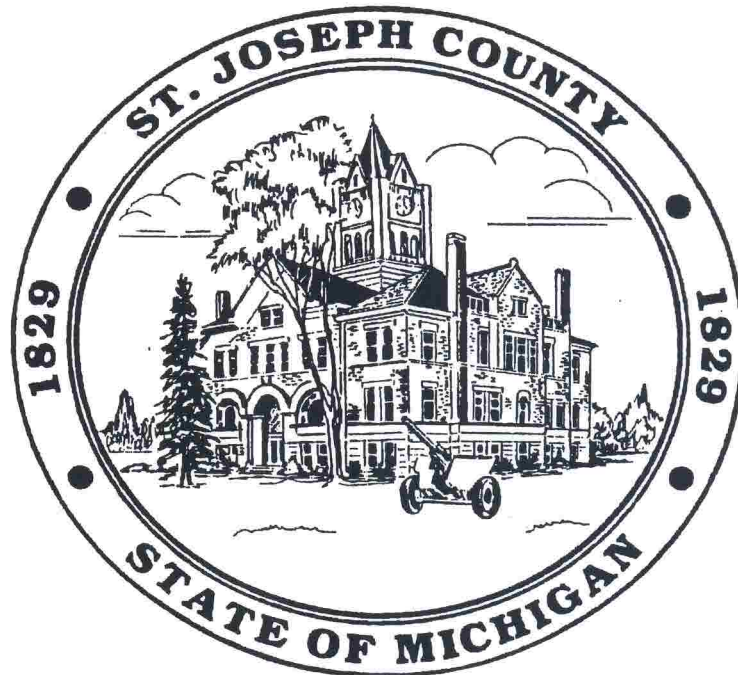


ORDINANCE NO. 21

ST. JOSEPH COUNTY ANIMAL ORDINANCE

Board of Commissioners Adopted on
SEPTEMBER 4, 2012



Pattie S. Bender, Clerk

Rick Shaffer, Chairman

ST. JOSEPH COUNTY ANIMAL ORDINANCE

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ST. JOSEPH COUNTY

ANIMAL ORDINANCE

PREAMBLE

This Ordinance shall be known as and may be cited and referred to as “The St. Joseph County Animal Ordinance”. St. Joseph County Board of Supervisors first adopted an Animal Ordinance on July 1, 1964 and then again on December 5, 1979 (Board of Commissioners then) and it has been amended several times since then. The Ordinance relates to and provides for animal control within the boundaries of St. Joseph County; prescribing the licensing and vaccination of dogs and the confinement of animals under certain circumstances; authorizing a County Animal Shelter for the impoundment of dogs and their redemption; permitting the seizing and euthanizing of dogs and other animals; providing special controls or penalties for keeping vicious animals; authorizing a dog census to be made of dogs; enumerating certain violations and penalties thereof.

ARTICLE I – GENERAL STATEMENT

St. Joseph County deems that the ownership of an animal carries with it responsibilities to the County and its residents with regard to care and control of such animals. In interpretation and application, the provisions of the Ordinance shall be construed to impose a primary responsibility for compliance therewith on the owner of such animal. The St. Joseph County Board of Commissioners deems it advisable to amend the Animal Ordinance in the interest of protecting public health and safety, promoting the welfare of animals within St. Joseph County and providing for the orderly and uniform administration of the provisions of Pubic Act 339 of 1919, as amended.

ARTICLE II - DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT- Any person assigned the responsibility for the care of an animal by its owner.

ANIMAL- Any living creature, domestic or wild, including livestock, poultry, pet rodents, pet birds and vermin.

ANIMAL CONTROL DEPARTMENT- St. Joseph County Animal Control.

ANIMAL CONTROL DIRECTOR- The person appointed by the Board of Commissioners to oversee the daily operation of the Animal Control Department.

ANIMAL CONTROL OFFICER- Any person employed by the County and sworn by the Sheriff, for the purpose of enforcing this Ordinance or state statutes pertaining to dogs, as well as persons or deputies employed by the County to act in the Animal Control Department.

ANIMAL DEALER- Any person engaging in the business of buying and/or selling any animal or animals for the purpose of resale to pet shops, research facilities, another animal dealer, including the sale of any animal from any roadside stand, booth, flea market or other temporary site. Persons buying or selling animals fit and destined for human consumption and persons involved in the sale of an occasional litter or animal on a random basis are not included in this definition.

ANIMAL SHELTER- Any premises designated and/or operated by St. Joseph County and licensed through the Michigan Department of Agriculture (MDA) for the purpose of impounding and caring for animals held under authority of this Ordinance.

APPROVED RABIES VACCINE- Any vaccine approved as effective by the United States Department of Agriculture (USDA) for protecting an animal from contracting rabies.

ATTACK- An unprovoked attack in an aggressive manner that bites causing a scratch, puncture, abrasion or bruising of the skin of a human or causes death or injuries to a domestic animal requiring veterinary treatment.

BOARD OF COMMISSIONERS- Legislative body of St. Joseph County.

BOARDING KENNEL- Any establishment where dogs or puppies, are kept for the purpose of boarding for remuneration for any part of a 24-hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for grooming, for treatment, diagnostic or recuperative purposes.

CAT- Any domestic feline four (4) months of age or older.

CIRCUS- A variety show, which features animal acts. A circus shall not include dog and cat shows sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the American Cat Fanciers Association, the Cat Fanciers Association or any affiliate thereof, nor shall it include any primary horse show.

CLASS A KENNEL- An establishment where dogs and/or puppies are kept for the primary purpose of breeding, trading, showing or sporting and the facility is so constructed that the dogs or puppies cannot stray there from or come in accidental contact with the public or other stray animals. Class A Kennels are required to have proof of rabies vaccination and licensure on file for all animals covered under the license. The Class A Kennel license shall apply to a minimum of three (3) and up to ten (10) dogs and shall require an additional Class A Kennel license for each increment of up to ten (10) dogs. Fees for the kennel inspection and kennel license are set by the resolution of the Board of Commissioners. This kennel license does not include those facilities required under State law to be registered as an animal protection agency pursuant to MCL 287.331.

CRUELTY- Intentionally failing to provide adequate food, water and shelter; failing to detect a need for or withholding veterinary care; creating or allowing unhealthful living conditions; infliction of pain, injury, or death to an animal by striking, beating, dropping, kicking, dragging, choking, or by the use of an object or weapon; causing pain, injury, or death by means of caustic, flammable, boiling, or heated substances; causing suffering, injury, or death by suffocation or drowning; failure to provide health-related grooming.

DANGEROUS ANIMAL- Any warm-blooded mammal which is known to carry or be susceptible to the rabies virus and which cannot be effectively vaccinated against that virus with any vaccine approved by the United States Department of Agriculture (USDA). A dangerous animal includes any hybrid animal or any pet wildlife which has attacked a human or which is apprehended or observed unrestrained.

For purposes in Article XVII of this Ordinance, "Dangerous Animal" also means a dog or other animal that bites or attacks a person or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

- (A) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
- (B) An animal that bites or attacks a person who provokes or torments the animal.
- (C) An animal that is 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) Livestock.

DANGEROUS DOG- Any dog, which, unprovoked, in an aggressive manner commits a severe attack on any person or another animal.

DOG- Any domestic canine four (4) months of age or older.

DOGHOUSE- A doghouse shall be constructed of suitable material to protect the animal from weather and shall be made of four sides, a roof and floor. The size of the house shall be commensurate to the size of the dog, allowing for the animal to stand, sit and turn around without touching the sides or the roof. The house shall have proper bedding material(s) suitable for protection from inclement weather.

DOMESTIC- Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, and any animal which may be vaccinated against rabies with an approved rabies vaccine, and any animal which has an established rabies quarantine observation period.

DWELLING UNIT- Either a single room or two or more connected rooms sold or leased as a unit and intended for occupancy by one or more persons, and which at a minimum contains sleeping, toilet, and bathing facilities which are accessed independently from any similar such facilities in the same building. This term includes hotel or motel rooms, extended stay lodging facilities, nursing home rooms and assisted living units.

ENCLOSURES-

(1) ENCLOSURES FOR DOGS AND PUPPIES-

- (A) Enclosures for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door.
- (B) Property enclosed by an electronic containment device which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. Such property must be clearly marked with a sign recommended by the Animal Control Department, posted next to the driveway or entry to the property. The enclosure must contain proper shelter from the weather.

(2) ENCLOSURES FOR POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS-

Enclosures for potentially dangerous dogs and dangerous dogs shall be an uncovered fence or structure at least seven (7) feet in height, installed beneath ground level or in a concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient in size to allow the dog to stand, sit, and turn around in a natural position, and which allows for an adequate exercise area for the size/breed being kept. Either enclosure shall be designed to prevent the entry of children or unauthorized persons or animals and to prevent those persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather. A "DANGEROUS DOG" sign prescribed by the Animal Control Department must be posted at the entry to the property.

