the Board of Commissioners and shall serve as Director of the Animal Control Department. Said person shall serve at the pleasure of the Board of Commissioners.

Section 2. In lieu of all fees and other remuneration under the statutes of this State, the Animal Control Officer, his deputies and assistants, except census takers, shall be paid a salary as established and determined by appropriate resolution of the Board of Commissioners.

Section 3. The Animal Control Officer shall fulfill the following duties:

- (a) The Animal Control Officer shall promptly seize, take up and place in the animal shelter all dogs or other animals, livestock or poultry found running at large or being kept or harbored any place within the County contrary to the provisions of this Ordinance or the statutes of the State. In the event the animal shelter's facilities are inadequate for holding the type of animals seized, such as livestock and poultry, pursuant to this Ordinance and State law, the Animal Control Officer shall place such animals in such alternative facilities as authorized by the Board of Commissioners and permitted by the statutes of the State.
- (b) The Animal Control Officer and his deputies shall either have had a minimum course of study of not less than one hundred (100) instructional hours as prescribed by the Michigan Department of Agriculture or be deputized as a peace or police officer. Upon meeting either of these requirements, the Animal Control Officer and his deputies shall be legally authorized to have the power and it shall be his duty and that of his deputies to issue appearance tickets, citations or summons to those persons owning, keeping or harboring dogs contrary to the provisions of this Ordinance or the statutes of the State.
- (c) It shall be the duty of the Animal Control Officer, his deputies or assistants, to destroy in a humane manner, all impounded dogs or other animals lacking a collar, license or other evidence of ownership after being impounded for four (4) days, or if the animal has a collar, license or other evidence of ownership, seven (7) days from the date of mailing to the animal's owner written notice that the animal has been impounded. If, however, in the Animal Control Officer's, his deputy's or assistant's judgment, said dog or other animal is valuable or otherwise desirable for keeping, the Animal Control Officer, his deputies or assistants may release said dog, or other animal, after the required holding period, to any person who will undertake to remove said animal from the County or keep said animal within the County in accordance with the provisions of this Ordinance and the statutes of the State, including compliance with licensing and vaccination requirements, upon payment of the proper charge for the care and treatment of said animal while kept in the animal shelter or dispose of said dog or other animal in a manner approved by the Board of Commissioners. Such regulations regarding the sale of animals from the animal shelter and boarding and other charges shall be posted in a conspicuous place at the animal shelter. The bodies of all animals destroyed at the animal shelter or elsewhere in the County shall be disposed of by the Animal Control Officer, his deputies or assistants, in a manner approved by the Board of Commissioners and in compliance with the statutes of the State. Any animals voluntarily turned in to the animal shelter by the owner thereof for disposition need not be kept for the minimum period set forth herein before release or disposal of such animal is made by the Animal Control Officer, his deputies or assistants, as provided herein.
- (d) The Animal Control Officer shall promptly investigate all animal bite cases by a rabies suspect animal involving human exposure and shall search out and attempt to discover the animal involved and shall either seize and impound or require its owner to quarantine the animal for examination for disease in accordance with Article V of this Ordinance and/or the statutes of the State. In the event the owner of a quarantined animal is unable to maintain the quarantine during the required period, the owner shall deliver said animal to the animal shelter or, upon notice to the Animal Control Officer, to a veterinarian clinic for impoundment. Failure of an owner to maintain a quarantine or to deliver a quarantined animal for impoundment shall constitute a misdemeanor punishable as set forth in Article IX of this Ordinance. In addition to such penalty, the Animal Control Officer shall seize and impound the quarantined animal.
- (e) The Animal Control Officer shall assume the duty [provided in Section 316 of Act 339 of the Public Acts of 1919, being Section 287.276 of the Compiled Laws of 1948, (MSA 12.526), as amended] to determine and locate all unlicensed dogs, to list such dogs, and to deliver said list on or before June 1st of each year to the Treasurer for the necessary proceedings as provided by this Ordinance and/or the statutes of the State.
- (f) The Animal Control Officer, his deputies or assistants are hereby authorized and empowered, in accordance with the provisions of this Ordinance, to enter upon private premises for the purpose of inspecting same to determine the harboring, keeping or possessing of any dog or dogs and whether the owners of said dogs have complied with the appropriate provisions of this Ordinance and the statutes of the State and to apprehend and take with him any dogs for whom no license has been procured in accordance with this Ordinance and the statutes of the State or for any other violation hereof. The provisions of this sub-section shall specifically include, but not be limited to, investigation of or seizure for cruelty to animals.

