

See section
XIV of
#18

CLARE COUNTY ORDINANCE

NUMBER 14

DOG ORDINANCE

9:45. DEFINITIONS. For the purpose of this ordinance the following terms shall have the following meanings respectively designated for each:

1. "OWN". To have a right of property in a dog; to keep or harbor a dog or to have a dog in one's care or possession; (and to permit a dog to remain in or about any premises of a person for a period of five (5) days or more).
2. "REASONABLE CONTROL". A dog shall be deemed to be under reasonable control when such dog is on the premises of it's owner or when such dog, not being on the premises of it's owner, is with and under the control of it's owner, his agent or some member of the owner's family.
3. "NOT UNDER REASONABLE CONTROL". A dog shall be deemed to be not under reasonable control when such dog, not being upon the premises of it's owner, is not with or under the control of it's owner, commits damage to the person or property of anyone other than it's owner; except when in the defense of it's owner, his family or property.

9:46. REQUIRING THAT DOGS BE LICENSED AND INOCULATED:

1. It shall be unlawful for any person to own any dog over the age of six (6) months that does not at all times wear a collar with a license tag attached thereto as provided for by the laws of the State of Michigan. Application for such license shall be accompanied by proof of vaccination of the dog for rabies within the year preceeding the date of application.
2. A certificate of inoculation in such form as shall be approved by the Health Department shall be presented on demand at any time to the Dog Officer or any official of the Health Department or Sheriff Department. A metal tag for rabies shall be furnished at the time of inoculation and shall be attached to the collar of the dog inoculated and shall be worn at all times.
3. The Health Department may establish it's own stations for inoculation and may charge such fees therefore as may be necessary to cover the expense of such inoculation.
4. It shall be unlawful for any person except the owner or the authorized agent of such owner to remove any license or inoculation tag from a dog.

9:47. PROHIBITING DOGS FROM RUNNING AT LARGE:

1. It shall be unlawful for the owner of any dog to allow such dog to stray beyond the premises of such owner unless under reasonable control; or for the owner of any female dog to permit said female to go beyond the premises of such owner when she is in heat, unless such dog is held properly in leash. Further, it shall be unlawful for the owner of any dog not to have such dog under reasonable control at all times.

9:48. BARKING DOGS:

1. It shall be unlawful for any person to own a dog which by loud and frequent barking, howling, yelping, growling or any other noise, causes serious annoyance to any of the people of Clare County.

9:49. DANGEROUS AND POTENTIALLY DANGEROUS DOGS:

1. It shall be unlawful for any person to own a fierce or vicious dog, or a dog that has been bitten by any animal known to have been afflicted with rabies. Any person who shall have in his possession a dog which has contracted rabies or has been subject to the same or which is suspected of having rabies, or which has bitten or injured any person, shall upon demand of the Dog Officer, Health Officer or any Sheriff Deputy, produce and surrender up such dog to such officer to be held for observation as hereinafter provided. It shall be the duty of any person owning a dog which has been attacked or bitten by another dog or animal showing symptoms of rabies, or which has bitten or injured any person or any other dog suspected of having rabies, to immediately notify the Dog Officer or Sheriff Department and the Health Department of Clare County that such person has such a dog in his possession.

2. Whenever a dog is reported to have bitten any person, it shall thereupon be the duty of the Dog Officer to seize such animal and confine the same for a period of not less than ten (10) days nor more than fifteen (15) days, for the purpose of ascertaining whether such animal is afflicted with rabies; provided, however, the Dog Officer may notify, in person or in writing, the person owning or possessing any such dog, to confine the same as hereinbefore required, for the purpose of ascertaining whether such dog is afflicted with rabies, and it thereupon shall be the duty of such owner to accomplish the confinement of such dog within twelve (12) hours in one of the places and for the time required above. If such dog is afflicted with rabies, it shall be destroyed under the direction of the Dog Officer. If such dog is not afflicted, it may be returned to the owner as hereinafter provided. In the event any such animal is confined under the provisions of this section, the owner thereof shall be liable for any fees and costs which accrued because of the detention of said dog.

