

**TUSCOLA COUNTY ANIMAL CONTROL ORDINANCE**

**County of Tuscola, Michigan**

**ARTICLE I  
PURPOSE**

To protect the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and, in particular, Act 339 of Public Acts of 1919, as amended, being Sections 287.261-287.290 of the Compiled Laws of 1948, (MSA Sections 12.511-12.543), and to regulate and control the conduct, keeping care of dogs and certain other animals, livestock and poultry; the County of Tuscola, Michigan adopts the following Ordinance:

**ARTICLE II  
DEFINITIONS**

For the purpose of the Ordinance, the following terms shall have the following meanings respectively designated for each:

(a) ANIMALS. Unless otherwise stated, the word "Animal" as used in this Ordinance shall include birds, fish, mammals and reptiles.

(b) LIVESTOCK means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burrows, goats, kids, hogs, and swine being raised in captivity.

(c) POULTRY means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeder's license pursuant to part 427 (breeders and dealers) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.42701 to 324.42714 of the Michigan Compiled Laws.

(d) **LAW ENFORCEMENT OFFICER** means any person employed or elected by the people of the State of Michigan, or by any municipality, county, or township, whose duty it is to preserve peace or to make arrest or to enforce the law, and includes sheriff deputies, police, conservation officers and State Police officers. If the County has appointed an "Animal Control Officer," that person shall also be a Law Enforcement Officer for purpose of this Ordinance.

(f) **OWNER.** The term "owner" and "persons owning premises" shall mean both the owner of title of record and those occupying or in possession of any property or premise.

The term "owner" when applied to the proprietorship of an animal means every person having a right of property in the animal, an authorized agent of the owner, or every person who knowingly and intentionally keeps or harbors the animal on his premises.

(g) **PERSON.** The word "person" shall include state and local officers or employees, individuals, corporations, co-partnerships and associations.

(h) **KENNEL.** The term "kennel" shall mean any establishment wherein or whereon three (3) or more dogs not individually licensed are confined and kept for sale, boarding, breeding or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in the kennel.

(k) **DAY** shall mean a calendar day.

(l) **BOARD OF COMMISSIONERS** shall mean the Tuscola County Board of Commissioners.

(m) **TREASURER** shall mean the Tuscola County Treasurer.

(m) NON-AGRICULTURAL AREA shall mean any area zoned by a city, village, township or other governmental body, agency or commission as other than for agricultural purposes.

(n) CRUELTY shall mean intentionally or knowingly torturing or seriously overworking an animal; failing unreasonably to provide necessary food, care or shelter for an animal; unreasonably abandoning an animal; transporting or confining an animal in a cruel manner; killing, injuring or administering poison to an animal belonging to another without legal authority; or causing one animal to fight with another.

(o) HUNTING means allowing a dog to range freely within sight or sound of its owner while in the course of hunting legal game or an unprotected animal.

(p) ATTACK DOG is defined as a dog that has been trained by an owner or by an instructor to attack human beings.

(q) GUARD DOG is defined as a dog that is left unattended at a place of business outside of business hours.

(r) DANGEROUS ANIMAL means a dog or other animal that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

(i) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner;

(ii) An animal that bites or attacks a person who provokes or torments the animal;

(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 a lawful activity or is the subject of an assault; or

(iv) Livestock or poultry.

(s) PROVOKE means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.

(t) SERIOUS INJURY means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

(u) TORTURE means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment than an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

(v) STRAY means any animal that:

(i) is not physically restrained, on property other than owners, in a manner that physically prevents that animal from leaving that property or reaching any public areas; or

(ii) when not in compliance with subsection 1, is not restrained by a leash, tether or other physical control device not to exceed six (6) feet in length and under the physical control of a person.

(w) AUTHORIZED SHELTER means any kennel, animal shelter, stable, farm or other properly licensed facility that is designated by the Board of Commissioners through resolution as a shelter under this Ordinance for purposes of accepting seized and confined dogs and animals. If the County operates an Animal Control Agency with a

Animal Shelter, that Shelter shall by default be the "Authorized Shelter" for purpose of this Ordinance.