EXOTIC SPECIES- Any animal whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.

FEES- Fees are monetary amounts set by resolution of the Board of Commissioners for licenses and other activities of the Animal Control Department and Shelter wherein a monetary amount may be charged.

FERAL ANIMAL- Existing in a natural state, as animals or plants; not domesticated or cultivated; wild.

FOSTER DOG- A dog that has come from an organization such as an animal shelter, humane society, animal protection shelter or other such facility for the purpose of being temporarily housed in a residence or dwelling unit until a permanent placement can be found for the dog. Any foster dog four months of age or older must be licensed pursuant to the provisions of Article IV of this Ordinance. The limit of foster dogs may be controlled by township, city or village ordinance and is subject to Article IV, Section 4.1(B).

HUMANE SOCIETY- Any organization existing for the purpose of the prevention of cruelty to animals and incorporated under the laws of the State of Michigan and registered with the Department of Agriculture.

IDENTIFICATION- For purposes of this Ordinance, identification is a current license tag.

KITTEN- Any domestic feline younger than four (4) months of age.

LAW ENFORCEMENT OFFICER- Means any person employed or elected by the People of the State of Michigan, or by the County or any municipality of the County or Township, whose duty it is to preserve law enforcement or to make arrest or to enforce the law and includes game, fish and forest fire wardens and members of the State law enforcement and conservation officers.

LICENSE- For the purpose of this Ordinance, a license is a metal tag sold by township or city treasurer, County Treasurer, Animal Control Department or any other license facility deemed appropriate, provided by the County and meeting the requirements of Public Act 339 of 1919, as amended for the purpose of identifying an owner's animal.

LICENSE FACILITY- Any facility and/or business operation or person designated by the County Treasurer or Animal Control Department pursuant to Article V of this Ordinance to issue licenses required by this Ordinance and/or provide applications thereto.

LIVESTOCK- Horses, stallions, colts, geldings, mares, fillies, ponies, sheep, rams, lambs, llama, alpaca, buffalo, bulls, bullocks, steers, heifers, cows, calves and other exotic beef brands, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits.

MICROCHIP- A passive transponder which can be implanted in an animal and which is a component of radio frequency identification (RFID) system. Such system must be compatible with a scanner used by the Animal Control Department.

NEGLECT- Unintentionally failing to provide adequate food, water and shelter; failing to detect a need for or withholding veterinary care; creating or allowing unhealthy living conditions; failing to provide health-related grooming; infliction of pain, injury, or death to an animal.

OCCASIONAL SALE- Any sale of a single animal or a single litter of puppies, or otherwise which is on a random, unsystematic basis and does not exceed the sale of one animal or one litter over a twelve (12)-month period.

OWNER- A person who owns (with proof acceptable to Animal Control or law enforcement officer) or harbors a dog or other animal for ten (10) days or more; any person having a right to the property where such dog or other animal is kept; any person who permits the dog or other animal to remain on or about any premises for ten (10) days or more occupied by such person(s).

PERSON- An individual, partnership, association, company, firm, business or corporation.

PET BIRDS- Any tamed or domesticated bird kept caged or indoors.

PET RODENTS- Hamsters, gerbils, mice or similar rodents which are kept as domesticated or tamed animals and which are kept caged or within doors at all times.

PET SHOP- Any person engaged in the business of breeding, buying, selling at retail or as a broker of animals of any species for profit-making purposes.

POTENTIALLY DANGEROUS DOG-

- (A) Any dog which, when unprovoked, bites, punctures, scratches, or bruises any person.
- (B) Any unrestrained dog which, when unprovoked, bites, punctures, injuries, or kills another domestic animal while that animal is restrained in compliance with this Ordinance.

POULTRY- All domesticated fowl and all game birds, which are legally kept in captivity.

PUBLIC NUISANCE- Any dog that,

- (A) barks, whines or howls in an excessive, continuous fashion beyond reasonable expectations of normal canine behavior.
- (B) has been verified to be repeatedly at large.
- (C) damages private or public property.
- (D) trespasses on school grounds.
- (E) inhabits unsanitary conditions causing odors offensive to the public; must comply with local public health rules and regulations.

PUPPY- Any domestic canine younger than four (4) months of age.

QUARANTINE- Humane confinement of an animal, per regulations set forth by local health department officials, in a secure enclosure which prevents the animal from coming into unplanned contact with any other animal or human being.

REASONABLE HOURS- The normal business hours as established by St. Joseph County Animal Control.

RESIDENCE- Commonly known as a home, trailer, dwelling unit or house that is occupied by one or more persons and is sanctioned by a governmental agency as being suitable for occupancy.

RESIDING- The act of living in or occupying a residence or dwelling unit.

RESPONSIBLE PERSON- For purposes of this Ordinance, a responsible person shall be a person charged with or who has assumed control of a dog or puppy that is off the premises of its owner.

RESTRAINT- Any animal secured by a leash or lead, or under the direct control of a responsible person and obedient to their commands or within the real property limits of its owner.

- (A) It is prohibited to restrain a dog or puppy exclusively by the primary chain, cable or other tether provided herein.
- (B) A dog or puppy may be restrained by a chain or tether provided that it is at least three (3) times the length of the dog or puppy from tip of the dog's or puppy's nose to the tip of its extended tail.
- (C) Any tethering system used to restrain the dog or puppy must be attached to a properly fitting, non-choking collar or harness of which is worn by the animal.
- (D) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.
- (E) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.
- (F) Any chain or tether shall have swivels on both ends so as to prevent entanglement of such tethered dog or puppy.

SERIOUS INJURY- Serious injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

SEVERE ATTACK- An unprovoked attack in an aggressive manner upon a human or animal in which the victim suffered a bite(s), slashing or clawing or was shaken violently, or which caused serious trauma or death.

SHELTER- The term “shelter” shall be used to designate the St. Joseph County Animal Shelter and this term shall be used throughout this Ordinance instead of the proper name St. Joseph County Animal Shelter.

SINGULAR WORD- A singular word shall include the plural. Masculine shall include the feminine and neuter.

THEATRICAL EXHIBITION- Any exhibition or act featuring performing animals. Such exhibitions shall not include dog and cat shows which are sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the Cat Fanciers Association, American Cat Fanciers Association or any affiliate thereof nor shall it include any primary horse show.

UNFIT FOR PURCHASE- Any disease, deformity, injury, physical condition, illness or any defect which is congenital or hereditary and which would adversely affect the health of the animal, or which was manifest, capable of diagnosis or likely to have been contracted on or before the sale and delivery of the animal. For purposes of this Ordinance, veterinary findings of internal and external parasites shall not be grounds for declaring the animal unfit for purchase unless the animal is clinically ill due to such condition. An animal shall not be found unfit for purchase on account of injury sustained or illness contracted subsequent to the consumer’s taking possession thereof.

VACCINATIONS- The injection by a veterinarian or other qualified persons of vaccines approved by the United States Department of Agriculture.

VETERINARIAN- A licensed and accredited practitioner of veterinary medicine.

VETERINARY HOSPITAL- Any establishment maintained and operated by a licensed veterinarian on the premises for the diagnosis and treatment of diseases and injury to animals and/or for the hospitalization of animals for diagnostic or recuperative purposes.

VICIOUS ANIMAL- Any animal:

- (A) which has previously attacked or bitten a human being or other domestic animal other than under justifiable circumstances;
- (B) which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or bite human beings or other domestic animals other than under the type of circumstances that would be justifiable.

The circumstances that would be justifiable in subsections (A) and (B) above are those set forth in Public Act 426 of 1988, Section 1(a)(I-iv).

WILD ANIMALS- Any animal which is not typically domesticated or found on farms or in residential homes, but which are typically found in the wild, zoos, circuses, wildlife sanctuaries, nature preserves, or licensed rehabilitation centers. This definition includes, but is not limited to, such animals as primates, elephants, rhinoceroses,

camels, all members of the Felidae family including, but not limited to, lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, bobcat and ocelot or any other species of non-domesticated cat, badgers, bears, beavers, coyotes, coyote hybrids, wolves, wolf hybrids, crows, deer, antelope, elk, mink, moose, muskrat, fox, fox hybrids, opossums, otters, ostriches, emu, wild rabbits, raccoon, skunks, venomous snakes, squirrels, wild turkey, crocodiles, alligators, seals, sharks and whales.

WILDLIFE- Any animal, which occurs naturally in a wild state. This includes any animal which is a hybrid of wildlife.