3. Whenever a dog, confined under this section, is suspected of having rabies, it shall be the duty of the owner of such dog, if known, and if not known, it shall be the duty of it's cutodian or the Dog Officer, to arrange for necessary examinations by a veterinarian and further examinations of tissue of such dog by the Michigan Department of Health, if requested by the examining veterinarian of the Health Office. Reports of such examinations shall be transmitted forthwith to the person bitten, or to the parent's or guardian of such person by the Health Officer.

9:50. DOG OFFICER:

1. The office of Dog Officer shall be established in the Sheriff Department of Clare County.

9:51. DUTIES OF THE DOG OFFICER:

1. It shall be the duty of the Dog Officer in the County of Clare
 - a. to impound any dog he finds running at large.
 - b. to impound any dog he finds to be not under the reasonable control of some person.
 - c. to impound any dog not duly licensed as provided by law.
 - d. to impound any dog not duly inoculated as provided by this Chapter.
 - e. to impound any dog he finds to be violating this Chapter in any way.
 - f. to make arrangements with the Humane Society or other suitable facility for the pick-up of dogs held at the County Humane Society.
 - g. to serve notice in writing upon the owner of any dog impounded under the provisions of this Chapter, if such owner be known; and to make a reasonable effort to ascertain the owner of any dog so impounded.
 - h. to keep a record of the breed, sex, age, color and markings of every dog impounded together with the date and hour of said impounding and the name of it's owner, if known.
 - i. to enforce all of the provisions of this Chapter.

2. It shall be the duty of the Dog Officer or Humane Society under Section 9:49 (2), of this Chapter, which are not claimed or picked up by the owner of such dog within seven (7) days time limit set forth for confinement in said section. Such destruction may not occur earlier than three (3) full days after the dog is first impounded. In the case of dogs carrying a current license tag at the time of impounding, such destruction may not occur earlier than three (3) full days from the actual notice given the licensed owner of the impounding or seven (7) full days from the impounding, whichever is shorter. In the case of dogs confined under Section 9:49 (2) of this Chapter, which are not claimed or picked up as required, such destruction may not occur earlier than three (3) full days from notice given the licensed owner, if known, of the intent to destroy such dog. Provided, however, if in the judgment of the Dog Officer, any dog subject to the provisions hereof is valuable or desirable for keeping, the Dog Officer may dispose of such dog to any reasonable person who will keep such dog in accordance with the provisions of this ordinance.

3. In furtherance of the duties imposed by this section, the Dog Officer may make complaints to the District Judge in regard to any violation of this ordinance of which he has knowledge.

9:52 POUND FEES

1. Any dog seized or impounded by the Dog Officer shall be released to the owner upon the following conditions:
 - ✓ a. Payment of an impound fee of \$7.00.
 - ✓ b. Payment of the cost of boarding said dog, if the same is impounded for more than one business day.
 - c. Payment of such fine as the court may assess or in the alternative, the posting of a court appearance bond, in the event an ordinance violation notice has been issued.
 - ✓ d. The showing of a current valid license for the dog within three (3) days after release.
 - ✓ e. The showing of proper certificate from a veterinarian showing the said dog has been inoculated during the current year, or in the case of an unimmunized dog impounded at the Humane Society Shelter, the owner shall pay the cost of having the dog immunized before it is released.

9:54. DOGS-FILING COMPLAINT:

1. On sworn complaint to a District Judge of the Eightieth District Court that any of the following facts exist:

- a. That any dog has attacked or bitten a person.
- b. That any dog shows vicious habits and molests passers-by when lawfully on the public highway.
- c. That any dog molests persons on premises not owned or occupied by the owner of the said dog or causes a public nuisance thereon.

Then said Judge shall issue a summons against the owner of said dog commanding him to appear before said Judge of the District Court and show cause why said dog should not be killed or confined.

9:55. ORDER BY DISTRICT JUDGE:


1. The aforesaid summons shall be made returnable not less than two (2) nor more than six (6) days from the date thereof, and shall be served at least two (2) days before the time of appearance mentioned therein. Upon the return day fixed in said summons, said District Judge shall proceed to determine whether said dog has at any time attacked or bitten a person, or whether it shows vicious habits and molests passers-by when lawfully on the public highway, or molests persons on premises not owned or occupied by the owner of the dog or causes a public nuisance on such premises, and if he shall so find, he shall forthwith either order said dog confined to the premises of the owner or he shall order the Sheriff of Clare County to cause said animal to be killed and shall order payment of the costs of such proceedings against the owner of said dog.

