

## **KALAMAZOO COUNTY**

### **ANIMAL CONTROL ENFORCMENT ORDINANCE COUNTY OF KALAMAZOO, MICHIGAN**

An Ordinance relating to and providing for animal control within the boundaries of Kalamazoo County, purpose of the Ordinance; definitions; County Animal Control Officer, the Officer's duties, authority, responsibilities and removal from office; licensing and vaccination of dogs; confinement of dogs and other animals under certain circumstances; County animal shelter and impoundment and redemption of dogs impounded; euthanizing of animals and procedure for complaints to court on Animal Control Ordinance and statute violations and enumeration of violations, and punishments therefore and cost assessments; non-limitation of common law liability of dog damage; County Treasurer's records on dog licenses prima facie evidence of ownership or non-ownership and issuance of licenses; collection, disbursements and accounting for fees and monies; entry upon private property; penalty provisions for violation of the Ordinance and severability clause.

#### **THE PEOPLE OF THE COUNTY OF KALAMAZOO, STATE OF MICHIGAN, DO ORDAIN:**

##### **ARTICLE I PURPOSE**

Deeming it advisable an in the interest of protecting the public health, safety, convenience and welfare to 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, being sections 287.261-287.293 of the compiled laws of 1948 (M.S.A. 12.511 – 12.543), and to create the position of Animal Control Officer and define that Officer's duties, authority and responsibilities, and to regulate and control the conduct, keeping and care of dogs and certain other animals, livestock and poultry; the County of Kalamazoo, State of Michigan, does hereby adopt the following Ordinance:

##### **ARTICLE II DEFINITIONS**

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

- (a) **ANIMALS:** Unless otherwise stated, the word "animal" as used in this Ordinance shall include amphibians, birds, fish, mammals, and reptiles.
- (b) **LIVESTOCK** means horses, stallions, colts, geldings, mares, fillies, sheep, rams, lambs, lambs, bulls, bullocks, steers, heifers, cow, calves, mules, jacks, jennets, burrows, goats, kids, swine, and fur-bearing animals raised in captivity.
- (c) **POULTRY** means all domestic fowl, ornamental birds and game birds possessed or being reared under the authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended, being sections 317.71 to 317.84 of the compiled laws of 1948. (M.S.A. Sections 13.1271-13.1284).

- (d) PEACE OFFICER, POLICE OFFICER, OR LAW ENFORCEMENT OFFICER means any person employed or elected by the people of the State of Michigan, or by any city, village, county or township whose duty it is to preserve peace or to make arrest or to enforce the law including game, fish and forest fire wardens, members of the state police and conservation officers.
- (e) ANIMAL CONTROL OFFICER means any person employed by or designated by the County for the purpose of enforcing this Ordinance or state statutes pertaining to dogs or other animals as well as persons or deputies employed by the County to act in the Animal Control Department.
- (f) OWNER and PERSONS OWNING PREMISES when referring to real property shall mean the person or persons holding recorded title to the property and/or all persons occupying or in possession of the property.  
  
OWNER when referring to the proprietorship of an animal means any person having a property right in the animal, an authorized agent of the animal's owner, or any person who keeps or harbors the animal or has the animal in his/her care, custody or control, and every person who permits the animal to remain on or about the premises owned or occupied by him/her.
- (g) PERSON shall include state and local officers or employees, individuals, corporations, co-partnerships and associations.
- (h) KENNEL shall mean any establishment wherein or whereupon dogs are kept for breeding, sale, leasing, trading or sporting purposes; for remuneration.
- (i) RABIES SUSPECT ANIMAL shall mean any animal which has bitten a human being or engaged in contact (such as scratching with teeth that breaks the skin) with a human being that can result in the transmission of disease; or any animal which has been in contact with or been bitten by a rabid animal; or any animal which shows symptoms suggestive of rabies.
- (j) POUNDMASTER; CHIEF, ANIMAL CONTROL SERVICES; DOG WARDEN; DOG CATCHER. The terms "Poundmaster", "Chief, Animal Control Services", "Dog Warden" or "Dog Catcher" are synonymous with "Animal Control Officer" and shall include the deputies of such person.
- (k) BOARD OF COMMISSIONERS shall mean the Kalamazoo County Board of Commissioners.
- (l) TREASURER shall mean the Kalamazoo County Treasurer.
- (m) SERVICE DOG shall mean a dog specially trained to assist disabled human beings or specially trained for government service such as police dogs.