- (g) The Animal Control Officer shall have the right to inspect any kennel, a license for which has been issued by the Treasurer pursuant to this Ordinance and the statutes of the state, and shall have the duty to suspend said license if, in his opinion, conditions exist which are unhealthy or inhumane to the animals kept therein pending correction of such conditions, and further shall have the duty to revoke said license if such conditions are not corrected within a reasonable period of time.
- (h) The Animal Control Officer shall have the right, to investigate complaints of dogs or other animals alleged to be dangerous to persons or property and shall have the right to seize, take up and impound such animals.
- (i) The Animal Control Officer shall have the right to investigate complaints of cruelty to dogs or other animals, livestock or poultry and shall have the right to seize, take up and impound any dog or other animal, livestock or poultry which has been subject to such cruelty.
- (j) The Animal Control Officer, his deputies or assistants, if authorized by the Treasurer, shall, at all times, carry a book of receipts properly numbered in sequence for accounting purposes, for the issuing of dog licenses as provided in this Ordinance and shall issue such dog licenses in accordance herewith. The Animal Control Officer, if authorized by the Treasurer, shall also perform, in conjunction with the Treasurer, such other duties assigned to the Treasurer by this Ordinance and the statutes of the State regarding issuance, transfer and replacement of dog and kennel licenses and tags. While authorized by the Treasurer to perform such duties, the Animal Control Officer shall ensure that the original of all records evidencing the performance of such duties are turned over to the Treasurer not less than monthly with copies of said records retained at the Animal Control Officer's office. All fees and monies collected by the Animal Control Officer, his deputies or assistants as herein provided, shall be accounted for and turned over to the Treasurer on or before the first of each and every month, or more often, if reasonably necessary under the standard practices of the Treasurer's accounting system.
- (k) The Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the Board of Commissioners may, from time to time, provide.

Section 4. It shall further be the duty of the Animal Control Officer, his deputies or assistants, to enforce the provisions of this Ordinance and the statutes of the State pertaining to dogs and other animals, and he may make complaint to the appropriate District Court or other appropriate court in regard to the violation thereof.

Section 5. The Animal Control Officer, his deputies or assistants shall dispose of any animal, livestock or poultry seized, taken up and/or impounded as provided for herein, in accordance with the provisions of this Ordinance and/or the statutes of the State.

Section 6. All suspensions and/or revocations of licenses and all seizures for cruelty or dangerousness as provided for herein, shall be in accordance with such rules and regulations as are adopted from time to time by the Board of Commissioners.

Section 7. The Animal Control Officer may be removed from office for good cause shown after a hearing before the Board of Commissioners and after first being given reasonable notice of a time, date and place of said hearing. A vote for removal or non-removal shall be by majority vote of the Board of Commissioners.

ARTICLE IV - LICENSING AND VACCINATION

Section 1. It shall be unlawful for any person to own any dog of licensing age as set forth in Section 2 of this Article, unless the dog is licensed as hereinafter provided, or to own any dog of licensing age 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 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, to remove any collar and/or license tag from a dog; or for

any owner to allow any dog, except working dogs such as leader dogs, farm dogs, hunting dogs, and other dogs, when accompanied by their owner, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.

