

**Agenda**  
**Tuscola County Board of Commissioners**  
**Committee of the Whole Monday, January 27, 2020 – 8:00 A.M.**  
**HH Purdy Building - 125 W. Lincoln, Caro, MI**

**Finance/Technology**  
Committee Leaders-Commissioners Young and Jensen

**Primary Finance/Technology**

1. **Animal Control Ordinance Review (See A)**  
    -Local Government Input (See B)
2. **RFP Lobbyist (See C)**
3. **United States Census Bureau Boundary Validation Program (See D)**
4. **Wind Tax Review (See E)**

**On-Going and Other Finance**

**Finance**

1. Preparation of Updated Multi-Year Financial Plan
2. Continue Review of Road Commission Legacy Costs

**Technology**

1. Increasing On-Line Services/Updating Web Page
2. Implementation of New Computer Aided Dispatch System

**Personnel**

Committee Leader-Commissioners Vaughan and Bardwell

**Primary Personnel**

**On-Going and Other Personnel**

1. Strengthen and Streamline Year-End Open Enrollment
2. Magistrate Pay Review

**Building and Grounds**  
Committee Leaders-Commissioners Jensen and Grimshaw

## **Primary Building and Grounds**

### **1. Land Survey – Next Steps**

#### **On-Going and Other Building and Grounds**

1. County Jail Study
2. Recycling Relocation Update
3. County Physical and Electronic Record Storage Needs – Potential Use of Recycling Pole Building
4. Review of Alternative Solutions Concerning the Caro Dam

#### **Other Business as Necessary**

1. **SB 46 – Update (See F)**
2. **Boy Scout Road Closure - Update**

#### **On-Going Other Business**

1. Board Rules of Order – Possible revisions within 6 months (1-13-20)
2. AZBA Board Appointments (Only appointed through January 31<sup>st</sup> 2020)
3. Policy Updates

#### **Public Comment Period**

## Tuscola County Animal Control Ordinance

An ordinance, providing for general animal control within Tuscola County, prescribing the licensing and regulation of animals and kennels, setting standards and conditions for animal care, prohibiting animal cruelty, establishing powers and duties of Animal Control Officers, prescribing the County Treasurer's duties with regard to animal control, providing for the impoundment, adoption, redemption and humane destruction of animals, providing special controls for keeping vicious and exotic animals, authorizing an annual dog census to be taken, establishing penalties for violations, declaring certain offenses as municipal civil infractions, establishing a municipal ordinance violations bureau and repealing other inconsistent ordinances.

**TABLE OF CONTENTS**

SECTION 1.	PREAMBLE
SECTION 2.	DEFINITIONS
SECTION 3.	LICENSING AND REGULATION
SECTION 4.	TREASURER RECORD AND DUTIES
SECTION 5.	CHIEF ANIMAL CONTROL OFFICER, DUTIES, AUTHORITY, AND RESPONSIBILITIES
SECTION 6.	ANIMAL CARE
SECTION 7.	DEAD ANIMALS
SECTION 8.	QUARANTINE OF ANIMALS AFTER BITING
SECTION 9.	IMPOUNDMENT, REDEEMING AND ADOPTING ANIMALS
SECTION 10.	KENNELS
SECTION 11.	VICIOUS ANIMALS
SECTION 12.	PENALTIES AND ENFORCEMENT
SECTION 13.	MUNICIPAL ORDINANCE VIOLATIONS BUREAU
SECTION 14.	MISCELLANEOUS
SECTION 15.	REPEAL AND SAVINGS CLAUSE
SECTION 16.	ADOPTION OF ORDINANCE

**SECTION 1. PREAMBLE.**

1.1. **Purpose, Findings and Policy.** The County of Tuscola deeming it advisable in the interest of protecting the public health and safety and welfare and to regulate and control the conduct, keeping and care of dogs and certain other animals, livestock and poultry, and provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and in particular Act 339 of the Public Acts of 1919 as amended, does hereby adopt the following revised animal control ordinance which is to be enforced by Tuscola County Animal Control, under the direction of the Chief Animal Control Officer.

1.2. This Ordinance shall be known as the Tuscola County Animal Control Ordinance.

**SECTION 2. DEFINITIONS.**

2.1. "**Abandonment**" means leaving an animal unattended for more than 24 hours, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, exercise, shelter or medical care.

2.2. "**Animal**" means a mammal, bird, fish, reptile, ferret, snake, turtle, horse, mollusk, crustacean, or any other vertebrate other than a human being.

2.3. "**Animal Control Officer**" means any person employed by the County for the purpose of enforcing this Ordinance or state statutes pertaining to animals, and all persons and deputies employed by the County to act in the same or a similar manner.

2.4. "**Animal Control Shelter**" means a facility designated or recognized by Tuscola County or State of Michigan for the purpose of impounding and/or caring for animals, including a contract service provider, such as a local animal protection shelter, which may include a humane society.

2.5. "**At Large**" means, except when hunting, an animal which is not on the premises of the owner and not under the control of a person either by leash, cord, chain, or otherwise.

2.6. "**Bureau**" means the County Municipal Ordinance Violations Bureau, as established by this chapter.

2.7. "**Chief Animal Control Officer**" means the person employed by the County for the purpose of enforcing this ordinance or state statutes pertaining to animals who is responsible for the supervision of Tuscola County Animal Control and maintaining all required records.

2.8. "**County**" means the County of Tuscola of the State of Michigan.

2.9. "**Dangerous Animal**" means any animal, which bites or attacks a person or an animal but does not include the following:

- (a) An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner; or
- (b) An animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or receiving cruel treatment by that person or animal; or
- (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 lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or
- (d) Livestock.

2.10. "**Dog**" means any member of the species "*Canis Familiaries*."

2.11. "**Domesticated Companion Animal**" means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish.

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

2.13. "**Kennel**" means any establishment, except a pet shop, animal protection shelter, or licensed pound, where animals are kept for sale, boarding, breeding, training, or sporting purposes for remuneration.

2.14. "**Livestock**" means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Livestock does not include animals that are human companions, such as dogs and cats.

2.15. "**Municipal civil infraction citation**" or "**citation**" means a written complaint or notice prepared by an authorized County official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

2.16. "**Municipal ordinance violation notice**" or "**notice**" means a written notice, other than a citation, prepared by an authorized County official, directing a person to appear at the County Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the County, as authorized under Section 8396 and 8707(6) of the Revised Judicature Act of 1961, as amended.

2.17. "**Neglect**" means failure to comply with the minimum requirements for animal care set forth in this Ordinance.

2.18. "**Owner**" means any adult person who owns or resides on the property where the animal lives, every person having a right of property in the animal, an authorized agent of the person having a right, every person who has an apparent authority to have a right of property in the animal and every person who keeps or harbors the animal or has it in his care, custody or control.

2.29. "**Person**" means any adult individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other entity.

2.20. "**Provoke**" means to perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate a bite or attack by an animal.

2.21. "**Rabies Suspect Animal**" means any animal which shows symptoms suggestive of rabies.

2.22. "**Shelter**" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for Livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

- (a) The residence of the dog's owner or other individual.
- (b) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- (c) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (b) that is accessible to the dog.

2.23. "**Vicious Animal**"

- (a) Means any animal that has:
  - (i) been declared a "Dangerous Animal" under this ordinance or under, MCL 287.321;
  - (ii) a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of persons or Domesticated Companion Animals; or
  - (iii) behaved in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other Domestic Companion Animals.
- (b) A Vicious Animal does not include the following:
  - (i) an animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner, or
  - (ii) an animal that bites or attacks a person or animal as a result of being provoked, tormented, tortured, or cruel treatment by that person or animal; or
  - (iii) 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 lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or
  - (iv) Livestock.

### SECTION 3. LICENSING AND REGULATION

3.1. **License Requirements.** It shall be unlawful for any person:

- (a) To own any dog four (4) months old or older, unless the dog is licensed;
- (b) To own any dog four (4) months old or older that does not at all times wear a collar with an identifying tag approved by the Director of the Michigan Department of Agriculture attached as provided, except when engaged in lawful hunting accompanied by its owner; or
- (c) To remove any collar and license tag from a dog, except the owner.

3.2. **License Application.** On or before the last day of the month of a dog's current rabies vaccine each year, or on or before the last day of the month of a dog's current rabies vaccine every third year, or at the expiration of any current license, the owner of a dog 4 months old or older shall apply to the Chief Animal Control Officer or Treasurer in writing for a license for each dog owned or kept by the owner. The application for a license shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies, with a vaccine

licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The owner of a dog that attains the age of four (4) months shall have (30) days to obtain a license. The application for a license shall contain the breed, sex, age, color, markings, and the address of the previous owner of the dog.

3.3. **License Fees.** For all dogs that are (4) months of age or older the license fee shall be as follows”

<u>License Type</u>	<u>One Year License</u>	<u>Three Year License</u>
Sexed Animal	\$25	\$70
Sexed Animal – Senior/Vet Discount	\$20	\$65
Spayed/Neutered Animal	\$20	\$50
Spayed/Neutered Puppy (Within 30 days after the dog becomes 4 months old)	\$20	\$50
Kennel License (Fewer than 10 Dogs)	\$45	N/A
Kennel License (More than 10 dogs)	\$45 per 10 dogs	N/A

3.4. **Additional License Fees and Related Issues.**

- (a) License applications which are delinquent are assessed a late fee of \$70.00 in addition to the applicable license fee.
- (b) Fees for service dogs or dogs in service training are waived.
- (c) For any dog that has been adjudicated a Dangerous Animal pursuant to Act 426 of the Public Acts of 1988, as amended (MCL 287.321), the applicable license fees scheduled above shall be increased by \$25.00.
- (d) Current licenses issued by other Michigan counties and by other governmental agencies shall be honored until the expiration of the license.
- (e) The license fees may be amended by Motion or Resolution of the Board of Commissioners.

3.5. **Transfer of License.** No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of the dog may be likewise transferred by the last registered owner upon proper notice in writing to the Treasurer who shall note the transfer upon their records. This Ordinance does not require the purchase of a new license where the possession of the dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

3.6. **Loss of License Tag.** If any license tag is lost, it shall be replaced without cost by the Treasurer upon application by the owner and upon production of a license receipt and a sworn statement of the facts regarding the loss of the tag.

3.7. **License Revocation.** The Chief Animal Control Officer may revoke any dog or kennel license if the owner refuses or fails to comply with this Ordinance, or any laws or regulations governing the protection of animals.

**SECTION 4. TREASURER'S RECORDS AND DUTIES; EVIDENCE.**

4.1. **Record of Licenses.** The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in Tuscola County. Such records shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses, the record shall also state the breed, sex, age, color and markings of the dog; and in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to inspection during business hours. The Treasurer shall keep a record of all license fees collected.

4.2. **Comparison of Records.** On July 1<sup>st</sup> of each year the Treasurer shall make a comparison of the records of the dogs actually licensed in Tuscola County with the report of the Animal Control Officer to determine and locate all unlicensed dogs as required by state law.

4.3. **Prima Facie Evidence of Ownership.** In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or the lack of such records, showing the name of the owner and the license number to which any license has been issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership.

4.4. **Annual Dog Census.** It shall be the duty of the Chief Animal Control Officer and his/her designees to annually make a census of the number of dogs owned by persons in Tuscola County. During this census, a person who owns or harbors a dog shall produce proof of a valid license upon request of any person who is authorized to enforce this Ordinance.

4.5. **Delegation of Duties.** The duties and obligations imposed by this Ordinance upon the respective designated officials may be delegated when permitted by law to some other person or persons with like force and effect.