**ARTICLE III  
ANIMAL CONTROL OFFICER  
DUTIES, AUTHORITY AND RESPONSIBILITIES**

Section 1. An Animal Control Officer shall be appointed by the Board of Commissioners and shall serve as the Director of the Animal Control Department. Said person shall serve at the pleasure of the Board of Commissioners.

Section 2. In lieu of all fees and other remuneration under the statutes of this state, the Animal Control Officer, and the Officer's deputies and assistants, except census takers, shall be paid a salary as established and determined by the Board of Commissioners.

Section 3. The Animal Control Officer shall fulfill the following duties:

- (a) The Animal Control Officer shall promptly seize, take up and place in the County Animal Shelter all dogs, animals, livestock or poultry running at large or being kept or harbored in any place within the County contrary to the provisions of this Ordinance or the statutes of the state, and shall further be obliged to seize, pick up, impound or cause to be impounded any animal which is running at large or any rabies suspect animal.
- (b) The Animal Control Officer shall be properly deputized as a peace officer and shall possess the legal authority and the duty to issue appearance tickets, citations, or summons to those persons owning, keeping or harboring dogs, livestock or poultry contrary to the provisions of this Ordinance.
- (c) It shall be the duty of the Animal Control Officer, and the Officer's deputies or assistants, to euthanize in a humane manner all impounded dogs or other animals which are not claimed and released within seven (7) days, or by limited set by state law, after being impounded; provided, however, if in their judgment said dog or other animal is valuable or otherwise desirable for keeping, the Animal Control Officer, and the Officer's deputies or assistants, may release said dog or other animal in accordance with the rules and regulations governing the operation of the Animal Shelter to any person who will keep said animal in accordance with the provisions of this 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 Animal Shelter, or the Animal Control Officer, and the Officer's deputies or assistants, may, at the expiration of said seven day period, dispose of said dogs, animals, livestock or poultry as approved by the Board of Commissioners. Such regulations regarding the sale of animals from the Animal Shelter and boarding and other charges shall be placed in a conspicuous place at the Animal Shelter. The bodies of all animals euthanized at the Animal Shelter or elsewhere in the County shall be disposed of by the Animal Control Officer, the Officer's deputies or assistants, in a manner approved by the Kalamazoo County Health Department. If the animal has a collar, license or other evidence of ownership, the Animal Control Officer, and the Officer's deputies or assistants, shall maintain a record of each identifiable animal acquired, which includes a basic description of the animal, the date on which it was acquired and why the animal was acquired. The record shall also indicate the date on which notice was sent to the owner of the animal and the subsequent disposition of the animal. This section does not apply to animals which are sick or injured to the extent that

the holding period would cause undue suffering to the animal, or to animals whose owners request the immediate disposal or release of the animal.

- (d) The Animal Control Officer shall 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 this Ordinance, the County's Rabies Control Ordinance and/or statutes of this state.
- (e) The Animal Control Officer shall assume the duties [provided in Section 316 of Act 339 of the Public Acts of 1919, as amended, being Sections 287.276 of the compiled laws of 1948 (M.S.A. Section 12.525)] to determine and locate all unlicensed dogs, to list such dogs, and to deliver said list to the Prosecuting Attorney for the necessary proceedings as provided by this Ordinance and/or the statutes of this state.
- (f) The Animal Control Officer, and the Officer's deputies and assistants, shall have the right to inspect any kennel licensed under this Ordinance and the statutes of this state; and shall suspend said license if, in their opinions, conditions exist which are unhealthy or inhumane to the animals kept therein pending correction of such conditions, and further, shall revoke said license if such conditions are not corrected within ten (10) days.
- (g) The Animal Control Officer shall have the right to investigate complaints of cruelty to dogs or other animals, livestock or poultry, and may proceed to file a complaint before the appropriate court within the county as hereinafter provided.
- (h) The Animal Control Officer shall have such other duties relating to enforcement of this Ordinance as the Board of Commissioners may from time to time provide.