**ARTICLE III  
LAW ENFORCEMENT OFFICERS  
DUTIES, AUTHORITY AND RESPONSIBILITIES**

**Section 1.**

A Law Enforcement Officer may fulfill the following duties:

(a) A Law Enforcement Officer may promptly seize and place in an Authorized Shelter any dog or other animal, including livestock or poultry, found to be a Stray Animal or that is being kept or harbored any place within the county contrary to the provisions of this Ordinance or the statutes of the State.

(b) A Law Enforcement Officer shall be legally authorized to have the power to issue appearance tickets, citations or summonses to those persons owning, keeping, or harboring dogs or animals contrary to the provisions of this Ordinance.

(c) A Law Enforcement Offer may promptly investigate all animal bite cases involving human exposure and shall search out and attempt to discover the animal involved and shall either impound or quarantine it for examination for disease in accordance with the applicable provisions of the Ordinance and/or the statutes of the state and the procedures and coordination of animal bites as outlined in the County Animal Control Bite Policy as adopted by the County Board of Commissioners and/or the Tuscola County Health Department. Unless otherwise provided in the Animal Control Bite Policy, a copy of any bite report shall be sent to the Health Department. A Law Enforcement Officer shall also be obligated to seize and impound any rabies suspect animal.

(d) A Law Enforcement Officer shall have the right to investigate complaints of dogs or other animals alleged to be dangerous to persons or property and shall have the right to seize, and impound such animals.

(e) A Law Enforcement Officer shall have the right to investigate complaints of cruelty to dogs or other animals, livestock or poultry and shall have the right to seize, take up and impound any dog or other such animal, livestock or poultry which has been subject to such cruelty.

(f) The Law Enforcement Officer shall have the right to enter upon any public or private property (except a building designated and used for residential purposes) to examine, capture or rescue any animal or to determine that the animal is not being kept or treated in a manner which violates this Ordinance. No person shall deny, prevent or attempt to obstruct any officer involved in the enforcement of this Ordinance. A search warrant shall be used where required.

**Section 2.** It shall be the further duties of a Law Enforcement to enforce the provisions of the Ordinance and the statutes of the state pertaining to dogs and other animals, and he may make a complaint to the appropriate District Court or other appropriate court in regard to any violation thereof.

**Section 3.** Except during a period of quarantine, a Law Enforcement Officer or Authorized Shelter may dispose of any animal, livestock or poultry seized, taken up and/or impounded as provided for herein, in accordance with the provisions of the Ordinance and/or the statutes of the state.

**Section 4.** All suspensions and/or revocations of licenses and all seizures for cruelty or dangerousness as provided for herein, shall be in accordance with such rules and regulations as are adopted from time to time by the Board of Commissioners.

## ARTICLE IV

### LICENSING AND VACCINATION

**Section 1.** It shall be unlawful for any person to own any dog six (6) months old or over, unless the dog is licensed as hereinafter provided, or to own any dog six months old or over that does not at all time wear a collar with a tag approved by the Director of the Michigan Department of Agriculture, attached as hereinafter provided, except when engaged in lawful hunting accompanied by its owner; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash; or for any person except the owner, to remove any collar and/or license tag from a dog or for any owner to allow any dog, except working dogs such as leader dogs, farm dogs, hunting dogs, and other dogs, when accompanied by their owner, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.

**Section 2.** On or before March 1 of each year, the owner of any dog six (6) months old or over, except as provided in Section 3 of this Article, shall apply at the township treasurer, city treasurer, or county treasurer's office, or his authorized agent, where the owner resides, for a license for each dog owned or kept by him. Such application for 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. Dogs attaining the age of six months after March 1, shall have seven (7) days in which to obtain a license.