**SECTION 5. CHIEF ANIMAL CONTROL OFFICER DUTIES, AUTHORITY AND RESPONSIBILITIES.**

5.1. **Requirements.** A Chief Animal Control Officer shall be hired by the County and shall serve as the head of Tuscola County Animal Control; provided, however, that the Chief Animal Control Officer and all Animal Control Officers shall have and meet the minimum requirements contained in MCLA 287.289b; MSA 12.540(2).

5.2. **Duties and Authority.** The Chief Animal Control Officer and his/her designees shall have the following duties and authority:

- (a) The Chief Animal Control Officer is authorized to investigate any complaints of violations of this Ordinance or state laws regarding animals.
- (b) The Chief Animal Control Officer may promptly seize, take up and place in the animal shelter, or contracted services provider, including a state licensed humane society, dogs, livestock, or poultry being kept or harbored or found running at large any place within Tuscola County contrary to the provisions of this Ordinance or the statutes of the State.
- (c) The Chief Animal Control Officer and his/her designees shall have the legal authority and duty to issue appearance tickets, citations or summonses to those persons acting contrary to the provisions of this Ordinance or state laws relating to animals.
- (d) The Chief Animal Control Officer or a duly recognized service provider under contract with Tuscola County may, under the guidelines for holding periods and notification set forth in state statutes, dispose of impounded animals which are not claimed by the legal owner, by one of the following methods:
  - (i) adoption by an individual person who meets adoption criteria for the animal; or
  - (ii) humane euthanasia under MCL 287.279(a); or
  - (iii) release to a duly recognized service provider to Tuscola County, such as a licensed humane society or animal protection shelter.

Note: The state guidelines for holding periods do not apply to animals that are sick or injured to the extent that the holding period would cause the animal to suffer. This section also does not apply to any animal that is voluntarily signed over to the Animal Control Shelter by its owner. In both of these cases no minimum holding period is required before disposing of the animal.

- (e) The Chief Animal Control Officer shall maintain a record of when the animal was acquired, under what circumstances, copies of any required notices and the disposition of the animal. Regulations regarding the adoption of animals and boarding and other charges shall be posted in a conspicuous place at the animal control shelter.
- (f) The Chief Animal Control Officer shall dispose of the bodies of all animals destroyed at the animal control shelter or elsewhere in Tuscola County in a manner approved by the State of Michigan.
- (g) The Chief Animal Control Officer shall promptly investigate all Domesticated Companion Animal bite cases involving human injury and shall search out and attempt to discover the animal involved. If the Chief Animal Control Officer finds the animal responsible for the bite, he or she shall quarantine the animal for examination for disease in accordance with the applicable provisions of

- this Ordinance and the statutes of the State. The Chief Animal Control Officer shall also seize and impound any rabies-suspected animal and cause the Animal to be quarantined for examination.
- (h) The Chief Animal Control Officer shall make efforts to locate and determine the number of all unlicensed dogs in Tuscola County.
  - (i) The Chief Animal Control Officer shall have the duty to inspect any kennel, a license for which has been issued by Tuscola County or its authorized agents pursuant to this Ordinance and the statutes of the State, and shall have the duty to suspend the license if conditions exist which are unhealthy or inhumane to the animals kept in the kennel, pending correction of such conditions; and further shall have the duty to revoke the license if such conditions are not corrected within a reasonable period of time.
  - (j) The Chief Animal Control Officer shall have the duty to investigate complaints of animals alleged to be treated cruelly or kept in violation of this ordinance, and may seek a court order to seize, take up and impound any animal that has been subject to such cruelty, abandonment or neglect.
  - (k) The Chief Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the County may from time to time provide.

**5.3. Enforcement of Ordinance.** The Chief Animal Control Officer in enforcing the provisions of this Ordinance and the statutes of the State pertaining to animals may make complaints to the Tuscola County Prosecuting Attorney and to the District Court in regard to any violations of this Ordinance.

**5.4. Fees and Monies Collected.** All fees and monies collected by Tuscola County Animal Control shall be accounted for and turned over to the Treasurer on or before the first of each month under the standard practices of the Treasurer's accounting system.

## **SECTION 6. ANIMAL CARE**

**6.1. Adequate Care.** Every owner or caregiver of an animal shall be required to provide the animal with the minimum standard of care set forth in this Ordinance, which means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

**6.2. Food and Water.** Every owner or caregiver of an animal shall provide, on a daily basis, the animal with sufficient good and wholesome food and water.

**6.3. Cleanliness.** Every owner or caregiver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.

**6.4. Shelter.** Every owner or caregiver of animals shall provide all animals with a proper shelter.

**6.5. Veterinary Care.** The owner or caregiver of a diseased or injured animal shall provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals to prevent transmittal of disease.

**6.6. Abuse.** No person shall beat, cruelly treat, improperly tether, torment, overload, overwork or otherwise abuse an animal.

**6.7. Abandonment and Neglect.** No owner or caregiver of an animal shall abandon or neglect any animal. An animal is deemed abandoned and/or neglected if the owner or caregiver fails to properly maintain the animal.

**6.8. Poison.** No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her property common rat poison mixed only with vegetable substances.

**6.9. Disfigurement.** No person, except a licensed veterinarian, shall crop the ears—or any other limbs or body parts—of an animal or dock an animal's tail.

**6.10. Housing Conditions for Multi-Animal Housing.**



- (a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from illness or injury, to contain the animals, and to restrict the entrance of other animals.
- (b) Every building or enclosure where animals are maintained shall be constructed of material that can be easily cleaned and shall be kept in a clean and sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals and sanitation.
- (c) All animal rooms, cages, kennels, and runs shall be of sufficient size to provide all animals with adequate room for exercise and general proper accommodations.
- (d) All animal rooms, cages, kennels, and runs shall provide all animals with proper shelter and protection from the weather at all times, including, but not limited to, a minimum of a roofed, three-sided structure of suitable size. All animals must be provided with an area protected from the elements so as to provide a dry, clean area for the animals to rest.
- (e) No person shall fail to provide an animal with adequate shelter.

**6.11. Other Conditions.** No animal shall be left without proper attention and care for more than 24 consecutive hours. Whenever an animal is left unattended at a commercial animal facility, the name, address and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property.

- (a) No condition shall be maintained or permitted that is or could be injurious to the animals.
- (b) All reasonable precautions shall be taken to protect the public from the animals and animals from the public.
- (c) No person shall give an animal any alcoholic beverage or prescription drug, unless prescribed by a veterinarian.
- (d) No person shall knowingly allow animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to each other, the animals shall be deemed not to be natural enemies.
- (e) Working animals shall be given adequate rest periods with water and shade provided. Confined or restrained animals shall be given proper exercise.
- (f) No person shall work, use, or rent any animal which is malnourished, undernourished, overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit. This shall mean that if an animal is not shod, it must be provided with footing (i.e., grass, hay, wood shavings or dirt).
- (g) No person shall allow any animal that the Animal Control Shelter has suspended from use, to be worked or used until released by the Chief Animal Control Officer.
- (h) All livestock shall be kept under humane restraint and not permitted to run at large.
- (i) All dogs shall be kept under humane restraint and shall not be permitted to be at large.
- (j) No owner shall permit a dog to leave the owner's premises unless such animal is wearing a leash and is under the positive control of a person of suitable age and discretion. The leash shall be of sufficient strength to restrain the particular animal.
- (k) While restrained by a leash, no animal shall be permitted to enter upon private property of another without the permission from that person.

**6.12. Animals in Motor Vehicles.**

- (a) No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle. If a person is transporting or carrying an animal in an unenclosed or partially enclosed vehicle (including, but not limited to convertibles, pick-up and flat-bed trucks), the person shall confine the animal in a container case, or other device that is of proper and adequate size to prevent the animal from falling from or jumping from the motor vehicle.
- (b) No person shall transport or leave any animal in a vehicle in such a way as to endanger the animal's health, safety or welfare, including but not limited to dangerous temperatures, lack of air, food, water, or proper care. *Any Animal Control Officer, or law enforcement officer employed by Tuscola County is authorized to use reasonable force to remove an animal from any vehicle whenever it appears that the animal's health, safety, or welfare is, or may be, endangered.*

- (c) No person shall carry or cause to be carried in or upon any vehicle or otherwise, any live animals having the feet or legs tied together or in any other cruel or inhumane manner or without providing suitable and humane facilities including racks, crates or cages in which such animal may stand up or lie down during transportation or while awaiting slaughter or sale.

**6.13. Ferret Owners' Responsibilities.**

- (a) No person owning, possessing or having charge of any ferret shall permit a ferret to leave the owner's property unless the ferret is confined or leashed and under the direct control of the owner or a responsible person designated by the owner.
- (b) No person shall release a ferret into the wild or abandon a ferret.

**SECTION 7. DEAD ANIMALS**

**7.1. General Requirements.** It shall be unlawful for an owner or caregiver, or person possessing an animal to do any of the following:

- (a) To allow the carcass of a dead animal to be left unattended and not properly disposed of.
- (b) To put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, roadway, street, alley, lane, or lot.

**SECTION 8. QUARANTINE OF ANIMAL AFTER BITING A PERSON OR OTHER ANIMAL**

**8.1. Domesticated Companion Animal.** The owner of any Domesticated Companion Animal that bites a person or other animal shall immediately quarantine the biting Animal inside an appropriate building or enclosure for a minimum of ten (10) days. If the Owner of the biting Animal fails to do so, or if the Owner of the biting Animal cannot be identified or found, then the Chief Animal Control Officer may take possession of the Domesticated Companion Animal and quarantine it at the Animal Control Shelter or Animal Protection Shelter until the expiration of the ten (10) day period. The Owner shall be responsible for all expenses incurred for the quarantine. At the expiration of the ten (10) day period, if the Owner shows satisfactory evidence that the Domesticated Companion Animal is not suffering from rabies, and pays the requisite expenses, the Chief Animal Control Officer shall release the Domesticated Companion Animal to its Owner.

The Chief Animal Control Officer may immediately humanely destroy the Domesticated Companion Animal that has bitten if the Animal is determined by a veterinarian to be suffering from rabies or upon request of the owner. In such cases, following the humane destruction of the Domesticated Companion Animal, the Chief Animal Control Officer shall immediately send a sample specimen to the Michigan Department of Public Virology Laboratory in Lansing, Michigan.

**SECTION 9. IMPOUNDMENT, REDEEMING AND ADOPTING ANIMALS**

**9.1. Impoundment by Animal Control Officer.** The Chief Animal Control Officer may humanely seize and impound at the Animal Control Shelter any Domesticated Companion Animal or livestock found running at large. If the animal is non-vicious or non-dangerous and its owner can be ascertained and is available, the Chief Animal Control Officer may return the Animal to its owner, and may cite the owner of the animal for any violation that has occurred. The Chief Animal Control Officer may also seize and impound any Animal that is, within his or her reasonable discretion, subject to abuse, cruelty, abandonment or neglect, and may cite the owner with a violation of this Ordinance and/or applicable state laws.

**9.2. Impoundment by Citizens.** Any citizen shall be empowered to temporarily take and hold any domestic animal or livestock that is running loose within plain view that, according to a reasonable person, is in danger itself or poses an imminent danger of causing serious bodily injury or death to a Person. Any such citizen shall, within forty-eight (48) hours of impoundment, contact Tuscola County Animal Control with a description of the animal and location where found and may turn over the animal to Animal Control. Any citizen acting reasonably and in good faith under this Section should not be liable for civil claims or criminal charges resulting from such actions.

**9.3. Notification of Owner.** Immediately after impounding an animal, if the owner of the animal can be identified by collar, license, tag or by other means, the Chief Animal Control Officer shall notify the owner about the animal's impoundment by first class mail. The Chief Animal Control Officer shall inform the owner of the steps

necessary to regain custody of the animal.