Section 2. All dogs except those covered by a kennel license obtained pursuant to Section 7 of this Article shall be licensed as follows:

- (a) On or before March 1st of each year, the owner of any dog six (6) months old or over, except as provided in Section 3 of this Article, shall apply to the county, township or city treasurer or his authorized agent, where the Owner resides, in writing, for a license for each dog owned or kept by him. Such application shall state the breed, sex, age, color and markings of such dog, and the name and address of the last previous Owner. Such application for a license shall be accompanied by a valid certificate of vaccination for rabies signed by a licensed veterinarian, certifying that the dog has been vaccinated for rabies with a vaccine licensed by the United States Department of Agriculture.
- (b) Any person becoming the owner, after March 1st, of any dog four (4) months old or over, which has not already been licensed, or any person owning a dog which becomes four (4) months old at any time after March 1st of any year, shall apply for and secure a license for such dog within seven (7) days of the date in which the dog reaches such age. The license application to be used for a license under this subsection shall be the same as required in Section 2(a) of this Article, accompanied by a valid certificate of vaccination for rabies signed by a licensed veterinarian, certifying that the dog has been vaccinated for rabies with a vaccine licensed by the United States Department of Agriculture.

Section 3. No dog shall be exempt from the rabies vaccination requirements set forth in Section 2 of this Article. The owner of a dog of licensing age under this Ordinance shall at all times keep said dog's rabies vaccination current and be able to produce a valid certificate of vaccination for rabies signed by a licensed veterinarian, certifying that the dog has been vaccinated for rabies with a vaccine licensed by the United States Department of Agriculture.

Section 4. The license fees for dogs licensed under Section 2 of this Article shall be as follows:

- (a) The fee for licenses acquired on or before March 1st for male or female dogs six (6) months of age or older that are not surgically sterilized and for surgically sterilized male or female dogs six (6) months of age or older shall be the sum the Board of Commissioners shall require by resolution of a majority of the Board.
- (b) For dogs reaching the age of four (4) months after March 1st, the owner thereof shall obtain a license within seven (7) days of the date in which a dog reaches four (4) months of age at the rate set forth in Section 4(a) of this Article, and in case of application made at any time after July 10th of any year, the license fee shall be one-half (½) the amount fixed as the annual license fee for such dog.
- (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 Section 1 of Act 207, Public Acts of 1970, as amended, being Section 287.291 of the Compiled Laws of 1948 [MSA 12.543(11)].
- (d) The license fee for any dog for which a license has not been obtained in accordance with Section 4(a) and (b) of this Article shall be considered delinquent and the fee for acquiring a license for such a dog which has not been surgically sterilized and for such dog which has been surgically sterilized shall be the sum the Board of Commissioners shall require by resolution of a majority of the Board.
- (e) The dog license fees as herein established may be changed from time to time on or before November 1st of each year, and for subsequent years, by the Board of Commissioners by resolution of a majority of the Board.
- (f) Current dog licenses issued by other counties within Michigan, and any other governmental agencies, shall be honored in Livingston County until the following March 1st.

Section 5. 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 same county, the license of such dog may be likewise transferred, upon proper notice in writing by the last registered owner, given to the Treasurer who shall note such transfer upon his records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

Section 6. If the dog license tag is lost, it shall be replaced by the Treasurer, upon application by the owner of the dog, and upon production of such license and a sworn statement of fact regarding the loss of such tag.

Section 7. All kennels shall be subject to the following:

- (a) Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required under this Ordinance, and under the statutes of the State may, on or before June 1st of each year, apply to the Treasurer for a kennel license entitling him to own, keep or operate such kennel in accordance with the applicable statutes of the State, which includes Section 10 of Act 339, Public Acts of 1919, as amended, being section 287.270 of the Compiled Laws of 1948 (MSA 12.520).
- (b) All kennels must be kept sanitary and provide adequate housing for and humane treatment to the dogs kept therein.
- (c) Issuance of a kennel license does not relieve or exempt the owner of the kennel from the requirement in Section 3 of this Article that all dogs of licensing age have a current rabies vaccination, with a vaccine licensed by the United States Department of Agriculture evidenced by a valid certificate of vaccination for rabies, signed by a licensed veterinarian.
- (d) The fee to be paid for a kennel license shall be \$10.00 for ten (10) dogs or less and \$25.00 for more than ten (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 1st. Failure to obtain such kennel license shall be punished as set forth in Article IX of this Ordinance.