ZOOLOGICAL GARDEN- Any park or zoo operated by other than a governmental agency or foundation.

ARTICLE III

DOG CENSUS

The Board of Commissioners may, by resolution, cause a dog census to be made in the County.

- (A) The Animal Control Director may annually hire census takers to conduct the dog count.
- (B) The Animal Control Director may cause all census takers to be sworn as deputy Animal Control officers by the County Sheriff; the Animal Control Director shall have the power to dismiss census takers for failure to carry out duties prescribed by the Animal Control Director.
- (C) The census takers may canvass any residence in the County, and upon finding an unlicensed dog, the census taker may issue a citation to the owner, possessor, or person harboring such dog under this Ordinance to appear in District Court or such other court of the County. A person convicted of violating any of the provisions of this section shall, upon being found guilty, be punished as determined by the Judge including applicable fees as established by the Board of Commissioners (Article XX.)

ARTICLE IV

DOG LICENSE, KENNEL LICENSE, LOSS OF LICENSE, TAG REMOVAL, NON-RESIDENTS TRANSFERABILITY, AND VACCINATIONS

***Section 4.1* DOG LICENSES. LIMITATION. FIXATION OF TAGS.**

- (A) Every owner of a dog four (4) months of age or older who resides or whose dog resides in St. Joseph County and who is regulated by this Ordinance

shall apply to the County Treasurer, Animal Control Department, township or city treasurer during December through February, or any other license facility designated by the County Treasurer or Animal Control Department, for a dog license. Individual dog licenses shall be issued in conjunction with a valid rabies vaccination certificate, which shall be issued by the veterinarian or other Michigan Department of Agriculture (MDA) certified veterinary technician, and shall be valid for one calendar year from January to December and must be renewed annually, unless said period is changed in conjunction with applicable State Statutes. Licenses and rabies vaccinations shall be required for each dog four (4) months of age or older. Animals kept temporarily (not in excess of thirty (30) days unless granted an extension by the Animal Control Department) for the purposes of breeding or showing shall not require an individual license provided the owner has proof of a current rabies vaccination. Application for such license shall be made in accordance with the applicable laws of the State of Michigan and shall be accompanied by proof of vaccination of the dog for rabies.

- (B) License tags shall be firmly attached to a properly fitting collar or harness worn by every dog, unless such dog is engaged in the lawful act of hunting accompanied by its owner or a working dog, leader dog, guard dog, farm dog or hunting dog only while engaged in such trained activity.
- (C) Fees for dog licenses and inspections shall be established by the Board of Commissioners.

Section 4.2 KENNEL LICENSE. FIXATION OF TAGS.

- (A) Any person who keeps or operates a kennel may, in lieu of individual licenses required under this Ordinance and under the laws of the State of Michigan, apply to the Animal Control Department for a kennel license allowing him/her to keep or operate such kennel in accordance with the applicable laws of the State of Michigan provided however that the kennel facility is not required under State Law to be registered as an animal protection agency, pursuant to Public Act 287 of 1969, MCL 287.331.
- (B) All kennels may be inspected and approved in writing under rules promulgated by the Animal Control Department. Each new request for a kennel license shall be accompanied by a written statement of approval directed to the Animal Control Director, from the zoning board or planning commission of the village, township or city in which the kennel shall be located, or, if no such board or commission exists, by the village council, township board or city council in which the kennel shall be located.
- (C) Kennel license tags shall be firmly attached to a properly fitting collar or harness worn by every animal specified to be in the kennel.
- (D) Fees for kennel inspections and kennel licenses shall be established by the Board of Commissioners.

Section 4.3 LOSS OF LICENSE TAG. If any dog license is lost, it shall be replaced at a replacement fee set by the Board of Commissioners.

Section 4.4 TAG REMOVAL. It shall be unlawful for any person except the owner or authorized agent to remove any license tag from a dog.

Section 4.5 TRANSFERABILITY. No license or license tag issued for one dog shall be transferable to another dog.

Section 4.6 NON-APPLICABILITY TO NON-RESIDENTS. Sections 4.1 through 4.2 requiring a license shall not apply to non-residents of St. Joseph County who are keeping or harboring domestic pets, provided that animals of such owners possess a current dog license from his/her primary residence when applicable. No non-resident shall, however, keep any dog in St. Joseph County over the age of four (4) months that has not been vaccinated against rabies with an approved rabies vaccine.

Section 4.7 VACCINATIONS; RABIES INFORMATION.

- (A) Every owner of a dog four (4) months of age or older shall have it vaccinated against rabies. Such vaccination requirements prescribed by the Michigan Department of Agriculture, Board of Veterinary Medicine or Michigan Department of Health. Rabies vaccination must be performed by a licensed, accredited veterinarian or by current Michigan Department of Agriculture (MDA) regulations.
- (B) The veterinarian or Michigan Department of Agriculture (MDA) designee administering the vaccination shall issue to the dog owner a vaccination certificate on a form prescribed by the Michigan Department of Agriculture (MDA). Each vaccination certificate shall bear the name and address of the issuing party, a serial tag number, an expiration date, the name of the animal and a brief description of the animal vaccinated. The veterinarian or MDA designee may also furnish each owner with a metal tag bearing serial tag number and the name of the veterinary facility issuing it.

ARTICLE V

LICENSE FACILITIES, DOG AND KENNEL LICENSE RECORDS, SALE OF LICENSES, PAYMENTS TO LICENSE FACILITIES, LICENSE SALE PAYMENTS TO COUNTY TREASURER, DELINQUENT LICENSES

Section 5.1 LICENSE FACILITY. The County Treasurer or Animal Control Department shall provide the city treasurer, each township treasurer and any other license facility deemed appropriate, with license applications and/or tags on or before December 1 of each year.

Section 5.2 RECORDS.

- (A) The Animal Control Department shall keep a record of all dog licenses, and all kennel 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 the case of an individual license, the record shall also state the breed, sex, age, color and markings of the dog licensed; and in case of a kennel license, it shall state where the business is conducted. The record shall be public record and open to inspection during business hours. The Department shall also keep an accurate record of all license fees collected or paid by any city, township treasurer, County Treasurer or other license facility.
- (B) In all prosecutions for violation of the Ordinance, the records of the Animal Control Department showing the name of the owner and the license number to whom any license was issued and the license tag affixed to the harness or collar 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.

Section 5.3 Every township or city treasurer in the County and any other license facility deemed appropriate shall, before December 1 of each year, receive from the County Treasurer or Animal Control Department the license blank forms and tags for the ensuing year and shall issue dog licenses and tags in a manner prescribed for issuing licenses by the County Treasurer or Animal Control Department

Every township or city treasurer and any other license facility deemed appropriate shall receive for the services of licensing dogs a reasonable fee at a rate determined by the County Board of Commissioners for each dog license issued.

Every township or city treasurer shall, in a timely fashion after March 1 of each year, return to the County Treasurer all unissued tags and all properly filled out dog license forms which he/she has issued. The license form shall be completed in its entirety including the owner name, address, license number, full description of dog and rabies vaccination information.

Every township or city treasurer in a timely fashion after March 1 of each year, shall pay over all money received for issuing licenses, less the amount set by the Board of Commissioners to be retained by the township or city for each license issued.

Any city may, by resolution of its legislative body, provide that its clerk shall perform the duties by this act imposed on its treasurer. Upon the adoption of the resolution, the treasurer of a city is not required to issue licenses under this act but the clerk of the city shall perform, in the manner and under the terms and conditions, and with the same compensation, all of the duties imposed upon city treasurer by this act. (MCL 287.274, Sec 14(3))

Every other license facility deemed appropriate selling dog licenses shall in a timely fashion as determined by the Animal Control Department, return to the Animal Control

Department all properly filled out dog license forms that were sold, along with the appropriate license money collected, less the amount set by the Board of Commissioners to be retained for each license issued.

Section 5.4 Upon application and proof of immunization as provided above, the various township treasurers, County Treasurer, County Animal Control Department, and any other license facility deemed appropriate, shall issue a dog license and tag to the applicant. If such application is made between December 1 and March 1, the fee shall be as provided for by the Board of Commissioners.

Any dog required to be licensed after the normal December 1 to March 1 licensing period, shall be licensed within ten (10) days of the event requiring licensing and the fee shall be as provided for by the Board of Commissioners. Examples of this include a dog that turns 4 months of age after March 1 or a new dog to the applicant.

