

**ANIMAL AND VECTOR CONTROL
ORDINANCE
COUNTY OF MUSKEGON
2006**



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**COUNTY OF MUSKEGON
MUSKEGON COUNTY HEALTH DEPARTMENT
ANIMAL AND VECTOR CONTROL ORDINANCE
2006**

The County of Muskegon deems that the ownership on an animal carries with it responsibilities to the County and its residents with regard to care and control of the animal. In interpretation and application, the provisions of this Ordinance shall be construed to impose a primary responsibility for compliance of this Ordinance on the owner of an animal. The County of Muskegon concludes it advisable to adopt a revised Animal and Vector Control Ordinance in the interest of protecting public health and safety, promoting the welfare of animals within Muskegon County and providing for the orderly and uniform administration of the provisions of Act 339 of the Public Acts of 1919 (MCL 287.289a, Sec 29a), as amended and applicable provisions of Act 368 of 1978. The Board of Commissioners finds that the presence of disease vectors and dangerous animals, as defined in the Ordinance, within Muskegon County creates an increased danger to public health and safety, the welfare of other animals, and people. The Board of Commissioners, in recognition of the reallocation of government functions brought about by Act 139 of the Public Health Acts of 1973, as amended, assigns the Muskegon County Health Department as the County's animal control agency, and its Director shall be responsible for the enforcement of the Muskegon County Animal and Vector Control Ordinance and the State "Dog Law of 1919," MCL 287.261 et seq. This responsibility extends to any animal within the County other than an animal subject to a city or township animal control ordinance adopted pursuant to MCL 287.290. It is the intent of the Board of Commissioners that this ordinance shall be vigorously enforced, to the extent that financial means permit such enforcement, whenever the activities of animals and their owners within Muskegon County directly endanger human life or health and whenever animals subject to protection by state law or the Ordinance are cruelly or inhumanely treated.

ARTICLE I -- General Provisions

Section 101 - Short title . This Ordinance may be known as and may be cited and referred to as the Muskegon County Animal and Vector Control Ordinance.

Section 102 - Limitations . This Ordinance shall not be construed to apply to any city, village or township, which has adopted an animal control ordinance pursuant to MCL 287.290.

Section 103 - Authority . The Muskegon County Board of Commissioners hereby adopts the Animal and Vector Control Ordinance contained in this Code pursuant to the provisions of Act 339 of the Public Acts 1919 (MCL 287.261-290), as amended; and the Michigan Public Health Code, being Act 368 of the Public Acts of 1978.

Section 104 - Other Laws and Regulations . This Ordinance supplements the rules and regulations duly enacted by the Michigan Department of Agriculture; Michigan Department of Environmental Quality; Michigan Department of Community Health; the laws of the State of Michigan relating to public health; and federal laws relating to public health. This Ordinance supersedes inconsistent or conflicting local regulations or ordinances.

Section 105 - Penalties . The Director is authorized to issue a notice to any person who violates a provision of State Statute(s) or this Ordinance. The notice shall contain a description of the violation and shall cite the specific sections of the State Statute(s) or this Ordinance that apply.

The Director may also order correction of a violation and may specify the nature of corrective action required and a reasonable time limit for the corrective action to be completed. In the case of violations that may present an imminent danger to public health and safety, immediate corrective action may be required (MCL 333.2451 - 333.2455).

Criminal. In accordance with MCL 46.10b, violation of this Ordinance, or any section hereof, shall be a misdemeanor, punishable by imprisonment for not more than 90 days, and/or a fine of not more than \$500.00.

Civil. Consistent with Public Act 58 of 1945 [MCL 46.201], a schedule of monetary civil penalties adopted by the County Board of Commissioners may be used to set civil penalties for violations of this Ordinance as adopted by the County Board of Commissioners.

Enforcement. This Ordinance may be enforced by criminal proceedings, civil penalties or both and any violation may give rise to both criminal and civil liability. The Director is authorized to seek judicial remedies and sanctions for any violation of this Ordinance when administrative efforts to resolve the violation(s) have proven ineffective, inadequate, or are otherwise deemed inappropriate.

Section 106 - Agents . Whenever a power is granted to, or a duty is imposed upon the Director, the power may be exercised, or the duty performed, by an agent authorized by the Director to exercise such power, or to perform such duty unless this Ordinance expressly provides otherwise. An authorized agent will meet the qualification of an Animal Control Officer outlined in MCL 287.289b.

