

**ANIMAL CONTROL ORDINANCE  
COUNTY OF OCEANA, MICHIGAN  
ORDINANCE NO. 2024-07**

**The people of the County of Oceana, Michigan, do ordain:**

**ARTICLE 1**

**PURPOSE**

The Board of Commissioners of the County of Oceana recognizes that Act 339 of the Public Acts of 1919, as amended, being sections 287.261-287.290 of the Michigan Compiled Laws, Act 426 of the Public Acts of 1988, being Sections 287.321-287.323 of the Michigan Compiled Laws as amended, and Act 368 of the Public Acts of 1978, being Section 333.1101-333.25211 of the Michigan Compiled Laws, and Act 207 of the Public Acts of 1970, as amended, being 287.291 of the Michigan Compiled Laws, constitute State Law for the regulation for dogs. The Board of Commissioners furthermore 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 Oceana County will best be served by adoption of this Animal Control Ordinance.

**ARTICLE 2**

**DEFINITIONS**

**Except as otherwise provided in the Exceptions to these Definitions, the following terms shall be defined as follows:**

**"Adequate Care"** means the provision of sufficient food, water, shelter, 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"** shall mean 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.

**"Animal Control"**

means those persons under the supervision of the Sheriff assigned to enforce the provisions of this ordinance.

**"Animal at Large"**

means the unrestrained wandering or roaming of any animal on a public walkway, roadway, highway or on property not owned or leased by its owner. Also includes animals on their owner's property not under direct control or sight of the owner.

**"Animal Shelter Director" or "Director"** means the person, under the general supervision of the County Administrator/Controller, who oversees the daily operation of the Animal Shelter. He/she is responsible for preparing and monitoring the departmental budget and ensuring compliance with appropriate legislation, supervises the work of employees at the Animal Shelter and assists in any classification as necessary.

**"Animal Control Officer"** means the persons who shall enforce this Ordinance and the Laws of the State regarding domestic animal control, dangerous domestic animals, and protection of the people and domestic animals of Oceana County.

**"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 Oceana County Board of Commissioners.
- "Cat"** means an animal of any age of the species Felis Catus.
- "County"** means County of Oceana, State of Michigan.
- "Dangerous Animal"** shall mean 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 Oceana 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, or physical tether, 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 or Canis Lupus 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 not prohibited by law 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.

**"Farm"** means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products.

**"Farm Dog"** means a dog or dogs owned and used for aiding a person engaged in a farm operation which remains on the property used for the farm operation.

**"Farm Operation"** means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products.

**"Farm Product"** means those plants and animals useful to human beings. Produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

**"Groom"** means to clean or care for.

- "Harbor"** means to feed or shelter an animal (s) for three (3) or more consecutive calendar 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 three (3) or more dogs are kept for breeding, sale, sporting, boarding or training purposes, for remuneration.
- "Large Carnivore"** means either of the following:
- (i) Any of the following cats of the Felidae family, whether wild or captive bred, including a hybrid cross with such a cat:
    - (1) A lion.
    - (2) A leopard, including, but not limited to, a snow leopard or clouded leopard.
    - (3) A jaguar.
    - (4) A tiger.
    - (5) A cougar.
    - (6) A panther.
    - (7) A cheetah.
  - (ii) 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 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 and swine, and fur-bearing animals being raised in captivity.
- "MCL"** Michigan Compiled Laws
- "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.
- "Nuisance Animal"** shall mean an 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: (a) making physical contact with a person or other animal in a harassing manner; (b) urinating or defecation; or (c) damaging inanimate personal property.
- "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 thirty (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 adult 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's license pursuant to Part 427 Breeders and Dealers of the Natural Resources and Environmental Protection Act, being 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 an ordinary and reasonable person would conclude is likely to precipitate the bite or attack of an ordinary dog or 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 or scratched, shall be kept in the owner's home or a secure structure that would not allow any other person or animal to come in contact with, except family members. Animals may be quarantined at a veterinarian's office or the Animal Shelter.
- "Rabies Suspect Animal"** means any animal, which has been determined by the Oceana County Health Department and/or the Michigan Department of Health and Human Services 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, deaf or audibly impaired, or otherwise MCL 287.291; (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 is not required for livestock if there is a natural wind break such as a grove of trees.
- (1) Dogs shall have a waterproof four (4) sided structure, of appropriate size with a roof and floor.
  - (2) Livestock shall have a sound, three (3) sided, roofed structure of appropriate size or wind break providing equivalent protection.
- "Sheriff"** the Oceana County Sheriff or his/her designee.
- "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.
- "Sterilized"** means an animal which has, by virtue of a surgically performed castration or ovariectomy or other recognized veterinary procedure, been rendered incapable of sexual reproduction.