Section 5.5 DELINQUENT LICENSES. Beginning March 2 of each year, the County Treasurer, County Animal Control Department, and any other license facility deemed appropriate, shall issue, upon application and proof of immunization, a delinquent dog license and tag to the applicant. A delinquent fee, set by the Board of Commissioners, will be charged for any dog which should have been licensed on or before March 1, or which was not licensed within ten (10) days if said dog was not required to be licensed during the regular December 1 to March 1 licensing period. The dog license shall be purchased in St. Joseph County, Michigan.

ARTICLE VI

RESTRAINT, OWNER TO CONTROL DOGS, NUISANCE PROHIBITED.

Section 6.1 RESTRAINT REQUIRED. All dogs and/or puppies shall be kept under restraint at all times, as defined in this Ordinance, except as otherwise provided herein, and any deviation or violation thereof is strictly prohibited.

Section 6.2 OWNER TO CONTROL DOGS; NUISANCES PROHIBITED. No owner shall fail to exercise proper care and control of his/her dogs and/or puppies so as to prevent the following actions: excessive or continuous barking, yelping, or howling rising to the level of a public nuisance, molesting of passersby, chasing of vehicles, attacking domestic animals, attacking, chasing, molesting, or worrying livestock, trespassing upon school grounds or private property, or damaging property of any nature.

ARTICLE VII

IMPOUNDMENT

IMPOUNDMENT AUTHORIZED, EUTHANASIA OF UNCLAIMED DOGS AND/OR PUPPIES, ISSUANCE OF CITATIONS, CITIZEN COMPLAINTS, NOTIFICATION, RECLAIM OF IMPOUNDED DOGS/PUPPIES/LIVESTOCK/POULTRY.

***Section 7.1* IMPOUNDMENT AUTHORIZED.**

- (A) Impounded dogs and/or puppies may be taken to the Animal Shelter and there confined in a humane manner. However, if after a reasonable effort, the seizure of any such impounded dog and/or puppy cannot be made or should the dog and/or puppy present a hazard to the public safety or property or have an injury or physical condition which causes the dog and/or puppy to suffer, the animal control officer or law enforcement officer may immediately destroy the dog and/or puppy by the most reasonable and humane means then available.
- (B) Impounded dogs and/or puppies shall be kept for not less than the State of Michigan requires, unless reclaimed by its owners. If the owner can be identified by means of a license tag or otherwise, that dog and/or puppy must be held for not less than seven (7) days unless reclaimed by its owner.
- (C) Impounded livestock shall be kept for not less than ten (10) days.
- (D) Impounded livestock may be taken to the Animal Shelter or any designee of the St. Joseph County Animal Control Department and there confined in a humane manner. However, if after reasonable effort, the seizure of such impounded livestock cannot be made or should the livestock present a hazard to the public safety or property or have an injury or physical condition which causes the livestock to suffer, the animal control officer or law enforcement officer may immediately destroy the livestock by the most reasonable and humane means then available.

***Section 7.2* EUTHANASIA OF UNCLAIMED DOGS AND/OR PUPPIES.** Dogs and/or puppies not reclaimed by their owners within the established time periods and those not placed in suitable new homes, may be humanely euthanized by the Animal Control Director or his/her designees. However, if an impounded dog and/or puppy has an injury or physical condition, which causes the dog and/or puppy to suffer, the Animal Control Director or his/her designees may immediately euthanize the dog and/or puppy.

***Section 7.3* ISSUANCE OF CITATIONS.** At the discretion of the Animal Control Director, his/her officers or other law enforcement officers, when a dog and/or puppy is found running at large and its ownership is known to the officer, such officer need not impound the dog and/or puppy, but may cite the owner of such dog and/or puppy as specified in Article X of this Ordinance.

Section 7.4 CITIZEN COMPLAINTS. Whenever a dog and/or puppy is running at large, and a complaint is made by a citizen to the Animal Control Director, his/her officers or other law enforcement officers, such officer need not impound the dog and/or puppy, but may issue a warrant request and report to the Prosecutor asking that the owner appear in court to answer charges of violation of this Ordinance; provided, however, the complainant shall be required to appear in court to testify as to the violation or a citation may be issued to the owner accompanied with proper evidence.

Section 7.5 NOTIFICATION. Immediately upon impounding a dog and/or puppy, the Animal Control Director, his/her officers or other law enforcement officers shall make every reasonable effort to notify the owner of the dog and/or puppy so impounded and inform the owner of the conditions whereby he/she may regain custody of the dog and/or puppy pursuant to the regulations for the operation of the Animal Shelter.

Section 7.6 RECLAIM OF IMPOUNDED DOG/PUPPY/LIVESTOCK/POULTRY.

- (A) A dog and/or puppy owner may reclaim his/her dog and/or puppy from the Animal Shelter by executing a statement of ownership, furnishing a dog license as required by this Ordinance, posting a license bond when applicable and paying the required fees posted at the Animal Shelter.
- (B) Any dog and/or puppy which is impounded a second or subsequent time for violation of restraint requirements within a twelve (12) month period will subject the owner to a graduated scale of reclaim fees as set forth by the Board of Commissioners.
- (C) Any owner of impounded livestock or poultry shall bear the expense of any fees incurred for the impoundment of such impounded livestock or poultry.
- (D) The disposition of any unclaimed livestock or poultry shall be made at the discretion of the Animal Control Director, his/her officers or his/her designee.

ARTICLE VIII

CONFINEMENT OF DOGS, CATS OR FERRETS AFTER BITING

CONFINEMENT OF OWN ANIMAL, QUARANTINE ORDER, IMPOUNDMENT OF NON-RABIES VACCINATED ANIMAL, DISPOSAL OF ANIMAL NOT CLAIMED, TESTING OF SICK ANIMAL.

Section 8.1 CONFINEMENT OF OWNED ANIMAL. Any dog, cat or ferret that bites a person or animal shall be securely confined by the owner inside some appropriate building or enclosure for a minimum of ten (10) days following from the biting of a person or animal, provided the animal that bit has a valid rabies vaccination. In the event the owner of such dog, cat or ferret shall fail to securely and properly confine the animal for such a period of time or the animal does not have a current rabies vaccination, then the animal may be confined in the Animal Shelter or an approved

veterinarian facility until the expiration of said ten (10) days period and satisfactory evidence is shown that said animal is not suffering from rabies. The costs of quarantine will be at the responsibility of the owner of the animal.

Section 8.2 QUARANTINE ORDER. All owners of dogs, cats or ferrets that have bitten a person or animal shall sign a Quarantine Order regarding the quarantine of their dog, cat or ferret and abide by the rules contained therein.

Section 8.3 IMPOUNDMENT OF NON-RABIES VACCINATED ANIMAL. Any dog, cat or ferret running loose after biting some person or animal, and whose owner cannot be determined shall be kept and confined for a period of ten (10) days at the Animal Shelter in accordance with the provisions of this section, and thereafter disposed of in accordance with the provisions of this Ordinance, or such regulations that are in effect at the Animal Shelter.

Section 8.4 TESTING OF SICK ANIMAL. Should a dog, cat or ferret that is under quarantine die during the ten (10) day quarantine period or should it show signs of rabies and need to be humanely euthanized, the animal shall be tested for the rabies virus pursuant to standards set out by the Michigan Department of Community Health Rabies Protocol. Costs associated with the preparation and testing of the animal shall be borne by the owner of said animal.

ARTICLE IX

KILLING OF DOGS

Any person including a law enforcement officer may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock or poultry or attacking persons, and there shall be no liability on such person in damages or otherwise, for such killing. Any dog that enters any field or enclosure which is owned by or leased by a person producing livestock or poultry, outside of a city, unaccompanied by his owner or his owner's agent, shall constitute a trespass, and the owner shall be liable in damages. Except as provided in this section, it shall be unlawful for any person, other than a law enforcement officer, to kill or injure or attempt to kill or injure any dog which bears a license tag for the current year. (MCL 287.279, Sec 19)

ARTICLE X

ISSUANCE OF SUMMONS OR COMPLAINT TO DISTRICT COURT OR OTHER COURT OF CERTAIN FACTS; PROCEDURE AND VIOLATIONS.

For purposes of this Article, "dog," shall also constitute "puppy." The Animal Control Director, his/her officers or any law enforcement officer may issue an appearance citation before the District Court or may make complaint before the District Court or the Magistrate of St. Joseph County whenever one or more of the following facts exist:

Section 10.1 DOG AT LARGE. A dog is running at large unaccompanied by its owner or is engaged in lawful hunting and is not under the reasonable control of its owner, with or without a license attached to the collar of the dog.

Section 10.2 DOG AT LARGE, DESTRUCTION OF PROPERTY. A dog, licensed or unlicensed, has destroyed or damaged property, real or personal, or trespassed in a manner that causes actual damage to the property of persons other than the owner including, but not limited to, the repetitive depositing of feces or urine on said property.