**Section 3.** No dog shall be exempt from the rabies vaccine requirements as herein set forth unless a registered and practicing veterinarian of the State of Michigan certifies, in writing, that such rabies vaccine would be detrimental to the health of said dog and thereafter, if the prosecuting attorney of Tuscola County, Michigan, shall approve the same in writing, he shall issue a certificate authorizing the owner of such dog to obtain the dog license without such rabies vaccine and such dog shall be licensed accordingly under the provisions of this Ordinance.

**Section 4.** The license fee for all dogs in accordance with this Ordinance shall be as referenced by the attached fee schedule as may be amended by the Board of Commissioners from time to time.

(a) Current dog licenses issued by other counties within Michigan, and any other governmental agencies shall be honored in Tuscola County until March 1 of the following year.

(b) When a Law Enforcement Officer finds a dog without a valid license, the owner may be issued an appearance ticket, and must appear before the court magistrate within ten (10) days from the date the citation was issued. The owner shall be subject to civil sanctions including a civil fine of not more than one hundred dollars (\$100.00) and costs as provided in Article VIII, Section 4. In the event the animal's owner obtains a valid license prior to appearing before the court magistrate, and provides proof of licensing, the fine will be decreased.

**Section 5.** 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 such dog may be likewise transferred, upon proper notice, in writing by the last registered owner given to the Treasurer who shall note

such transfer upon his records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

**Section 6.** If any dog license tag is lost, it shall be replaced without cost by the Tuscola County Treasurer upon application by the owner of the dog and upon production of such license and a sworn statement of the facts regarding loss of such tag.

**Section 7.** Any person who owns or operates a kennel may, in lieu of individual licenses required under this Ordinance and under the laws of the State of Michigan, apply to the Tuscola County Treasurer for a kennel license entitling him to keep or operate a kennel in accordance with the applicable laws of the State. The license shall be issued by the Treasurer on a form prepared and supplied by the director of the Michigan Department of Agriculture and shall entitle the licensee to keep any number of dogs six (6) months or over, but not at any time exceeding a certain number to be specified in the license. The fee to be paid for a kennel license shall be \$10.00 for 10 dogs or less, and \$25.00 for more than 10 dogs, unless the fee is changed by the Tuscola County Board of Commissioners through a resolution subsequent to the date of this Ordinance. A fee of double the original license fee shall be charged for each previously licensed kennel, whose kennel license is applied for after June 1. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All the tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

The Treasurer shall not issue a kennel license for a new kennel under the provisions of this act unless the applicant furnishes an inspection certificate signed by the director of the

department of agriculture, or his authorized representative or the County's Animal Control Officer if such an appointment has been made by the County Board of Commissioners through resolution, stating that the kennel to be covered by the license complies with the reasonable sanitary requirements of the department of agriculture, and that the dogs therein are properly fed and protected from exposure commensurate with the breed of the dog. The director of the department of agriculture or the Animal Control Officer of the County if such a position is appointed by the Board of Commissioners may promulgate or post reasonable rules with respect to the inspection. The inspection shall be made not more than 30 days before filing the application for license.

**Section 8.** Any person who, at any one time, owns three (3) or more dogs not licensed shall on or before July 1 of the year following such ownership, obtain a kennel license from the Treasurer if the person qualifies under Act 339, Public Acts of 1919, as amended. This section shall not apply to a litter of puppies or mammals when with the mother of such, so long as said dogs or mammals are less than six (6) months of age. Failure to obtain such kennel license shall be punished as set forth in the penalty provision of this Ordinance.

**Section 9.** An appropriate Law Enforcement Officer shall be responsible for issuing permits to individuals who submits an application to possess a "Wolf-Dog" cross breed, as defined and outlined in MCL §287.1001, et.seq., or a "Large Carnivore," as defined and outlined in MCL 287.1101, et. seq.

## **ARTICLE V CONFINEMENT**

### **Section 1.**

(a) Upon a sworn complaint that an animal is a dangerous animal and the animal has caused serious injury or death to a person or has caused serious injury or death to

a dog, a district court magistrate, district court, or a municipal court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be quarantined and/ or destroyed .

