

COUNTY OF CLARE, STATE OF MICHIGAN

DOG ORDINANCE NO. 18

Adopted: September 5, 1989

Effective: September 11, 1989
at 12:01 A. M.

An ordinance relating to dogs; providing for licensing of dogs and kennels; regulating the keeping of dogs and authorizing their destruction in certain cases; imposing powers and duties of the dog officer, and providing penalties for violation of this ordinance.

BOARD OF COMMISSIONERS
CLARE COUNTY, MICHIGAN

ORDAINS:

SECTION I

NAME

This ordinance shall be known and cited as the Clare County Dog Ordinance.

SECTION II

DEFINITION

For the purpose of this ordinance, the following terms shall have the following meanings, respectively, to-wit:

A. Own: to have a right of property in a dog or to keep or harbor a dog or to have a dog in one's care or possession or to permit a dog to remain in or about any premises of a person for a period of five (5) days or more.

B. Reasonable control: a dog shall be deemed to be under reasonable control when such dog is on the premises of its owner or when such dog, not being on the premises of its owner, is with and under the control of its owner, his agent or some member of the owner's family.

C. Not under reasonable control: a dog shall be deemed to be not under reasonable control when such dog, not being upon the premises of its owner, is not with or under the control of its owner, his agent or some member of the owner's family, or when such dog commits damage to the person or property of anyone other than its owner, except in the defense of its owner, his family or property.

D. Dog: a canine beast of any age, sex, size, color, breed or mixed breed.

SECTION III

LICENSING & INOCULATION

A. 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 the license tag attached thereto, as provided by the statutes of the State of Michigan. Application for such license shall be accompanied by proof of vaccination of the dog for rabies within the year preceding the date of application.

B. 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 the Clare County Sheriff's 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.

C. The health department may establish its own stations for inoculations and may charge such fees therefore as may be necessary to cover the expense of such inoculation.

D. It shall be unlawful for any person except the owner or authorized agent of said owner to remove any license or inoculation tag from a dog.

SECTION IV

DOGS RUNNING AT LARGE

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 dog to go beyond the premises of such owner when she is in heat unless such dog is held properly on leash. Further, it shall be unlawful for the owner of any dog not to have such dog under reasonable control at all times.

SECTION V

BARKING DOGS

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 person.

SECTION VI

DANGEROUS AND POTENTIALLY DANGEROUS DOGS

A. 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 contacted rabies or has been subjected to same, or which is suspected of having rabies, or which has bitten or injured any person, shall upon demand of the dog officer or any police officer 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 Clare County Sheriff's Department that such person has such a dog in his possession.

B. 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 same for a period of not less than ten (10) days, nor more than fifteen (15) days, for the purpose of ascertaining whether said 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 herein above required for the purpose of ascertaining whether such dog is afflicted with rabies and it shall be the duty of such owner to accomplish the confinement of such dog within twelve (12) hours for the time as set forth herein 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 cost which accrue because of the detention of said dog.

C. Whenever a dog has been confined under this section is suspected of having rabies, it shall be the duty of the owner of said dog, if known, and if not known, it shall be the duty of its custodian or the dog officer, to arrange for necessary examination by a veterinarian and further examinations of tissue of such dog by the Michigan Department of Health, as required, 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 parents or guardian of such person.

SECTION VII

DOG OFFICER

A. The office of dog officer shall be established in the Clare County Animal Shelter Department and said officer shall be under the direct supervision of the Clare County Board of Commissioners.

B. The duties of the dog officer shall be as follows, to-wit:

1. To impound any dog he finds running at large;
2. To impound any dog he finds to be not under the reasonable control of its owner or some other person;
3. To impound any dog not duly licensed as provided by law;
4. To impound any dog not duly inoculated as provided by this ordinance or state law;
5. When, as provided for under Section VI (B), dogs are not claimed or picked up by the owner of such dog within five (5) days of the expiration of the time limit as set forth for confinement in said Section, to destroy and dispose of any such dog;
6. To serve notice in writing upon the owner of any dog impounded in the provisions of this ordinance if such owner be known and to make a reasonable effort to ascertain the owner of any dog so impounded;
7. 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 its owner, if known;
8. To make arrangements with the Clare County Animal Shelter or other suitable facility for the pickup of dogs held at the Clare County Animal Shelter;
9. To enforce all provisions of this ordinance and the provisions of the dog law of the State of Michigan;
10. To make complaints to the District Court in regard to violations of this ordinance.

SECTION VIII

POUND FEES AND SERVICE FEES

A. Upon a dog or cat coming into the possession of the dog officer by seizure, impoundment, or voluntary transfer, the following fees shall be paid prior to release or acceptance, whichever may apply, and the following conditions shall be met, if applicable, to-wit:

1. Payment of an impoundment fee of Ten dollars (\$10.00);
2. Payment of the per diem boarding charge of Three dollars (\$3.00) for each day the animal is impounded beyond the first day of impoundment;
3. Payment of Ten dollars (\$10.00) for each dog picked up by the dog officer at the request of its owner;
4. Payment of Ten dollars (\$10.00) for each dog destroyed and disposed of at the owner's request;
5. Payment of Seven dollars (\$7.00) for each dog an owner transfers possession of to the dog officer at the Clare County Animal Shelter;
6. Payment of Three dollars (\$3.00) for each cat an owner transfers possession of to the dog officer at the Clare County Animal Shelter;
7. Payment of Five dollars (\$5.00) for each cat picked up by the dog officer at the request of its owner;
8. Payment of such fine as the court may assess, or in the alternative, the posting of a court appearance bond, if applicable, in the event an ordinance violation notice or complaint has been issued concerning the seized dog;
9. The showing of a current valid license for the dog;
10. The showing of a proper certificate from a veterinarian showing the dog has been inoculated 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 then and there immunized before it is released.

