

**ANIMAL CONTROL ORDINANCE**

**COUNTY OF PRESQUE ISLE  
STATE OF MICHIGAN**

**Effective June 1, 2005**



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**ANIMAL CONTROL ORDINANCE  
COUNTY OF PRESQUE ISLE  
STATE OF MICHIGAN**

An ordinance to regulate the existence, ownership, use and treatment of dogs, cats and other animals in the County of Presque Isle for the purpose of protecting the health and safety of the citizens therein; to establish the office of Animal Control Officer within the Presque Isle County Sheriff's Office, and to define the duties and authority thereof; and to provide a penalty for the violation hereof; and to repeat Ordinance as amended:

The County of Presque Isle Ordinance:

Section 1: **SHORT TITLE.** This ordinance shall be known, and may be designated as "The Animal Control Ordinance of the County of Presque Isle, State of Michigan."

Section 2: **DEFINITIONS.** As used in this ordinance the following terms are defined below:

**Animal:** Every non-human species of animal, both domestic and wild.

**Dog Pound:** Any facility operated by a humane society, or municipal or county agency, or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or State Law, for care, confinement, return to owner, adoption or euthanasia.

**Grooming Shop:** A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

**Humane Officer or Animal Control Officer:** Any person designated by the State of Michigan, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this State.

**Kennel or Cattery:** Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

**Owner:** Any persons, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

**Not Under Reasonable Control:** The term "not under reasonable control" shall mean the existence of an animal not under any of the conditions defined in "Reasonable Control" or the existence of an animal under any of the conditions defined in "Reasonable Control", which animal nonetheless commits damage to the person or property of anyone other than the owner, except when in the defense of its owner or his family or property.

**Performing Animal Exhibition:** Any spectacle, display, act or event, other than circuses, in which performing animals are used.

**Pet or Companion Animal:** Any animal kept for pleasure rather than utility, an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent upon people for food and shelter.

**Pet Shop:** Any person, partnership or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells or boards **ANY** species of animal.

**Public Nuisance:** Any animal or animals that unreasonably, endanger the life or health of other animals or person(s), or substantially interfere with life or property. The term public nuisance animal shall mean and include, but is not limited to, any animal that:

- Is repeatedly found at large
- Damages the property of anyone other than its owner
- Molests or intimidates pedestrians or passersby
- Chases vehicles
- Excessively makes disturbing noises, including, but not limited to, continued and repeated barking, howling, 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
- Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained
- Attacks other domestic animals; or
- Has been found by the Animal Control Officer, after notice to its owner and a hearing to be a public nuisance animal by virtue of being a menace to the public health, welfare or safety.

**Reasonable Control:** The term "Reasonable Control" shall mean the keeping of an animal on ones own premises by training, oral command, a leash, fence or other physical restraints; or the keeping of an animal off ones own premises on a suitable leash or the confinement of an animal in a vehicle, cage or other enclosure.

**Restraint:** Any animal secured by a leash lead, under the control of a responsible person and obedient to the person commands, or within the real property limits of its owner.

**Veterinary Hospital:** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

**Vicious Animal:** Any animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training has known to propensity to attack, bite or injure human beings or domesticated animals.

**Wild Animals:** Any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or merges), farm animals, rodents, any hybrids animal that is part wild and captive-bred species of common cage birds.

**Section 3. ANIMAL CONTROL OFFICER ESTABLISHED.** The office of Animal Officer is hereby established in the County of Presque Isle, at the Presque Isle County Sheriff's Office.

- A. The Sheriff or Deputies shall be the Animal Control Officer, and it shall be the duty of the Animal Control Officer:
1. To impound any dog, cat or other animal existing in violation of this ordinance;
  2. To impound any dog not duly licensed as provided by law;
  3. To impound any dog not duly inoculated as provided by law;
  4. To serve notice in writing, in person or by telephone upon the owner of any animal impounded under the provision of this ordinance, if such owner be known; and to make a reasonable effort to ascertain the owner of any animal so impounded;
  5. To keep a record of the description of every animal impounded, with the date of impoundment, name of owner if known, and disposition of same;
  6. To house and dispose of all impounded animals as provided by law; and
  7. To enforce all of the provisions of this ordinance.