ARTICLE V - CONFINEMENT, QUARANTINE, HEALTH INSPECTION AND DISPOSAL OF DOGS/ANIMAL IN BITE CASES

Section 1. All bite cases involving a dog or other rabies suspect animals and human exposure shall be reported to the Livingston County Animal Control and the Livingston County Health Department. During the hours in which these agencies are closed, all such bite cases shall be reported to the Livingston County Sheriff's Department.

Section 2. Any dog or cat kept as a pet that shall bite a person, animal or livestock shall be securely confined by the owner thereof inside an appropriate building or enclosure for a minimum period of ten (10) days following the biting of such person, animal or livestock. In the event that the owner of such animal is unable to or fails to securely confine the animal for such period of time, then in that event, the Animal Control Officer, his deputies or assistants, may take possession and custody of such animal and confine him at the Animal Shelter until the expiration of said ten (10) days and upon satisfactory evidence that said animal is not suffering from rabies. The owner of such animal kept at the Animal Shelter shall bear the costs thereof. Any dog or cat running loose after biting a person, animal or livestock, and whose owner cannot be determined, shall be confined for a period of ten (10) days at the Animal Shelter in accordance with the provisions of this section and thereafter disposed of in accordance with the provisions of this Ordinance, or such regulations as are in effect at the Animal Shelter.

Section 3. Any rabies suspect animal other than a dog or cat which shall bite a person, animal or livestock, shall be turned over to and/or seized by the Animal Control Officer, his deputies or

assistants. The Animal Control Officer, his deputies or assistants shall immediately destroy said animal and have it tested for rabies.

Section 4. If a dog or cat has NOT been vaccinated for rabies prior to its biting a person, animal or livestock, the owner shall wait ten (10) days (quarantine period) and then have the animal vaccinated.

Section 5. If the owner observes during the quarantine period that his dog or cat is getting ill (upset stomach, paralysis, difficulty in swallowing, etc.) or that there seems to be a change in the animal's usual disposition and actions (becomes highly excitable, unusually quiet, etc.), the owner shall call the Livingston County Health Department, the Livingston County Animal Shelter, or a veterinarian immediately. If the dog or cat dies, the owner shall call the Livingston County Health Department and the Livingston County Animal Shelter during regular business hours, or contact the Livingston County Sheriff Department after regular business hours.

Section 6. The owner of a quarantined dog or cat shall not, under any circumstances, before the quarantined period has passed:

- (a) Kill the dog or cat;
- (b) Dispose of the dog or cat in any manner; or
- (c) Remove the dog or cat from his property without first notifying the Animal Control Officer and having the dog or cat observed by the Animal Control Officer or his representative and obtaining the consent of the Animal Control Officer to the removal of the dog or cat from the owner's property.

Section 7. At the expiration of a dog's or cat's quarantine period, the owner shall bring the dog or cat to the Animal Shelter for health inspection and completion of required forms.

Section 8. If, at any time during a dog's or cat's quarantine, during the health inspection thereafter, the dog or cat is determined by the Animal Control Officer to have rabies, said dog or cat shall be disposed of as the Animal Control Officer directs.

Section 9. Failure of the owner of a dog or other rabies suspect animal which has bitten a person, animal or livestock to comply with this Article shall be in violation of this Ordinance and subject to the penalties set forth in Article IX.

ARTICLE VI - ANIMAL SHELTER AND IMPOUNDMENT

Section 1. All dogs found running at large shall be seized by the Animal Control Officer, his deputies or assistants, or by other law enforcement officers, and impounded at the animal shelter for a period of four (4) days if the dog lacks a collar, license or other evidence of ownership, if the dog possesses a collar, license or other evidence of ownership, it shall be held for a period of not less than seven (7) days from the date of mailing the notice of the dog's impoundment to its owner. After the required holding period has elapsed, the dog may be killed, sold or otherwise disposed of if not claimed by the owner, in a manner authorized by this Ordinance and the statutes of the State,

Section 2. Immediately upon impounding a dog or other animal, the Animal Control Officer shall make every reasonable effort to notify the owner of such dog or other animal so impounded and inform such owner of the conditions whereby custody of such dog or other animal may be regained pursuant to the regulations for the operation of the animal shelter.