<b>"Threaten"</b>	means to give sign or warning of danger.
<b>"Torment"</b>	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 for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and/or reasonable person would conclude is likely to precipitate a bite or attack.
<b>"Torture"</b>	means to cause either severe physical or mental suffering.
<b>"Treasurer"</b>	means the Treasurer of the County of Oceana.
<b>"Veterinarian"</b>	means a person licensed to practice veterinary medicine as required in or under the Public Health Code, Act No. 368 of the Public Acts of 1978, being 333.18811 of the Michigan Compiled Laws, such other applicable State or Federal Law.
<b>"Water"</b>	means sufficient drinkable water that is suitable for the age and species of the animal and made regularly available unless otherwise directed by a licensed veterinarian.
<b>"Wolf"</b>	means an animal of the species <i>Canis Rufus</i> or <i>Canis Lupus</i> but does not include an animal of the species <i>Canis Lupus Familiaris</i> .
<b>"Wolf-Dog Cross"</b>	means a canid resulting from the breeding of any of the following: <ol style="list-style-type: none"> <li>(1) A wolf with a dog.</li> <li>(2) A wolf-dog cross with a wolf.</li> <li>(3) A wolf-dog cross with a dog.</li> <li>(4) A wolf-dog cross with a wolf-dog cross.</li> </ol>
Exceptions	An animal shall not be considered a nuisance, aggressive or dangerous animal where its act is caused by; (a) an illness or injury suffered by the animal at the time of the act; (b) the negligent or reckless conduct of any person to whom the act is directed; (c) lawful hunting while the animal is under the control of its owner or custodian; or (d) defense of the animal's

owner, or members of the owner's family or household, or their property.

### **ARTICLE 3**

#### **ANIMAL CONTROL OFFICERS DUTIES, AUTHORITY AND RESPONSIBILITIES**

- Section 3.1** The Oceana 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.
- Section 3.2** It shall be the responsibility of the Sheriff, Animal Shelter Director and/or Animal Control Officers to enforce the provisions of this Ordinance.
- Section 3.3** The Sheriff, 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.
- Section 3.4** The Sheriff, Animal Shelter 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 Oceana County Sheriff.
- Section 3.5** 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 Sheriff, and Animal Control Officers, in addition to those

stated elsewhere in this Ordinance and State Statutes, shall include the following:

- 1) Take up and place in the County Animal Shelter all dogs or other animals, 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's 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.
- 2) Seize and impound, or require its owner to quarantine, all domestic animals which are rabies suspects, for examination for disease in accordance with Article 8 of this Ordinance and/or the Statutes of the State.
- 3) In accordance with the provisions of this Ordinance, to enter upon private premises except a building designated for and used for residential purpose, 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 him any animals or 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.

- 4) Investigate complaints of dogs or other animals alleged to be dangerous to persons or property and take such actions as authorized by State Statutes or County Ordinance, including seizing, taking up, and impounding such animals.
- 5) Investigate complaints of cruelty to dogs or other animals, livestock or poultry and to take such actions as authorized by State Statutes or County Ordinance, including, seizing, taking up and impounding any dog or other animal, livestock or poultry which has been subject to such cruelty. Animals seized for cruelty may be held as evidence, fostered, adopted or euthanized, after an evaluation and medical exam by shelter staff and/or veterinarian at the direction of the Shelter Director.
- 6) If authorized by the Treasurer, 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 Shelter Director and 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 Shelter Director and 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 Shelter Director and Animal Control Officers as herein provided, shall be accounted for and turned over to the Treasurer on or before the first of each and every month, or more often, if reasonably necessary under the standard practices of the Treasurer's accounting system.

- 7) Perform 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, Animal Shelter Director and Officers.

#### **ARTICLE 4**

#### **SHELTER OPERATION, IMPOUNDMENT, RELEASE AND DISPOSAL**

##### **Section 4.1**

The Animal Shelter Director shall operate and maintain an adequate facility as a shelter to receive, care for and safely confine any animal in the Animal Control Officer's custody under provisions of this Ordinance. The Animal Shelter shall be accessible to the public during the days and hours in which County Offices are open and/or such other hours as may be authorized by the Board of Commissioners.

##### **Section 4.2**

An Animal Control Officer may impound and hold at the shelter any animal when it is the subject of a violation of this Ordinance, or State Laws, when it requires protective custody and care because of mistreatment or neglect by its owner, when it is voluntarily donated by its owner for disposition or when otherwise ordered impounded by a court.

##### **Section 4.3**

An animal shall be considered impounded from the time an Animal Control Officer takes physical custody of the animal.

#### **Section 4.4**

Impoundment is subject to the following holding periods and notice requirements:

- 1) An animal whose ownership is known by Animal Control, or the Animal Shelter shall be held for a minimum of seven (7) days after the date of mailing a notice to the owner regarding the impoundment of the animal. Notice of impoundment shall be sent to the owner by certified mail within forty-eight (48) hours from the time of impoundment. This notice shall advise the owner of the impoundment, the date by which redemption must be made and that there will be fees payable prior to release. The Animal Shelter Director shall maintain a record on each identifiable animal acquired indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date the notice of impoundment was sent to the owner of the animal and subsequent disposition of the animal.
- 2) An animal whose ownership is not determinable shall be held a minimum of four (4) days after its impoundment.
- 3) Animals held for periods prescribed under this section and not redeemed by their owner shall be subject to disposition.

#### **Section 4.5**

Disposition of animals shall be made as follows:

- 1) Any animal impounded shall be released to its owner or the owner's authorized agent (with written permission) if redeemed within the period set forth in this section, upon payment of fees for impoundment and care including actual cost of veterinary care incurred while held in the Animal Shelter provided the

owner is in compliance with provisions of this Ordinance and State Statutes, including licensing and vaccination requirements; or

- 2) Any animal held for the prescribed period and not redeemed by its owner, and which is neither a potentially dangerous animal nor in a dangerous condition of health, may be released for adoption subject to Section 4.6; or
- 3) Any animal held for the periods prescribed under this section without redemption or adoption may be disposed of by euthanasia, except that livestock and poultry may be sold in accordance with State Statutes; or
- 4) Provisions of this section regarding holding periods do not apply to any animal which is sick or injured to the extent that the holding period would cause the animal undue suffering, or where the animal is deemed so aggressive that the animal poses a safety risk to County employees or other persons, in the judgment of the Animal Shelter Director or Animal Control Officer, or to any animal voluntarily delivered to the Animal Shelter by the owner thereof requesting humane destruction. Such animals may be disposed of by euthanasia at any time; or
- 5) Animals shall be disposed of in accordance with Animal Shelter policies except that live animals may not be sold for research.