Section 4. It shall be the further duty of the Animal Control Officer to enforce the provisions of this Ordinance and the statutes of this state pertaining to dogs and other animals, and the Animal Control Officer may make complaint to the appropriate court in regard to any violation thereof.

Section 5. All suspensions and/or revocations of licenses and all seizures of animals 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.

Section 6. The Animal Control Officer may be removed from office for good cause shown after a hearing before the Board of Commissioners and after first being given reasonable notice of a time, date and place of said hearing. A vote for removal shall be by majority vote of the Board of Commissioners elect.

Section 7. All fees and monies collected by the Animal Control Officer, the Officer's deputies or assistants as herein provided, shall be accounted for and turned over to the Treasurer on or before the first of each and every month or more often if reasonably necessary under the standard practices of the Treasurer's accounting system.

**ARTICLE IV  
LICENSING AND VACCINATION**

Section 1. It shall be unlawful for any person to own any dog four (4) months old or over unless the dog is licensed as hereinafter provided, or to own any dog four (4) months old or over that does not at all times 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 person except the owner, to remove any collar and/or license from a dog; or for any owner to allow any dog, except working dogs including, but not limited to, Service Dogs, guard dogs, and farm dogs, when accompanied by their owner or the owner's authorized agent, while actively engaged in the activities for which such dogs are trained, to go beyond the premises of such owner or the owners' authorized agent unless held properly in a leash.

Section 2. On or before March 1 of each year, the owner of any dog four (4) months old or over, except as provided in Section 7 and 8 of this Article, shall apply to the county, township or city treasurer or the treasurer's authorized agent, where the owner resides for a license for each dog owned or kept by him or her. The owner of a dog which obtains the age of four (4) months after March 1 of any given year, except as provided in Sections 7 and 8, shall apply to the county treasurer or the treasurer's authorized agent for a dog license for each dog owned by him or her, within seven (7) days of the date on which the dog became four (4) months old. An application shall state the breed, sex, age, color and marking of such dog. Such application for a license shall be accompanied by proof of a current vaccination for rabies, with a vaccine licensed by the U.S. Department of Agriculture and signed by an accredited veterinarian.

Section 3. No dog shall be exempt from the rabies vaccine requirements as herein set forth unless a registered veterinarian of the State of Michigan annually certifies, in writing, that such rabies vaccine would be detrimental to the health of such dog.

Section 4. The license fees for all dogs in accordance with this Ordinance shall be as follows:

- (a) The Board of Commissioners shall establish the annual Dog License Fees Schedule through the adoption of a Resolution. The Board of Commissioners must adopt the Resolution prior to November 1 of each year in which they adopt a Fee Resolution. The Fee Schedule shall take effect thirty days after a Notice of the adoption of the Resolution is published in a newspaper(s) of general circulation in the County of Kalamazoo. The Fee Schedule shall provide for a lower fee for unsexed, neutered or spayed dogs. The Fee Schedule shall also provide for reduced fees for dogs which obtain the age of four (4) months after July 10 of each year.
- (b) Current dog licenses issued by other countries within Michigan shall be honored in Kalamazoo County until such license expires.

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 upon proper notice in writing sent by the last registered owner, given to the

Treasurer, or the Treasurer's designated agent, who shall note such transfer upon his/her records. This Ordinance does not require the procurement of a new license or the transfer of a license already secure, where the possession of the dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

Section 6. If the dog license is lost, it shall be replaced by the Treasurer, or the Treasurer's designated agent, upon application by the owner of the dog, and upon production of such license and a sworn statement of the fact regarding the loss of such tag. The cost of replacement shall be established by an appropriate resolution of the Board of Commissioners.