Section 10.3 LIVESTOCK AND/OR POULTRY AT LARGE. Livestock and/or poultry not under the control of the owner and not on the owner's premises; including, but not limited to trespassing on a public or private roadways and/or properties.

Section 10.4 DOG BITE. A dog, licensed or unlicensed, that has attacked or bitten a person or other animal.

Section 10.5 BARKING DOG. A dog by frequent or habitual barking, yelping, or howling, shall be a public nuisance.

Section 10.6 FAILURE TO RABIES VACCINATE. A dog four (4) months of age or older, is not, or has not been vaccinated against the rabies virus by an accredited, licensed veterinarian or Michigan Department of Agriculture certified veterinary technician.

Section 10.7 FAILURE TO LICENSE. A dog four (4) months of age or older, is not duly licensed as provided for in Article IV of this Ordinance.

Section 10.8 FAILURE TO PRODUCE LICENSE. An owner or harbinger of a dog that is four (4) months of age or older refuses or fails to display a valid license for said dog upon demand by an Animal Control officer or any law enforcement officer.

Section 10.9 FAILURE TO ATTACH IDENTIFICATION. An owner of a dog that is four (4) months of age or older failed to attach a license to the properly fitting collar or harness worn by the dog.

Section 10.10 FAILURE TO SPAY OR NEUTER. An owner who adopted an animal from the Animal Shelter, has not spayed or neutered the animal in compliance with the adoption contract.

Section 10.11 ISSUANCE OF SUMMONS. In the event there is a violation of any of the above section(s) of this Article, or of this Ordinance, the Animal Control Director and his/her officers or other law enforcement officers may issue a summons or complaint to the owner of such dog requiring said owner to appear in District Court or other court to answer to the charges made in violation of this Ordinance, and upon conviction thereof, the owner shall be punished as hereafter provided in Article XIX.

Section 10.12 SECOND OR SUBSEQUENT VIOLATION. Should the owner, possessor or person harboring an unlicensed dog not obtain a license within ten (10) days immediately following the issuance of the appearance citation, the ownership,

possession or harboring of such dog shall hereafter constitute a second or subsequent violation of this Ordinance, and any person, firm or corporation, convicted of violating this provision of this Ordinance, shall upon being found guilty by said court, be punished as provided in Article XIX.

Section 10.13 WARRANT EXECUTION. Upon issuance of a warrant by the court, the Animal Control Department or other law enforcement agency shall proceed to execute the same.

Section 10.14 INTERFERENCE WITH ENFORCEMENT PROHIBITED. No person shall in any manner interfere with, hinder, molest or abuse any officer or individual authorized to enforce the provisions of this Ordinance.

ARTICLE XI

SHOW CAUSE

Section 11.1 COMPLAINT TO SHOW CAUSE. The Animal Control Director, Animal Control officer or other law enforcement officer may, in addition to the issuing of an appearance citation for a violation of Article X, proceed to the Prosecuting Attorney and request a District Court Magistrate or District Court to issue a summons to show cause why a dog should not be euthanized or otherwise restricted, upon a sworn complaint that any of the following exist:

- (A) That a dog, licensed or unlicensed, is running at large unaccompanied by its owner or is engaged in lawful hunting and is not under the reasonable control of its owner without a license attached to the properly fitting collar or harness of the dog.
- (B) That a dog, licensed or unlicensed, has bitten or attacked a person or another animal. (MCL 287.286a, Sec 26a, (1)(c))
- (C) That a dog has shown vicious habits or has molested a person when lawfully on the public highway (MCL 287.286a, Sec 26a, (1)(d)) or on property other than that of the dog's owner.
- (D) That a dog, licensed or unlicensed, has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner.

Section 11.2 HEARING. After a hearing, the District Court Magistrate or District Court may either order the dog euthanized or otherwise restricted. If the owner disobeys this Order, the owner may be punished under Article XIX of this Ordinance. Costs incurred shall be assessed against the owner of the dog and collected by the County. (MCL 287.286a, Sec 26a, (2))

Section 11.3 COMPLAINT TO SHOW CAUSE, DANGEROUS DOG.

- (A) Upon a sworn complaint that a dog is a dangerous dog and the dog has caused serious injury or death to a dog, a District Court Magistrate or District Court, shall issue a summons to the owner ordering him/her to appear to show cause why the dog should not be destroyed or otherwise restricted.
- (B) Upon the filing of a sworn complaint as provided in subsection (A), the court or magistrate shall order the owner to immediately turn the dog over to the Animal Shelter, or a licensed veterinarian at the owner’s option, to be retained by them until a hearing is held and a decision is made for the disposition of the dog. The owner shall notify the person who retains the dog under this section of the complaint and order. The expense of the boarding and retention of the dog is to be borne by the owner.
- (C) After a hearing, the magistrate or court shall order the destruction of the dog or other restrictions, at the expense of the owner, if the dog is found to be a dangerous dog that caused serious injury or death to a person or a dog. After a hearing the court may order the destruction of the dog or other restrictions, at the expense of the owner, if the court finds that the dog is a dangerous dog that did not cause serious injury or death to a person or a dog, but is likely in the future to cause serious injury or death to a person or a dog, or in the past has been adjudicated a dangerous animal.
- (D) If the court or magistrate finds that a dog is a dangerous dog, but has not caused serious injury or death to a person or a dog, the court or magistrate shall notify Animal Control of the findings of the court, the name of the owner of the dangerous dog and the address at which the dog was kept at the time of the finding of the court. In addition, the court shall order the owner of the dog to abide by the provisions of Article XVI Section(s) 16.2 and 16.5. Costs shall be assessed against the owner of the dog and collected by the County.

ARTICLE XII

STEALING OR CONFINING A DOG

Any person who shall steal or take without the consent of the owner and without lawful authority, any dog of which he/she is not the owner shall be guilty of a misdemeanor. Any persons, excepting Animal Control officers, who shall harbor or hold in his/her possession any stray dog of which he/she is not the owner and does not report such possession to the St. Joseph County Sheriff’s Department, St. Joseph County Animal Control Department or the police department of the city or village in which he/she is holding such dog within forty-eight (48) hours after coming into possession of such dog shall be guilty of a misdemeanor. Any person who shall steal, or confine and secrete any dog licensed under this Ordinance or kept under a kennel license under this Ordinance or bearing indication of ownership, unless legally authorized to do so, or unless such confining be justifiable in the protection of person, property or game, shall

be guilty of a misdemeanor, and upon conviction thereof shall suffer the penalties provided for in Article XIX of this Ordinance. (MCL 287.286b)

ARTICLE XIII

HUMANE TREATMENT OF ANIMALS

PROVISION OF NECESSITIES, RESTRAINT BY LEASH OR CHAIN; SPECIFICATIONS, ABANDONMENT, CROPPING OF EARS OR TAIL, CRUELTY; EXHIBITION FIGHTING PROHIBITED, POISONS, OFFERING ANIMAL AS PRIZE OR REWARD, MUTILATION, SEXUAL ACTS WITH ANIMALS, REMOVAL OF ANIMAL IN IMMEDIATE DANGER, CONFISCATION OF VICTIMIZED ANIMAL; INVESTIGATION.

Section 13.1 PROVISION OF NECESSITIES. No owner shall fail to provide his/her animal with good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. Any owner of animals shall maintain a clean and healthful shelter and living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the animals being kept. All living areas shall be constructed and maintained to promote drainage of rainwater to prevent the accumulation of mud and/or water. Shelters shall be constructed to protect the animal from precipitation and of a material, which provides insulation from temperature extremes. In addition to the shelter, a shaded area is also recommended by means of other structures, trees or awning(s). The shelter shall have a floor which is dry and constructed of material that provides insulation or the floor augmented with resting boards. Insulating bedding materials shall be provided during inclement weather. The only exception of this Section shall be generally accepted management practices of livestock and/or poultry as defined by the Michigan Department of Agriculture (MDA).

Section 13.2 RESTRAINT BY LEASH OR CHAIN; SPECIFICATIONS. If any animal is restrained by a leash, chain or similar restraint, it shall be designed and placed as defined under **RESTRAINT** in this Ordinance.

Section 13.3 ABANDONMENT. No person shall abandon any dog, domesticated livestock or non-indigenous exotic animal. Abandonment consists of leaving such animal for a period in excess of twenty-four (24) hours without providing for someone to feed, water and check on the animal's condition. No owner shall leave such animal by a roadside or other area, or leave such animal on either a public or private property, without the property owner's consent. In the event that an animal is found so abandoned, said animal may be taken by an Animal Control officer, law enforcement officer or humane officer and impounded at the Animal Shelter, and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less

than the prescribed period in accordance with the procedures set forth in Article VII. The owner of the person, if any, who has been charged with the animal's care, shall be subject to a citation for violation of this section. The disposition of the impounded animal is solely at the discretion of the Animal Control Director or his/her designees.