(b) Upon the filing of a sworn complaint as provided in subsection (1), the court or magistrate shall order the owner to immediately turn the animal over to a proper animal control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person who retains the animal under this section of the complaint and order. The expense of the boarding and retention of the animal is to be borne by the owner. The animal shall not be returned to the owner until it has a current rabies vaccination and a license as required by law or until, in the case of an animal bite, a veterinarian has certified after proper quarantine that the animal does not have rabies.

(c) After a hearing, the magistrate or court shall order the destruction of the animal after all periods of quarantine have expired, at the expense of the owner, if the animal is found to be a dangerous animal that caused serious injury or death to a person or a dog, or, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person.

(d) If the court or magistrate finds that an animal is a dangerous animal but has not caused serious injury or death to a person, the court or magistrate shall notify the animal control authority for the county in which the complaint was filed of the finding of the court, the name of the owner of the dangerous animal, and the address at which the animal was kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of that animal to do 1 or more of the following:

(i) If the animal that has been found to be a dangerous animal is of the canis familiaris species, have an identification number tattooed upon the animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the animal by the Michigan department of agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink.

(ii) Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the animal cannot escape or unauthorized individuals cannot enter the premises.

(iii) Have the animal sterilized.

(iv) Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the animal.

(v) Pay for the costs of seizing, boarding, verifying a lack of rabies, treating or otherwise caring for the dog or other animal while it is seized and confined under the provisions of this Ordinance and/or state law.

(vi) Take any other action appropriate to protect the public.

**Section 2.** Every dog and other animal shall at all times between sunset and sunrise of the following day be confined upon the premises of its owner except when said dog or other animal is otherwise under the reasonable control of the owner.

## **ARTICLE VI IMPOUNDMENT OF ANIMALS**

**Section 1.** All dogs found straying may be seized by authorized Law Enforcement Officers and/or--at the request of the Sheriff's Department--a representative of an Authorized

Shelter, and impounded at an Authorized Shelter for a period of not less than four (4) days, and may thereafter be sold or disposed of in accordance with the following provision, if not claimed by the owner: The Law Enforcement Officer must within twenty-four (24) hours of confinement, provide written notice to the Tuscola County Clerk of the seizure and confinement and location of the animal.

(a) If a dog, cat or other animal has a collar, license, or other evidence of ownership, the Law Enforcement Officer shall notify the owner in writing within twenty-four (24) hours of seizure, giving the date and location of seizure and the name and address of the Authorized Shelter in which the animal is being confined. Disposition of the animal shall not be made within ten (10) days from the date of mailing the notice and shall maintain a record of when the animal was acquired and under what circumstances. A copy of this notice must be forwarded to the County Clerk and the Tuscola County Sheriff within twenty-four (24) hours of the animals' impoundment. If the animal is disposed, the Authorized Shelter must notify the County Clerk and Sheriff in writing of the date of disposition. The notice provisions herein do not apply to animals, which are, sick or injured to the extent that the holding period could cause undue suffering, or to animals whose owners request immediate disposal.

(b) After the period in subsection (a) expires and the owner does not make full payment under this Ordinance and claim the dog or animal, or if there is no evidence of ownership after the minimum four (4) days, if the authorized shelter concludes that the dog or other animal is valuable or otherwise desirable for keeping, the operator of the animal shelter may release said dog or other animal to any person who will undertake to remove said animal from the county or keep said animal within the county in accordance with the provisions of the Ordinance and the statutes of the state, including compliance with licensing and vaccination

requirements, upon payment of the proper charge for the care and treatment of said animal while kept in the authorized shelter. Such regulations regarding the sale of animals from the authorized shelter and other charges shall be posted in a conspicuous place at the authorized shelter. If the animal is disposed under this subsection, the Authorized Shelter must notify the County Clerk and Sheriff in writing of the date of disposition and the name and address of the person to whom the animal was transferred. .