Section 7. Any person who owns, operated or keeps a kennel may in lieu of individual licenses required under this Ordinance, and under laws of the State of Michigan, apply on or before June 1 of each year to the Treasurer, or the Treasurer's designated agent, for a kennel license entitling him/her to own, keep or operate such kennels in accordance with the applicable laws of the state and the fee for same shall be in accordance with the laws of the state.

Section 8. Any person who, at any time, owns three (3) or more dogs, except a duly licensed pet shop, at any single location within the boundaries of Kalamazoo County, may, on or before March 1 of the year following the initiation of such ownership, obtain a kennel license from the Treasurer, or the Treasurer's designated agent, if the person qualifies under Act 339, Public Acts of 1919, as amended. This section shall not apply to a litter of puppies when they remain with the mother and they are less than four (4) months old.

## **ARTICLE V CONFINEMENT**

Section 1. Any dog or other animal kept as a pet that shall bite a person, animal or livestock, or engage in contact (such as scratching with teeth that breaks the skin) with a person, animal or livestock that can result in the transmission of disease shall be securely confined by the owner thereof inside an appropriate building or enclosure for a minimum of ten (10) days following the biting of, or contact with, such person, animal or livestock. In the event that the owner of such animal shall fail to securely confine the animal for such period of time, the Animal Control Officer, or the Officer's deputies or assistants, may take possession and custody of such animal, confine the animal at the Animal Shelter until the expiration of said ten (10) days period and upon satisfactory evidence that said animal is not suffering from rabies. Said animal shall be kept at the Animal Shelter at the expense of the owner thereof in the event that the person charged with the duty to securely confine said animal as aforesaid, has failed to do so. Any dog or other animal running loose after biting a person, animal or livestock, or which engaged in contact (such as scratching with teeth that breaks the skin) with a person, animal or livestock that could result in the transmission of disease, and whose owner can not be determined, shall be confined for a minimum period of ten (10) days at the Animal Shelter in accordance with the provisions of this section and thereafter disposed of in accordance with the provisions of this Ordinance, or such other regulations as are in effect at the Animal Shelter.

Section 2. Any other animal not kept as a pet, including wild animals but excepting poultry and livestock, which shall bite a human or animal, or engage in contact (Such as

scratching with teeth that breaks the skin) with a human or animal that can result in the transmission of disease, shall, if located, be confined for ten (10) days at the Animal Shelter or other suitable location. After the expiration of the ten (10) days and upon satisfactory evidence that said animal is not suffering from rabies, the animal shall be euthanized.

## **ARTICLE VI ANIMAL SHELTER AND IMPOUNDMENT**

Section 1. All dogs found running at large shall be seized by the Animal Control Officer, or the Officer's deputies or assistants, or other peace officers, and impounded for a period of not less than seven (7) days, and may thereafter be sold or disposed of in a humane manner if not claimed by their owners.

Section 2. When dogs are found running at large and their ownership is known to the Animal Control Officer, or the Officer's deputies or assistants, or other peace officers, such dog need not be impounded but the Animal Control Officer, or the Officer's deputies or assistants, or other peace officers may, in their discretion, cite the owner of such dog to appear in court to answer a charge of violating this Ordinance.

Section 3. Immediately upon impounding a dog or other animal, the Animal Control Officer shall make every reasonable effort to notify the owner of such dog or other animal so impounded and inform such owner of the conditions whereby custody of such dog or other animal may be regained pursuant to the regulations for the operation of the Animal Shelter.