Section 3. An owner may redeem a dog from the animal shelter by executing a sworn statement of ownership, furnishing a license and tag as required by this Ordinance and State law, and paying the following fees:

- (a) A daily boarding fee, commencing the day following the day of impoundment, which has been set by the Board of Commissioners by resolution of the majority of the Board.
- (b) A fee for any vaccinations against any disease other than rabies and other veterinary care which the animal shelter may have provided to the dog.
- (c) A dog pick-up fee of \$20.00 for the first time, \$50.00 for the second pick-up, \$100.00 for the third pick-up and \$100.00 for each pick-up thereafter. If a dog is picked up at times other than normal County working hours, an extra fee of \$20.00 shall be charged. When a dog is picked up for the third time the Animal Control Officer shall request the Prosecuting Attorney to prosecute the owner for violations of this Ordinance and Act 339, Public Acts of 1919, as amended.
- (d) 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.
- (e) All fees required by this section shall be set by the Board of Commissioners by a resolution of the majority of the Board, and may be changed from time to time by the Board of Commissioners. A current listing of such fees shall be posted at the animal shelter.

Section 4. The Board of Commissioners shall maintain the animal shelter for the purposes set forth herein.

ARTICLE VII - KILLING AND SEIZING OF DOGS AND OTHER ANIMALS

Section 1. Any person, including a police officer, may kill any dog or other animal 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 enclosure which is owned by or leased by a person producing livestock or poultry, outside of a city, unaccompanied by its owner, or its owners 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 police officer, to kill or injure or attempt, to kill or injure any dog which bears a license tag for the current year. In no event shall the provisions of this section exonerate a person from compliance with the criminal laws of this State, including, by way of an example, the safe discharge of firearms.

Section 2. It shall be lawful for any person to seize any dog or other animal running at large in violation of this Ordinance and to turn said dog or other animal over to the Animal Control Officer, his deputies or assistants.

Section 3. No Pit Bull Terrier, American Pit Bull Terrier, American Staffordshire terrier, American Bulldog, mixes (a/k/a "Bully Breeds") or any aggressive animal will be adopted or placed from Livingston County Animal Control. Stray Bully breeds and aggressive animals will be held for the State mandated holding period (pending owner claim). Owners may claim their aggressive animal after they show reasonable proof of ownership and pay fees. Further, Animal Control Department will refer matter to Prosecutor's Office for a determination regarding potential prosecution for violation of law. If not claimed, the animal will be humanely euthanized.

Section 4. The Livingston County Animal Control staff has sole discretionary authority to deem an animal to be aggressive or to be a bully breed.

ARTICLE VIII - ENUMERATION OF CERTAIN VIOLATIONS AND PROCEDURE THEREFORE

Section 1. The owner of any dog shall be deemed in violation of this Ordinance and subject to the penalties set forth in Article IX if:

- (a) The owner's dog, regardless of age, and whether licensed or unlicensed, wearing a collar or not wearing a collar, runs at large, provided, however, that a dog engaged in hunting need not be leashed when under the reasonable control of its owner.
- (b) The owner's dog, regardless of age, and whether licensed or unlicensed, wearing a collar or not wearing a collar, except a 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 which is accompanied by its owner, to be within the confines of any public park when such park, by appropriate designation at its entrance, prohibits dogs.
- (c) The owner's dog, at any time whether licensed or unlicensed, destroys property, real or personal, or trespasses in a damaging way on property of persons other than the owner.
- (d) The owner's dog or other animal, at any time, whether licensed or unlicensed, attacks or bites a person.
- (e) The owner's dog shows vicious habits or has molested passers-by when such persons are lawfully on the public highway of right of way.
- (f) The owner's dog which, by loud and frequent barking, howling or yelping, is a nuisance in the neighborhood in which said dog is kept, possessed or harbored.