Section 107 - Establish Guidelines . The Director may establish guidelines and policies concerning the interpretation of this Ordinance. The guidelines and policies shall be subject to review and approval by the Board of Commissioners, prior to implementation.

Section 108 - Severability . The various sections, paragraphs, sentences, clauses, and phrases of this Ordinance are hereby declared severable. If a court of competent jurisdiction adjudges any section, paragraph, sentence, clause, or phrase unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

ARTICLE II -- Definitions

Section 201 - Definitions . Whenever the following terms are used they shall have the meanings set forth in this article:

- (a) **Animal - domestic** shall mean any animal that is considered as a house pet, companion or livestock, i.e. cat, dog, goat, horse, cow, pig, bird, etc.
- (b) **Animal - wild** shall mean any non-domestic creature (mammal, amphibian, reptile or fowl) which is of a specie that is wild by nature and which can normally be found in the wild state and which is not naturally tame or gentle, but is of a wild nature or disposition; or which because of its size, vicious nature and other characteristics, would constitute a danger to human life or property, if not kept or maintained in a safe and secure manner. Such creatures include but are not limited to all forms of poisonous reptiles and nonpoisonous snakes which will exceed a length of six feet when mature and nonhuman primates. Excluded from this definition are hamsters, gerbils, ferrets, domesticated breeds of rabbits, guinea pigs, rats, mice, newts, and salamanders.
- (c) **Animal Control Officer** shall mean any agent of the Director designated to enforce this Ordinance and the Dog Law of 1919 (Act 339 of 1919) as amended.
- (d) **Animal Shelter** shall mean the animal kenneling facility used by Muskegon County to house stray or unwanted animals. The Animal Shelter is a part of the Muskegon County Health Department and is under the Department's management and jurisdiction.
- (e) **Days** shall refer to calendar days.
- (f) **Director** shall mean the Health Officer of the Muskegon County Health Department or his/her designee.
- (g) **County** shall mean the County of Muskegon.
- (h) **Department** shall mean the Muskegon County Health Department.
- (i) **Dog Kennel** shall mean any establishment, which keeps, or boards dogs for profit whether for breeding, sale, or sporting purposes.
- (j) **Public Health Hazard** means any potential or ongoing condition which may result in physical harm, disease, or death of a person or domestic animal.
- (k) **Imminent Danger** means a condition or practice which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures otherwise provided.
- (l) **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.
- (m) **Owner** shall be considered an individual, 18 years of age or older, who has been in possession of, or permanently resides in the same residence as, a domestic animal for seven (7) or more days. For the purposes of assessing

civil fines and fees, offenses and subsequent offenses may be issued to different individuals so long as they are in possession of the animal or are or have been providing for its care and custody and are 18 years of age or older OR:

- 1) Are an immediate family member of the licensed dog owner and either reside with the licensed dog owner or were in charge of its care or custody at the time of the violation; OR,
 - 2) Resided in the residence during previous violations; OR,
 - 3) Were in charge of care or custody of an individual dog, which has violated the same regulation(s) on multiple occasions.
- (n) **Person** shall mean an individual person, a firm, partnership, corporation, trust, or any association of persons.
- (o) **Provoke** means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.
- (p) **Public Nuisance** means:
- 1) Fecal matter, garbage, or other wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission;
 - 2) A condition or place that is a breeding ground for flies;
 - 3) An unnatural collection of water in which mosquitoes are breeding;
 - 4) A place or condition harboring vermin;
 - 5) An object, place, or condition that is a possible and probable medium of disease transmission to humans.
- (q) **Vector Control** shall mean the program established by the Muskegon County Health Department to control the spread of disease by means of animal, insect, or non-human vectors to humans.
- (r) **Nuisance Animal*** shall mean a domestic animal running at large, on public or private property other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to:
- 1) Any domestic animal that molests, chases, or attacks passersby or passing vehicles;
 - 2) Any domestic animal that molests, chases, or attacks other animals;
 - 3) Any domestic animal that trespasses on school grounds;
 - 4) Any domestic animal that damages private or public property;
 - 5) Any domestic animal that is unconfined in season (e.g., dogs and cats);
 - 6) Any domestic animal, which damages soils, defiles, urinates, or defecates on private property other than the owners.
 - 7) Any domestic animal, which damages or defiles public property.
- (s) **Aggressive Animal*** shall mean a domestic 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.