9:56. CIVIL LIABILITY:


1. Nothing in this Chapter shall be construed as limiting the common law liability of the owner of a dog for damages committed by it.

9:57. PENALTY:

1. Any owner of a dog who shall thereafter violate an order to confine a dog owned by him to his premises pursuant to the provisions of this Chapter, or who shall secrete any dog owned by him to avoid the destruction thereof pursuant to an order made under this Chapter, shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or imprisonment in the County Jail for not more than ninety (90) days, or both, at the discretion of the District Judge.



 Arnold L. Stamman
 Chairman, Clare County Board of
 Commissioners



 Ruth Stanley
 Clare County Clerk

STATE OF MICHIGAN)
) SS
 COUNTY OF CLARE)

I, Ruth Stanley, County Clerk of the County of Clare, Michigan, do hereby certify that the foregoing ordinance was duly introduced, approved and adopted by the Clare County Board of Commissioners on February 19, 1980.



 Ruth Stanley, County Clerk

AMENDMENT TO

CLARE COUNTY ORDINANCE NO. 14 - DOG ORDINANCE

An ordinance to amend sections 9:50 Dog Officer; 9:51 (1) (f) (2) DUTIES OF THE DOG OFFICER and 9:52 (1) (e) POUND FEES, of Clare County Ordinance No. 14.

The Clare County Dog Ordinance No. 14 is hereby amended in the following respects only:

9:50. DOG OFFICER:

1. The office of Dog Officer shall be established in the Clare County Animal Shelter Department.

9:51. DUTIES OF THE DOG OFFICER:

1. (f) To make arrangements with the Clare County Animal Shelter or other suitable facility for the pick-up of dogs held at the Clare County Animal Shelter.

2. It shall be the duty of the Dog Officer under Section 9:49 (2), of this chapter, when dogs are not claimed or picked up by the owner of such dog within seven (7) days time limit set forth for confinement in said section, to destroy said dogs.

9:52. POUND FEES:

1. (e) The showing of proper certificate from a veterinarian showing the said dog has been innoculated during the current year, or in the case of an unimmunized dog impounded at the Clare County Animal Shelter, the owner shall pay the cost of having the dog immunized before it is released.

The Amendment to Clare County Ordinance No. 14, "Dog Ordinance", duly adopted on October 17, 1983, at a regular meeting of the Clare County Board of Commissioners.

Jeffrey B. Smith
Jeffrey B. Smith, Chairman
Clare County Board of Commissioners

Donna M. Carr
Donna M. Carr, Clare County Clerk

STATE OF MICHIGAN))
) ss.
COUNTY OF CLARE)

I, Donna M. Carr, Clare County Clerk, do hereby certify the foregoing Amendment to Clare County Ordinance 14, Dog Ordinance, was duly introduced, approved and adopted by the Clare County Board of Commissioners on October 17, 1983.

Donna M. Carr
Donna M. Carr, Clare County Clerk

CLARE COUNTY DOG ORDINANCE

A D D E N D U M

At the regular meeting of the Clare County Board of Commissioners held on April 3, 1989 the following fees to be charged the public for Animal Control services effective May 1, 1989, were adopted:

- | | |
|--|---------|
| 1) Boarded Dogs - Daily charge for care | \$ 3.00 |
| 2) Dogs to be put to sleep and taken care of | 10.00 |
| 3) Owner dogs to be picked up | 10.00 |
| 4) Owner dogs brought in | 7.00 |
| 5) Owner cats picked up | 5.00 |
| 6) Owner cats brought in | 3.00 |
| 7) Kennel Licenses - Six dogs | 20.00 |
| Ten dogs | 30.00 |

State of Michigan,)
) SS
County of Clare.)

I, Donna M. Carr, Clerk of said County of Clare and Clerk of the Circuit Court thereof, the same being a Court of Record, do hereby certify that the above Addendum was adopted by the Clare County Board of Commissioners in regular session on April 3, 1989, as appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Harrison, this 3rd day of April, 1989.



Donna M. Carr, Clerk
Board of Commissioners