Section 2. An owner of livestock or poultry shall be in violation of this Ordinance and subject to the penalties set forth in Article IX and Act 328 of the Public Acts of 1976, being Section 433.11, et seq. of the Compiled Laws of 1948 [MSA 18.789(1), et seq.] if the owner's livestock or poultry runs at large upon the premises of another or upon any public street, lane, alley or other public ground in the County unless otherwise specifically allowed.

Section 3. A person shall be in violation of this Ordinance and subject to the penalties set forth in Article IX if he removes a collar or tag from any dog or other animal without the permission of its owner, or decoys or entices any dog or other animal out of an enclosure or off the property of its owner, or seizes, molests or teases any dog or other animal while held or led by any person or while on the property of its owner.

Section 4. In the event of any of violations set forth in this Article or of a violation of any other provision of this Ordinance, or of the statutes of the State, the Animal Control Officer, his deputies or assistants or other police officer, may issue an appearance ticket, citation or summons to the owner of said dog, animal, livestock or poultry, or other person, summoning them to appear before a district court or other appropriate court within the County to answer the charges made in violation of this Ordinance. The Animal Control Officer, his deputies or assistants or other police officer may sign a complaint before said court for violation of the provisions of this Ordinance, proceed to obtain the issuance of a warrant and make arrest of the person to whom said violation is charged and bring them before the court to answer the charges. The Court may, in such case, in its discretion, upon a finding of guilty, assess the penalties in accordance with the penalty provision of this Ordinance.

Section 5. In the event of any of the violations set forth in this Article, or of a violation of any other provision of this Ordinance, or of the laws of the State, the Animal Control Officer, his deputies or assistants or other police officer or any other person may proceed to obtain authorization of the Prosecuting Attorney and make complaint before a district court or other appropriate court within the County and obtain the issuance of a summons similar to that provided in Act 339 of the Public Acts of 1919, being Section 287.280 of the Compiled Laws of 1948 (MSA 12.530), as amended, to show cause why such dog, animal, livestock or poultry should not be killed. Upon such hearing, the judge may either order the dog, animal, livestock or poultry killed, may order such dog, animal, livestock or poultry to be sold or otherwise disposed of, or may order the dog, animal, livestock or poultry confined to the premises of the owner, or may make such other order regarding the dog, animal, livestock or poultry as it deems proper and necessary under the circumstances, in addition to any of the penalties enumerated herein. This section shall, in no way, affect the provisions of Article III, Section 3(c) of this Ordinance.

Section 6. Costs, as in civil cases, shall be taxed against the owner of the dog, animal, livestock or poultry and collected by the court, from the person complained against upon a finding of guilty. The provisions of this section shall be in the alternative to the provisions for violations set forth in the preceding section and the Animal Control Officer, his deputies or assistants or other police officer may, in his discretion, proceed under either section hereof.

ARTICLE IX - PENALTY

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than FIVE HUNDRED AND 00/100 DOLLARS (\$500.00), or by both such fine and imprisonment.

ARTICLE X - PRESERVATION OF CERTAIN RIGHTS

Section 1. Nothing in this Ordinance shall be construed to prevent the owner of a licensed dog from recovery in an action at law from any police officer or any other person, except as herein provided.

Section 2. Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of a dog or other animal for damages committed by said dog or other animal.

ARTICLE XI - TREASURER'S RECORDS AND DUTIES

Section 1. On June 15th of each year, the Treasurer shall make a comparison of his records of the dogs actually licensed in each city or township of the County with a report of the Animal Control Officer, to determine and locate all unlicensed dogs.