- (t) **Dangerous Animal*** shall mean a domestic 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. A dangerous dog shall include, but not be limited to:
- 1) A dog which has attacked a human being or domestic animal without provocation; or
 - 2) A dog which has been kept or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting; or
 - 3) A dog not owned by a governmental or law enforcement unit, used primarily to guard public or private property.

*Exceptions: An animal shall not be considered a nuisance, aggressive or dangerous where its act is caused by; (1) an illness or injury suffered by the animal at the time of the act; (2) the negligent or reckless conduct of any person to whom the act is directed; (3) lawful hunting or sport while the animal is under the control of its owner or custodian; or (4) defense of the animal's owner, or members of the other's family or household, or their property.

ARTICLE III -- Collection of Stray and Unwanted Domestic Animals

Section 301 - Capture . The Director may capture or take into custody:

- (a) Unlicensed dogs;
- (b) Dogs not meeting the rabies vaccination requirements in section 402 of this Ordinance;
- (c) Dogs which are running loose or which are not held properly on a leash while off the owner's property;
- (d) Animals held contrary to any Muskegon County Animal and Vector Control regulation;
- (e) Stray, unwanted, abandoned or abused domestic animals;
- (f) Domestic animals maintained contrary to any city or township ordinance other than an animal control ordinance adopted pursuant to MCL 287.290;
- (g) Domestic animals which the owner or custodian is not able to properly care for as a result of:
 1. Illness;
 2. Bankruptcy;
 3. Litigation; or
 4. Other contingencies.
- (h) Any animal that has bitten a person;
- (i) Any wild or exotic animal;

- (j) Any dog held in violation of section 607 (Keeping of Nuisance, Aggressive, or Dangerous Animals);
- (k) Any and all animals being kept at the residence of an individual having outstanding civil citations for violations of Muskegon County Animal and Vector Control Ordinance.

Section 302 - Recommended Impound . The Director may capture and take into custody, or accept and care for any animal held for observation at the recommendation of a doctor, veterinarian, or the Muskegon County Health Department.

Section 303 - Power to Conduct Inspections . The Department is authorized to examine, capture, or rescue any animal or to conduct inspections of all properties, public or private, in conjunction with the fulfillment of the duties and responsibilities in this Ordinance. If a person(s) refuses to permit access to the areas or places of keeping of animals or of a potential health hazard, the Department shall seek the necessary court authorization to enter the premises.

Section 304 - Exhibition of Animals, Licenses, or Certificates of Vaccination . The Director may require that a person owning any dog exhibit the dog, the required vaccination certificate, or the current license and license tag for such dog.

Section 305 - Failure to Show License . Any person upon whom a demand is made under authority of this Ordinance for the exhibition of any dog, rabies vaccination certificate, license or tag, who fails or refuses to exhibit the same, if he or she has it in his or her possession, is in violation of this ordinance.

Section 306 - Interference with an Animal Control Officer . No person shall interfere with, oppose, or resist the Animal Control Officer while he or she is engaged in the performance of any act authorized by this Ordinance.

Section 307 - Unauthorized removal from the Animal Shelter . No person shall remove any animal from the custody of the Director nor shall any person remove any animal from the Animal Shelter without first receiving permission from the Director.

Section 308 - Reclamation . All reclaimed dogs must be licensed as specified in Articles IV and VIII. A dog shall not be released to an owner who has been convicted with animal cruelty, abandonment, neglect, or other violations of State Law or of this Ordinance without a court order following a show cause hearing in which the owner establishes that he or she can and will own and keep the animal in a humane fashion and in accordance with state laws and this Ordinance.

Section 309 - Concealment of Animals . No person shall conceal any animal or conceal ownership of any animal when questioned by the Director.

Section 310 - Power to Issue Violation Notice; Power to Order Corrective Action . The Director may issue a violation notice or order corrective action to an individual in violation of any Muskegon County Vector Control Ordinance.