B. For a kennel owner to acquire a kennel license the applicant shall pay the following fees and upon receipt of an application and fee the dog officer shall within a reasonable period of time inspect said kennel, to-wit:

1. For a six (6) dog kennel, Twenty dollars (\$20.00);
2. For a ten (10) dog kennel, Thirty dollars (\$30.00).

C. The fees as provided for herein may be increased or decreased from time to time by the adoption of an appropriate resolution by the Clare County Board of Commissioners.

SECTION IX

STRAY, ABANDONED AND SEIZED DOGS

A. The dog officer is responsible for the detention of any and all stray dogs and for the delivery of such dogs to the Clare County Animal Shelter for safekeeping.

B. The dog officer shall complete a report for every dog which is brought to or delivered to the animal shelter. The dog shall be logged into a log book and the log book number shall be placed on the report. Each report shall include the location where the animal was picked up setting forth the address and township. If the dog is brought in by the owner, said owner will record his or her street address and township on the report.

C. In order to prevent the spread of disease it shall be dog officer's responsibility to immediately dispose of any animal showing signs of the following diseases, despite any provisions herein to the contrary:

1. Parvo virus, which is demonstrated by bloody diarrhea, vomiting, rapid dehydration, lack of appetite or lack of thirst;
2. Distemper, which is demonstrated by matted eyes, diarrhea, or loss of weight.

After the disposal of the sick animal a notation shall be placed on the report as follows: "disposed of due to sickness". Stray or abandoned dogs taken into possession by the dog officer which do not demonstrate sickness as provided herein above shall be held at the Clare County Animal Shelter for five (5) days prior to being put up for adoption or destroyed and disposed of. The decision to place for adoption or destruction shall be in the sole discretion of the dog officer.

D. Dogs which are turned over to the dog officer voluntarily by their owners shall immediately be put up for adoption and if adoption is not consummated within five (5) days, the dog shall be destroyed and disposed of.

E. Dogs which are turned over to the dog officer by non-owners shall be subject to provisions of Section IV (E). Furthermore,

the dog officer shall obtain from said non-owners a release of liability concerning the care, adoption, and/or destruction of said dog releasing the dog officer, Clare County Animal Shelter and Clare County from any and all liability relative to said dog.

SECTION X

DESTRUCTION OR CONFINEMENT OF DOGS BY COURT ORDER

A. Upon a sworn complaint duly filed in the District Court that any of the following occurrences have taken place, the District Judge may, within his discretion, issue a summons or other court order against the owner of such a dog, commanding said owner to appear before the court and show cause why said dog should not be destroyed or confined, to-wit:

1. That a dog has bitten or attacked a person;
2. That a dog has attacked any other animal and said attack has caused serious injury to said animal;
3. That dog has demonstrated vicious tendencies by molesting persons or by other activities on premises not owned or occupied by the owner of said dog or causes a public disturbance thereon.

B. The aforesaid summons shall be made returnable not less than two (2) nor more than six (6) days from the date of the summons and shall be served at least two (2) days before the time of appearance mentioned therein. Upon the return day fixed in said summons the court 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 other public right-of-way, or has attacked any other animal and said attack has caused serious injury, or molests persons on premises not owned or occupied by the owner of the dog, or causes a public nuisance on said premises, and if the court so finds, it shall forthwith either order said dog confined to the premises of the owner for whatever time the court deems to be reasonable and necessary or it shall order the dog officer to cause said dog to be destroyed and shall order payment of the costs of such proceedings against the owner of said dog.

SECTION XI

LIABILITY

A. Nothing in this ordinance shall be construed as limiting the common law or statutory liability of the owner of a dog for damages committed by it.

SECTION XII

PENALTIES AND ENFORCEMENT

A. Violation of this ordinance shall be a misdemeanor punishable upon conviction by fine of not less than Fifty dollars (\$50.00) nor more than One hundred dollars (\$100.00) or by imprisonment in the county jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment. Each day that a violation exists or occurs upon shall constitute a separate offense.

B. This ordinance shall be enforced by the dog officer or his deputy and such person shall be designated by the Clare County Board of Commissioners.

SECTION XIII

ADOPTION

A. Those dogs confined in the Clare County Animal Shelter that become eligible for adoption may be adopted out to persons of the general public and the dog officer may charge an appropriate fee for said adoption as shall be determined from time to time by the Clare County Board of Commissioners.

B. If an adopted dog within seven (7) days of the date of its adoption is found to be incompatible with its new owner, or should it die, then the new owner will be reimbursed by the dog officer in an amount equal to sixty per cent (60%) of the adoption fee or, in the alternative, will be permitted to receive a replacement dog from those dogs that qualify for adoption at the Clare County Animal Shelter.

SECTION XIV

VALIDITY

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION XV


REPEAL

This ordinance does repeal all former Clare County ordinances relating to dogs including, but not necessarily limited to Clare County Ordinance No. 14 and all amendments thereto.

SECTION XVI

EFFECTIVE DATE

This ordinance shall take immediate affect.


DONNA CARR
CLARE COUNTY CLERK

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 resolution was adopted by the Clare County Board of Commissioners in regular session on September 5, 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, Michigan, this 5th day of September, 1989.


Donna M. Carr, Clerk
Board of Commissioners