

COUNTY OF GLADWIN – STATE OF MICHIGAN

ANIMAL CONTROL ORDINANCE

ORDINANCE NUMBER 2023 - 001

THE PEOPLE OF THE COUNTY OF GLADWIN, STATE OF MICHIGAN, DO
ORDAIN,

Section 1. Purpose

The Board of Commissioners for the County of Gladwin, acting pursuant to Act 339 of the Public Acts of 1919, as amended, being MCL 287.261 through 287.323, commonly known as The Dog Law of 1919; and Act 368 of Public Acts of 1978, being Sections 333.1101-333.25211; and Act 207 of the Public Acts of 1970, as amended, among others, concerning the regulation of dogs and other domestic animals, adopt this Ordinance. The Board of Commissioners further recognizes that animals require legal protection, that the property rights of owners and non-owners of animals need to be protected, and that the health, safety, and welfare of the people in Gladwin County will be best served by adopting and revising an Animal Control Ordinance.

Section 2. Definitions

Except as otherwise provided

"Abandonment" means an animal that is left unattended for a period in excess of 24 hours.

"Adequate Care" means the provision of sufficient food, water, shelter, sanitary conditions, and medical attention to maintain an animal in a state of good health.

"Agent in Control" means that person(s) having temporary custody and/or responsibility of said animal.

"Aggressive Animal" means an animal that exhibits menacing behavior on public or private property including that of its owner or keeper. Menacing behavior shall include, but not be limited to: charging, scratching, toppling, teeth-baring, snapping, growling, or other predatory mannerisms, directed at a person or other animal in a place where the person or other animal is legally entitled to be.

"Animal" means any vertebrate other than human beings. When used in this Ordinance, animal shall not include those animals considered exotic or wild.

"Animal at Large" means the unrestrained wandering or roaming of any animal on a public way or on property not owned or leased by its owner. Also includes animals on their owner's property not under direct control of the owner in populated areas, i.e. where homes are within 200 feet of each other.

"Animal Control Officer" means the person under the supervision of the County Sheriff who shall enforce this Ordinance and the laws of the State regarding animal control, dangerous animals, and protection of the people and animals of Gladwin County, and any other certified law enforcement official within his or her own jurisdiction within the County of Gladwin.

"Animal Shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.

"Approved Vaccine" means a veterinary biological that is administered to an animal to induce immunity in the recipient and that is licensed by the United States Department of Agriculture and approved by the State veterinarian for use in this state pursuant to the Animal Industry Act of 1987, Act No. 466 for the Public Acts of 1988, being Sections 287.701 to 287.747 of the Michigan Compiled Laws.

"Attack" means the intent to cause injury or otherwise forcefully endanger the safety of people or other animals.

"Board of Commissioners" means the Gladwin County Board of Commissioners.

"Cat" means an animal of any age of the species Felis Catus.

"County" means County of Gladwin, State of Michigan.

"Dangerous Animal" means an animal that bites or otherwise causes serious injury to a person or other animal on public or private property where the injured person or other animal is legally entitled to be, including the property of the animal's owner or custodian. An animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or service purposes while engaged in the activities for which they were trained, shall be considered a dangerous animal.

"Day" means any day the Gladwin County government offices are scheduled to conduct business. It shall not include any Saturday, Sunday or holiday designated by the Board of Commissioners.

"Direct Control" means a situation in which a person, whether by voice command, physical tether, or other means can immediately affect or alter the

actions of an animal so as to ensure that the animal does not trespass or otherwise violate this Ordinance.

"Dog" means an animal of any age solely of the species *Canis Familiaris*.

"Domestic Animals" means those animals that have traditionally, through a long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and which have been kept as tame pets, raised as livestock, or used for commercial breeding purposes.

"Euthanasia" means the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress or a method that utilizes anesthesia produced by an approved agent that causes painless loss of consciousness and subsequent death.

"Exhibition of Fighting" means a public or private display of combat between two or more animals in which the fighting, killing, maiming or injury of animals is a significant feature. It does not include demonstrations of the hunting or tracking skill of an animal or their lawful use for hunting, tracking, or self-protection.

"Feral" means an animal that is without owner - running in the wild.

"Four Months of Age" means a dog or a cat with permanent upper canine teeth visibly present unless the owner can document the exact age.

"Harbor" means to feed or shelter animal(s) for three (3) or more consecutive days.

"Hunting" means allowing a dog to range freely within sight or sound of its owner while in the course of hunting legal game.

"Kennel" means any facility, except a duly licensed pet shop, where five (5) or more dogs are kept for breeding, sale, sporting, boarding or training purposes, for remuneration.