ARTICLE IV -- Individual Dog Licensing

Section 401 - Licensing Required . All dogs four (4) months or older shall be licensed by the County pursuant to MCL 287.268 except:

- (a) A dog under four (4) months of age;
- (b) A dog licensed by a municipality in which the dog owner and dog reside;
- (c) A dog licensed by another state or county in which the dog and owner reside, if the owner will be present in Muskegon County for thirty (30) days or less;
- (d) Dogs kept in dog kennels licensed pursuant to Section 502 hereof.

Section 402 - Rabies Vaccination . All dogs shall be currently protected by a rabies vaccine active at the time of license issuance. Such vaccine shall be administered by a veterinarian except when a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated.

Section 403 - Licensing Limitations . A dog license shall be issued for only a dog that has a current rabies vaccination, provided however, that a license may be issued to an unvaccinated dog if the veterinarian certification set forth in Section 402 hereof has been obtained.

Section 404 - Individual Licenses . The County Treasurer or his or her agent shall issue licenses as provided by MCL 287.274. License fees shall be established by the County Board of Commissioners and can be changed from time to time.

Section 405 - License Late Fees . Failure to comply with the licensing requirements of Section 404 will result in the imposition of such late fees and penalties, which shall be established by the County Board of Commissioners and can be changed from time to time.

Section 406 - Wearing of Tags . Each licensed dog shall wear a license tag at all times.

Section 407 - Transfer of License . A license may be transferred to a new owner during that licensing period. A license may not be transferred between dogs; each dog must have an individual license.

Section 408 - Providing Information and Registration and Sale of Tags by the Department, Veterinarians, and Other Authorized Organizations . Tags and registration are available at Muskegon County Vector Control, participating veterinary practices, and other authorized locations. Registration fees are set by the Muskegon County Board of Commissioners and can be changed from time to time.

- (a) All veterinarians practicing in the County may make available, to their clients, tags and registration certificates.
- (b) All veterinarians practicing in the County and any other person who owns or operates a veterinary office, or a companion animal clinic within the County, must post in a conspicuous place within the waiting area and/or in each examination room and/or area, a Department issued or approved information poster describing the legal obligations of dog ownership.
- (c) All veterinarians must, upon administering a rabies vaccination, inform the owner that the dog is required to be registered with the Department and may offer the owner the option of purchasing a tag from the veterinarian or the Department.
- (d) All veterinarians and authorized organizations that sell tags and registration must make available to their clientele education and information pamphlets or other materials provided by the Department.

ARTICLE V -- Dog Kennels

Section 501 - Kennel License . Any person operating a dog kennel for the purpose of remuneration shall obtain a kennel license in accordance with MCL 287.270.

Section 502 - Kennel Health Permit . Any person operating a dog kennel shall obtain a kennel health permit from Vector Control. The fees, based on cost, shall be established by the County Board of Commissioners and can be changed from time to time.

Section 503 - Application for Kennel Health Permit . Each application for a kennel health permit shall be made on a form provided by Vector Control and shall describe the location of the kennel and the maximum number of dogs that will be kept in the kennel.

Section 504 - Rabies Vaccination . Each dog kept in the kennel shall be vaccinated for rabies as specified in Section 402 unless the dog is less than four (4) months old.

Section 505 - Inspection . Each kennel shall be inspected prior to the issuance of a kennel health permit to assure compliance with this Ordinance. Additional inspections may occur at any time to assure compliance with this Ordinance and to prevent any community health problem.

Section 506 - Revocation of Permit . A kennel health permit may be revoked if a condition exists that will endanger the health of the community or if the kennel is, in the opinion of the Director, not in compliance with this Ordinance.

Section 507 - Forfeiture of Fee . Upon revocation of a kennel health permit no part of the fees paid for the license and health permit shall be returned and such fees shall be forfeited to the County.

Section 508 - Display of License and Health Permit . Every person having a kennel license and a kennel health permit shall keep the license and permit posted and exhibited in a conspicuous manner at the kennel.

Section 509 - Local Zoning . No kennel health permit shall be valid for any kennel that violates any zoning ordinance or official land use plan. No permit shall be valid where the relevant governing authority such as a township, village, or city declares such a nuisance.

Section 510 - Conditions of Kennel .