#### **Section 4.6**

A dog or cat may be released for adoption subject to the following conditions:

- 1) The dog or cat has not been recovered by its owner and the required holding period has expired or the

owner of the dog or cat has signed its ownership rights over to Animal Control.

- 2) The adoptive owner shall pay the applicable adoption fee and sign the purchase agreement.
- 3) In the case of a dog or cat that, based on the veterinarian's opinion, cannot have spay/neuter surgery, the adoptive owner shall pay a surgical prepayment deposit which shall be refundable upon furnishing written certification by a licensed veterinarian that the animal has been sterilized by spaying or neutering;
- 4) The adoptive owner shall sign a written agreement to sterilize an adopted dog or cat within thirty (30) days of adoption or upon the animal's attaining six (6) months of age, whichever event occurs last. Failure to comply with the agreement shall result in a forfeiture of the amount deposited under paragraph three (3) of this section, and the Animal Shelter Director may require return of the adopted dog or cat to the Animal Shelter.

#### **Section 4.7**

The Animal Shelter Director or Animal Control Officer may decline to release an animal for adoption under any of the following circumstances:

- 1) The prospective adoptive owner has been convicted of the crime of cruelty to animals within the previous five (5) years;
- 2) The existence of other circumstances which, in the opinion of the Animal Shelter Director or Animal Control Officer, would endanger the health, safety or welfare of people or animals.

#### **Section 4.8**

Seizure of Mistreated Animals.



- 1) The Court may order the seizure of an animal by a law enforcement agency, for its care and protection upon a finding of probable cause to believe the animal is being cruelly treated, neglected or abandoned. Such probable cause may be established upon sworn testimony of any person who has witnessed the condition of the animal. The Court may appoint an animal control agency, agent of an animal shelter organization, veterinarian or other person as temporary custodian for the animal, pending final disposition of the animal pursuant to this section. Such temporary custodian shall directly contract and be responsible for any care rendered to the animal and may make arrangements for such care as may be necessary. Upon seizure of an animal, the law enforcement agency responsible for removal of the animal or the Animal Control Officer shall serve notice upon the owner of the animal, if possible, and shall also post prominently a notice to the owner or custodian to inform the person that the animal has been seized. Such process and notice shall contain a description of the animal seized, the date seized, the name of the agency seizing the animal, the name of the temporary custodian, if known at the time, and shall include a copy of the order of the Court authorizing the seizure.
- 2) Within five (5) days of seizure of an animal, the owner of the animal may request a hearing in the Court to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal. The Court shall hold the hearing within

fourteen (14) days of receiving the request. The hearing shall be concluded and the Court Order entered thereon within twenty-one (21) days after the hearing is commenced. Upon requesting a hearing, the owner shall have three (3) business days to post a bond or security with the Court Clerk in an amount determined by the Court to be sufficient to repay all reasonable costs sufficient to provide for the animal's care. Failure to post such bond within three (3) days shall result in forfeiture of the animal to the Oceana County Animal Shelter. If the temporary custodian has custody of the animal upon the expiration of the bond or security, the animal shall be forfeited to the Oceana County Animal Shelter, unless the Court orders otherwise.

- 3) In determining the owner's fitness to have custody of an animal, the Court may consider, among other matters:
  - (a) Testimony from law enforcement officers, Animal Control Officers, animal protection officials, and other witnesses as to the condition the animal was kept in by its owner or custodian.
  - (b) Testimony and evidence as to the type and amount of care provided to the animal by its owner or custodian.
  - (c) Expert testimony as to the proper and reasonable care of the same type of animal.
  - (d) Testimony from any witnesses as to prior treatment or condition of the animal or other animals in the same custody.

- (e) Violations of laws relating to animal cruelty that the owner or custodian has been convicted of prior to the hearing.
  - (f) Any other evidence the court considers to be material or relevant.
- 4) Upon proof of costs incurred as a result of the animal's seizure, including, but not limited to, veterinary care and boarding, the Court may order that the animal's owner reimburse the temporary custodian for such costs. A lien for authorized expenses is hereby created upon all animals seized under this section, and shall have priority to any other lien on the animal.
- 5) If the Court finds the owner of the animal is unable or unfit to adequately provide for the animal, or that the animal is severely injured, diseased, or suffering, and, therefore, not likely to recover, the court may order that the animal be permanently forfeited and released to the Oceana County Animal Shelter to be euthanized.
- 6) Upon notice and hearing as provided in this section, or as a part of any proceeding conducted under the terms of this section, the Court may order that other animals in the custody of the owner that were not seized be surrendered and further enjoin the owner from having custody of other animals in the future.
- 7) If the Court determines the owner is able to provide adequately for, and have custody of, the animal, the Court shall order the animal to be claimed and removed by the owner within seven (7) days after the date of the order.