"Large Carnivore" means either of the following:

1. Any of the following cats of the *Felidae* family, whether wild or captive bred, including a hybrid cross with such a cat.
 - (a) A lion.
 - (b) A leopard, including, but not limited to, a snow leopard or clouded leopard.
 - (c) A jaguar.

- (d) A tiger.
- (e) A cougar.
- (f) A panther.
- (g) A cheetah.

2. A bear of a species that is native or nonnative to this state, whether wild or captive bred.

"Law Enforcement Officer" means any person employed or elected by the people of the State, or by any municipality, county, or township, whose duty it is to preserve peace or to make arrests or to enforce the law and includes conservation officers and State Police.

"Livestock" means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and fur-bearing animals being raised in captivity.

"Mutilate" means to destroy or disfigure a body part.

"Muzzle" means a device that when fitted upon an animal prevents it from biting any person or animal and which is made in a manner that will not cause injury to the animal or interfere with its vision or respiration.

"Neglect" means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

"Official Interstate Health Certificate" or **"Official Interstate Certificate of Veterinary Inspection"** means a printed form that records the information required by state law and is issued within 30 days before importation of the animal it describes.

"Owner" means a person having a right of property ownership in an animal, who keeps or harbors the animal or has the animal in his or her care or custody, or who permits the animal to remain on or about any premises occupied by the person. An owner does not mean a person who harbors an animal in the course of conducting a boarding, grooming, or training business, or a veterinary hospital, or a person who harbors an animal in violation of Act 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws.

"Owner's Agent" means an individual authorized in writing by the owner or lessee of an animal to intervene on behalf of the owner or lessee to protect the animal except in cases where the animal is in imminent danger of harm, in which case no written authorization is required.

"Person" means an individual, partnership, corporation, cooperative, association, joint venture, or other legal entity.

"Pet" means any animal kept for pleasure rather than utility.

"Poultry" means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeder license pursuant to part 427 (breeders and dealers) of the Natural Resources and Environmental Act. Act No. 451 of the Public Acts of 1994, being Sections 324.42701 to 324.42714 of the Michigan Compiled Laws.

"Provoke" means to perform a willful act or omission that any reasonable person would conclude is likely to precipitate a bite or attack by an animal.

"Quarantine" means a state of enforced isolation. To detain in or exclude by quarantine, to isolate from normal relations or communication. An animal that has bitten shall be kept in your home or a secure structure that would not allow any other person or animal to come in contact with it except for family members. Animals may be quarantined at a veterinarian's office or the Animal Shelter.

"Rabies Suspect Animal" means any animal other than wildlife, which has been determined by the Michigan Department of Community Health to be a potential rabies carrier and which has bitten or scratched a human, or any animal which has been in contact with or bitten by another animal which is a potential rabies carrier, or any animal which shows symptoms of rabies.

"Sanitary conditions" means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This does not include a condition resulting from a customary and reasonable practice pursuant to farming and animal husbandry.

"Secure Structure" means a four (4) sided structure with an enclosed top constructed of the same material as the sides. The sides must be at least six (6) feet high, with a concrete or buried fence floor. The door must be locked at all times.

"Serious Injury" means permanent serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

"Service Dog" means any dog which is trained or being trained to aid a person who is blind, hearing impaired, or otherwise disabled under MCL 287.291; MSA 12.543 (1970 PA 207).

"Shelter" means adequate protection from the elements, suitable for the age and species of the animal to maintain the animal in a state of good health, including structures or natural features such as trees and topography. Shelter

requirements for livestock may be as provided in the Generally Accepted Agricultural Management Practices.

- (1) Dogs shall have a waterproof four (4) sided structure of appropriate size with a roof and floor, and adequate provisions for warmth in the winter.

"State" means the State of Michigan.

"State of Good Health" means free from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment by a licensed veterinarian.

"Sterilized" means an animal which has, by virtue of a surgically performed castration or ovariohysterectomy or other recognized veterinary procedure, been rendered incapable of sexual reproduction.

"Torment" means to cause, by an act or omission, unjustifiable pain, suffering, or distress to an animal, or cause mental and emotional anguish in the animal as evidenced by its altered behavior and/or condition.

"Torture" means to cause either severe physical or mental suffering.

"Treasurer" means the Treasurer of the County of Gladwin.

"Veterinarian" means a person licensed to practice veterinary medicine as required in or under the Public Health Code, Act No. 308 of the Public Acts of 1978 being 333.18811 of the Michigan Compiled Laws, such other applicable state or Federal law.

"Water" means sufficient potable water that is suitable for the age and species of the animal and made continuously available unless otherwise directed by a licensed veterinarian.