- (a) Building. Enclosures that give adequate protection against weather extremes shall be provided. Floors and walls of buildings shall be of an impervious material to enable proper cleaning and disinfecting. The building temperature shall be maintained at a reasonable level and adequate ventilation shall be provided.
- (b) Cages. Cages shall provide enough space to let each dog stand up, lie down and turn around without touching the top or sides of the cage. Cages shall be of a material and construction that permits cleaning and sanitizing. Cage floors, unless radiantly heated, shall have either a resting area above the cage floor or some type of bedding.
- (c) Runs. Dog runs shall be made of concrete or pea gravel. Concrete runs shall have adequate slopes for sanitation. If pea gravel is used, droppings must be collected and removed. All runs must be periodically disinfected.
- (d) Feeding. All food shall be free of contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the daily requirements determined by the condition and size of the animal.
- (e) Water. All animals shall have fresh water available in sufficient quantity and quality to meet the daily requirements determined by the condition and size of the animal. Water vessels shall be mounted or secured in a manner that prevents tipping.
- (f) Proper Disposal of Feces. Feces shall be composted, properly disposed of in the garbage, or by hosing down the kennels in a manner that does not promote the harborage of vermin and pests or a health hazard. If feces are to be washed down drains, the drains must be connected to the sanitary sewer or a Department approved septic system.

ARTICLE VI -- Animal Behavior

Section 601 - Dogs Running Stray . A person who owns or has care custody or control of a dog shall prevent the dog from running at large. A person who owns or has care custody or control of a dog shall, at any time the dog is off that person's property, restrain the dog with a lead or leash of adequate length for training or exercise.

Section 602 - Quarantine . Every domestic animal that has bitten a person or has been bitten by a wild animal susceptible to rabies shall be quarantined according to the recommendations of the current National Association of State Public Health Veterinarians' "Compendium of Animal Rabies Prevention and Control." Such quarantine shall be at Vector Control, a veterinary office, or a place designated by the Director. The owner shall surrender the animal to the Director on request.

Section 603 - Public Hazard . Any animal that violates the aggressive, dangerous, or nuisance animal regulations may be declared a public health hazard by the Director. At his or her discretion, the Director may require that the animal be removed from the community, quarantined, or confined in a manner specified by the Director.

Section 604 - Defecation . A person who owns or has care custody or control of an animal shall prevent the animal from defecating on any public or private property other than his or her own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his property.

Section 605 - Stray Livestock . A person who owns or has care custody or control of livestock or poultry shall prevent such animals from running at large on public or private property without the consent of the property owner, provided however, that this Section shall not prohibit leading or driving livestock, under the owner's or custodian's supervision, along a public highway.

Section 606 - Nuisance, Aggressive or Dangerous Animal . A person who owns or has care custody of an animal shall prevent the animal from engaging in nuisance, aggressive, or dangerous behavior.

Section 607 - Keeping of Nuisance, Aggressive, or Dangerous Animals . The Director may, upon the designation of a dog as a public hazard, require the owner to keep the dangerous animal under one or more of the following manners:

- (a) Confined, except as set forth hereinafter. "Confined," as the term is used in this section, shall mean such dog is securely kept indoors or in a securely enclosed and locked pen or dog-run area. Said pen or run must be locked with a key or combination lock whenever such dog or dogs are within the structure. Said pen or dog-run area must have sides six (6) feet high or be secured over the top. If the pen or dog-run area has no bottom secured to

the sides, the sides must be embedded into the ground no less than one foot deep.

- (b) Anytime said dog is not confined to the property of the owner or keeper, the owner or keeper shall ensure such dog is securely muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or animal.
- (c) Upon being informed of the said dog's designation as a nuisance, aggressive, or dangerous, have the dog sterilized and micro-chipped.
- (d) Immediately, upon learning of same, notify Muskegon County Vector Control if the animal:
 - 1. Is loose or unconfined;
 - 2. Bites a person or attacks another animal;
 - 3. Is sold, given away, or dies; or
 - 4. Has been moved to a different address.
- (e) Provide the Department proof of a current health certificate for the dog issued by a veterinarian.
- (e) Acquire liability insurance coverage that covers animal bites and damage and provide proof to the Department.
- (f) Allow inspection of premises where animals are kept upon Director's request.
- (g) Enroll in obedience training by an instructor approved by the Department.
- (h) Complete a "Responsible Pet Ownership" class offered by the Department.
- (i) Display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using such words as "Beware of Vicious Animal" or other appropriate warning language. In addition a similar sign must be posted on the kennel or pen of such animal.
- (j) Take any other action appropriate to protect the public as determined by the Director.