- 8) Nothing in this section shall be construed to prevent or otherwise interfere with a law enforcement officer's authority to seize an animal as evidence or require Court action for the taking into custody and making proper disposition of animals as authorized in Article 4, Section 4.2

## **ARTICLE 5**

### **DOG LICENSING**

**Section 5.1** It shall be required that any dog four (4) months of age or older shall be licensed.

**Section 5.2** The owner of any dog four (4) months old or over shall apply to the County Treasurer or his/her authorized agent where the owner resides in writing for a license for each dog owned or kept by him/her. Such application shall state the breed, sex, age, color, and markings of such dog and the name and address of the previous owner. Such application for a license shall be accompanied by proof of a valid certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian.

**Section 5.3** The person who becomes an owner of a dog that is four (4) or more months old and that is not already licensed shall apply for a license within thirty (30) days from the date the owner acquired the dog. A person who owns a dog that becomes four (4) months old that is not already licensed shall apply for a license within thirty (30) days after a dog becomes four (4) months old.

**Section 5.4** The owner shall provide every licensed dog with a substantial collar, to which a license tag approved by the Michigan Department of Agriculture, shall be securely attached and

displayed on the animal at all times, except when the dog is engaged in lawful hunting or farming practices and accompanied by its owner.

**Section 5.5**

The license and license tag are assigned to the dog and are not transferable to another dog. They shall remain with the dog upon transfer to another owner within Oceana County. The last registered owner shall notify the Oceana County Treasurer's Office so that it may note such transfer upon its records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred, for the purpose of hunting game, or for breeding, trial, or show, in the State of Michigan.

**Section 5.6**

A dog displaying a license tag from another Michigan County shall not require licensing in Oceana County until expiration of the current license, provided that the dog remains in the possession of the owner to whom the license was issued.

**Section 5.7**

If the Oceana County dog license tag is lost, it shall be replaced without charge (one time only) by the Oceana County Treasurer's Office upon application by the owner of the dog, and upon production of such license and a sworn statement of the facts regarding the loss of such tag.

**Section 5.8**

Fees shall be waived for licenses issued for any service dog upon presentation of an affidavit by the dog's owner. The waiver shall apply to all subsequent licenses issued to that dog so long as it remains the property of the person named in the affidavit.

**Section 5.9**

A penalty equal to twice the applicable license fee shall be charged to any person who fails to apply for an initial license or a renewal license within the times specified.

- Section 5.10** No dog shall be exempt from the rabies vaccination requirements set forth in this Ordinance, unless there is a valid medical reason supplied in writing by a licensed veterinarian.
- Section 5.11** No owner shall purchase a license for a dog at the sterilized price unless the dog is sterilized.
- Section 5.12** Fees are to be set by the Oceana County Board of Commissioners as authorized by State Statutes.
- Section 5.13** Any dog not licensed or found not wearing a current license may be seized by an Animal Control Officer or law enforcement officer and held at the Animal Shelter. Upon termination of dogs' and other animals' statutory holding periods, dogs and other animals become the property of the Animal Shelter.
- Section 5.14** None of the provisions of this Ordinance shall be construed as requiring the licensing of any dog imported into Oceana County from outside the State for a period not to exceed thirty (30) days for show, trial, breeding or hunting purposes.
- Section 5.15** For grandfathered owners of wolf-dogs, a fee of not less than \$25.00 yearly will be set by the Board of Commissioners for people who own a wolf-dog cross as described in PA. 246 of 2000 as amended.
- Section 5.16** A fee of not less than \$25.00 yearly will be set by the Board of Commissioners for grandfathered owners of large carnivore(s) as described in PA. 274 of 2000 as amended.

## **ARTICLE 6**

### **KENNEL LICENSING**

- Section 6.1** Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required for dogs under this Ordinance and under the Statutes of the State of Michigan apply to the County Treasurer's Office or Animal Shelter for a

kennel license entitling that person to own, keep or operate such kennel in accordance with applicable Laws of the State. A kennel license is required for the dogs in the kennel. All dogs in the kennel covered by the kennel license must be kept for sale, boarding, breeding, training or sporting purposes for remuneration. Pets must be licensed individually and will not be covered under the kennel license.

**Section 6.2**

In order to obtain a kennel license, any person who owns, keeps or operates a kennel at any single location within the boundaries of Oceana County except in cities, villages, or townships with their own animal control agency, shall;

(1) within thirty (30) calendar days prior to the start of such operation, or; (2) a person which has been previously issued a kennel license shall apply for a new kennel license by June 1 of each year, to the Animal Shelter, which shall issue such license if the kennel is in compliance with Sections 10 and 11 of Act 339, of the Public Acts of 1919, as amended, being Sections 287.270 and 287.271 of the Michigan Compiled Laws , and with any applicable ordinance of the city, village or township in which it is located. The Animal Shelter will not issue a kennel license to any person who has been denied a kennel license by the city, village or township where they reside.

**Section 6.3**

Failure to apply for a kennel license within the prescribed time limits or operating a kennel without a license will result in a doubling of the applicable fee and/or a citation being issued.

**Section 6.4**

The Animal Control Officer shall have the right to inspect any kennel in the County of Oceana in order to determine whether said kennel is in compliance with this Ordinance and the State Statute. If the kennel has been issued a license, it shall be the duty of the Animal Control Officer to suspend said license

if, in the Officer's opinion, conditions exist which are not in compliance with this Ordinance, Section 10 of Act 339 of the Public Acts of 1919, as amended, being Section 287.270 of the Michigan Compiled Laws and the rules of the Michigan Department of Agriculture, pending correction of such conditions, and further shall have the ability to revoke said license if such conditions are not corrected within a designated reasonable time.