Section 4. An owner seeking to redeem a dog or other animal for the third time may not redeem the dog or other animal from the Animal Shelter unless the owner executes a sworn statement of ownership, furnishes a license and tag as required by this Ordinance and state law; pays the required fees posted at the Animal Shelter; and complies with the following provisions:

- (a) Except as otherwise provided in this section, the Kalamazoo County Animal Control Shelter shall not permit a person to reclaim/redeem a dog, cat or ferret by its owner that has not been altered, unless that owner has entered into a contract for the alteration of the dog, cat or ferret with the Kalamazoo County Animal Control Shelter. The contract shall state that the owner agrees to have an alteration performed on the dog, cat or ferret and shall comply with the provisions of this section.
- (b) A contract with the Kalamazoo County Animal Control Shelter entered into pursuant to subsection (a) above, shall require the owner to have an alteration performed on the dog, cat or ferret within four (4) weeks of reclaiming/redemption date if at the time of the reclaiming/redemption of the dog, cat or ferret is at least six (6) months old. If the dog, cat or ferret to be reclaimed/redeemed is under six (6) months of age at the time of reclaiming/redemption, the contract shall contain the date upon which the dog, cat or ferret will be six (6) months old, and shall require the owner of the dog, cat or ferret to have the alteration performed on the dog, cat or ferret within four (4) weeks of that date. This section does not prevent a veterinarian from performing an alteration on a dog, cat or ferret that is under six (6) months old.

- (c) Upon certification by a veterinarian in writing that a dog, cat or ferret has a serious permanent medical or health problem that prevents an alteration, the owner is not required to have the dog, cat or ferret altered. Upon certification by a veterinarian in writing that an alteration poses a serious, temporary medical or health problem, the alteration may be postponed. The owner shall have the dog, cat or ferret reevaluated by a veterinarian at intervals not to exceed fourteen (14) days and shall have the alteration performed no later than seven (7) days after a veterinarian determined that the temporary problem is resolved.
- (d) Except as otherwise provided in subsection (g) of this section, a contract entered into pursuant to subsection (a) shall require the owner to leave with the Animal Control Shelter, in care of the Animal Control Director or his/her designee, a good faith deposit of at least Twenty-Five dollars (\$25.00) that indicates the owner's intention to have the dog, cat or ferret altered within the time provided in subsection (b). If the owner fails to comply with the terms of the contract, the deposit is forfeited. The good faith deposit shall be returned to the owner if he/she submits written certification from a veterinarian of either of the following:
  - i. The dog, cat or ferret died within the time period in which the alteration was required under subsection (2).
  - ii. The dog, cat or ferret has a serious, permanent medical or health problem that prevents an alteration.
- (e) Money forfeited under subsection (d) shall be used by the Kalamazoo County Animal Control Shelter to finance alterations, for public education regarding the value of having dogs, cats or ferrets altered, or to otherwise ensure compliance with this Section.
- (f) If the owner complies with the terms of the contract entered into under subsection (a), the good faith deposit of at least Twenty-Five dollars (\$25.00) shall be refunded upon the owner's submission of written certification from a veterinarian that the dog, cat or ferret was altered. The certificate shall include the date of alteration, the name of the owner of the dog, cat or ferret, and the signature of the veterinarian who performed the alteration.
- (g) The good faith deposit in subsection (d) is not required if one or more of the following apply:
  - i. A dog is transferred to a local, state or federal law enforcement agency.
  - ii. A dog is transferred to an organization or trainer that trains guide or leader dogs for blind persons, hearing dogs for deaf or audibly impaired persons, or service dogs for physically limited persons.
  - iii. A dog, cat or ferret is transferred to another animal control shelter or animal protection shelter or is transferred to a person who will transfer

the animal to another animal control shelter or animal protection shelter. Before the first animal control shelter or animal protection shelter releases the animal, it shall obtain from the person to whom the animal is being released a written stated from the second animal control shelter or animal protection shelter that it is willing to accept the animal for purposes of adoption or human euthanasia. Promptly after receipt of the animal by the second animal control shelter or animal protection shelter, the person to whom the animal was released shall provide the first animal control shelter or animal protection shelter with a written statement from the second animal control shelter or animal protection shelter containing a description of the dog, cat or ferret and acknowledging its receipt on a date specified in the statement.