Section 608 – Decision . If the Director deems a public hazard based on a real or potential threat to public health, he or she must do so in writing by stating the animal's offense(s); state the mandated corrective action(s) referenced in Section 607; and, deliver to the owner by hand or certified letter.

Section 609 - Failure to Comply . Failure to keep a dog in accordance with provisions of Section 607 mandated by the Director is a violation of this Ordinance.

Section 610 - Dangerous Dog/Severe Injury; Second Attack .

- (a) If a dog previously declared dangerous attacks or bites a human being or a domestic animal without provocation, the Director shall seize the animal and will petition the District Court to humanely euthanize the animal.
- (b) The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during the pendency of any hearing or appeal procedure, as well as any and all investigative fees accrued by the Department.

- (c) If the owner files a timely written appeal, the Department may not destroy the dog while the appeal is pending, except to prevent unnecessary suffering as determined by two veterinarians.

ARTICLE VII -- Impoundment Procedures

Section 701 - Vector Control Animal Shelter . The Vector Control Animal Shelter is the animal custodial care facility of the Muskegon County Health Department. The Director may hold all animals impounded by his or her designees as provided in MCL 287.388. Any stray domestic animal found in Muskegon County may be delivered to the custody of the Vector Control Animal Shelter during scheduled working hours.

Section 702 - Relinquishing Strays . Any person picking up any stray animal or animal found running at large shall surrender such animal to the Director upon demand.

Section 703 - Apprehension of Strays . Any person finding a stray animal may assist the Animal Control Officer by holding such animal for the Officer to pick up or by delivering it to the Vector Control Animal Shelter.

Section 704 - Length of Impoundment . Length of dog impoundment shall be:

- (a) Unlicensed dogs. The Vector Control Animal Shelter shall hold all healthy unlicensed animals for four (4) days.
- (b) Collar - No license. The Vector Control Animal Shelter shall hold all healthy unlicensed dogs for seven (7) days.
- (c) Licensed dogs. The Vector Control Animal Shelter shall hold all healthy stray dogs with current, valid licenses for seven (7) days from the date notice is given.
- (d) Sick or injured animals. Any animal that is suffering unduly may be destroyed at the discretion of the Director.
- (e) Voluntarily surrendered animals. Any animal may be surrendered to Vector Control on behalf of an animal rescue entity for adoption or euthanasia.

The length of impoundment shall be computed by excluding the first day the animal is brought to the shelter and including the last day of confinement. If the last day is a Saturday, Sunday or legal holiday, the period shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.

Section 705 - Records . The Director shall keep a record of each animal impounded, the date of the impounding, the date and manner of its disposal and if redeemed, reclaimed or sold, the name and amount of all fees collected because of the impounding, reclaiming, or purchasing of the animal together with the number of any license tag or kennel license exhibited or purchased upon the redemption or sale.

Section 706 - Notice . When any animal wearing a current, valid license tag issued by the County of Muskegon or any municipality within the County of Muskegon is

impounded pursuant to this Ordinance, the Director shall, within twelve (12) working hours after receiving such animal, give notice of the animal's confinement to the person to whom the license was issued.

Section 707 - Proof of Ownership . The Director shall not release any animal that has been impounded in accordance with this Ordinance unless the person to whom the animal is released provides satisfactory proof of ownership and that the animal will be maintained in accordance with this Ordinance and any other relevant ordinance or statute.

Section 708 - Medical Attention . The Director may employ a veterinarian whenever he or she deems it necessary in a medical emergency in order to properly care for an impounded animal. The County of Muskegon shall charge a fee for veterinary services and such animal shall not thereafter be redeemed without payment of such fee in addition to other impoundment fees and costs.

Section 709 - Payment of Fees . The Director shall not release any dog unless the dog is first licensed and vaccinated against rabies and all fees and costs have been paid in full. All fees and costs shall be established by the Muskegon County Board of Commissioners and can be changed from time to time.

Section 710 - Unclaimed Animals . All animals not reclaimed within a period of time established for the holding of strays, shall be destroyed, sold at the discretion of the Director, or transferred to a licensed animal rescue organization.