- (a) The Chief Animal Control Officer or a duly recognized service provider under contract with Tuscola County may dispose of impounded animals which are not claimed within the state statutory holding periods in a manner set forth by the terms of this ordinance.

**9.4. Redeeming Impounded Animals.** An owner may redeem an animal from impoundment by executing a sworn statement of ownership, furnishing a license and tag, as required by this Ordinance and State laws and paying all expenses associated with the seizure and impoundment of the animal. The Chief Animal Control Officer shall not knowingly release any impounded animal to an owner who has been convicted of animal cruelty, abandonment, neglect or other related criminal violations of State law or of this Ordinance without a Court Order.

**9.5. Adoption of Impounded Animals.** An impounded animal not redeemed by its owner may be adopted pursuant to policies and procedures established by the Chief Animal Control Officer. Any such policies and procedures for adoption established by the Chief Animal Control Officer shall comply with State law and this Ordinance.

## **SECTION 10. KENNELS**

**10.1. Licensing.** A person who owns, keeps or operates a kennel shall obtain a kennel license from the Chief Animal Control Officer. The Chief Animal Control Officer shall inspect all kennels annually in accordance with this ordinance and State law. Kennels must also comply with applicable Building Code and Zoning Ordinances.

**10.2. Compliance with Statutes, Regulations and Ordinances.** The Chief Animal Control Officer shall not issue a kennel license to a person unless they are in full compliance with this Ordinance and State law. The Chief Animal Control Officer shall not knowingly issue a kennel license to a person who has been convicted of animal cruelty, abuse or neglect, or other related criminal violations of State law or of this ordinance without a Court Order.

**10.3. Exemption from Requirement for Individual Animal Licenses.** A person who shall obtain a kennel license under this ordinance is exempt from obtaining individual licenses for animals required under this ordinance.

**10.4. Licensing Fees.** The fees for a kennel license shall be set by the County Board of Commissioners.

**10.5. Humane Treatment.** All kennels must be kept sanitary and provide adequate housing and humane treatment of the animals in the kennel including, but not limited to, fresh food and water daily, sufficient room and opportunity for daily exercise, protection from the elements, adequate ventilation, vaccinations against diseases and adequate veterinarian care. Any person who owns, keeps or operates a kennel is subject to the minimum standards of care and all provisions of this Ordinance in its entirety for each of the animals kept in the kennel.

## **SECTION 11. SPECIAL PROVISIONS REGARDING VICIOUS ANIMALS.**

**11.1. Standards for Keeping Vicious Animals.**

- (a) **Confinement.** Except as provided below, all Vicious Animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel. The pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground to a depth of no less than two (2) feet. All structures erected to house such animals must comply with all zoning and building regulations of the City or Township where located. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure.
- (b) **Confinement Indoors.** No Vicious Animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacles preventing the animal from exiting the structure.

- (c) **Leash.** No person shall permit a Vicious Animal to go outside of its kennel, pen or the owner's residence unless such animal is securely leashed with a leash no longer than four (4) feet in length. A person of suitable age and capacity must be in physical control of the leash at all times. The animal may not be leashed to inanimate objects such as trees, posts, or buildings.
- (d) **Muzzle** In addition to being on a leash, while being outside its kennel, pen or the owner's residence, all such animals on a leash outside of the animals kennel, pen or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.
- (e) **Signs.** All owners, keepers or harborers of Vicious Animals shall display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using such words as "*Beware of Vicious Animal*" or other appropriate warning language. In addition, a similar sign must be posted on the kennel or pen of such animal.

**11.2. Insurance Identification and Reporting Requirements.**

- (a) **Insurance.** All owners, keepers or harborers of Vicious Animals must provide to the Chief Animal Control Officer proof of liability insurance in an amount of five hundred thousand dollars (\$500,000.00) for each occurrence for bodily injury to or death of any person or persons which may result from ownership, keeping or maintenance of such animal. The insurance policy shall provide that no cancellation of the policy will be effective unless ten (10) days written notice is first given to the Chief Animal Control Officer at his or her business address.
- (b) **Identification photographs.** All owners, keepers or harborers of Vicious Animals must provide the Chief Animal Control Officer with two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.
- (c) **Reporting requirements.** All owners, keepers or harborers of Vicious Animals must, within three (3) days of the following incidents, report the following in writing to the Animal Control Officer:
  - (i) The removal from Tuscola County or death of a Vicious Animal.
  - (ii) The birth of offspring of a Vicious Animal.
  - (iii) The new address of a Vicious Animal if the owner moves within Tuscola County limits.
  - (iv) The animal is on the loose, has been stolen or has attacked a person.

**11.3. Failure to Comply.** If the owner, keeper or harbinger of a Vicious Animal resident within the County of Tuscola fails to comply with the requirements and conditions set forth in this Section, in addition to the owner being cited for the violations, the animal shall be subject to immediate seizure and impoundment and further disposition in accordance with this Ordinance.

**SECTION 12. PENALTIES AND ENFORCEMENT**

**12.1. State Law Offenses.** Violations of the Ordinance that are also violations of State law may be prosecuted under either at the discretion of the Chief Animal Control Officer or other authorized County official.

**12.2. Municipal Civil Infraction Citations.** A person who violates this Ordinance shall be deemed responsible for a municipal civil infraction, the penalty for which, shall be a civil fine plus any cost, damages, expenses and other sanctions, as authorized under Chapter 87 of 1961 PA 236, as amended, being MCL 600.8701 *et seq.*, and other applicable laws.

**12.3. Authorized County Officials.** The Chief Animal Control Officer, his/her designees, and deputies, and deputies of the Tuscola County Sheriff are the County officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Ordinance.

- (a) Municipal civil infractions may be issued by an authorized enforcement official when he/she personally observes the violation.
- (b) A municipal civil infraction may also be issued by an authorized enforcement official who after investigation has reasonable cause to believe that a violation occurred and it is approved by the Prosecuting Attorney prior to its issuance.

**12.4 Issuance of Municipal Civil Infraction Citations.** Municipal civil infraction citations shall be issued and served by authorized County officials as follows:

- (a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (b) The place for appearance specified in a citation shall be the district court.
- (c) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the County and issued to the alleged violator as provided by Section 8705 of the Revised Judicature Act of 1961, as amended.
- (d) A citation for a municipal civil infraction, signed by an authorized County official shall be treated as if it were made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- (e) An authorized County official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

**12.5. Service of Municipal Civil Infractions.** Municipal civil infraction citations shall be served by an authorized County official as follows:

- (a) Except as provided by Section 12.4(b), hereof, an authorized County official shall personally serve a copy of the citation upon the alleged violator.
- (b) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.

**12.6. Municipal Civil Infraction Citations; Contents.**

- (a) A municipal civil infraction citation shall contain:
  - (i) The name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court and the time at or by which the appearance shall be made; and
  - (ii) The citation shall inform the alleged violator that he or she may do one of the following: (1) admit responsibility for the municipal civil infraction by mail, in person or by representation, at or by the time specified for appearance, (2) admit responsibility for the municipal civil infraction "with explanation" by mail, by the time specified for appearance, or in person or by representation, or (3) deny responsibility for the municipal civil infraction by appearing in person for an informal hearing before a judge or district court magistrate without representation by an attorney or by appearing in person for a formal hearing before a judge or district court magistrate with the opportunity of being represented by an attorney.
- (b) Further, the citation shall inform the alleged violator of all of the following:
  - (i) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance;
  - (ii) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation;

- (iii) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the County;
  - (iv) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney; and
  - (v) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (c) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

12.7. **Fines.** A person, corporation or firm, who accepts responsibility for, or is found responsible for a municipal civil infraction under this Ordinance, shall pay a civil fine consistent with the following:

- (a) \$75 per offense for violations of Section 3 of this Ordinance;
- (b) \$100 per offense for violations of Section 6 of this Ordinance;
- (c) \$200 per offense for violations of Section 7 of this Ordinance;
- (d) \$500 per offense for violations of Section 8 of this Ordinance;
- (e) \$200 per offense for violations of Section 10 of this Ordinance; and
- (f) \$300 per offense for violations of Section 11 of this Ordinance.

A copy of the fine schedule, as amended from time to time, shall be posted at the Tuscola County Treasurer's office.

### **SECTION 13. MUNICIPAL ORDINANCE VIOLATIONS BUREAU.**

**13.1 Establishment.** The County hereby establishes a Municipal Ordinance Violations Bureau, to accept admissions of responsibility for municipal civil infractions in response to municipal ordinance violation notices issued and served by authorized County officials, and to collect and retain civil fines and costs as prescribed by this Ordinance or any ordinance.

**13.2 Location, Supervision, rules and regulations; employees.** The Bureau shall be located at the County Treasurer's office and shall be under the supervision and control of the treasurer. The Treasurer, subject to the approval of the Tuscola County Board of Commissioners, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified employees to administer the Bureau.

**13.3 Disposition of Violations.** The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal ordinance violation notice has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this section shall prevent or restrict the County from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau, and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

**13.4 Scope of Authority.** The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense, who admits responsibility only with explanation or who requests a hearing, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

**13.5 Contents of Municipal Ordinance Violation Notices.** Municipal ordinance violation notices shall be issued and served by authorized County officials under the same circumstances and upon the same persons as are provided for municipal civil infraction citations in Section 12 hereof. In addition to any other information required by this Ordinance or any other ordinance, the violation notice shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone

number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation and the consequences for failure to appear and pay the required fine within the required time.

**13.6 Appearance; Payment of Fines and Costs.** An alleged violator receiving a municipal ordinance violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal ordinance violation notice. An appearance may be made by mail, in person or by representation.

**13.7 Procedure Where Admission of Responsibility is not made or Fine is not Paid.** If an authorized County official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and cost, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Revised Judicature Act of 1961, as amended, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

**13.8 Civil Penalties.** A schedule of civil fines payable to the Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal ordinance violation notices under this Ordinance or any other ordinance is hereby established and shall be equal to those civil fines established by Section 12.7 hereof. A copy of the schedule, as amended from time to time, shall be posted at the Municipal Ordinance Violations Bureau.

#### **SECTION 14. MISCELLANEOUS.**

**14.1. Rules of Construction.** 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.

**14.2. Severability.** If any part of this Ordinance shall be held unconstitutional or void, such part shall be deemed severable and its invalidity shall not affect the remaining parts of this Ordinance.

**14.3. Safety Clause.** Tuscola County hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the cities of the County, the County, and the inhabitants.

#### **SECTION 15. REPEAL AND SAVINGS CLAUSE.**

**15.1. Repealer.** All Ordinances or parts of Ordinances inconsistent with this Ordinance are repealed to the extent they are in conflict with this Ordinance. However, any and all civil and criminal actions arising out of any Ordinance repealed by this Ordinance which are pending in a court of this State, or otherwise vested on the effective date of this Ordinance shall not abate and shall be saved and may proceed to conclusion pursuant to the terms of the repealed Ordinance.

#### **SECTION 16. ADOPTION OF ORDINANCE.**

**16.1. Adoption; Effective Date.** This Ordinance shall be adopted only after a majority of the Commissioners elected and serving shall vote in favor of its adoption. The Clerk of the Board of Commissioners shall then endorse this Ordinance and the Chairperson of the County Board of Commissioners shall sign this Ordinance, which shall then be certified by the Clerk before it is considered adopted. This Ordinance shall then take effect seven (7) days after the date that it is published in a newspaper of general circulation in Tuscola County. The County Clerk shall certify the publication.