- (h) A contract entered into pursuant to subsection (1) shall include a statement that if the terms of the contract are breached because an owner reclaiming/redeeming a dog, cat or ferret fails to have the animal altered as required in the contract, then the owner agrees to pay liquidated damages of the greater One Hundred dollars (\$100.00) or actual reasonable costs incurred by the Kalamazoo County Animal Control Shelter to enforce the contract. Immediately before an owner signs the contract, a representative of the Kalamazoo County Animal Control Shelter shall verbally direct the owner's attention to the liquidated damages agreement in the contract.

Section 5. The Board of Commissioners shall maintain an Animal Shelter for the purposes set forth in this Ordinance.

Section 6. The Board of Commissioners shall establish the Fees charged for the keeping of animals at the Animal Shelter (Impoundment Fees) through the adoption of a Resolution. The Board of Commissioners must adopt the Resolution prior to November 1 of each year in which they adopt a Fee Resolution. The Fees shall take effect thirty (30) days after a Notice of adoption of the Resolution is published in a newspaper(s) of general circulation in the County of Kalamazoo.

## **ARTICLE VII KILLING AND SEIZING**

Section 1. Any person may kill any dog or animal which he/she observes in the act of pursuing, attacking or about to attack or wound 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 or other animal that enters any field or enclosure which is owned or leased by a person producing livestock or poultry, unaccompanied by its owner, shall constitute a private nuisance, and the owner of such field or other enclosure, or his/her agent or servant, may kill such dog or other animal while it is in the field or other enclosure without liability for such killing.

Section 2. It shall be lawful for any person to seize any dog or animal running at large in violation of this Ordinance and to turn said dog or other animal over to the Animal Control Officer, or to the Officer's deputies or assistants.

## **ARTICLE VIII**

## ENUMERATION OF CERTAIN VIOLATIONS AND PROCEDURES

Section 1. It shall be unlawful for:

- (a) Any dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, to run at large or go beyond the premises of its owner unless held properly in a leash; provided, however, that this section does not apply to working dogs such as Service Dogs, guard dogs, farm dogs, hunting dogs, and such other working dogs which are actively engaged in activities for which such dogs are trained and are under reasonable control of its owner.
- (b) Any dog, of any age, licensed or unlicensed, wearing a collar or not wearing a collar, except a Service Dog accompanied by its owner, to be within the confines of any public park when such park, by appropriate designation at its entrance, prohibits dogs.
- (c) Any dog, at any time, whether licensed or unlicensed, to destroy real or personal property, or to trespass in a damaging way on property of persons other than the owner of the dog.
- (d) Any dog or other animal at any time, licensed or unlicensed, to attack or bite a person.
- (e) Any dog to show vicious habits and molest passers-by when such persons are lawfully on the public highway or right-of-way.
- (f) Any person to own or harbor any dog which by loud, frequent or habitual barking, yelping or howling shall unreasonably interfere with another person's enjoyment and use of their property.
- (g) Any livestock or poultry to run at large unaccompanied by its owner upon the premises of another or upon any public street, lane, alley or other public ground in the County, unless otherwise specifically allowed by this Ordinance or the laws of this state.
- (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.

Section 2. In the event of any such violations or the violation of any other provision of this Ordinance or the laws of the state, the Animal Control Officer, the Officer's deputies or assistants, or other peace officers may issue an appearance ticket, citation or summons. (Pursuant to 1968 PA 147, being MCLA Section 764.9 (a)-b), MSA Section 28.868 (1-5) as Amended) to the owner, keeper, custodian or other person having charge of said dog, animal, livestock or poultry summoning them to appear before the appropriate court within the County to answer to the charges made in violation of this Ordinance. The Animal Control Officer, the Officer's deputies or assistants, or other peace officer, may sign a complaint before said court for violation of this Ordinance,

proceed to obtain the issuance of a warrant, and make arrest of the person to whom said violation is charged and bring him/her before the court to answer the charges; provided, however, the Animal Control Officer, the Officer's deputies or assistants, shall not make an actual arrest of any person in violation of this Ordinance or state law. Any other person may proceed to obtain authorization of the prosecuting attorney and make a complaint before said court for violation of this Ordinance. The court may in such case, in its discretion, upon a finding of guilty, assess the penalties in accordance with the penalty provision of this Ordinance.