"Wild and Exotic" means any animal normally found in the wild irrespective of geographic origin, or any crossbreeds of these animals with domestic animals (50% wild/50% domestic), or any descendant of such crossbreeds which is 25% or more wild animal, and which because of its size or vicious propensity or other characteristic would constitute a danger to human life or domesticated animals. Wild/Exotic animals include, but are not limited to, the following: any venomous snake, python or constrictor snakes which because of size pose a potential danger to human life; monkey; raccoon; skunk; leopard; lion; tiger; lynx; bobcat; badger; fox; coyote; wolf; squirrel. Any canine with a genetic make-up of 25% or higher wolf, coyote, or fox shall be considered a wild animal.

Section 3. Animal Control Officers Duties Authority and Responsibilities

1. The Gladwin County Animal Control Department is continued, as previously created.
2. Gladwin County Animal Control shall be under the supervision of the Gladwin County Animal Control Advisory Committee, which is hereby created.
3. The Gladwin County Animal Control Advisory Committee shall consist of seven (7) members, nominated by the Gladwin County Board of Commissioners Chairperson, and subject to approval by the Gladwin County Board of Commissioners. Each Gladwin County Animal Control Advisory Committee member shall serve for a term of two (2) years, such that the lapse of terms is staggered, to expire in appropriate years.
4. The Gladwin County Animal Control Advisory Committee shall conduct its meetings in accordance with the Michigan Open Meetings Act.
5. The Gladwin County Board of Commissioners shall employ an Animal Shelter Director who shall work with Animal Control as necessary, and in accordance with County budgetary and personnel policies.
 - A. It shall be the responsibility of the Sheriff, Animal Shelter Director and/or Animal Control Officers to enforce the provisions of this Ordinance.
 - B. The Sheriff and other local Gladwin County Law Enforcement agencies, the Animal Shelter Director and Animal Control Officers shall enforce this Ordinance and State Statutes as amended pertaining to control, regulation, and protection of dogs and other animals, including, but not limited to issuance of tickets, citations, or summonses to persons in violation of this Ordinance and/or State Statutes, and may make a complaint to the appropriate judicial or administrative authorities.
6. The Sheriff, Animal Control Director and Animal Control Officers shall wear satisfactory identification and carry a picture identification card when enforcing this Ordinance and State Laws and shall be sworn in as a Special Deputy of the Gladwin County Sheriff.
7. Animal Control Officers shall act reasonably and with the exercise of judgment in the enforcement of the State law and County Ordinance in reference to animals. The duties of the Animal Control Officers, in

addition to those stated elsewhere in this Ordinance and State statutes shall include the following:

- A. Take up and place in the County 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 County Animal Shelter facilities are inadequate for holding the type of animals seized, such as livestock and poultry, pursuant to this Ordinance and State law, such animals shall be placed in such alternative facilities as authorized by the Board of Commissioners and permitted by the statutes of the State.
- B. Seize and impound, or require its owner to quarantine, all domestic animals which are rabies suspects, for examination for disease in accordance with this Ordinance and/or the statutes of the State.
- C. 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(s) or other animal(s) and whether the owners of said animals have complied with the appropriate provisions of this Ordinance and the statutes of the State. To either seize and take with them any animals, or at the officer's discretion, allow sufficient time to permit the vaccination and licensing of dogs for whom no license had been procured in accordance with this Ordinance and the statutes of the State or for any other violation hereof. The provisions of this subsection shall specifically include, but not be limited to, investigation of, or seizure for, cruelty to animals.
- D. Investigate complaints of dogs or other animals alleged to be dangerous to persons or property and take such actions as authorized by State statutes; including seizing, taking up, and impounding such animals.
- E. Investigate complaints of cruelty to dogs or other animals, livestock or poultry and to take such actions as authorized by State statutes; including, seizing, taking up, and impounding any dog or other animal, livestock or poultry which has been subject to such cruelty.
- F. If authorized by the Treasurer, 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 Officers, 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 Officers 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 office of the County Animal Shelter. All fees and monies collected by the Animal Control Officers as herein provided shall be accounted for and turned over to the Treasurer at minimum, each and every week, or more often, if reasonably necessary under the standard practices or the Treasurer's accounting system.

- G. Such other duties relating to the enforcement of this Ordinance and State statutes as the Board of Commissioners may, from time to time, assign to the Sheriff.

Section 4.

No person shall possess, harbor, shelter, keep, or have custody of more than five (5) dogs, at any time, that are four (4) months old or older on the same premises in the County, except in veterinary hospitals, clinics, pet shops kennels, or similar permitted uses validly existing pursuant to the applicable zoning ordinance. Any person who allows a dog to habitually remain within or on his or her premises shall be considered as having custody of the dog within the meaning of this section.

Section 5.