Section 13.4 CROPPING OF EARS OR TAIL. No person shall crop a dog's or cat's ears or tail, except by an accredited veterinarian.

Section 13.5 CRUELTY; EXHIBITION FIGHTING PROHIBITED. No person shall knowingly do any of the following:

- (A) Own, possess, use, buy, sell, offer to buy or sell, exchange, import or export an animal for fighting or baiting or as a target to be shot at as a test of skill in marksmanship.
- (B) Be a party to or cause the fighting, baiting or shooting of an animal as described in subsection (A).
- (C) Rent or otherwise obtain the use of a building, shed, room, yard, ground or premises for fighting, baiting or shooting an animal as described in subsection (A).
- (D) Permit the use of a building, shed, room, yard, ground or premises belonging to him/her or under his/her control for any of the purposes described in this section.
- (E) Organize, promote or collect money for the fighting, baiting or shooting of an animal as described in subsections (A) to (D).
- (F) Be present at a building, shed, room, yard, ground or premises where preparations are being made for an exhibition described in subsections (A) to (D) or be present at the exhibition, knowing that an exhibition is taking place or about to take place.
- (G) Breed, buy, sell, offer to buy or sell, exchange, import or export **and** animal the person knows has been trained or used for fighting as described in subsections (A) to (D), or breed, buy, sell, offer to buy or sell, exchange, import or export the offspring of an animal the person knows has been trained or used for fighting as prescribed in subsections (A) to (D). This subsection does not prohibit owning, breeding, buying, selling, offering to buy or sell, exchanging, importing or exporting an animal for agricultural or agricultural exposition purposes.
- (H) Own, possess, use, buy, sell, offer to buy or sell, transport or deliver any device or equipment intended for use in the fighting, baiting or shooting of an animal as described in subsections (A) to (D).

Section 13.6 POISONS. No person shall store, maintain or place any poisonous substance, which may be harmful to any domesticated animal in any location where it could be eaten by such animal.

Section 13.7 OFFERING ANIMAL AS PRIZE OR AWARD.

- (A) No person shall offer any live animal as a prize or award in connection with any raffle, protest, demonstration, promotion or as an incentive to participate in any game, promotion or otherwise.
- (B) The provisions of this section shall not apply to any raffle or promotion conducted by a private, non-profit, livestock-related organization engaged in such activity at a show or exhibition sanctioned by the Michigan Department of Agriculture.

Section 13.8 KILLING DOGS/CATS FOR FOOD OR FUR PROHIBITED. No person shall raise or kill a dog or cat for food or the skin or fur; nor possess any items made from or containing dog, puppy, cat or kitten fur; or any food item containing dog, puppy, cat or kitten.

Section 13.9 MUTILATION OF ANIMALS. No person shall mutilate any dead or living animal. This provision does not apply to accepted livestock practices concerning slaughter at licensed stockyards, slaughterhouses and meat packing establishments or on the premises of bona fide farming operations. Further, this section shall not apply to the processing of fish or wildlife taken through legal hunting and fishing methods. This section shall not apply to accepted educational practices.

Section 13.10 SEXUAL ACTS WITH ANIMALS. No person shall engage in a sexual act with any animal.

Section 13.11 REMOVAL OF ANIMAL IN IMMEDIATE DANGER. Any animal observed by a law enforcement officer or Animal Control officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means then available.

Section 13.12 CONFISCATION OF VICTIMIZED ANIMAL.

- (A) Any animal found involved in a violation of any portion of this Article may be confiscated by any Animal Control officer or any law enforcement officer and held in a humane manner.
- (B) Upon a hearing before a District Court Judge, and that Judge finding probable cause that the violation was committed, the court shall order immediate forfeiture of the animal to the Animal Shelter unless the owner, or his/her designated agent within twenty-four (24) hours of such finding, posts a cash bond with the court equal to the cost of care of the animal(s), including all estimated boarding fees in the amount established by the Board of Commissioners for each animal, for the first thirty (30) days of its impoundment in addition to any veterinary costs or other fees for each animal

that has been incurred. If after thirty (30) days, the case has not been adjudicated, the owner must post another full cash bond on the thirtieth (30th) day in the same amount of the original bond or equal to the cost and care of each animal for the first thirty (30) days, whichever is greater. This same process shall be followed each thirty (30) day period until the case has been adjudicated.

- (C) Upon entry of a finding of guilt, the cash bond(s) shall be immediately paid to the Animal Control Department. The owner shall also be responsible to pay all costs of care from the date of the impoundment until the time of the first hearing and the posting of the initial bond, as well as any other associated expenses not covered by the daily boarding fee(s). Any portion of the posted bond that exceeds the daily costs incurred at the time of the finding of guilt shall be returned to the owner. Upon conviction, all animals not forfeited pursuant to subsection (B) herein above shall become the property of the Shelter.
- (D) Upon a finding of not guilty or dismissal or withdrawal of the charge(s), the animal and any cash bond(s) posted shall be immediately returned to the owner.

Section 13.13 INVESTIGATION. The Animal Control Department or other law enforcement agency shall be allowed reasonable access to inspect the property of anyone found guilty of violation of any of the provisions under Section 13.1 through 13.12 of this Article.

- (A) For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, any Animal Control officer or law enforcement officer is empowered to enter upon any premises on which any animal is kept or harbored and demand the examination of any animal being kept or harbored by the owner, agent or any other person assigned the responsibility for the care of any such animal on said premises, except in a building designated as previously defined as an occupied dwelling unit.
- (B) It is further provided that any Animal Control officer or law enforcement officer may enter any premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and take possession of such animal when, in the Animal Control officer or law enforcement officer's opinion and/or the opinion of a licensed veterinarian, such animal requires medical treatment.

ARTICLE XIV

SALE OF ANIMALS FROM ANIMAL SHELTER

- (A) All dogs and cats purchased or obtained from the Animal Shelter must be surgically sterilized to prevent breeding within thirty (30) days of obtaining the

dog or cat. Puppies and kittens purchased or obtained from the Animal Shelter must be surgically sterilized to prevent breeding by the age of six (6) months, if not sooner, with the approval of a licensed veterinarian. For purposes of this Article, "obtained" does not include reclaimed animals. (MCL 287.338a, Sec 8a, (1)(2))

- (B) Past experience and knowledge of Animal Control Department personnel of the prospective owners, as well as previous violations of this section by the prospective owners, may be grounds to refuse the sale or adoption. Additional grounds may be whether the prospective owner is able to provide an enclosure where the animal is to be kept which is adequate to keep the animal restrained, whether the animal is being purchased for resale, whether the prospective owner has obtained another animal from the Animal Shelter in the past twelve (12) months, whether the prospective owner has owned a pet which has died without appropriate veterinary care, and whether the prospective owner is purchasing the animal solely for guard or attack purposes. St. Joseph Animal Control does not sell nor release any animals to research facilities. The Animal Shelter is not obligated to sell any animal from its custody.
- (C) Any person adopting an animal is required to comply with all stipulations and conditions set forth in the adoption agreement. Failure to do so may result in the issuance of an appearance citation for violation of this section and forfeiture of the animal.

ARTICLE XV

DANGEROUS DOG(S)

No dangerous dog(s) as defined in this Ordinance shall be kept within St. Joseph County, except as provided in Article XVI and Article XVII Section 17.3(B) of this Ordinance.

ARTICLE XVI

DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS LICENSE, LICENSING, HOUSING AND OTHER REQUIREMENTS, PROHIBITION, EXEMPTIONS

Section 16.1 PERMIT. A person shall not own, harbor, possess or keep a dangerous dog unless such dog is licensed under this section or an application for licensing such animal under this section is pending.

Section 16.2 PERMIT REQUIREMENTS. Any owner of a dangerous dog shall apply to the Animal Control Department for licensing of said animal. The application shall be on

a form provided by the Animal Control Department and shall be accompanied by the following:

- (A) A valid driver's license or state issued picture identification showing the owner's name and current address.
- (B) Proof that the applicant owns said animal and is eighteen (18) years of age or older.
- (C) One (1) copy of the current immunization and health record for said animal showing the animal received a current rabies vaccination by a licensed, accredited veterinarian.
- (D) Proof that the applicant has insurance coverage for no less than \$300,000.00 for any injury, damage or loss by said animal.
- (E) Four (4) photographs of said animal from four (4) different sides taken not more than one (1) month before the date of license application. Such photographs shall consist of front, back, left and right views of the animal.
- (F) Proof that the animal has been micro chipped by a licensed, accredited veterinarian.
- (G) Payment of licensing and inspection fees established by the Board of Commissioners.