ARTICLE VIII -- Animal Care

Section 801 - Animal Neglect and Keeping . Every person who owns or who has charge, care, custody, or control of an animal shall comply with each of the following requirements:

- (a) Feeding. Each animal shall be supplied with sufficient, good, wholesome food and water as often as the feeding habits of the animal requires.
- (b) Cleanliness. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition. The building or enclosure must be constructed of materials easily cleaned.
- (c) Unattended Animals. No animal shall be without attention for more than twenty-four (24) hours. Whenever a commercial animal facility is left unattended, the name, address, and telephone number of the owner of the facility and the person responsible for the care of animals shall be posted in a conspicuous place at the front of the facility.
- (d) Dangerous Surroundings. No condition shall be maintained or permitted that is, or could be, injurious to the animal.
- (e) Teasing. Every reasonable precaution shall be taken to insure that animals are not teased, abused, mistreated, annoyed, tormented, or made to suffer by any person or means.

- (f) Protection. All reasonable precautions shall be taken to protect the public from animals and animals from the public.
- (g) Sick Animals. Every commercial animal facility shall isolate sick animals sufficiently so as not to endanger the health of other animals.
- (h) Ventilation and Light. Every building or enclosure wherein animals are maintained shall be constructed of materials easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals with sufficient light to allow observation of the animals.
- (i) Veterinary Attention. The owner or custodian shall take an animal to a veterinarian for an examination and treatment if the Director or his or her agent finds this is necessary in order to maintain the health of the animal, and so orders.
- (j) Cages. All animal rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodation for the animals kept therein.
- (k) Shelter. Proper shelter and protection from the weather shall be provided at all times and as a minimum, shall consist of a three-sided shelter of suitable size.
- (l) Structural Strength. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, contain the animals, and restrict the entrance of other animals.

Section 802 - Animal Cruelty . Any person who owns or who has charge, care or custody of an animal, or comes into contact with an animal shall not do any of the following:

- (a) Physical Harm. No person shall beat, kick, hit, bite, burn, or in any other manner cause an animal to suffer needlessly. This provision excludes livestock branding, which is allowed pursuant to MCL 287.221, et. seq.
- (b) Injury. No person shall cause abusive injury to an animal.
- (c) Teasing. No person shall tease or entice a dog or other animal.
- (d) Alcohol and Drugs. No person shall give an animal any alcoholic beverage or other mood-altering drug unless prescribed by a veterinarian.
- (e) Incompatible Animals. No person shall allow animals, which are natural enemies, temperamentally unsuited, or otherwise incompatible to be quartered together or so near each other as to cause injury, fear, or torment. If two or more animals are trained so that they can be placed together and without attacking each other, or performing, or attempting any hostile act toward each other, such animals shall not be considered enemies.
- (f) Injurious Tack. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.
- (g) Proper Exercise. Working animals shall be given exercise proper for the individual animal under the particular conditions.

- (h) Working Sick Animals. No person shall work or use any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit.
- (i) Bitch in Heat. No person having a bitch in heat shall permit her to be contained in a fashion which gives stray animals access to her or which permits her to escape.
- (j) Confinement. No person shall confine a dog on a chain for more than four (4) hours unless the chain permits movement over at least thirty (30) square feet and allows the dog free access to a suitable shelter.
- (k) Any animal that is confined must be provided appropriate care, sufficient quantities of good and wholesome food and water on a daily basis, kept in sanitary conditions, provided with sufficient room to stand up, turn around, and sit comfortably, proper air ventilation and quality of air, protection from the elements, and from excessive exposure to fleas, ticks, other harmful insects or external parasites.
- (l) Abandonment. No person shall abandon any animal to die that is maimed, sick, or diseased. Nor, shall a person allow an animal to suffer injury, malnutrition, or illness without veterinary care.
- (m) Humane Live Trapping. Any animal humanely live trapped shall not be allowed to remain in the trap for a period longer than twenty-four (24) hours.
- (n) Confinement in motor vehicle. No person shall permit an animal to be within or on a motor vehicle at any location under such conditions as may endanger the health and well being of the animal, including, but not limited to dangerous temperatures, lack of food, water, or proper care.