**Section 6.5**

All licensed kennels shall be required to have double fencing. The fence on the outer perimeter shall be constructed in such a manner as to prevent stray animals and people from making direct contact with kennel animals. Exceptions to the above would be:

1) solid fence such as a solid privacy fence and/or 2) animals kept inside a building or solid structure.

**Section 6.6**

Any dog kennel which under Michigan State Law is to be covered by a license shall be of such construction as will adequately and comfortably house any dogs kept therein during any season of the year. The buildings, including walls and floor, shall be of such construction as to be readily cleaned and kennels and yards connected therewith used to confine kennel dogs shall be kept clean and free from accumulation of filth and debris.

**Section 6.7**

Dogs kept or maintained in connection with such kennels shall be furnished with a clean, fresh water supply and adequate and proper food to maintain such animals in a state of good health.

**Section 6.8**

Any kennel dog four (4) months old or older must have a current rabies vaccination as evidenced by a valid certificate of vaccination for rabies with a vaccine licensed by the United States Department of Agriculture, signed by an accredited



veterinarian. Failure to comply with this requirement shall be a violation of this Ordinance and subject the dog's owner to the penalties set forth in Article 13.

**Section 6.9**

Fees are to be set by the Oceana County Board of Commissioners as authorized by State Statutes.

**ARTICLE 7**

**PROHIBITIONS AND REGULATED CONDUCT**

**Section 7.1**

It shall be a violation of this Ordinance:

- 1) For any animal to engage in any of the behaviors described in Article 9 (Classification of Animals).
- 2) For a dog in heat (estrus) to be accessible to a male dog except for intentional breeding purposes.
- 3) For an animal to be within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including, but not limited to dangerous temperatures, lack of food, water or proper care. Any Animal Control Officer, or law enforcement officer is authorized to use reasonable force to remove an animal from a vehicle whenever it appears that the animal's health, safety or welfare is, or may be, endangered.
- 4) To abandon any domestic animal.
- 5) To knowingly place food or item of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to any animal except rodents.
- 6) To physically mistreat any animal by deliberate abuse, or neglect to furnish adequate care or shelter, including veterinary attention, or by leaving the animal

unattended for more than twenty-four (24) hours without adequate care.

- 7) For any animal to leave the confines of any officially prescribed quarantine area or be put outside unattended while under an officially prescribed quarantine.
- 8) For a dog not accompanied by its owner or owner's authorized agent to come closer than three (3) feet from a public walkway, roadway, highway, or adjoining property, except when the dog is in an area that is completely fenced in.
- 9) To interfere with, hinder, resist, oppose, obstruct, issue a false report, attempt to conceal animals or conceal ownership of an animal, or molest an Animal Control Officer in the performance of his/her duties, or for any person to remove any animal from an Animal Control vehicle or Animal Shelter property without permission of the Animal Shelter Director or Animal Control Officer.
- 10) To fail to comply with the requirements of this Ordinance or Federal or State Statutes applicable to keeping of an animal or a facility where animals are kept.
- 11) For livestock or poultry to run at large upon the premises of another or upon any public street, lane, alley or other public ground in the County unless otherwise specifically allowed.
- 12) To remove a collar or tag from any dog or other animal without the permission of its owner
- 13) To fail to take an animal to the Animal Shelter or Veterinarian after quarantine for inspection.

- 14) To tie, tether or chain a dog with a choke type collar.
- 15) To chain a dog on a chain that is not three (3) times the length of the dog from the tip of the dog's nose to the base of its tail, confine a dog on a chain or tied out for more than 4 hours unless the tie out permits movement over at least 30 square feet and allows the dog free access to a suitable shelter.
- 16) To tether a dog in violation of MCL 750.50(2)(g).
- 17) To violate any section of Public Act 274 of 2000, as amended, which regulates the ownership, possession and care of large carnivores, specifically large cats and bears.
- 18) To fail to keep a collar on a dog with an approved dog license affixed to the collar, unless the dog is engaged in legal hunting or farming practices.
- 19) To decoy or entice any dog or animal out of an enclosure or off the property of its owner, or seize, molest or tease any dog or animal while held or led by any person, or while on the property of its owner.
- 20) To fail to have any animal purchased from the Oceana County Animal Shelter sterilized on or before the date of the sterilization contract.
- 21) To fail to keep a dog in a prescribed secure structure as required by Court Order or by this Ordinance.
- 22) To violate any section of the Wolf-Dog Cross Act, Public Act 246 of 2000 as amended, which regulates the ownership, possession and care of Wolf-Dog Crosses.

## **Section 7.2**

It shall also be a violation of this Ordinance:

- 1) To fail to provide adequate shelter any time an animal is confined in such a manner that it is unable to seek

shelter no matter the length of time the animal is out in the weather.

- 2) To fail to provide sufficient and suitable water and food which would thus cause the animal to suffer thirst or hunger.
- 3) To kill any animal without just cause.
- 4) To torture, mutilate, maim, beat, or disfigure an animal.
- 5) For an animal to be caged or chained in such a manner as to allow it to become tangled, injured or to suffer undue stress.
- 6) To restrain an animal so that the weight of the animal's restraint does not allow the animal to comfortably raise his/her head or move.
- 7) To fail to keep an animal's area in good sanitary condition.
- 8) To confine an animal in such a fashion that the animal does not have a dry area to rest.
- 9) To fail to provide adequate grooming when the animal is in pain or distress, including but not limited to the following;
  1. Unable to lift head.
  2. Unable to urinate or defecate.
  3. Crying out in pain.
  4. Unable to rise or walk
  5. Fail to keep the eyes or ears free from infection or matted in such a way that it interferes with the animal's sight or hearing.