**Section 4. COUNTY TREASURER TO ADMINISTER LICENSING.** It shall be the duty of the County Treasurer to obtain the necessary dog tags and make them available to the public, according to statute. The fees shall be \$\_\_\_\_\_ for unsex and \$\_\_\_\_\_ for other. March 1<sup>st</sup> it will be \$\_\_\_\_\_ for unsex and \$\_\_\_\_\_ for other.

- A. Any person owning, keeping, harboring or having custody of any dog over four (4) months of age within the municipality must obtain a license as herein provided.
- B. Written application for licenses, which shall include the name and address of applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or antirabic clinic, shall be made to the County Treasurer of Presque Isle.
- C. If not revoked, licenses for keeping dogs shall be for a minimum of one year.
- D. Application for a license must be made within 30 days after obtaining a dog over four months of age; this requirement will not apply to a non-resident keeping a dog within the municipality for not longer than 60 (sixty) days.
- E. License fees shall not be required for certified seeing eye dogs, hearing dogs. Governmental police dogs or other certified dogs that are trained to assist the physically handicapped.

- F. Upon acceptance of the license application and fee the County Treasurer 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 animal's collar or harness.
- G. Dogs must wear identification tags or collars, approved by the Michigan Department of Agriculture, at all times when off the premises of the owners, except when engaged in lawful hunting or training.
- H. The County Treasurer shall maintain a record of the identifying number of all tags issued and shall make this record available to the public at all times.
- I. The licensing period shall begin on December 1<sup>st</sup> and shall run for one year. A license application may be made thirty days prior to, and up to ninety days after December 1<sup>st</sup>.
- J. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a fine of \$25.00.
- K. A duplicate license may be obtained upon payment of a \$1.00 replacement fee.
- L. No person may use any license for any animal other than that for which it was issued.

**Section 5. PERMITS.**

- A. No person, partnership or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.
- B. The County Treasurer shall determine whether all regulations for the issuance of permits are met and shall determine that the requirements for humane care of all animals are in compliance with provisions of this ordinance, the zoning ordinance and other applicable State and County laws.
- C. When a permit applicant has shown the he is willing and able to comply with regulations as herein determined by the County Treasurer, a permit shall be issued upon payment of the applicable fee.
- D. The permit period shall begin with the fiscal year and shall run for one year. renewal application for permits shall be made thirty days prior to, and up to sixty days after, the start of the fiscal year. Applications for a permit to establish under the ordinance may be made at any time.
- E. If there is a change in ownership of a commercial establishment, the new owner may have the current permit transferred to his name upon payment of a \$10.00 transfer fee.
- F. Animal permits shall be issued upon payment of the applicable fee, to the County Treasurer:
  - Kennel authorized to house fewer than 10 dogs or cats
  - Kennel authorized to house ten or more, but fewer than 50
  - Kennel authorized to house 50 or more dogs or cats
  - Pet Shop
- G. Every facility regulated by this ordinance shall be considered a separate enterprise requiring an individual permit.



- H. Persons operating kennels for breeding of dogs or cats may elect to license such animals individually.
- I. No fee may be required of a veterinary hospital, animal shelter, or government operated zoological park.
- J. Failure to obtain a permit before opening any facility covered in this section shall result in a fine of \$200.00.
- K. Any person who has a change in the category under which a permit was issued shall be subject to reclassification and readjustment of the permit fee.