Effective (date) \_\_\_\_\_

\_\_\_\_\_  
Chairman, Board of Commissioners

\_\_\_\_\_  
Clerk, Board of Commissioners

I, \_\_\_\_\_, Clerk of the Circuit Court for said County of Tuscola do hereby certify that the foregoing is a true copy of a record now remaining in the Office of the Clerk of said County and Court. In testimony whereof, I have hereunto set my hand, and affixed the seal of said Court and County, at the City of Caro, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

DRAFT





## TUSCOLA COUNTY CONTROLLER/ADMINISTRATOR'S OFFICE

Clayette A. Zechmeister  
Controller/Administrator  
zclay@tuscolacounty.org

125 W. Lincoln St., Suite 500  
Caro, Michigan 48723

Telephone  
989-672-3700

---

December 30, 2019

TO: All Township Clerk's, Supervisors, Village Officials and City Officials

RE: Proposed Tuscola County Animal Control Ordinance

*The Board of Commissioners are seeking your input on our newly revised Proposed Tuscola County Animal Control Ordinance. Please review and submit any questions or concerns to our office by e-mail or regular mail (address above) by January 24, 2020. The commissioners would like to review your comments at their Full Board Meeting on January 30th, 2020*

Thank you

--

*Clayette A. Zechmeister*



Tuscola County

Clayette Zechmeister &lt;zclay@tuscolacounty.org&gt;

---

**Proposed Tuscola Co. Animal Control Ordinance**

2 messages

---

Christine Kolar <ckolar@airadvantage.net>  
To: zclay@tuscolacounty.org

Wed, Jan 22, 2020 at 7:47 PM

Dear County Controller's Office,

At our board meeting held on Monday, January 20th, the Columbia Township Board reviewed the proposed Animal Control Ordinance submitted for review from the Controller's Office of Tuscola County.

After review, it was determined by the Columbia Township Board that the proposed ordinance provides excessive and unnecessary regulations for our rural areas throughout the county. Although there should be regulations, the excessive amount that is involved within this ordinance should be reconsidered.

Sincerely,

Columbia Twp Board

drafted by:  
Christine Kolar  
Columbia Township Clerk  
4870 French Rd.  
Unionville, MI 48767  
(989) 280-9602

---

Clayette Zechmeister <zclay@tuscolacounty.org>  
To: Christine Kolar <ckolar@airadvantage.net>

Thu, Jan 23, 2020 at 7:57 AM

Good Morning Christine,  
Thank you, and your Board for reviewing the Proposed DRAFT Animal Control Ordinance.  
The Commissioners will take your input into consideration as they make any decisions at their meeting January 30th  
We will keep everybody posted on any decisions.  
Have a great rest of your day!

[Quoted text hidden]

--

*Clayette A. Zechmeister*

Clayette A. Zechmeister  
Tuscola County Controller/Administrator  
125 W Lincoln St, Suite 500  
Caro, MI 48723  
zclay@tuscolacounty.org  
voice 989-672-3710  
fax 989-672-4011

Visit us Online for County Services @ [www.tuscolacounty.org](http://www.tuscolacounty.org)

**CONFIDENTIALITY NOTICE**

*The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution*



# FAIRGROVE TOWNSHIP



Office 5002 Center Street  
Address: Fairgrove, MI 48733

Supervisor 2595 N. Vassar Road  
Mailing Fairgrove, MI 48733  
Address: Phone: (989) 693-6848

Email: [supervisor@fairgrovetwp.org](mailto:supervisor@fairgrovetwp.org)

January 20, 2020

To: Tuscola County Board of Commissioners

Re: Proposed Tuscola County Animal Control Ordinance

Dear Commissioners-

Per your request in your communication dated December 30, 2019, I offer the following questions, comments, and concerns.

Page 1, Section 2.1: Does this include "barn cats" and the like?

Page 3, Section 2.2(c): Definition of "extreme temperatures" or source of definition, i.e. MCL 123.456

Page 4, Section 3.2: "the application for a license shall contain...address of previous owner of the dog". What about 1) a stray, or 2) a puppy with no previous owner (i.e. my dog had pups and I kept one)? The word "shall" leaves no room for exceptions. Maybe add something like "whenever possible" or, "if available"

Page 5, Section 5.2 (e): "...Officer shall maintain a record of when the animal was acquired, under... How long must a record be retained? A month, a year, 5 years, forever??? I'm uncertain if this should be addressed in the ordinance or via policy at a later date.

Page 6, Section 6.3: A widely-accepted and widely-used management and housing practice for cattle is a "manure pack". Is this now unacceptable? If so, why?

Page 6, Section 6.4: Notwithstanding the definition of "shelter" on Page 3, Section 2.22, I fear this will open cattlemen and the County to litigation regarding livestock humanely kept outdoors. If there is

some source that could be cited in regard to what does and does not constitute adequate shelter for various animals it would help clarify this issue and protect the farmer and the County. Animal activists through their humanization of animals are already creating issues for farmers, regardless of whether science proves otherwise.

Page 6, Section 6.9: Will a veterinarian now be required for castrating livestock? Docking horns? Docking tails? Clipping teeth? These have always been routine activities for cattle and/or hog producers. What about boxer or terrier pups whose breeders have routinely docked their pups' tails for decades if not centuries. Any of these procedures, if required to be performed by a licensed veterinarian, would add significant costs and squeeze already narrow profit margins. Why is a licensed vet the only qualified person? What about a vet tech? What about an experienced producer or breeder? Where will we find enough veterinarians, especially if other counties were to adopt a similar standard?

Page 7, Section 6.10 (b): Who's making the call on things like, "easily cleaned", "clean and sanitary", "properly ventilated to prevent drafts and remove odors". When was the last time you were in a barn housing livestock that didn't have an odor or have drafts? In reality, many of today's barns are specifically designed to promote air flow (drafts). Whose definition of "clean and sanitary" will be used? The farmers'? USDA? FDA? NASA? Your Mom's?

Page 7, Section 6.10 (c): What about gestation crates and farrowing crates for sows? These limit their movement for their own safety and well-being, and the safety of their litters.

Page 7, Section 6.11: Why 24 hours? Do you really want to stop a person from going up north Friday after work while leaving enough food and water for their pets to last through Sunday? Do you really intend to legislate that they find someone to come feed and water the dog and cat on Saturday? Again, what about barn cats? They're lucky to get feed once a week, but seem to do just fine.

Page 7, Section 6.11(f): The "Footing" requirement, as defined, precludes all unshod animals from standing on concrete, or crushed gravel. This appears to include all animals. The only animals I know of that are normally shod are horses, ponies, and mules. This section appears like it should apply only to those animals, as they should not stand on concrete unshod. Otherwise, the vast majority of cattle and swine in the Thumb spend virtually their entire lives, unshod, on concrete. What about them? Does this section preclude dog kennels with concrete floors?

Also, dairy cattle and goats sometimes come up lame. Does the prohibition to not "work, use, or rent" mean they can't be milked? This section looks like it was originally intended for draft animals.

Page 7, Section 6.11 (h): What about pigeons and the like? When I was a kid, we kept them, fed them, sheltered them, and ate them. But they flew wherever they wanted whenever they wanted.

Page 8, Section 6.12(c): There are many circumstances where an injured or excited animal should have its legs tied to prevent further injury, injury to a handler, or property damage. Can horses no longer be "hobbled" to keep them from running away? Can animals not be restrained when they're being given

medical attention, i.e. lancing a cyst, removing a thorn, nail, or other object from a sensitive area, removing porcupine quills, etc.

Page 9, Section 10.2: To what extent is the CACO to investigate a person before issuing a kennel license? What would this investigation look like? Is it, "don't ask, don't tell"? Is it, "I've never heard anything about this guy abusing animals"? Is there a way/place to search for violations?

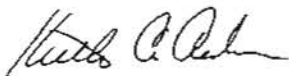
The stated goal of this ordinance is "...protecting the public health and safety and welfare and to regulate and control the conduct, keeping and care of dogs and certain other animals, livestock and poultry..." I'm certain this is not an attempt to further regulate long-standing livestock production practices, or add unnecessary costs to livestock producers and/or animal breeders. Frankly, I doubt any layperson is qualified to accurately define what constitutes animal abuse, particularly when dealing with such a variety of animals. Holding a dog under water is clearly abusive and cruel, but holding a goldfish under water, not so much. Throwing a dog off the barn roof is abusive, while throwing a duck off the same roof is not. Leaving a Chihuahua outdoors in January in single digit temperatures is abuse. But leaving a healthy Herford steer on pasture isn't.

You may want to narrow the scope to eliminate livestock producers or make some accommodation for their reasonable and practical actions and those of responsible breeders. Or it may be advisable to develop multiple, more focused ordinances, instead of a single, broad "catch-all" one.

A smelly barn is not abusive (at least to the animals). De-horning cattle is not abusive. Keeping cattle on a manure pack is not abusive. Transforming a bull or a boar into a steer or a barrow is not abusive. Docking dog or cattle tails is not abusive. Clipping teeth in piglets is not abusive. And performing these ordinary animal husbandry acts does not require extraordinary skill or comprehensive training. One would think there are sources that could be cited (USDA, MDA, MSU, Purdue, etc) to provide valuable guidance and credibility to the ordinance(s) and its (their) enforcement.

I think this proposed ordinance, as presented, is very "loose", with so much left up to interpretation, that animal activists could have a field day with your enforcement efforts or, in their eyes, your lack of enforcement. Suppose a "concerned citizens" group were to arise in opposition to a proposed or existing livestock operation, could/would they use this ordinance as ammunition in their efforts to stop it? Might they bring litigation against the county for non-enforcement? Who knows? It could happen.

Respectfully -



Keith A. Aeder  
Fairgrove Township Supervisor

MARY C. WARREN  
CLERK

JODY A. HUNT  
TREASURER

## ARBELA TOWNSHIP CENTER

8935 BIRCH RUN ROAD  
MILLINGTON, MICHIGAN 48746

JOSEPH B. WHITE, SUPERVISOR

PHONE 989.871.2022

FAX 989.871.5537

WILLIAM JACOBI  
TRUSTEE

WAYNE SCHULTZ  
TRUSTEE

TO: Tuscola County

Controllers Adim. Office

Hi Clayette,

JAN. 08, 2020

I read through the proposed County Animal Ordinance.

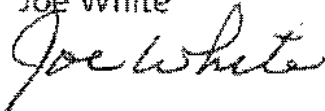
Major issue not addressed, was, today a Township resident goes to a county office and states I would like to start a dog kennel. Someone at the county level says ok. Here is a kennel license. Most of those licenses that have been handed out over the past few years are in conflict with Arbela's zoning. Some cases are lot size others are noise (barking etc.). Some are density and location of the business. Our Township zoning in most cases is more restrictive than the counties. For some the zoning requires a hearing at a public meeting before a zoning permit is issued if they can comply with requests.

Please, amend the Animal control ordinance to state that if an Arbela Township resident requests a Kennel License first they need to present a Sight plan signed off by Arbela's zoning officer.

Note: Our Zoning officer will ok the sight plan by the presence of their signature.