### **Section 7.3**

It is unlawful for any person to fail to provide veterinary care when an animal is in pain or distress, including but not limited to the following:

- 1) In a state of emaciation.

- 2) Unable to rise and walk
- 3) Unable to urinate or defecate.
- 4) Crying out in pain.
- 5) Unable to eat or drink.
- 6) Suffering from unattended broken bones, wounds, burns or contusions.
- 7) Painful or difficult breathing.
- 8) Passing blood in urine, feces and/or vomit.
- 9) Presence of maggots or infested with other parasites.
- 10) Severe skin disease.
- 11) An injured or diseased animal, which shall be segregated from other animals to prevent the transmission of disease.

#### **Section 7.4**

It is unlawful to intentionally run down or otherwise abuse, harass or worry any animal with any vehicle including, but not limited to, a bicycle or motor vehicle, including a motorcycle or motorbike.

#### **Section 7.5**

In the event animals are used to give rides the following standards must be met and followed:

- 1) If the animal is not shod, it must be provided with footing (i.e.: grass, hay, wood shavings or dirt).
- 2) Twenty-minute breaks shall be given every two (2) hours or less as needed, with water and shade provided.
- 3) No animal shall be used if it appears to be lame or in distress.

#### **Section 7.6**

Reporting of found animals:

- 1) Any person who finds and harbors an animal without knowing the identity of its owner shall notify Animal Control and furnish a description of the animal within two (2) business days of finding the animal.

- 2) If the owner of the animal has not claimed it within seven (7) business days after the animal was reported found to the Animal Control, the finder may adopt the animal in accordance with applicable laws.

## **ARTICLE 8**

### **CONFINEMENT OF ANIMAL AFTER BITING**

#### **Section 8.1**

Any dog or other warm-blooded animal that shall bite or scratch a person or animal shall be handled in accordance with the "Michigan Rabies Assessment Flowcharts" procedures as established by the Michigan Department of Health and Human Services (MDHHS) for control of rabies and disposition of non-human agents carrying disease, including rabid animals. In the event that owner of such animal is unable to or fails to comply with any of the prescribed procedures, an Animal Control Officer shall take possession and custody of such animal and follow the prescribed procedure. The owner of such an animal shall bear the costs thereof. The owner of such animal must keep, maintain and confine or dispose of the animal as required by the procedures established by the MDHHS. If unwilling or unable to do so, failure to release custody of said animal to an Animal Control Officer, or when so directed failure to deliver said animal to a veterinarian clinic for confinement shall constitute a violation of this Ordinance.

#### **Section 8.2**

At the end of the required minimum ten-day confinement period, the animal must be taken to the County Animal Shelter to be inspected for visible health (i.e., clear eyes, nose, general body condition), vaccinations, and current license if any required.

**Section 8.3**

Confinement of ferrets shall be governed by Act 358 of the Public Acts of 1994, as amended, being Sections 287.893 - 287.901 of the Michigan Compiled Laws.

**ARTICLE 9**

**CLASSIFICATION OF ANIMALS**

**Section 9.1**

Dogs Running Stray. A person who owns or has custody or control of a dog shall prevent the dog from running at large. A person who owns or has 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. When the dog and owner are near other people or other dogs, the leash shall be no greater than six (6) feet in length. Dogs that are tethered or roaming free behind an approved barrier on private property shall not constitute running astray or be found in violation of this ordinance.

**Section 9.2**

Quarantine. Every dog or cat or ferret which has bitten a person shall be quarantined for a period of not less than ten (10) days. Such quarantine shall be at the Animal Shelter, a veterinary office, or a place designated by the Animal Shelter Director. At the end of the quarantine period the animal shall be inspected for good health by the Animal Shelter. The owner shall surrender the dog, cat or ferret to the Animal Shelter Director upon request.

**Section 9.3**

Public Hazard. Any animal that is known to have bitten a person or other animal may be declared a public health hazard by the Animal Control Officer or Public Health Officer. At the Officer's discretion, the Officer may require that the animal be removed from the community, quarantined or confined in a manner specified by the Animal Control Officer.

**Section 9.4**

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

**Section 9.5**

Stray Livestock. A person who owns or has 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 9.6**

Nuisance, Aggressive or Dangerous Animal. A person who owns or has custody of a dog shall prevent the dog from engaging in nuisance, aggressive or dangerous behavior.

**Section 9.7**

Classification of Animals.

Purpose. The purpose of this Section is to establish a procedure whereby animals that pose a significant threat of causing serious injury to humans, other animals or property are identified and subjected to precautionary restrictions before any such serious injury occurs.

Classification of Levels of Dangerousness: An animal shall be classified as potentially dangerous or dangerous based upon specific behaviors exhibited by the animal. An animal will be considered a potentially dangerous animal if it exhibits behavior described in subsections (1) and (2) of this Section.

An animal will be considered a dangerous animal if it exhibits behavior described in subsections (3), (4) and (5).