**Section 6. LICENSE AND PERMIT ISSUANCE AND REVOCATION.**

- A. After an application is filed, the Animal Control Officer shall inspect the facility before issuing the permit. The Animal Control Officer may revoke any permit which refuses or fails to comply with this ordinance, or any law governing the protection and keeping of animals.
- B. Any person whose permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept or harbored. No part of the permit or license fee shall be refunded.
- C. It shall be a condition of the issuance of any permit to license that the Animal Control Officer shall be permitted to inspect all animals on the premises where animals are kept at any time, and the Animal Control Officer shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.
- D. If the applicant has withheld or falsified any information on the application, the County Treasurer shall refuse to issue a permit or license.
- E. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- F. Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a \$10.00 (Ten) dollar fee.
- G. Licensing of dogs: It shall be unlawful for any person to own, possess, harbor or have the care or charge of any dog, male, female or unsexed, of the age of four (4) months or over, within the County of Presque Isle unless such dog shall wear a collar to which is attached the license tags approved by the law of the State of Michigan; provided however, that this ordinance shall not apply to any person transporting a dog through the County, and such dog being taxed at the residence of the owner. Every person in possession of any dog, or who shall permit any dog to remain on or about his premises for a period of five (5) days or more shall, for the purpose of this ordinance, be deemed to be the owner of such dog.

**Section 7. RESTRAINT.**

- A. It shall be unlawful for the owner of any dog, cat or other animal in the County of Presque Isle to allow such animal to stray beyond the premises of such owner unless such animal is under such owner's reasonable control.
- B. All dogs shall be kept under restraint.
- C. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

- D. 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 another except for planned breeding.
- E. Every vicious animal, as determined by the Animal Control Officer, shall be confined by the owner within a building or secure enclosure and shall be secured muzzled or caged whenever off the premises of its owner.
- F. It shall be unlawful for any person to own a dog, which loud or frequent or habitual barking, yelping or howling shall cause a **serious annoyance** to the neighborhood, or to people passing by upon the sidewalk or streets.

**Section 8. IMPOUNDMENT AND VIOLATION NOTICE.**

- A. Unrestrained dogs and nuisance animals shall be taken by the Animal Control Officer, or any Law Enforcement Officer, and impounded in an Animal Shelter and there be confined in a humane manner.
- B. Impounded dogs and cats shall be kept for not fewer than four (4) working days.
- C. If, by license tags or other means, the owner of impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or certified mail.
- D. In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer may issue to the known owner of such animal a notice of ordinance violation. Such notices may impose upon the owner a penalty of twenty-five (\$25.00) dollars that may, at the discretion of the animal owner, be paid to any agency designated by the licensing authority, within seventy two (72) hours in full satisfaction of the magistrate and upon conviction of this ordinance, the owner shall be punished as provided in Section 15 of this ordinance.
- E. The owner of an impounded animal may also be prosecuted for violation of this ordinance.

**Section 9. ANIMAL CARE.**

- A. No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care and need to prevent suffering.
- B. **NO PERSON** shall beat, cruelly mistreat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dog fights, cockfights, bullfights, or other combat between animals or between animals and humans.
- C. No owner of an animal shall abandon such animal.
- D. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury and death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the incident to the appropriate law enforcement agency or to the local humane society.

- E. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance.

**Section 10. CONTROL OF RABIES.**

- A. It shall be unlawful for any person to own any dog, cat or other animal which is affected with rabies, or has been bitten by any other animal known to have been affected with rabies.
- B. Any person who owns any dogs, cats or other animals shall immediately notify the Sheriff's Office or Health Department, and upon the demand of any Animal Control Officer, Law Enforcement Officer, or Health Officer, shall produce and surrender such animal to such officer, whenever any of the following conditions exist:
  - 1. Such animal has contracted rabies or is suspected of having contracted rabies.
  - 2. Such animal which is known to have been bitten by any other animals which is known to have rabies or is suspected of having rabies.
  - 3. Such animal has bitten any person.
- C. It shall be the duty of every person, whether owner or not, to report any dog, cat or other animal to the Sheriff's Office or Health Department, whenever such animal is known or suspected to be involved in any of the three conditions described in subsection (b) above.
- D. Whenever any dog, cat or other animal is reported to be involved in any of the three conditions described in subsection (b) above, it shall be the duty of the Animal Control Officer, or any Law Enforcement Officer to seize such animal and confine or cause to be confined such animal in the Animal Shelter if suitable, or with a licensed veterinarian, for a period of at least ten (10) days for the purpose of ascertaining whether such animal is afflicted with rabies. If such animal is afflicted with rabies, it shall be destroyed under the direction of the Animal Control Officer. If such dog is not afflicted, it may be returned to such owner as hereinafter proved. In the event such animal is confined under provisions of this section, the owner thereof shall be liable for any fees and costs which accrued from such confinement, and for licensing and vaccination fees if required by any ordinance or statute, prior to the return of such animal to the owner.