Thanks for the opportunity to input,

Joe White



Supervisor / Assessor

CC: Township Boards

Zoning Officer



---

**Animal Ordinance**

2 messages

---

**Malisa Pyles** <clerk@watertowntownship.org>  
To: Clayette Zechmeister <zclay@tuscolacounty.org>

Tue, Jan 14, 2020 at 9:50 AM

From a clerk's point of view, everything looks good clerical wise. This ordinance looks pretty standard, but as a clerk who has a lot of knowledge about dogs, weather it be the amount of people I know who breed or the fact that we hunt with dogs ect. The only change I feel needs to be made is under section 3. 3.2, I believe it should be an owner of a dog 6 months or older, not 4 months. a lot of people who breed and sell dogs still have them at 12-16 weeks of age. I feel 4 months is too young to have this kind of rule. But that is the only change I would make

--  
**Mallsa Pyles, Watertown Township Clerk**  
9405 Foster St PO Box 39  
Fostoria, MI 48435  
Watertown Township is an Equal Opportunity Employer  
989-795-2127

---

**Clayette Zechmeister** <zclay@tuscolacounty.org>  
To: Malisa Pyles <clerk@watertowntownship.org>

Tue, Jan 14, 2020 at 10:45 AM

Thank you for you input Malisa, I will include this to the board during their review of the ordinance.  
Have a great rest of your day!  
{Quoted text hidden}

--  
*Clayette A. Zechmeister*

**Clayette A. Zechmeister**  
Tuscola County Controller/Administrator  
125 W Lincoln St, Suite 500  
Caro, MI 48723  
zclay@tuscolacounty.org  
voice 989-672-3710  
fax 989-672-4011

Visit us Online for County Services @ [www.tuscolacounty.org](http://www.tuscolacounty.org)

**CONFIDENTIALITY NOTICE**

*The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited if you have received this communication in error. Please notify us by telephone immediately.*

Clayette A. Zechmeister

This in regards to draft for the Tuscola County Animal Control Ordinance.

Under Section 7 or any other section of this Ordinance would dead deer carcasses removal be included. Currently someone calls from Millington Township in regards to this issue, I have contacted the County Road Commission, however they state that the (DNR or EGLE) have instructed the County Road Commission just to be sure the dead carcass is off the road and pushed into the ditch for natural decomposition. Therefore, would this procedure change for dead deer carcass?

The Millington Township Board will meet on January 20, 2020, at this time I will present this ordinance for their review. If any additional questions arise from this meeting I will forward them to you.

Thank You

Terry Jones

Supervisor Millington Township





## TUSCOLA COUNTY CONTROLLER/ADMINISTRATOR'S OFFICE

Clayette A. Zechmeister  
Controller/Administrator  
zclay@tuscolacounty.org

125 W. Lincoln St., Suite 500  
Caro, Michigan 48723

Telephone  
989-672-3700

December 30, 2019

TO: All Township Clerk's, Supervisors, Village Officials and City Officials

RE: Proposed Tuscola County Animal Control Ordinance

*The Board of Commissioners are seeking your input on our newly revised Proposed Tuscola County Animal Control Ordinance. Please review and submit any questions or concerns to our office by e-mail or regular mail (address above) by January 24, 2020. The commissioners would like to review your comments at their Full Board Meeting on January 30th, 2020*

Thank you

--

*Clayette A. Zechmeister*

RECEIVED

JAN 07 2020

MILLINGTON TWP.

Visit us Online for County Services @ [www.tuscolacounty.org](http://www.tuscolacounty.org)

***January 8<sup>th</sup>, 2020 at 3:00 pm Received call from Doug Kramer ~  
Koylton Township Supervisor***

***Keep in contact with he might want to come in and talk to  
commissioners at the COW meeting on the 27<sup>th</sup> before the board takes  
action. 989-551-3806***

Concerns on the Animal Control Ordinance are:

2.13 How many?

2.22 Shelter (Cattle concerns in the field)

3.3 Not clear if you have to have a Kennel License (what about local ordinances?)

5.2 (f) Clarification of disposal (what about DNR on Dead deer disposal on side of road?)

6.10 Housing again concerns about cattle

7.1 "Properly Disposed of" better definition

10 Kennels "Definition" How many dogs? Local control 1<sup>st</sup> with their ordinances?

Deborah Babich  
 Tuscola County Finance Personnel Analyst  
 125 W Lincoln Street, Ste. 500  
 Caro, MI. 48723  
 Work: 989-672-3268  
 Fax: 989-672-4011  
 E-Mail: dbabich@tuscolacounty.org

Visit us Online for County Services @ [www.tuscolacounty.org](http://www.tuscolacounty.org)

**CONFIDENTIALITY NOTICE**

*The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited if you have received this communication in error. Please notify us by telephone immediately.*

On Mon, Dec 30, 2019 at 12:27 PM Karen Varney <supervisor@wellstwp.org> wrote:

For senior's price on license, what is the senior age? I have seen senior discounts for age 55, 60, 62...

When someone applies for dog kennel license, will county know what township's have a dog kennel ordinance?

On 2019/12/30 11:29 am, Debbie Babich wrote:

Good Morning,

The Board of Commissioners are seeking your input on our newly revised Proposed Tuscola County Animal Control Ordinance. Please review and submit any questions or concerns to our office by e-mail or regular mail (address below) by January 24, 2020.

The commissioners would like to review your comments at their Full Board Meeting on January 30th, 2020.

Thank you,

*Clayette A. Zechmeister*

Clayette A. Zechmeister  
 Tuscola County Controller/Administrator  
 125 W Lincoln St, Suite 500  
 Caro, MI 48723  
 zclay@tuscolacounty.org  
 voice 989-672-3710  
 fax 989-672-4011

Visit us Online for County Services @ [www.tuscolacounty.org](http://www.tuscolacounty.org)

**CONFIDENTIALITY NOTICE**

*The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited if you have received this communication in error. Please notify us by telephone immediately.*

Government Relations and Legislative Representative Services

The County of Tuscola (COT) is issuing this Request For Proposal (RFP) for one or more qualified vendors (individuals and/or firms) to provide State of Michigan government relations and legislative representation services (“lobbying”) that promotes COT’s interests before the State of Michigan legislature and State of Michigan executive branch in Lansing, MI.

The work is needed in the following categories:

- 1. The executive and legislative branches of the State.
- 2. Business Leaders within the County of Tuscola and those that have an impact on the COT.

**Background:**

Tuscola County is a residential community located in the “Thumb” of Michigan, with a population approaching 52,764. The county was created by Michigan Law on April 1, 1840 and authorized to establish its own government in 1850. The County’s fiscal year begins on January 1<sup>st</sup> and ends on December 31<sup>st</sup>. Further information about Tuscola County can be obtained on the County’s website [www.tuscolacounty.org](http://www.tuscolacounty.org) or by contacting Clayette Zechmeister, County Controller/Administer, at 989-672-3700.

**Scope of Work:**

The Project consists of furnishing Contract Services to perform the work specified herein. The Contract Services shall include, but not be limited to the following disciplines or functions:

- 1. To advise COT of legislation or regulations being proposed or acted upon by the State of Michigan and Michigan government agencies with jurisdiction over the COT that may affect COT and its operations.
- 2. Initiate, develop and/or enhance relationships between COT and the State of Michigan and Michigan government agencies with jurisdiction over COT. Coordinating and physically accompanying County Controller/Administrator and/or COT Board Members on visits to Lansing. Also, coordinating the scheduling of and physically accompanying other COT designated representatives on an as needed basis to conduct meetings with state House and Senate members and/or staff regarding issues relevant to COT.
- 3. Must be a registered State of Michigan lobbyist or otherwise lawfully permitted to lobby on behalf of COT before state government, state government agencies with jurisdiction over COT.
- 4. Advise and consult with COT officials relative to the initiation, development, management or enhancement of strategic initiatives and brand-based issue advocacy.

**Due Date:**

Date: February 14, 2020

Time: 4:00 P.M. (Eastern Standard Time)

Please note that bids can be mailed or delivered to:

County of Tuscola Controller/Administrator's Office  
125 W. Lincoln Street  
Caro, MI 48723  
2clay@tuscolacounty.org

All proposals must be submitted in a Sealed Envelope marked: "RFP-  
GOVERNMENTAL REPRESENTATION AND CONSULTING SERVICES"

**Minimum qualifications:**

The qualified vendor(s) must demonstrate competency in providing the work at the state level by providing a list of current clients for whom they have performed similar work showing demonstrable detailed experience comparable to the scope of services specifically described for this solicitation.

The proposer(s) must demonstrate that they, or the principals assigned to the project, have successfully performed the work in the Scope of Work section of this RFP by providing examples of similar work provided within the last 2 years.

**Address:**

County of Tuscola Controller/Administrator's Office  
125 W. Lincoln Street  
Caro, MI 48723

D.



**UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Census Bureau**

Office of the Director  
Washington, DC 20233-0001 Mail Stop 7400

**BVP-L3-I  
(9-2019)**

OMB Control No.: 0607-0151  
Expiration Date: 11-30-2021

January 2020

Sequence: 020800-001252  
BAS ID: 22615700000

Mr. Tom Bardwell  
Chairman  
Board of Commissioners  
125 W Lincoln St Ste 500  
Caro, MI 48723

A Message from the Director, U.S. Census Bureau:

The U.S. Census Bureau is now conducting the Initial Boundary Validation Program (BVP). The Initial BVP is your opportunity, as the Highest Elected Official, to review the Census Bureau's boundary data to ensure the Census Bureau has the correct legal boundary, name, and status for your government. The Census Bureau uses this boundary information to tabulate data for the 2020 Census.

The Initial BVP package includes an Initial BVP form and paper maps, or a CD/DVD containing maps, for your government. The maps should reflect the legal boundary for your government effective on January 1, 2020. **Please review our depiction of your legal boundary for accuracy and return the completed Initial BVP form by March 1, 2020.** Return the completed Initial BVP form by email at <geo.bas@census.gov>, by fax (1-800-972-5652), or using the enclosed postage-paid envelope.

The Initial BVP is conducted in parallel with the 2020 Boundary and Annexation Survey (BAS). Your state participates in a BAS state agreement, so your state BAS contact is responsible for submitting updates to the BAS on behalf of your government. If any information is incorrect, please work with your state BAS contact to submit corrections. Contact information for your state's BAS contact is printed below. If boundary updates are submitted to the BAS by March 1, 2020, you will have an additional opportunity to verify your government's boundaries prior to the final data tabulation for the 2020 Census. Changes received after March 1, 2020 will be used to correct the boundary, but we will not have sufficient time to send you an updated map before final data tabulations.

**State BAS Contact Information**

Our records indicate your state BAS contact is:

Name: Mr. Timothy Lauxmann  
Position: Geodata Manager  
Department: MI Dept of Technology, Management, & Budget  
Mailing Address: 111 S Capital Ave Fl 10  
Lansing, MI 48933-1555  
Phone: 517-241-8840  
Email: lauxmann@michigan.gov

Please contact the Census Bureau with questions about the BVP or BAS through email at <geo.bas@census.gov>, by phone at 1-800-972-5651, or visit our website at <<https://www.census.gov/programs-surveys/bas/information/bvp.html>>. Thank you for your participation in the Initial BVP.

Enclosures





**UNITED STATES DEPARTMENT OF COMMERCE**  
**U.S. Census Bureau**

Office of the Director  
Washington, DC 20233-0001 Mail Stop 7400

BAS ID: 22615700000  
Sequence: 020800-001252



## 2020 Initial Boundary Validation Program (BVP)

The U.S. Census Bureau is now conducting the Initial BVP. The Initial BVP is your opportunity, as the Tribal Chair (TC)/Highest Elected Official (HEO), to review and ensure the Census Bureau's boundary data for your government is accurate. The enclosed paper maps or maps on the CD/DVD should reflect the legal boundary for your government effective on January 1, 2020.

**Please review the maps for accuracy, then complete and return this form to the Census Bureau by March 1, 2020.** (Please check a box. Sign below if the boundary is correct.)

- The legal boundary for our government is correct.** (Please sign below.)  
 **The legal boundary for our government is NOT correct.**

I, as the Tribal Chair/Highest Elected Official, verify that the boundary for our governmental unit is correct.