- 1) Level I behavior is established if an animal at large is found to menace, chase, display threatening or



- aggressive behavior, or otherwise threaten or endanger the safety of any domestic animal.
- 2) Level 2 behavior is established if an animal at large is found to menace, chase, display threatening or aggressive behavior, or otherwise threaten or endanger the safety of any person.
  - 3) Level 3 behavior is established if an animal, while confined, aggressively bites or causes physical injury less than serious injury to any person.
  - 4) Level 4 behavior is established if an animal, while at large, aggressively bites or causes physical injury less than serious injury to any person or domestic animal.
  - 5) Level 5 behavior is established if:
    - (a) an animal, whether or not confined, causes the serious injury or death of any person; or
    - (b) an animal, while at large, kills or causes serious injury to any domestic animal; or
    - (c) an animal engages in or is found to have been trained to engage in exhibitions of fighting; or
    - (d) an animal that has been classified as a Level 3 or 4 dangerous animal repeats the behavior described in subsection (3) and (4) of this section after the owner receives notice of the classification level.
  - 6) Notwithstanding subsection (1) through (5) of this section, the Officer shall have discretionary authority to refrain from classifying an animal as potentially dangerous or dangerous even if the animal has engaged in the behaviors specific in subsections (1) through (5) of this section, if the Officer determines that the behavior was the result of:

- (a) A person trespassing on the property of the animal's owner.
- (b) A person provoking or tormenting the animal.
- (c) The animal responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.
- (d) An injury to the animal.

## **Section 9.8**

### Identification of Potentially Dangerous Animals; Appeals; Restrictions Pending Appeal.

- 1) The Officer shall have authority to determine whether any animal has engaged in the behaviors specified in Section 9.7. This determination shall be based upon an investigation that includes a person's observation of and testimony regarding the animal's behavior, including the animal's upbringing and control of the animal. These observations and testimony can be provided by Oceana County Animal Control Officers or by other witnesses who personally observed the behavior. They shall sign a written statement attesting to the observed behavior and agree to provide testimony, if necessary, regarding the animal's behavior.
- 2) The Officer shall notify the owner or agent in control by certified mail or personal service of the animal's behavior and classification as a potentially dangerous or dangerous animal and of the additional restrictions applicable to that animal by reason of its classification. If the owner denies that the behavior in question occurred, the Officer may proceed pursuant

to Act 426 of the Public Acts of 1988, as amended, being Sections 287.321 - 287.323 of the Michigan Compiled Laws

- 3) Once the owner has received notice of the animal's classification as a Level 1, 2, 3 or 4 animal pursuant to Section 9.7, the owner shall comply with the restrictions specified in the notice.
- 4) If the Officer finds that an animal has engaged in Level 5 behavior, he shall order the owner to immediately turn the animal over to the Animal Control Shelter, an incorporated humane society, licensed veterinarian, or a boarding kennel, at the owner's option, to be retained until a hearing regarding the disposition of the animal. The owner shall notify the person who retains the animal of the pending hearing and shall notify the Animal Control Officer as to where the animal is to be held. The expense of the boarding, veterinary care and retention of the animal is the obligation of the animal's owner.
- 5) The imposition of regulations pursuant to this section shall not prevent the Officer from also filing a complaint with the District Court in accordance with Article 13.

## **Section 9.9**

Regulation of Potentially Dangerous Animals. In addition to the other requirements of this Ordinance, the owner of a potentially dangerous animal shall comply with the following regulations:

- 1) If the animal has engaged in Level 1 behavior, the animal shall be restrained by a physical device or structure that prevents the animal from reaching any

public sidewalk or adjoining property whenever that animal is outside the owner's home and not on a leash. The Director may adopt administrative rules establishing specifications for the required device or structure.

- 2) If the animal has engaged in Level 2 behavior, the owner shall confine the animal within a secure enclosure whenever the animal is not held on a leash or inside the home of the owner. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's property.
- 3) If the animal has engaged in Level 3 behavior, the owner shall meet the requirements of subsection (2) of this section and shall also post warning signs on the property in conformance with administrative rules to be adopted by the Director.
- 4) If the animal has engaged in Level 4 behavior, the owner shall meet the requirements of subsection (2) and (3) of this section and shall not permit the animal to be off the owner's property unless the animal is muzzled and restrained by an adequate leash and under the control of the owner or agent in control or is within a securely fastened enclosed structure.
- 5) Any animal that has been found to have engaged in Level 5 behavior as described in Section 9.7, may be euthanized upon a court order sought by Animal Control. After a show cause hearing, the Court shall order the destruction of the animal, at the expense of the owner if the animal is found to be a dangerous animal that caused serious injury or death to a person or an animal. The Court may order the destruction of

the animal, at the expense of the owner, if the Court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal.

- 6) To ensure correct identification, all animals that have been classified as dangerous shall have an identification number tattooed upon the animal or a microchip placed in the animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification Tattoo Number shall be assigned to the animal by the Michigan Department of Agriculture and shall be noted in its records pursuant to Act No 309 of the Public Acts of 1939, being Sections 287.301 to 297.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink. The microchip shall be placed in the area recommended by the veterinarian in conjunction with the type of animal being microchipped.

**Section 9.10**

Reporting of Potentially Dangerous or Dangerous Animal.  
Any person who observes or has evidence of animal behavior as described in Section 9.7 shall forthwith notify the Animal Shelter Director or Animal Control Officer.

**ARTICLE 10**

**CONFINEMENT OF ANIMALS**

**Section 10.1**

It shall be in violation of this Ordinance:

- 1) For any domestic animal, except cats, to run at large unless such animal is engaged in lawful hunting and accompanied by its owner, or is displayed in an exhibition, or engaged in work they have been trained for or are being trained for.
- 2) For any animal, except cats, to remain outside unattended if said animal is not confined by a leash, chain or fenced in yard (to include electronic fences).
- 3) For any animal, except cats, to cause damage to property, real or personal, of another person.