Section 3. In the event of any such violation or any other provision of this Ordinance or of the laws of the state, the Animal Control Officer, the Officer's deputies or assistants, or other peace officer or other person, may proceed to obtain authorization of the Prosecuting Attorney and make complaint before a District Court or any other appropriate court within the County and obtain the issuance of a summons similar to that provided in 1919 PA 339, being MCLA Section 287.280, MSA Section 12.530, as amended, to show cause why such dog, animal, livestock or poultry should not be euthanized. Upon such hearing, the Court may either order the dog, animal, livestock or poultry confined to premises of the owner or the Court may make such order regarding the confinement or euthanizing of such dog, animal, livestock or poultry as it seems 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 III, Section 3 © of this Ordinance.

Section 4. 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 guilty. The provisions of this section shall be in the alternative to the provisions for the violations set forth in the preceding Section and the Animal Control Officer, the Officer's deputies or assistants, or other peace officer may, in their discretion, proceed under either Section hereof.

#### **ARTICLE IX PENALTY**

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall pay a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or shall be imprisoned in the County Jail for a time not exceeding ninety (90) days or both such fine and imprisonment.

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

Section 1. Nothing in this Ordinance shall be construed to prevent the owner of a licensed dog from recovery in an action at law from any peace officer or any other person, except as herein provided.

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 April 1 of each year, the Treasurer shall make a comparison of his/her records of dogs actually licensed in the County with the report of the Animal Control Officer to determine and locate all unlicensed dogs.

Section 2. On or after April 1 of each year, every unlicensed dog, subject to license under the 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/her office of the supervisors and assessors, and shall deliver copies of such lists to the Animal Control Officer and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in 1919 PA 339, being MCLA Section 287.277, MSA 12.527, as amended.

Section 3. The Treasurer shall keep a record of all dog licenses and all kennel licenses issues 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 record shall also state the breed, sex, age, color and marking of the dog licensed; 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. The Treasurer shall also keep an accurate record of all license fees collected by or paid the Treasurer 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 the 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 of Kalamazoo County, Michigan, and every designated agent of the Kalamazoo County treasurer who is properly designated to issue dog licenses; shall receive compensation for each dog license which he/she issues and records under the provisions of this Ordinance. The Kalamazoo County Board of Commissioners shall establish the amount of the compensation on a per license basis and the Board of Commissioners may change the amount of the compensation by adopting a motion to change the compensation on or before November 1 of each year. The compensation established herein shall be deemed additional compensation for additional services by each township or city treasurer who receives a salary in lieu of fees, when so designated by the appropriate township board of city council.

Section 2. It shall be the duty of the Animal Control Officer annually to make a census of the number of dogs owned by all persons in Kalamazoo County, Michigan, in accordance with state law. The Animal Control Officer is hereby empowered to employ

whatever personnel he or she believes necessary to conduct this census; such personnel shall receive for their services in listing such dogs such sum as shall be set from time to time by the Board of Commissioners.

Section 3. The duties and obligations herein imposed upon the respective designated officials may be delegated to some other appropriate person or persons by each of said officials with like force and effect.

Section 4. 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 the rules and regulations pertaining to the same as established by the Board of Commissioners.

Section 5. All fees and expenses as herein provided for, 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 Kalamazoo County, Michigan, in accordance with the standard practices of the treasurer and the monies paid out in accordance with this Ordinance shall be drawn upon the general fund of Kalamazoo County, Michigan.

### **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 Ordinance 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 the provisions of these regulations and the provisions of any local or state ordinances or regulations apply to the same person, animal or situation, the more restrictive ordinance or regulation shall prevail.

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

### **ARTICLE XV REPEAL**

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

### **EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall take effect sixty (60) days after the date of its adoption.

WITNESSETH:

COUNTY OF KALAMAZOO

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Chairperson, Kalamazoo County  
Board of Commissioners

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\_\_\_\_\_

County Clerk/Register

Approved June 20, 2000

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