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Tribal Reservation/Government Name:** Tuscola **State:** MI

If the Census Bureau's boundary is incorrect, please work with your Boundary and Annexation Survey (BAS) contact to submit corrections through the BAS program. Information for your BAS contact is found on the cover letter in this package.

Please review and correct the contact information printed below. Our records indicate the TC/HEO contact is:

Name: Mr. Tom Bardwell  
Position: Chairman  
Department: Board of Commissioners  
Mailing Address: 125 W Lincoln St Ste 500  
Caro, MI 48723  
Phone: 989-672-3700  
Email: [tbardwell@tuscolacounty.org](mailto:tbardwell@tuscolacounty.org)

### Form return options:

**Email:**

Scan and email the completed form to  
<[geo.bas@census.gov](mailto:geo.bas@census.gov)>.

**Fax:**

Fax the completed form to  
**1-800-972-5652**

**Mail:**

Use the provided postage-paid envelope to mail the completed form to

**U.S. Census Bureau**  
**National Processing Center**  
**Attn: BVP Returns, Bldg. 63E**  
**1201 East 10th Street**  
**Jeffersonville, IN 47132**

We estimate that completing this program will take a total of 2 hours on average. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to <geo.bas@census.gov>. This collection has been approved by the Office of Management and Budget (OMB). The eight digit OMB approval number that appears at the upper left of the letter confirms this approval. If this number were not displayed, we could not conduct this survey. The Census Bureau conducts this program under the legal authority of the Title 13 U.S. Code, Section 6.



# Boundary Validation Program

## What is the 2020 Boundary Validation Program (BVP)?

The BVP provides Tribal Chairs (TCs) and Highest Elected Officials (HEOs) of eligible tribal, state, and local governments a final opportunity to ensure the U.S. Census Bureau has the correct legal boundary, name, and status for their government. The Census Bureau will use this information to tabulate data for the 2020 Census.



The BVP validates the creation, dissolution, and changes in boundaries for:

- All federally recognized tribes with reservations and/or off-reservation trust land.
- All actively functioning counties or county equivalents.
- Incorporated places (including consolidated cities).
- All functioning minor civil divisions.
- Municipios, barrios, barrio-pueblos and subbarrios in Puerto Rico.

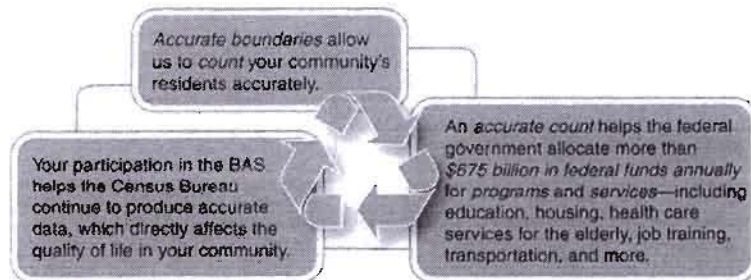
## How does the BVP relate to Boundary and Annexation Survey (BAS)?

The BVP is conducted every (10) years to provide TCs and HEOs the opportunity to review the boundary data collected during the BAS. The program is administered in two phases (Initial BVP and Final BVP) and runs in parallel with the 2020 BAS. TCs and HEOs will receive BVP materials approximately (2) weeks after the BAS contact receives the 2020 BAS annual response e-mail or letter. This provides TCs and HEOs an opportunity to review their legal boundary to verify or provide corrections prior to the 2020 Census. If boundary corrections are required, TCs and HEOs are instructed to work with their BAS contact to provide updates through the 2020 BAS.

## How does the BVP benefit you?

The U.S. Census Bureau uses legal boundaries collected through the BAS to tabulate data for the 2020 Census.

Responding to the BVP ensures that tribal, state, and local governments have the most accurate boundary data available for the tabulation of the 2020 Census housing and population counts. This data is the base for ongoing programs such as the American Community Survey and Population Estimates Program. Government agencies and other groups use this tabulated data to allocate \$675 billion of government funds to communities across the country. Legal boundary data is also made publicly available and is used by federal agencies, researchers, and the public.



United States<sup>®</sup>  
**Census**  
Bureau

U.S. Department of Commerce  
U.S. CENSUS BUREAU  
[census.gov](https://www.census.gov)

BAS



## What is the Boundary and Annexation Survey (BAS)?

Every year, the Census Bureau conducts the BAS to collect information about selected legally defined geographic areas. The BAS invites governments to report official name changes, (dis) incorporations, and (de) annexations. Governments can also update boundaries, features, and landmarks for:

- Federally recognized tribes with reservations or off-reservation trust lands.
- Cities, towns, boroughs, and villages (incorporated places).
- Townships and towns (minor civil divisions).
- Counties (or county equivalents).
- Consolidated cities.
- Roads and other applicable features.

## Contact Information

**E-mail Address:**  
[geo.bas@census.gov](mailto:geo.bas@census.gov)

**Phone Number:** 1-800-972-5651

**Web site:**  
<https://www.census.gov/programs-surveys/bas/information/bvp.html>

**Connect with us**  
[@uscensusbureau](https://twitter.com/uscensusbureau)

## How to participate?

The BVP is conducted in two phases, [Initial BVP](#) and [Final BVP](#). During each of these phases, TCs and HEOs are instructed to work with their BAS contact to review and update their government's boundary, name, and status information. TCs and HEOs do not need to register to participate in BVP. The materials will be provided automatically.

### Initial BVP

The Initial BVP materials include an Initial BVP letter, form, and paper maps or a CD/DVD containing PDF maps. The maps should reflect the legal boundary for the government effective on January 1, 2020. TCs and HEOs are instructed to review the Census Bureau's depiction of the legal boundary for accuracy and to return the completed Initial BVP form by March 1, 2020.

If the information is correct, no further action is required.

If any information is incorrect, TCs and HEOs should work with their BAS contact to submit corrections through the 2020 BAS. If boundary updates are submitted to the BAS by March 1, 2020, TCs and HEOs will have an additional opportunity to verify their government's boundary prior to final data tabulation for the 2020 Census. Changes received after March 1, 2020 will be used to correct the boundary, but there will not be sufficient time to send updated maps before final data tabulations for the 2020 Census.

### Final BVP

The Final BVP provides an opportunity for TCs and HEOs to review recent boundary updates provided through the 2020 BAS. Only governments that reported corrections to the 2020 BAS on or before March 1, 2020 will receive Final BVP materials. The Final BVP materials include a Final BVP letter, form, and a paper map or map index sheet. The maps should reflect the legal boundary for the government effective on January 1, 2020. TCs and HEOs are instructed to review the Census Bureau's depiction of the legal boundary for accuracy and to return the completed Final BVP within five (5) business days.

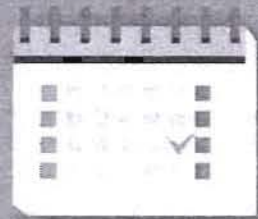
If the boundary is correct, no further action is required.

If any information is incorrect, TCs and HEOs should work with their BAS contact to submit corrections, within five (5) business days of receipt of materials.

## Responding with boundary updates is easy.

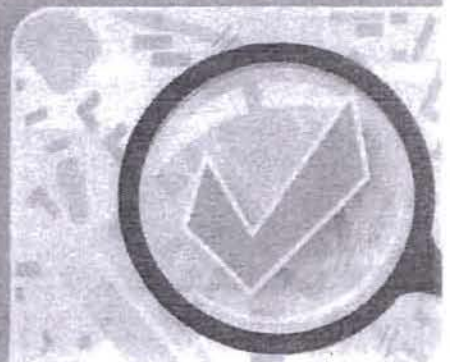
The Census Bureau provides multiple free, user-friendly methods for the BAS contact to report boundary corrections through participation in BAS.

- **Paper option:** Participants can request free paper maps and annotation materials from the BAS Web site.
- **Basic digital option:** The Geographic Update Partnership Software (GUPS) is a free, customized Geographic Information Systems (GIS) tool. It was specifically developed for people who do not have geographic training or are not experienced GIS users. Please note that the GUPS option will not be available to report boundary updates during the Final BVP phase.
- **Advanced digital option:** Experienced GIS users have the opportunity to download shapefiles from the BAS Web site and make updates using their own GIS software (e.g., ArcGIS).