(c) After the period in subsection (a) expires and the owner does not make full payment under this Ordinance and claim the dog or animal, or if there is no evidence of ownership after the minimum four (4) days, an authorized shelter or a Law Enforcement Officer may pursue authorization to destroy the animal from the District Court pursuant to MCL §287.286a, or if the authorized shelter meets the definition of “animal shelter” under MCL §287.331 et seq, it may destroy the animal pursuant to the procedure established therein. The bodies of all animals destroyed at the authorized shelter or elsewhere in the county shall be disposed of by the operator in a manner approved by the Tuscola County Health Department and the Board of Commissioners. If the animal is disposed under this subsection, the Authorized Shelter must notify the County Clerk and Sheriff in writing of the date of disposition. Any animals voluntarily turned in to the authorized shelter by the owner thereof for disposition, need not be kept for the minimum period of four or seven days before release or disposal of such animal is made by the shelter as provided herein.

**Section 2.** When dogs are found to be straying, and their ownership is known, and the owner is available, Law Enforcement Officers may or may not impound such animal, but shall cite the owner of such dog to appear in court to answer charges of violation of this Ordinance. If

such owner is not known or available, the dog shall be impounded in compliance with Section 1 above.

**Section 3.** Immediately upon impounding a dog or other animal, a Law Enforcement Officer shall make every reasonable effort to notify the owner of such dog or other animals so impounded and inform such owner of the conditions whereby custody of such dog or other animal may be regained.

**Section 4.** An owner may redeem a dog or other animal from the authorized shelter by executing a sworn statement of ownership, furnishing a license and tag as required by this Ordinance and state law, and paying the required fees, as per the fee schedule.

#### **ARTICLE VII KILLING AND SEIZING OF DOGS AND/OR OTHER ANIMALS**

**Section 1.** Any person including a Law Enforcement Officer may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock or poultry or attacking persons, and there shall be no liability on such person in damages or otherwise, for such killing. Any dog that enters any field or enclosure which is owned by or leased by a person producing livestock or poultry, outside of a city, unaccompanied by his owner or his owner's agent, shall constitute a trespass, and the owner shall be liable in damages. Except as provided in this section, it shall be unlawful for any person, other than a Law Enforcement Officer, to kill or injure or attempt to kill or injure any dog that bears a license tag for the current year.

**Section 2.** It shall be lawful for any person to seize any dog or other animal running at large in violation of this Ordinance and to turn said dog or other animal over to a Law Enforcement Officer.

**ARTICLE VIII  
ENUMERATION OF CERTAIN VIOLATIONS  
AND PROCEDURE THEREFORE**

**Section 1.** It shall be unlawful for:

(a) The owner of any dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, to permit—knowingly or unknowingly—the dog to run at large, provided, however, that a dog engaged in hunting need not be leashed when under the reasonable control of its owner.

(b) The owner of any dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, except a leader dog accompanied by its owner, to permit—knowingly or unknowingly—the dog to be within the confines of any public park when such park, by appropriate designation at its entrance, prohibits dogs.

(c) The owner of any dog of any age, licensed or unlicensed, to permit—knowingly or unknowingly—the dog to destroy property, real or personal, or to trespass in a damaging way on property of persons other than the owner.

(d) The owner of any dog or other animal at any time, licensed or unlicensed, to permit—knowingly or unknowingly—the dog to attack or bite a person.

(e) The owner of any dog or other animal to permit—knowingly or unknowingly—the dog or animal to show vicious habits and molests passers-by when such persons are lawfully on the public highway or right of way.

(f) Any person to own any dog that, by loud and frequent barking, howling, or yelping, is a nuisance in the neighborhood in which said dog is kept, possessed or harbored.

(g) The owner of any livestock or poultry to permit—knowingly or unknowingly—the livestock or poultry to stray unaccompanied by its owner upon the premises of another or upon any public street, lane, alley or other public grounds in the county unless otherwise specifically allowed.