Section 803 - Fighting of Animals . Any person owning, caring for, harboring or keeping an animal must treat the animal humanely at all times. No person shall:

- (a) Breed, own, possess, harbor, keep, or train any animal with the intent that such animal be engaged in animal fighting;
- (b) Build, make, maintain, or keep a pit or other area on premises owned or occupied by him or allow an area to be built, made, maintained, or kept on such premises, for the purposes of animal fighting;
- (c) Own, manage, possess, maintain, sell or operate any facility, staging equipment, concession equipment, handling equipment, or exhibition equipment related to animal fighting;
- (d) Encourage or instigate animal fighting in any manner; or
- (e) Perform any service, with or without pay, in the furtherance of, or to facilitate, any animal baiting or fighting, including refereeing, advertising, acting as a stakes or security holder of wages, or handling animals intended to be used in fighting.

Section 804 - Wild Animals . No person shall keep any wild animal or type of animal that the Director may determine to be a hazard to the community.

ARTICLE IX -- Vector Control

Section 901 - Reporting and Surveillance .

- (a) A veterinarian in Muskegon County shall report any Michigan Department of Agriculture (MDA) reportable disease to the Department within the same time frame as MDA's reporting requirements under Act No 466 of 1988, MCL 287.709.
- (b) A veterinarian in Muskegon County shall report each suspected or confirmed case of a serious communicable disease that could infect humans within twenty-four (24) of its diagnosis or discovery, to the Department.
- (c) A veterinarian in Muskegon County shall report the unusual occurrence of any disease, infection, or condition that threatens the health of the public, within twenty-four (24) hours of diagnosis or discovery, to the Department.
- (d) A veterinarian in Muskegon County is authorized to report any Zoonotic disease, infection, or condition to the Department.
- (e) An individual who is potentially exposed to rabies by any animal or has knowledge that an individual has been potentially exposed to rabies, must report the incident promptly to the Department. The individual making the report shall state to the best of his or her knowledge, the name, address, phone number of the individual who has been potentially exposed to rabies, the time and place of such potential exposure, and if known, the location, description, type of animal involved, information about the owner, and circumstances surrounding the incident.
- (f) An animal that is known to be suffering from or afflicted with a contagious or infectious disease shall not be transferred, sold, bartered, or disposed of without first disclosing to the person to whom the same is transferred, sold, bartered, or disposed of that such animal is so diseased. Nor shall such animal be or knowingly allowed to come into contact with any animal of another person without his or her knowledge or permission.

Section 902 - Nuisances Defined and Prohibited . The words "Public Nuisance" as used in this Ordinance are defined in Article II, Section 201 of this Ordinance. All such nuisances as determined by the Director are hereby prohibited and declared a violation of this Ordinance.

Section 903 – Inspection . All premises affected by this Ordinance shall be subject to entry and inspection by the Director, or his/her designee, after giving proper identification, as per Article III, Section 303 of this Ordinance, except where an imminent danger or health hazard exists or is believed to exist, which requires that an inspection be conducted immediately.

Section 904 - Vermin Control . It shall be unlawful for any person to create or maintain a vermin infested condition on premises owned or occupied by that person. When the Director has reasonable cause to believe that there is vermin infestation in a definable area, and upon proper notice, it shall be the responsibility of the owner or occupant of

the premises to take whatever measures are deemed necessary to abate the condition and protect against ingress of vermin using methods acceptable to the Director.

Section 905 - Dead Animals . It shall be unlawful for any person to allow a dead animal(s) to remain for over twenty-four (24) hours after death on premises owned and/or occupied by that person. Such animal(s) shall be removed from the site and/or properly disposed; buried to an adequate depth so not to affect the groundwater supply and/or public health; or, as otherwise specified by the Director in circumstances where high ground water elevation is a limiting factor. Burial of dead animals shall follow the requirements of Act 239 of 1982 as amended [MCL 287.671].

ARTICLE X -- Right of Appeal

Section 1001 – Hearings . Any person who wishes to appeal a decision made by the Director under this Ordinance must file a written request with the Department within seven (7) days of receiving notice of the Director’s decision. If requested, a hearing shall be held not more than ten (10) days after the Department’s receipt of the request. Official notice will be sent to the person requesting the hearing indicating the date, time, and location of the hearing scheduled.


This ordinance will become effective immediately upon publication.

Adopted: September 12, 2006
Published: 9/22/06
Effective: 9/22/06



Karen D. Buie
County Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Muskegon County Board of Commissioners, Muskegon County, Michigan, at a regular meeting held on September 12, 2006, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.



Karen D. Buie
County Clerk