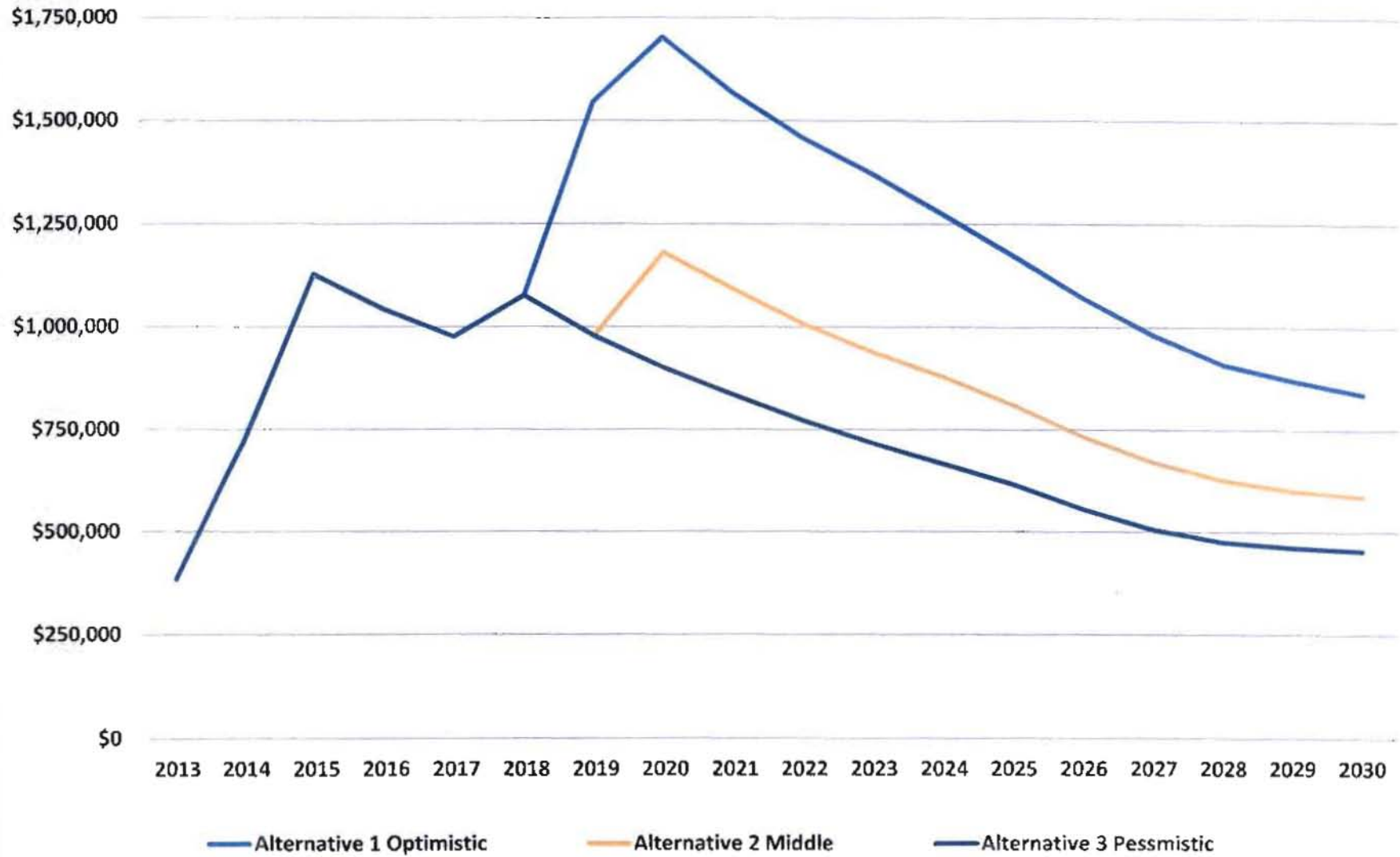


## Schedule

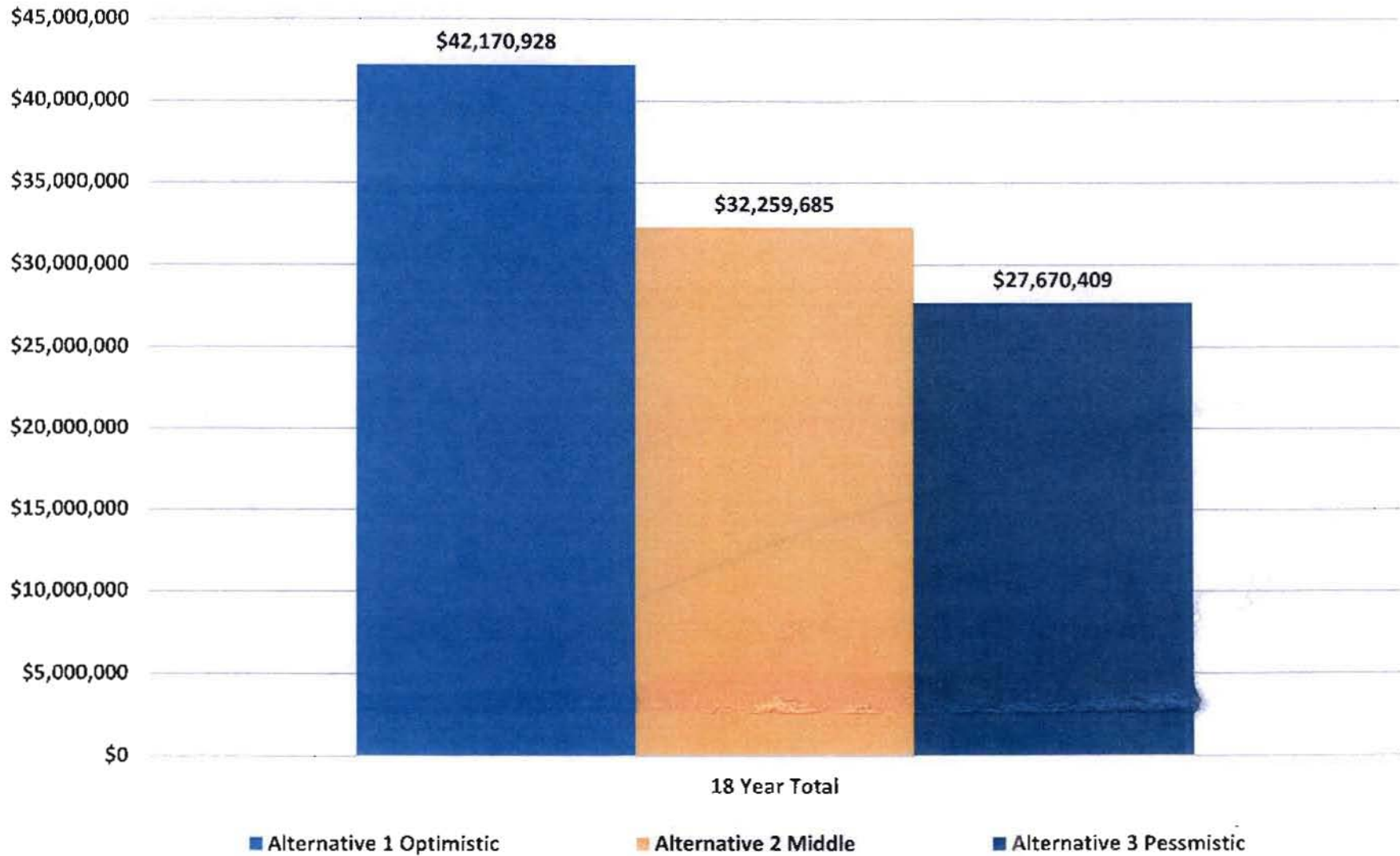
- January 1, 2020—Legal boundary updates must be in effect on or before this date to be included in the 2020 Census.
- January 2020—BAS and Initial BVP materials will be mailed.
- March 1, 2020—Boundary updates submitted by this date will receive Final BVP materials to provide governments an opportunity to confirm that the correct legal boundary is used for 2020 Census data tabulations.
- May 31, 2020—Boundary updates sent by this date will be reflected in the 2020 Census.
- June 2020—Final BVP materials will be mailed. Participants have until July 2020 to respond with updates or approval of the legal boundaries.



Actual and Projected County General Fund Wind Turbine Revenue



### Actual and Projected Total 18 Year County Government Wind Turbine Revenue



Projected County Wind Turbine Revenue									
Year	Alternative 1 Optimistic			Alternative 2 Middle			Alternative 3 Pessimistic		
	General Fund	Special Revenue Funds	Total	General Fund	Special Revenue Funds	Total	General Fund	Special Revenue Funds	Total
2013	\$383,162	\$448,153	\$831,315	\$383,162	\$448,153	\$831,315	\$383,162	\$448,153	\$831,315
2014	\$721,121	\$659,199	\$1,380,320	\$721,121	\$659,199	\$1,380,320	\$721,121	\$659,199	\$1,380,320
2015	\$1,127,177	\$1,079,343	\$2,206,520	\$1,127,177	\$1,079,343	\$2,206,520	\$1,127,177	\$1,079,343	\$2,206,520
2016	\$1,042,518	\$1,024,912	\$2,067,430	\$1,042,518	\$1,024,912	\$2,067,430	\$1,042,518	\$1,024,912	\$2,067,430
2017	\$975,701	\$1,096,327	\$2,072,028	\$975,701	\$1,096,327	\$2,072,028	\$975,701	\$1,096,327	\$2,072,028
2018	\$1,076,413	\$1,209,490	\$2,285,903	\$1,076,413	\$1,209,490	\$2,285,903	\$1,076,413	\$1,209,490	\$2,285,903
2019	\$1,545,045	\$1,736,059	\$3,281,104	\$977,985	\$1,098,893	\$2,076,878	\$977,985	\$1,098,893	\$2,076,878
2020	\$1,702,493	\$1,912,972	\$3,615,465	\$1,180,406	\$1,326,340	\$2,506,746	\$900,915	\$1,012,295	\$1,913,210
2021	\$1,567,461	\$1,761,246	\$3,328,707	\$1,090,840	\$1,225,700	\$2,316,540	\$834,128	\$937,251	\$1,771,379
2022	\$1,458,066	\$1,638,326	\$3,096,392	\$1,005,605	\$1,129,928	\$2,135,533	\$771,930	\$867,364	\$1,639,294
2023	\$1,370,150	\$1,539,542	\$2,909,692	\$937,262	\$1,053,136	\$1,990,398	\$715,494	\$803,950	\$1,519,444
2024	\$1,272,066	\$1,429,331	\$2,701,397	\$877,073	\$985,505	\$1,862,578	\$664,859	\$747,056	\$1,411,915
2025	\$1,172,600	\$1,317,569	\$2,490,169	\$807,882	\$907,761	\$1,715,643	\$614,466	\$690,657	\$1,305,123
2026	\$1,069,185	\$1,201,368	\$2,270,553	\$731,660	\$822,115	\$1,553,775	\$553,514	\$621,945	\$1,175,459
2027	\$979,227	\$1,100,289	\$2,079,516	\$668,354	\$750,982	\$1,419,336	\$503,689	\$565,961	\$1,069,650
2028	\$908,270	\$1,020,559	\$1,928,829	\$624,541	\$701,753	\$1,326,294	\$473,214	\$531,718	\$1,004,932
2029	\$870,324	\$977,922	\$1,848,246	\$598,477	\$672,467	\$1,270,944	\$460,748	\$517,708	\$978,456
2030	\$836,936	\$940,406	\$1,777,342	\$584,614	\$656,890	\$1,241,504	\$452,599	\$508,554	\$961,153
<b>18 Year Total</b>	<b>\$20,077,915</b>	<b>\$22,093,013</b>	<b>\$42,170,928</b>	<b>\$15,410,791</b>	<b>\$16,848,894</b>	<b>\$32,259,685</b>	<b>\$13,249,633</b>	<b>\$14,420,776</b>	<b>\$27,670,409</b>



Tuscola County

Clayette Zechmeister &lt;zclay@tuscolacounty.org&gt;

---

**Hearing held, but no vote taken, on SB 46, bill amending General Property Tax to specify method for establishing true cash value of wind energy systems**

---

Jean Doss &lt;jdoss@capitol-services.org&gt;

Thu, Jan 23, 2020 at 8:51 AM

To: Mark Jensen &lt;mjensen@tuscolacounty.org&gt;

Cc: Clayette Zechmeister &lt;zclay@tuscolacounty.org&gt;, Thomas Bardwell &lt;tbardwell@tuscolacounty.org&gt;, Kim Vaughan &lt;kvaughan@tuscolacounty.org&gt;, Ben Bodkin &lt;bbodkin@capitol-services.org&gt;

Commissioner Jensen:

Thank you so much for this background - it's very helpful!

As you know from watching the live stream of yesterday's Senate Finance Committee Hearing, the Committee took testimony on SB 46 (sponsored by Sen. Curt VanderWall), but no vote was taken. I am told that no vote is planned in the immediate future, as committee members are still studying the issue and the bill. There were a number of individuals and groups that attended the hearing and submitted cards indicating they wished to speak but time ran out. This included Tuscola ISD Superintendent Gene Pierce.

As you know, the bill would amend the General Property Tax Act to specify that the true cash value of a wind energy system would be the sum of its original (historical) installed cost multiplied by an applicable multiplier, plus the value of specified property interests. I've attached the most recent Senate Fiscal Agency analysis of the bill.

I spoke with one of the lead lobbyists for the MREC Coalition, Andrew Richner, and told him that I have represented Tuscola County since April, and at least in the near term, will be monitoring issues of interest to the county, such as SB 46. We didn't have a chance to talk at length but I will follow up with him later (this week or next).

Again, I appreciate you sharing this info and background on Tuscola County's interest in SB 46.

One last thing: I have come to treat Clayette, Chairman Bardwell and Commissioner Vaughan as my unofficial 'legislative team' during the fight for a new hospital at the Caro Center. That is why I am copying them on emails like this one. I will add you to that team. At some point, if our firm continues to represent Tuscola in Lansing, I ask who should be my main contact for these kinds of emails; for example, if Clayette should receive my emails and then forward to the whole Commission or to a particular committee of the Commission. I will follow-up with Clayette on this question.

In any event, I will stay in touch on this and other legislative items!

Thank you,

Jean

# SENATE BILL NO. 46

January 22, 2019, Introduced by Senator VANDERWALL and referred to the Committee on Finance.