Any person who keeps, harbors, or allows to remain on his property a wild, exotic animal, or large carnivore shall:

- A. Allow animal control to inspect the animals, and the area they are being kept, for the health and safety of the animals and the community. Inspections can be done at any time and as often as the officer deems necessary.
- B. Maintain an adequate area depending on biological and social need of the species to prevent escape and to keep the animal safe and in sanitary conditions.
- C. Provide vet care to keep the animal in good health.
- D. Assure all liability for damage or injury caused by the animal.
- E. If the animal escapes, it is the duty of the owner to report the escape immediately to the Sheriff and to recapture the animal. However, if the

animal poses a danger to the public safety, then Animal Control will assist at the owner's expense with whatever means are available to recapture the escaped animal, including the destruction of the animal.

F. Maintain all State and Federal permits required to keep this animal.

G. Comply with zoning laws of the area.

Section 6. Violations; penalties.

The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance provision:

A. *First offense.*

1. A first offense under this Ordinance shall be deemed to be a municipal civil infraction.
2. The civil fine for a first offense violation shall be up to \$500.00, plus costs and other sanctions, for each offense. Such civil fine shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular Ordinance provision.
3. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this Ordinance.

B. *Continuing offense.* Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

C. *Remedies not exclusive.* In addition to any remedies provided for in this Ordinance, any equitable or other remedies available may be sought.

D. *Judge or magistrate.* The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

E. *Default in payment of fines and costs.* A default in the payment of a civil fine, costs, damages or expenses ordered under subsection (1) of this section or an installment of the fine, costs, damages or expenses as allowed by the court may be collected by the County by a means authorized for the enforcement of a judgment under chapter 40 or 60 of

the Revised Judicature Act, MCL 600.101 et. seq.; MSA 27A.101 et seq., as amended.

F. *Failure to comply with judgment or order.* If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under subsection (8) of this section.

G. *Failure to appear in court.* A defendant who fails to answer a citation or notice to appear in court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, plus costs, and/or imprisonment not to exceed 90 days.

H. *Civil contempt.*

1. If a defendant defaults in the payment of a civil fine, costs, damages, expenses or installments as ordered by the district court, upon motion of the County or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in subsection (h)(1) of this section.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of the payment or each installment, or revoking the fine, costs, damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, damages or expenses shall be specified in the order of commitment and shall not exceed one day for each \$30.00 due. A person committed for nonpayment of a civil fine, costs, damages or

expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of \$30.00 per day.

6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, damages or expenses shall not be discharged from custody until one of the following occurs:

- (a) The defendant is credited with an amount due pursuant to subsection (h)(5) of this section.

The amount due is collected through execution of process or otherwise.

The amount due is satisfied pursuant to a combination of subsections (h)(6)(a) and (h)(6)(a) of this section.

- (b) The civil contempt shall be purged upon discharge of the defendant pursuant to subsection (h)(6) of this section.

I. *Second or subsequent offenses.*

1. Any person who violates any of the provisions of this Ordinance for a second or subsequent time shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00, or imprisonment in the county jail for a period of not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.
2. Any person who engages in any act of animal torture, torment, cruelty, or neglect shall be guilty of a misdemeanor.

J. *Removal and sale.* In addition to the imposition of the fines and penalties as otherwise set forth in this section, the County/County Board of Commissioners, building and zoning inspector, any County police officer or such other officer as the County/County Board of Commissioners may designate, may petition for a court order for abatement of any conditions which violate the provisions of this Ordinance to be removed or ended from/on the premises, impounded and destroyed, and the cost thereof assessed against the owner.

K. In addition to the imposition of the foregoing fines and penalties, the County Board of Commissioners, Building and Zoning Inspector, any Police Officers or such other officer as the County may designate, may petition for a court order to cause any

conditions which violate the provisions of the Ordinance to be terminated and the cost thereof assessed against the owner of such premises on which same are located.

Section 7. Repealer.

Ordinance 2013-1, being Animal Control Ordinance, is hereby repealed in whole.

Passed by the County Commission of the COUNTY OF GLADWIN on August 8th, 2023 at its regular meeting with 5 commissioners in attendance, 5 voting aye, 0 nay. Adopted by the County Commission of the County of Gladwin this 8th day of August 2023.



Karen Moore, Chairperson

I hereby certify that the foregoing was duly adopted by the COUNTY COMMISSION of COUNTY OF GLADWIN, Michigan, at its regular meeting on the 8th of August 2023, that of 5 members of the County Commission, 5 were in attendance and 5 voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the COUNTY OF GLADWIN.

Effective Date 8 / 23 / 23

This Ordinance shall take effect sixty (60) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.



Julie Jackson, Chief Deputy County Clerk