Section 16.3 HOUSING REQUIREMENTS. The dangerous dog shall be confined at all times. The confinement area shall consist of a habitable, escape-proof dwelling or an escape-proof cage made of at least fourteen (14) gauge wire with at least seven (7) feet high sides, a wood or wire roof and a brick or cement floor. The cage door shall be locked with a padlock. However, when such animal is not confined within a habitable dwelling or an escape-proof cage, it shall be muzzled and reined or tethered to its harborer, owner or keeper whom shall maintain control over the animal to prevent injury to any person or animal.

Section 16.4 LICENSING REQUIREMENTS. The dangerous dog shall wear a license tag issued by the Animal Control Department stating that the animal is registered as a dangerous dog. When licensing an animal not previously licensed under this Article, the Animal Control Department shall assign a specific license number to said animal, without duplication, which number may remain the same for the life of the animal.

Section 16.5 OTHER REQUIREMENTS.

- (A) The owner of a dangerous dog shall post signs on his/her property where such animal will be kept, clearly visible from the closest street, advising the general public about such animal's presence on the premises. Such signs shall be prescribed by the Animal Control Department after applicant pays for the inspection. The permit however, shall not be issued until the owner posts

- the signs and the Animal Control Department inspects the property to verify proper posting of signs.
- (B) No person shall be issued a dangerous dog permit if they have ever been convicted of a felony.
 - (C) The Animal Control Department shall visually inspect the premises where the animal is kept. The inspection will consist of the cage, or if there is no cage, the officer will inspect the escape-proof habitat dwelling, doors, windows and screen opening to determine if, in fact they are escape-proof. Also, the inspection will verify the placement of warning signs and the animal leash, muzzle and padlock requirements for the cage. The Animal Control Department must be satisfied that the owner has met all standard dog licensing regulations and dangerous dog permit requirements before issuing or renewing a permit.
 - (D) If a dangerous dog permit is revoked, the owner shall not be reissued another permit.
 - (E) If the Animal Control Department is notified of an address where a dangerous dog is being kept or harbored, and that animal and owner of the animal has not been in violation of any section(s) of this Article, the owner shall have a maximum of ten (10) business days to obtain the dangerous dog permit and identification tag. If the permit and identification tag are not obtained within the required time limit, the dog shall be impounded. The animal will then be held for a maximum of ten (10) days so that a permit and identification tag can be obtained. If the permit and identification tag are not obtained within that ten (10) day time limit, the animal shall be euthanized.
 - (F) In the event that a dangerous dog ownership changes, the new owner shall apply for a new permit. The original owner's permit shall not be transferable to the new owner. The original owner shall notify the Animal Control Department that the dog's ownership has been changed.
 - (G) The owner of a dangerous dog shall notify the Animal Control Department if the address changes where the animal is being kept. The owner must report the new address so an inspection can be made of the new premises.
 - (H) If the owner of a dangerous dog violates any provisions of this Article, the animal shall be impounded immediately and the owner cited to appear in District Court for a violation of this Article.
 - (I) All licenses issued under this Article shall expire December 31 of each year.
 - (J) The owner, or the owner's agent, of an animal required to be registered under this Article shall notify the Animal Control Department or the St. Joseph County Sheriff's Department or local law enforcement agency immediately if said animal is running at large, has been stolen or has attacked a person or a domestic animal.

- (K) Duly authorized members of the police department or other law enforcement agencies shall be exempt from the provisions of this Section if the dog is performing law enforcement duties.

Section 16.6 PROHIBITION. No dangerous dog shall commit an attack or severe attack, as previously defined. In the event that a law enforcement officer or an Animal Control officer witnesses either type of attack or witnesses the wounds or injuries caused by the attack, and the offending dog(s) can be identified by credible evidence, including, but not limited to: witness identification, forensic evidence or other physical evidence, the dog(s) shall be impounded and the owner cited for violation of this Section. If the owner is cited and the dog(s) impounded, the dog(s) shall remain impounded subject to the conditions set forth in Article VIII pending a decision by District Court, unless ownership is voluntarily relinquished and the dog(s) turned over to the Animal Control Department. Upon a plea for finding of guilt, the dog(s) may be redeemed by the owner after inspection and verification of a proper enclosure as previously defined, unless ordered euthanized by the Court. There the dog(s) shall remain, securely confined, and may not be removed except to be treated by a veterinarian or to be turned into or inspected by the Animal Control Department while being transported by a leash not longer than three (3) feet in length. No owner of a dangerous dog(s) or potentially dangerous dog(s) may transfer ownership or the location where the dog(s) is contained. The owner shall be responsible for all veterinary, euthanasia, redemption and/or boarding fees.

Section 16.7 EXEMPTIONS. An animal shall not be deemed to be a potentially dangerous dog or a dangerous dog solely because it bites or attacks:

- (A) Anyone assaulting its owner. This shall not include any law enforcement officer attempting to subdue or arrest of a suspect.
- (B) Any person who is in the act of tormenting or abusing such dog.
- (C) Any unrestrained animal which attacks such dog or its young while the dog is restrained in compliance with this Section.
- (D) Anyone entering the owner's property to commit robbery, burglary, assault or other crime. Simple trespass by a person onto private property shall not be considered provocation for any attack.
- (E) While performing work by a governmental law enforcement agency.

ARTICLE XVII

WILD/EXOTIC/DANGEROUS ANIMALS

Section 17.1 EXHIBITIONS OF WILD/EXOTIC/DANGEROUS ANIMALS PROHIBITED. No person shall keep, or allow to be kept on his/her premises any wild,

exotic or dangerous animal for display or for exhibition purposes, whether gratuitously or for a fee.

Section 17.2 PROHIBITED ANIMALS. Wild, exotic or dangerous animals as defined in this Ordinance may not be possessed, bred, exchanged, bought, sold or attempted to be bought or sold in St. Joseph County except within the provisions cited below.

Section 17.3 EXCEPTIONS.

- (A) Notwithstanding the above provisions, it shall not be a violation of this Ordinance for a person, persons and corporation or business entity in lawful possession of an animal to travel through St. Joseph County on a public highway for a destination out of the County. Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums, or wildlife sanctuaries accredited by the Association of Sanctuaries and/or the American Sanctuary Association, nature preserves, licensed rehabilitation centers, circuses and bona fide scientific, medical or educational research facilities are also an exception, as well as certified service animals with proper documentation for such service provided for such animal.
- (B) If a person is in the possession of a wild/exotic animal as defined in this Ordinance, that person must apply for a permit to keep said animal. The person shall file an application with the Animal Control Department and pay any application, inspection and/or permit fee(s) as set by the Board of Commissioners. The owner shall abide by all of the standards set by the Animal Control Department in the keeping of said animal.
- (C) If there is probable cause to believe this Article is being violated, an animal control officer may cite the violation to the owner of the wild and/or exotic animal. The citation shall identify the violation.
 - (1) Not more than ten (10) days after the citation is delivered, the owner of the wild and/or exotic animal shall transfer ownership and possession of said animal, or subject to subsection (2), correct the violation and shall notify the animal control officer of the action taken.
 - (2) If the citation was failure to obtain a permit and the violation was committed knowingly, not more than ten (10) days after the citation is delivered, the owner of the animal shall transfer ownership and possession of the animal and notify the Animal Control officer that issued the citation of the action taken.
- (D) An animal transferred under subsection (C) (1) or (2) shall be transferred to:
 - (1) An approved animal control or animal protection shelter.
 - (2) A person licensed or approved by the Department of Natural Resources of Michigan.

- (3) The Fish and Wildlife Service or the United States Department of Interior.
- (4) A zoological park approved or accredited by the American Zoo and Aquarium Association.
- (5) A person approved by the Association of the Sanctuaries or the American Sanctuary Association.
- (6) A licensed rehabilitation center.

ARTICLE XVIII

COMMON LAW LIABILITY

Section 18.1 Nothing in this Ordinance shall be construed to prevent the owner of a licensed dog from recovery in an action at law from any law enforcement officer or other person, except as herein provided.

Section 18.2 Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of a dog from damages committed by said dog.

ARTICLE XIX

PENALTY

Section 19.1 Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, unless such violation constitutes a felony, and upon conviction of a misdemeanor, shall be punished by a fine not to exceed five hundred (\$ 500.00) dollars or be imprisoned for a period not to exceed ninety (90) days in the County Jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

Section 19.2 Any person found guilty of owning a dangerous dog, in addition to the penalties imposed, may be required by a District Court Judge to have the dog humanely euthanized if in the opinion of that judge, the severe attack warrants such action.