(h) Any person to remove a collar or tag from any dog or other animal without the permission of its owner, or to decoy or entice any dog or other animal out of an enclosure or off the property of its owner, or to seize, molest or tease any dog or other animal while held or led by any person or while on the property of its owner.

(i) Any person to knowingly have an attack dog on or in any premises under his control without the posting of a sign which shall plainly and boldly state that an attack dog is on the premises.

(j) Any person to knowingly have an attack dog on or in any premises under his control without registering said dog and said addresses with the Treasurer and paying the registration fee, if any, as set or amended from time to time by the Tuscola County Board of Commissioners.

(k) Any person to knowingly have a guard dog on or in any business premises under his control without the posting of a sign which shall plainly and boldly state that a guard dog is on the premises.

(l) Any person to knowingly have a guard dog on or in any business premises under his control without registering said dog and said addresses with the Treasurer and paying the registration fee, if any, as set or amended from time to time by the Tuscola County Board of Commissioners.

(m) Any person to engage in any act of Cruelty or Torment towards a dog or other animal.

**Section 2.** In the event of any such violations or of a violation of any other provision of this Ordinance or of the laws of the State, a Law Enforcement Officer may issue an appearance ticket to the owner of said dog, animal, livestock or poultry, summoning them to appear before a district court or other appropriate court within the county to answer the charges made in violation of this Ordinance. The court may in such case, in its discretion, upon a finding of responsibility, assesses the penalties in accordance with the penalty provision of this Ordinance.

**Section 3.** In the event of any such violation or of a violation of any other provision of this Ordinance or the laws of the State, the Law Enforcement Officer may obtain authorization of the Prosecuting Attorney and make complaint before a district court or other appropriate court within the county and obtain the issuance of a summons similar to that provided in Act 339 of the Public Acts of 1919, being Section 287.280 of the Compiled Laws of 1948, (MSA Section 12.530), as amended to show cause why such dog, animal, livestock or poultry should not be killed. Upon such hearing, the judge may either order the dog, animal, livestock or poultry be killed, may order such dog, animal, livestock or poultry to be sold or otherwise disposed of, or may order the dog, animal, livestock or poultry as it deems proper and necessary under the circumstances, in addition to any of the penalties enumerated herein. This section shall in no way affect the provisions of Article II, Section 3(c) of this Ordinance.

**Section 4.** Costs—including any handling, boarding or disposition costs, as in civil cases, shall be taxed against the owner of the dog, animal, livestock or poultry and collected by the court from the person complained against upon a finding of responsibility. The provisions of this paragraph shall be in the alternative to the provisions for violations set forth in the preceding

paragraph and the Law Enforcement Officer may, in his or her discretion, proceed under either section hereof.

#### **ARTICLE IX PENALTY**

Any person violating or failing or refusing to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall pay a fine not less than \$50.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment, and shall pay all costs incurred in the handling, treatment, boarding or disposing of an animal caused by the violation. Any person presenting a false claim, knowing it to be false, or receiving any money on such false claim, shall be guilty of a misdemeanor and upon conviction, shall pay a fine of not less than \$50.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment. All fines collected under the provisions of this act shall be paid to the treasurer of the county to be credited to the library fund of the county.

#### **ARTICLE X PRESERVATION OF CERTAIN RIGHTS**

**Section 1.** Nothing in this Ordinance shall be construed to prevent any Law Enforcement Officer or any other person to exercise other rights or duties conferred upon them by Michigan law, common or statutory.

**Section 2.** Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of a dog or other animal for damages committed by said dog or other animal.

**ARTICLE XI  
TREASURER'S RECORDS AND DUTIES**

**Section 1.** On June 15 of each year, the treasurer shall make a comparison of his records of the dogs actually licensed in the county with the report of the supervisor of said township or assessor of said city or (Law Enforcement Officer), to determine and locate all unlicensed dogs.