A bill to amend 1893 PA 206, entitled  
"The general property tax act,"  
by amending section 27 (MCL 211.27), as amended by 2013 PA 162.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 27. (1) As used in this act, "true cash value" means the  
2 usual selling price at the place where the property to which the  
3 term is applied is at the time of assessment, being the price that  
4 could be obtained for the property at private sale, and not at  
5 auction sale except as otherwise provided in this section, or at

1 forced sale. The usual selling price may include sales at public  
2 auction held by a nongovernmental agency or person if those sales  
3 have become a common method of acquisition in the jurisdiction for  
4 the class of property being valued. The usual selling price does  
5 not include sales at public auction if the sale is part of a  
6 liquidation of the seller's assets in a bankruptcy proceeding or if  
7 the seller is unable to use common marketing techniques to obtain  
8 the usual selling price for the property. A sale or other  
9 disposition by this state or an agency or political subdivision of  
10 this state of land acquired for delinquent taxes or an appraisal  
11 made in connection with the sale or other disposition or the value  
12 attributed to the property of regulated public utilities by a  
13 governmental regulatory agency for rate-making purposes is not  
14 controlling evidence of true cash value for assessment purposes. In  
15 determining the true cash value, the assessor shall also consider  
16 the advantages and disadvantages of location; quality of soil;  
17 zoning; existing use; present economic income of structures,  
18 including farm structures; present economic income of land if the  
19 land is being farmed or otherwise put to income producing use;  
20 quantity and value of standing timber; water power and privileges;  
21 minerals, quarries, or other valuable deposits not otherwise exempt  
22 under this act known to be available in the land and their value.  
23 In determining the true cash value of personal property owned by an  
24 electric utility cooperative, the assessor shall consider the  
25 number of kilowatt hours of electricity sold per mile of  
26 distribution line compared to the average number of kilowatt hours  
27 of electricity sold per mile of distribution line for all electric  
28 utilities.

29 (2) The assessor shall not consider the increase in true cash



1 value that is a result of expenditures for normal repairs,  
2 replacement, and maintenance in determining the true cash value of  
3 property for assessment purposes until the property is sold. For  
4 the purpose of implementing this subsection, the assessor shall not  
5 increase the construction quality classification or reduce the  
6 effective age for depreciation purposes, except if the appraisal of  
7 the property was erroneous before nonconsideration of the normal  
8 repair, replacement, or maintenance, and shall not assign an  
9 economic condition factor to the property that differs from the  
10 economic condition factor assigned to similar properties as defined  
11 by appraisal procedures applied in the jurisdiction. The increase  
12 in value attributable to the items included in subdivisions (a) to  
13 (c) that is known to the assessor and excluded from true cash value  
14 shall be indicated on the assessment roll. This subsection applies  
15 only to residential property. The following repairs are considered  
16 normal maintenance if they are not part of a structural addition or  
17 completion:

18 (a) Outside painting.

19 (b) Repairing or replacing siding, roof, porches, steps,  
20 sidewalks, or drives.

21 (c) Repainting, repairing, or replacing existing masonry.

22 (d) Replacing awnings.

23 (e) Adding or replacing gutters and downspouts.

24 (f) Replacing storm windows or doors.

25 (g) Insulating or weatherstripping.

26 (h) Complete rewiring.

27 (i) Replacing plumbing and light fixtures.

28 (j) Replacing a furnace with a new furnace of the same type or  
29 replacing an oil or gas burner.

1 (k) Repairing plaster, inside painting, or other redecorating.

2 (l) New ceiling, wall, or floor surfacing.

3 (m) Removing partitions to enlarge rooms.

4 (n) Replacing an automatic hot water heater.

5 (o) Replacing dated interior woodwork.

6 (3) A city or township assessor, a county equalization  
7 department, or the state tax commission before utilizing real  
8 estate sales data on real property purchases, including purchases  
9 by land contract, to determine assessments or in making sales ratio  
10 studies to assess property or equalize assessments shall exclude  
11 from the sales data the following amounts allowed by subdivisions  
12 (a), (b), and (c) to the extent that the amounts are included in  
13 the real property purchase price and are so identified in the real  
14 estate sales data or certified to the assessor as provided in  
15 subdivision (d):

16 (a) Amounts paid for obtaining financing of the purchase price  
17 of the property or the last conveyance of the property.

18 (b) Amounts attributable to personal property that were  
19 included in the purchase price of the property in the last  
20 conveyance of the property.

21 (c) Amounts paid for surveying the property pursuant to the  
22 last conveyance of the property. The legislature may require local  
23 units of government, including school districts, to submit reports  
24 of revenue lost under subdivisions (a) and (b) and this subdivision  
25 so that the state may reimburse those units for that lost revenue.

26 (d) The purchaser of real property, including a purchaser by  
27 land contract, may file with the assessor of the city or township  
28 in which the property is located 2 copies of the purchase agreement  
29 or of an affidavit that identifies the amount, if any, for each

1 item listed in subdivisions (a) to (c). One copy shall be forwarded  
2 by the assessor to the county equalization department. The  
3 affidavit shall be prescribed by the state tax commission.

4 (4) In finalizing sales studies for property classified as  
5 agricultural real property under section 34c, an assessor and  
6 equalization director shall determine if an affidavit for the  
7 property has been filed under section ~~27a(7)(a)~~—27a(7)(o). If an  
8 affidavit has not been filed, the property shall be reviewed to  
9 determine if classification as agricultural real property under  
10 section 34c is correct or should be changed. The assessor for the  
11 local tax collecting unit in which the property is located shall  
12 contact the property owner to determine why the property owner did  
13 not file an affidavit under section ~~27a(7)(a)~~—27a(7)(o). Unless  
14 there are convincing facts to the contrary, the sale of property  
15 classified as agricultural real property under section 34c for  
16 which an affidavit under section ~~27a(7)(a)~~—27a(7)(o) has not been  
17 filed shall not be included in a sales study.

18 (5) As used in subsection (1), "present economic income" means  
19 for leased or rented property the ordinary, general, and usual  
20 economic return realized from the lease or rental of property  
21 negotiated under current, contemporary conditions between parties  
22 equally knowledgeable and familiar with real estate values. The  
23 actual income generated by the lease or rental of property is not  
24 the controlling indicator of its true cash value in all cases. This  
25 subsection does not apply to property subject to a lease entered  
26 into before January 1, 1984 for which the terms of the lease  
27 governing the rental rate or tax liability have not been  
28 renegotiated after December 31, 1983. This subsection does not  
29 apply to a nonprofit housing cooperative subject to regulatory

1 agreements between the state or federal government entered into  
2 before January 1, 1984. As used in this subsection, "nonprofit  
3 cooperative housing corporation" means a nonprofit cooperative  
4 housing corporation that is engaged in providing housing services  
5 to its stockholders and members and that does not pay dividends or  
6 interest upon stock or membership investment but that does  
7 distribute all earnings to its stockholders or members.

8 (6) Except as otherwise provided in subsection (7), the  
9 purchase price paid in a transfer of property is not the  
10 presumptive true cash value of the property transferred. In  
11 determining the true cash value of transferred property, an  
12 assessing officer shall assess that property using the same  
13 valuation method used to value all other property of that same  
14 classification in the assessing jurisdiction. As used in this  
15 subsection and subsection (7), "purchase price" means the total  
16 consideration agreed to in an arms-length transaction and not at a  
17 forced sale paid by the purchaser of the property, stated in  
18 dollars, whether or not paid in dollars.

19 (7) The purchase price paid in a transfer of eligible  
20 nonprofit housing property from a charitable nonprofit housing  
21 organization to a low-income person that occurs after December 31,  
22 2010 is the presumptive true cash value of the eligible nonprofit  
23 housing property transferred. In the year immediately succeeding  
24 the year in which the transfer of eligible nonprofit housing  
25 property occurs and each year thereafter, the taxable value of the  
26 eligible nonprofit housing property shall be adjusted as provided  
27 under section 27a. As used in this subsection:

28 (a) "Charitable nonprofit housing organization" means a  
29 charitable nonprofit organization the primary purpose of which is

1 the construction or renovation of residential housing for  
2 conveyance to a low-income person.

3 (b) "Eligible nonprofit housing property" means property owned  
4 by a charitable nonprofit housing organization, the ownership of  
5 which the charitable nonprofit housing organization intends to  
6 transfer to a low-income person after construction or renovation of  
7 the property is completed.

8 (c) "Family income" and "statewide median gross income" mean  
9 those terms as defined in section 11 of the state housing  
10 development authority act of 1966, 1966 PA 346, MCL 125.1411.

11 (d) "Low-income person" means a person with a family income of  
12 not more than 60% of the statewide median gross income who is  
13 eligible to participate in the charitable nonprofit housing  
14 organization's program based on criteria established by the  
15 charitable nonprofit housing organization.

16 (8) For purposes of a statement submitted under section 19,  
17 the true cash value of a standard tool is the net book value of  
18 that standard tool as of December 31 in each tax year as determined  
19 using generally accepted accounting principles in a manner  
20 consistent with the established depreciation method used by the  
21 person submitting that statement. The net book value of a standard  
22 tool for federal income tax purposes is not the presumptive true  
23 cash value of that standard tool. As used in this subsection,  
24 "standard tool" means that term as defined in section 9b.

25 (9) For purposes of a statement submitted under section 19,  
26 the true cash value of a wind energy system is the sum of its  
27 original (historical) installed cost multiplied by the applicable  
28 multiplier, plus the value of any applicable easements, rights-of-  
29 way, or leasehold interests prorated per megawatt for each wind

1 turbine, but not less than \$29,067.00 per megawatt. As used in this  
2 subsection:

3 (a) "Applicable multiplier" means 1 of the following:

4 (i) For each wind energy system reported, a multiplier set  
5 forth in a table of multipliers adopted by the state tax commission  
6 on or before November 30, 2019 based on the following assumptions:

7 (A) The average service life of a wind energy system is at  
8 least 30 years.

9 (B) The appropriate multiplier for the year immediately  
10 succeeding completed installation of a wind energy system is 1.0;  
11 for each year that passes thereafter, the appropriate reduction of  
12 the multiplier must not exceed 0.04; and, no matter how many years  
13 pass after installation, the multiplier must be at least 0.4 until  
14 the wind energy system is physically removed.

15 (C) No adjustments to multipliers are to be made for tax or  
16 other governmental incentives.

17 (ii) If the state tax commission fails to adopt the multiplier  
18 table described in subparagraph (i) on or before November 30, 2019,  
19 for each wind energy system reported, a multiplier set forth in a  
20 table that the state tax commission shall adopt on or before  
21 December 31, 2019 based on the following assumptions:

22 (A) The average service life of a wind energy system is at  
23 least 30 years.

24 (B) The appropriate multiplier for the year immediately  
25 succeeding completed installation of a wind energy system is 1.0;  
26 for each year that passes thereafter, the appropriate reduction of  
27 the multiplier is 0.04; and, once the multiplier for a wind energy  
28 system is reduced to 0.4, it remains 0.4 for all subsequent years  
29 until the wind energy system is physically removed.

1 (C) No adjustments to multipliers are to be made for tax or  
2 other governmental incentives.

3 (b) "Original (historical) installed cost" means the original  
4 cost new of all site improvements in the year incurred reported in  
5 accordance with the asset recording methods required under  
6 generally accepted accounting principles, including, but not  
7 limited to, those costs described in subparagraphs (i) and (ii), and  
8 subject to subparagraph (iii), as follows:

9 (i) Direct costs, including, but not limited to, costs of  
10 installation, equipment, materials, and labor; costs of the rotor,  
11 drive train, tower, controls, electric interface, and tower  
12 foundation; costs of all land improvements other than buildings,  
13 including, but not limited to, roads and fences; costs of computer  
14 equipment and communication facilities; and the contractor's profit  
15 required to construct the wind energy system.

16 (ii) Indirect costs, including, but not limited to,  
17 administrative costs, overhead, freight, wind studies, and  
18 professional fees; financing costs, including interest paid on  
19 construction loans; taxes, including sales tax; and the builder's  
20 or developer's all-risk insurance during construction.

21 (iii) Costs under this subdivision shall be determined without  
22 adjustment for purchase-method, fresh-start, or push-down  
23 accounting and without reduction for the value of any tax or other  
24 governmental incentives.

25 (c) "Wind energy system" means that term as defined in section  
26 8(l).