Section 19.3 Any person found guilty of owning a potentially dangerous dog or dangerous dog shall be fined not less than two-hundred and fifty (\$ 250.00) dollars and shall have the dog spayed or neutered within ten (10) days of that finding. Proof of the sterilization must be provided to the Animal Control Department within twenty-four (24) hours of its performance.

Section 19.4 Any person found guilty of owning a potentially dangerous dog or dangerous dog, in addition to any other penalties or stipulations imposed, shall within ten (10) days of that finding also have the dog implanted with a microchip for identification. Within ten (10) days of that implantation, the owner shall present the

animal to the Animal Control Department for scanning and verification of the microchip and identification number.

Section 19.5 Any person who violates Section 13.5 (A) to (E) is guilty of a felony punishable by one (1) or more of the following:

- (A) Imprisonment for not more than four (4) years.
- (B) A fine of not less than \$5,000.00 or more than \$50,000.00.
- (C) Not less than 500 or more than 1,000 hours of community service.

Section 19.6 A person who violates Section 13.5 (F) to (H) is guilty of a felony punishable by one (1) or more of the following:

- (A) Imprisonment for not more than four (4) years.
- (B) A fine of not less than \$1,000.00 or more than \$5,000.00.
- (C) Not less than 250 or more than 500 hours of community service.

Section 19.7 The court may order a person convicted of violating Section 13.5 to pay the costs of prosecution.

Section 19.8 The court may order a person convicted of violating Section 13.5 to pay the costs for housing and caring for the animal(s), including, but not limited to, providing veterinary medical treatment.

Section 19.9 As part of the sentence for a violation of Section 13.5, the court shall order the person convicted not to own or possess an animal of the same species involved in the violation of Section 13.5 for five (5) years after the date of sentencing. Failure to comply with the order of the court is pursuant to this section is punishable as contempt of court.

Section 19.10 If a person incites an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting to attack a person and thereby causes death of that person, the owner is guilty of a felony punishable by imprisonment for life or for a term of years greater than fifteen (15) years.

Section 19.11 If a person incites an animal trained or used for fighting or an animal that is the first for second generation offspring of an animal trained or used for fighting to attack a person, but the attack does not result in death of the person, the owner is guilty of a felony punishable by imprisonment for not more than four (4) years or a fine of not more than \$2,000.00, or both.

Section 19.12 If an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting attacks a person without provocation and causes the death of that person, the owner of the animal is guilty of a felony punishable by imprisonment for not more than fifteen (15) years.

Section 19.13 If an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting attacks a person without provocation, but the attack does not cause the death of the person, the owner is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year or a fine of not more than \$1,000.00, or both.

Section 19.14 Sections 19.10 to 19.13 do not apply if the person attacked was committing or attempting to commit an unlawful act on the property of the owner of the animal.

Section 19.15 If an animal trained or used for fighting or an animal that is the first or second generation offspring of a dog trained or used for fighting goes beyond the property limits of its owner without being securely restrained, the owner is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not less than \$50.00 nor more than \$500.00, or both.

Section 19.16 If an animal trained or used for fighting or an animal that is the first or second generation offspring of a dog trained or used for fighting is not securely enclosed or restrained on the owner's property, the owner is guilty of a misdemeanor punishable by imprisonment of not more than ninety (90) days or a fine not more than \$500.00, or both.

Section 19.17 Sections 19.10 to 19.16 do not apply to any of the following:

- (A) A dog trained or used for fighting, or the first or second generation offspring of a dog trained or used for fighting, that is used by a law enforcement agency of the state or a county, city, village or township.
- (B) A certified leader dog recognized and trained by a national guide dog association for the blind or for persons with disabilities.
- (C) A corporation licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1083, when a dog trained or used for fighting, or the first or second generation offspring of a dog trained or used for fighting, is used in accordance with the private security business and security alarm act, 1968 PA, MCL 338.1051 to 338.1083.

Section 19.18 An animal that has been used to fight in violation of this section or that is involved in a violation of Section 19.10 to 19.16 shall be confiscated as contraband by St. Joseph County Animal Control Department or a law enforcement officer and shall not be returned to the owner, trainer or possessor of the animal. The animal shall be taken to St. Joseph County Animal Control Department, a local humane society or other animal welfare agency. If an animal owner, trainer or possessor is convicted of violating Section 13.5 or Section 19.10 to 19.16, the court shall award the animal involved in the violation to the St. Joseph County Animal Control Department, local humane society or other animal welfare agency.

Section 19.19 Upon receiving an animal confiscated under this section, or at any time thereafter, St. Joseph County Animal Control Department, an appointed veterinarian,

the humane society or other animal welfare agency may humanely euthanize the animal if, in the opinion of St. Joseph County Animal Control Department, that veterinarian, humane society or other animal welfare agency, the animal is injured or diseased past recovery or the animal's continued existence is inhumane so that euthanasia is necessary to relieve pain and suffering.

Section 19.20 The St. Joseph County Animal Control Department, humane society or other animal welfare agency that receives an animal under this section shall apply to the District Court or Municipal Court for a hearing to determine whether the animal shall be humanely euthanized because of its lack of any useful purpose and the public safety threat it poses. The court shall hold a hearing not more than thirty (30) days after the filing of the application and shall give notice of the hearing to the owner of the animal. Upon a finding by the court that the animal lacks any useful purpose and poses a threat to public safety, the St. Joseph County Animal Control Department, the humane society or other animal welfare agency shall humanely euthanize the animal. Expenses incurred in connection with the housing, care, upkeep or euthanasia of the animal by the St. Joseph County Animal Control Department, humane society or other animal welfare agency, or by a person, firm, partnership, corporation or other entity, shall be assessed against the owner of the animal.

Section 19.21 Subject to Sections 19.18 to 19.20, all animals being used or to be used or to be used in fighting, equipment, devices and money involved in a violation of Section 13.5 shall be forfeited to the state. All other instrumentalities, proceeds, and substituted proceeds of a violation of Section 13.5 are subject to forfeiture under chapter 47 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709.

Section 19.22 The seizing agency may deposit money seized under Section 19.21 into an interest-bearing account in a financial institution. As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank or credit union whose deposits are insured by an agency on the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States.

Section 19.23 An attorney for a person who is charged with a violation of Section 13.5 involving or related to money seized under Section 19.21 shall be afforded a period of sixty (60) days within which to examine that money. This sixty (60)-day period shall begin to run after notice of forfeiture is given but before the money is deposited into a financial institution under Section 19.22. If the Attorney General, Prosecuting Attorney or city or township attorney fails to sustain his/her burden of proof in forfeiture proceedings under Section 19.21, the court shall order the return of the money, including any interest earned on the money deposited into a financial institution under Section 19.22.

Section 19.24 This section does not apply to conduct that is permitted by and is in compliance with any of the following:

- (A) Part 401 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40101 to 324.40119.
- (B) Part 435 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43501 to 324.43561.
- (C) Part 427 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.42701 to 324.42714.
- (D) Part 417 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

Section 19.25 This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of the law that is committed by that person while violating this section.

Section 19.26 In addition to any penalties and/or stipulations imposed, anyone convicted of violations of Section 13.1 through 13.9 and Section 15 shall also be required to relinquish ownership of the animal(s) to the Animal Control Department immediately upon that conviction.

ARTICLE XX

FEES AND EXPENDITURES

All fees associated with this Ordinance are set by the Board of Commissioners. All resolutions regarding fees are incorporated by reference herein. All fees associated with this Ordinance are to be credited to the County General Fund to pay the costs and expenses of Animal Control.

ARTICLE XXI

REPEAL

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ARTICLE XXII

SEVERABILITY

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.

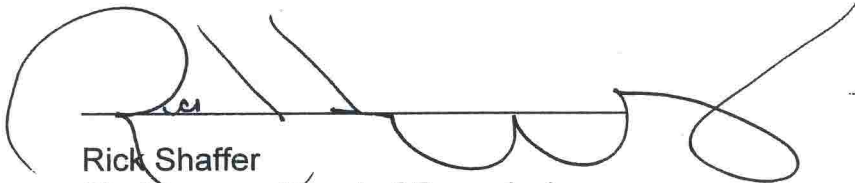
ARTICLE XXIII

ADOPTION AND REVISIONS


This Ordinance has been adopted on this 4th day of September, 2012 by the Board of Commissioners of St. Joseph County, Michigan.

EFFECTIVE DATE OF ORDINANCE REVISIONS

This Ordinance revision shall take effect when notice of the adoption is published in a newspaper of general circulation in St. Joseph County.



Rick Shaffer
Chairperson, Board of Commissioners



Pattie S. Bender
County Clerk