Section 2. On and after June 15th of each year, every unlicensed dog, subject to license under the provisions of this Ordinance or the statutes of the State, is hereby declared to be a public nuisance and the Treasurer shall immediately thereafter list all such unlicensed dogs, as shown by the returns in his office of the Animal Control Officer and shall deliver copies of such lists to the Animal Control Officer and the Director of the Michigan Department of Agriculture, as well as those officers listed and set forth in Act 339 of the Public Acts of 1919, being Section 287.277 of the Compiled Laws of 1948, (MSA 12.527), as amended.

Section 3. The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in the County. Such record shall contain the name and address of the person to whom each license is issued. In the case of an individual licenses, the record shall also state the breed, sex, age, color and markings of the dog licensed; and in case of a kennel license, it shall state the place where the kennel is located. The record shall be a public record and open to inspection during business hours. The Treasurer shall also keep an accurate record of all license fees collected, by him or paid over to him by any city or township treasurer.

Section 4. In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or lack of same, showing the name of the owner and the license number to whom any license was issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership or non-ownership of any dog and of issuance or non-issuance of a dog license or tag.

ARTICLE XII - FEES AND EXPENSES

Section 1. Every township and city treasurer of Livingston County, Michigan, shall receive the sum of ONE and 50/100 DOLLARS (\$1.50) for each dog license issued for the issuing and recording of same. The remuneration as herein established shall be deemed additional compensation for additional services for each township or city treasurer who receives a salary in lieu of fees, when so designated by the appropriate township board or city council. This fee may be changed from time to time by the Board of Commissioners.

Section 2. It shall be the duty of the Animal Control Officer annually to make a census of the number of dogs owned by all persons in Livingston County, Michigan, in accordance with statutes of the State. The Animal Control Officer is hereby empowered to employ whatever personnel he reasonably believes necessary to conduct this census; such personnel shall receive for their services in listing such dogs such sum as shall be set from time to time by the Board of Commissioners.

Section 3. The duties and obligations herein imposed upon the respective designated officials may be delegated, by each of said officials, to their deputies, with like force and effect.

Section 4. The fees and expenses as established by this Ordinance may be changed from time to time on or before November 1st of each year and for subsequent years by action of the Board of Commissioners.

Section 5. All fees and expenses as herein provided for shall be paid in accordance with Article XIII of this Ordinance.

ARTICLE XIII - RECEIPTS AND DISBURSEMENT OF FUNDS

All fees and monies collected under the provisions of this Ordinance unless otherwise directed by the statutes of the State, shall be transferred to the General Fund of Livingston County, Michigan, in accordance with the standard practices of the Treasurer and the monies paid out in accordance with this Ordinance shall be drawn upon the General Fund of Livingston County, Michigan.

ARTICLE XIV - CONSTRUCTION

Section 1. When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include the feminine and neuter. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any article or section of this Ordinance.

Section 2. The regulations of this Ordinance are minimum standards supplemental to the rules and regulations duly enacted by the Michigan Department of Health and to the statutes of the State relating to public health.

ARTICLE XV - VALIDITY AND SEVERABILITY

Should any portion of this Ordinance be held invalid for any reason, such portion shall be deemed severable, and the invalidity thereof shall not be construed as affecting the validity of the remaining portions of this Ordinance.

ARTICLE XVI - REPEALER

All ordinances, or parts of ordinances which are inconsistent, or in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect when notice of its adoption is published at least once in a newspaper of general circulation in Livingston County, and it has been approved by the Governor of the State of Michigan.

LIVINGSTON COUNTY

Richard U. Slayton
COPY

ADOPTED: April 6, 1987

By: Richard U. Slayton - Chairperson
County Board of Commissioners

PASSAGE OF ORDINANCE

I, JOSEPH H. ELLIS, County Clerk of the County of Livingston, do hereby certify that the above Livingston County Animal Control Ordinance was adopted by the Livingston County Board of Commissioners on the 6th day of April, 1987.

/s/

Joseph H. Ellis
Livingston County Clerk

APPROVED: APRIL 6, 1987	RESOLUTION #487-085
AMENDED: NOVEMBER 20, 1989	RESOLUTION #1189-280
AMENDED: MAY 19, 2008	RESOLUTION #2008-05-156

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