**Section 2.** On and after June 15 of each year, every unlicensed dog, subject to license under provisions of this Ordinance or the statutes of the State, is hereby declared to be a public nuisance and the Treasurer shall immediately thereafter list all such unlicensed dogs, as shown by the returns in his office of the supervisors and assessors, and shall deliver copies of such lists to the sheriff and prosecuting attorney and the Director of the Michigan Department of Agriculture. On receiving from the Treasurer the name of any owner of any unlicensed dog, the prosecuting attorney shall at once commence the necessary proceedings against the owner of said dog, as required by the provisions of this Ordinance. A law enforcement officer may locate and seize for appropriate disposition all such unlicensed dogs. However, the failure, refusal or neglect on the part of any law enforcement officer to carry out the provisions of this section shall not constitute nonfeasance in office.

**Section 3.** The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in the county. Such record shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses, the license shall also state the breed, sex, age, color and markings of the dog; and in 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. He shall also keep

an accurate record of all license fees collected by him or paid over to him by any city or township treasurer.

**Section 4.** In all prosecutions for violations of this Ordinance, the records of the Treasurer's Office, or lack of same, showing the name of the owner and license number to whom any license was 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 or non-ownership of any dog and of issuance or non-issuance of a dog license or tag.

## **ARTICLE XII FEES AND EXPENSES**

**Section 1.** Every township and city treasurer, and veterinarian of Tuscola County, Michigan, shall receive the sum of fifteen (15) cents for each dog license issued for the issuing and recording of it. The remuneration as herein established shall be deemed additional compensation for additional services for each township or city treasurer who receives a salary in lieu of fees, when so designated by the appropriate township board or city council.

**Section 2.** The fees and expenses as established by this Ordinance may be changed from time to time on or before November 1 of each year and for subsequent years by action of the Board of Commissioners.

**Section 3.** All fees and expenses as herein provided shall be paid in accordance with Article XIII of this Ordinance.

**ARTICLE XIII  
RECEIPTS AND DISBURSEMENT OF FUNDS**

All fees and monies collected under the provisions of this Ordinance shall be transferred to the General Fund of Tuscola County, Michigan, in accordance with the budget line items set by the Board of Commissioners.

**ARTICLE XIV  
CONSTRUCTION**

**Section 1.** When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include the feminine and neuter. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any article or section of this Ordinance.

**Section 2.** The regulations of this code are minimum standards supplemental to the rules and regulations duly enacted by the Michigan Department of Health and to the laws of the State of Michigan relating to public health. Where any of the provisions of these regulations and the provisions of any other local or state ordinances or regulations apply, the more restrictive of any or all ordinances or regulations shall prevail.

**Section 3.** If any part of this Ordinance shall be held void, such part shall be deemed severable and in the invalidity thereof shall not affect the remaining parts of this Ordinance.

**ARTICLE XV  
APPLICATION**

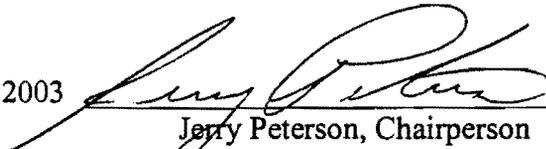
This Ordinance shall apply throughout the County of Tuscola except in cities, villages or townships having their own animal control ordinance.

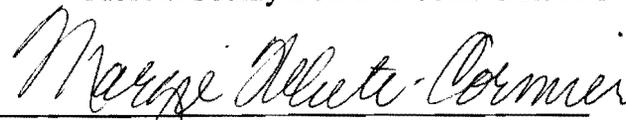
**ARTICLE XVI  
REPEAL**

All ordinances or parts of ordinances inconsistent herein are hereby modified, superseded and/or repealed, including but not limited to the Ordinance adopted on October 10, 1995.

**ARTICLE XV  
EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall take effect following notification of same in a newspaper of general circulation in the County of Tuscola, providing no petition has been filed pursuant to 1988 PA 227, MCLA 46.11.

Dated: 2-25-, 2003   
Jerry Peterson, Chairperson  
Tuscola County Board of Commissioners

Dated: 2-25, 2003   
Margie A. White  
Tuscola County Clerk