**Section 10.2**

Any person's animal, except cats, observed by Animal Control, that violates any of Section 10.1 three (3) times, as documented in prior reports, may be seized by an Animal Control Officer and held until the owner constructs a secure enclosure. The secure enclosure shall be constructed within ten (10) days. All costs incurred for the holding of an animal awaiting construction of an enclosure will be paid by the owner of the animal being held. The owner shall keep the animal in the secure structure at all times when not in the house or on a leash held by a responsible person.

**Section 10.3**

Owners of cats observed causing damage to property, real or personal, may be pursued through civil action by the property owner.

**ARTICLE 11**

**TREASURER'S RECORDS AND DUTIES**

**Section 11.1**

The Treasurer may make a comparison of his/her records of the dogs actually licensed in each city or township of the County with a report of the supervisors of said townships or assessors of said cities or the Animal Shelter Director, to determine and locate all unlicensed dogs.

**Section 11.2**

Every unlicensed dog subject to license under the provision of this Ordinance or the Statutes of the State is hereby declared to be a public nuisance, and the Treasurer may thereafter list all such unlicensed dogs as shown by the returns in his/her office of township supervisors, city assessors, and Animal Shelter Director and may deliver copies of such list to the Sheriff and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in Act 339 of the Public Acts of 1919, being 287.277 of the Michigan Compiled Laws , as amended.

**Section 11.3**

The Treasurer shall keep a record of all dog licenses issued during the year in each city and township in the County. Such records shall contain the name and address of the person to whom each license is issued. In case of all individual licenses, the records shall also state the breed, sex, age, color, and markings of the dog licensed. The records shall be a public record open to inspection during business hours. The Treasurer shall also keep an accurate record of all license fees collected by him/her.

**Section 11.4**

In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or lack of same, showing the name of owner and the license number to which any license has been issued, and the licensed tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership or non-ownership of any dog and of issuance or non-issuance of a dog license or tag.

**ARTICLE 12  
FEES AND EXPENSES**

**Section 12.1**

Oceana County may make a census of the number of dogs owned by all persons in Oceana County, Michigan, in accordance with Statutes of the State. The Treasurer is hereby empowered to employ whatever personnel he/she reasonably believes necessary to conduct this census; such personnel shall receive for their services in listing such dogs, such sum as shall be set from time to time by the Board of Commissioners.

**Section 12.2**

The duties and obligations herein and imposed upon the respective designated officials may be delegated, by each of said officials, to their deputies with like force and effect.

**Section 12.3**

The fees and expenses as established by this Ordinance may be changed from time to time on or before November 1 of each year and for subsequent years by action by the Board of Commissioners.

**ARTICLE 13**

**VIOLATIONS AND PENALTIES**

**Section 13.1**

The Sheriff, his/her deputies, Animal Control Officers, or other law enforcement officers are authorized to issue a notice to any person who violates a provision of State Statutes or this Ordinance. The notice shall contain a description of the violation and shall cite the specific sections of the State Statutes or this Ordinance that apply. The Sheriff, his/her deputies, Animal Control Officers, or other law enforcement officers 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.



**Section 13.2**

**Criminal** - Violation of this Ordinance, or any section hereof, shall be a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not more than \$500.00, or community service work, or any combination of these penalties. In addition, court costs shall be levied against the guilty party. Violations of the Dangerous Animals Act, being Act No. 426 of the Public Acts of 1988, as amended, shall be punishable as determined by a court having jurisdiction pursuant to Section 3 of the Act, being Section 287.323 of the Michigan Compiled Laws.

**Section 13.3**

**Civil** - 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.

**Section 13.4**

**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 Sheriff, his/her deputies, Animal Control Officers, or other law enforcement officers is authorized to seek judicial remedies and sanctions for any violation of this Ordinance when administrative efforts to resolve the violations(s) have proven ineffective, inadequate or are otherwise deemed inappropriate.

**ARTICLE 14**

**CONSTRUCTION**

**Section 14.1**

When not inconsistent with the context, words used in the present tense include the future and past tenses. Words in the singular include the plural and words in the plural include the singular. Masculine includes the feminine and neuter. Words or terms not defined in this Ordinance shall be interpreted in accordance with their common meaning. The words "shall"

and "will" are mandatory and not merely directive. Headings are inserted for convenience, and shall not limit or increase the scope of any provision or Section of this Ordinance.

**Section 14.2**

Where any of the provisions of this Ordinance are in conflict with provisions of any other local Ordinance or State Statutes or regulations, the latter shall prevail.

**Section 14.3**

When used in this Ordinance, owner shall include agent in control and owner's agent.

**ARTICLE 15**

**REPEAL**

**Section 15.1**

Any Oceana County Ordinance or parts thereof inconsistent with this Ordinance are hereby repealed.

**ARTICLE 16**

**SEVERABILITY**

**Section 16.1**

If any part of this Ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**PROOF OF PUBLICATION**

Published in the Oceana County Herald.

**EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall take effect when notice of the adoption of this Ordinance by the Oceana County Board of Commissioners is published in a newspaper of general circulation in Oceana County. The County Clerk shall file a copy of this Ordinance, with a copy of the publication attached in his or her office.

ADOPTED this 26<sup>th</sup> day of September, 2024