**Section 11. KEEPING OF WILD ANIMALS**

- A. No person shall shelter, exhibit, market, harbor, raise, breed, maintain or have in his or her control, any dangerous or exotic animal.
  - a. Definitions as used in the section:
    - (1). "Dangerous or exotic animals" means and includes any wild mammal, reptile or fowl not naturally tame or gentle, but is of wild nature or disposition, and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.
    - (2). "Animal" means a live and vertebrate creature, fowl, or reptile.

- (3). "Exotic" means an animal, which is foreign and generally not native by birth to the County of Presque Isle.
- (4). "Harbor" means to feed or shelter an animal.
- (5). "Wild" means an animal which generally lives in its original and natural state and is not normally domesticated.
- (6). "Market" means to buy, sell, or otherwise deal in wild or exotic animals, either whole sale or retail.

b. This section does not apply to:

- (1). The keeping of such animal in a bona fide licensed veterinary hospital for treatment.
- (2). The keeping of such animal in a bona fide educational or medical institution, museum, approved commercial display, or other places where they are kept as live specimens for public view or for the purpose of instruction or study

**Section 12. REMOVAL OF ANIMAL EXCREMENT.**

- A. Any person who, while walking or escorting a dog on a leash, allows said dog to deposit excrement on public or private property, other than the property of the dog's owner or the person walking or escorting the dog on a leash, shall immediately remove such excrement.
- B. Any person owning a dog or cat, whether or not on a leash, deposits excrement on public or private property other than the property of the animal's owner, such owner or his/her designate shall, upon being made aware of such fact, immediately remove such excrement.
- C. Any person who violates section 12, (a) & (b) is responsible for a civil infraction.


**Section 13. ORDINANCE NOT PERMISSIVE.** Nothing contained in this ordinance shall be construed to permit or encourage owning or keeping of any species of animal prohibited by any other ordinance or statute, or the owning, keeping, housing, using or treating of any animal in any manner prohibited by any other ordinance or statute.

**Section 14. ENFORCEMENT.** The civil and criminal provisions of this ordinance shall be enforced by those person(s) or agencies designated by the Presque Isle County Board of Commissioners. It shall be a violation of this ordinance to interfere with an Animal Control Officer in the performance of his duties.

**Section 15. PENALTIES.** Unless otherwise provided, any person violating any provisions of this ordinance may be charged with a Civil Infraction for the 1<sup>st</sup> offense, and any subsequent violations, may be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 dollars, and not more than \$500.00 dollars. If a violation continues, each day's violation shall be deemed a separate violation. If any person or is found guilty by a court of violating Section 9 of this ordinance, his/her permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

Section 16. SEVERABILITY CLAUSE. If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

This Ordinance is adopted by action of the Presque Isle County Board of Commissioners this 25<sup>th</sup> day of February, 2005 and is effective June 1, 2005.

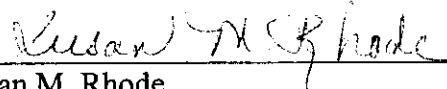


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Allan H. Bruder, Chairman  
Presque Isle County Board of Commissioners

CERTIFICATION

I, Susan M. Rhode, Clerk of the County of Presque Isle, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Presque Isle County Board of Commissioners on the 25<sup>th</sup> day of February, 2005.

Dated: February 25, 2005



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Susan M. Rhode  
Presque Isle County Clerk