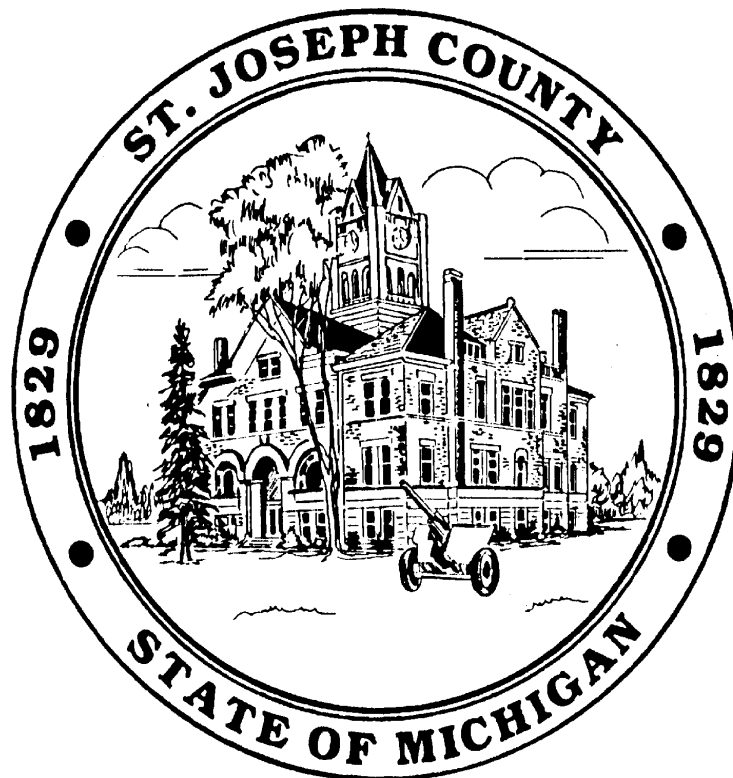


AMENDMENT TO
ORDINANCE NO. 9
ST. JOSEPH COUNTY ANIMAL ORDINANCE

DECEMBER 5, 1979

APPROVAL BY THE GOVERNOR
RECEIVED AND FILED AUGUST 25, 1980



AMENDED APRIL 5, 1988
(GOVERNOR'S APPROVAL NO LONGER REQUIRED AFTER 1988)
AMENDED OCTOBER 3, 1989
AMENDED JUNE 2, 1992
AMENDED SEPTEMBER 6, 1994
AMENDED SEPTEMBER 19, 1995
AMENDED APRIL 16, 1996
AMENDED MAY 7, 1996
AMENDED JUNE 19, 2001

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SECTION I - IN GENERAL

- (A) This ordinance shall be known as, and may be cited and referred to as, "The St. Joseph County Animal Ordinance."
- (B) Whenever any reference is made to any portion of this ordinance such reference applies to all amendments and additions hereafter made.

SECTION II - DEFINITIONS

Animal - Means any mammal, bird, fish, arachnid or reptile. {Amended 6-02-92}

Animal Restraint - A leash or lead of a length permitting immediate control, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of the owner of the animal, or appropriately caged. {Added 6-02-92}

Animal Control Authority - Provisions of this ordinance shall be enforced by the Animal Control Authority. It shall consist of the Law Enforcement Committee, the County Animal Control Officer and an official of the County Health Department. {Amended 6-19-01}

Animal Control Officer - Any person designated by the St. Joseph County Board of Commissioners as the Animal Control Officer.

Animal Shelter - Facility run by a humane society or by the County or its authorized agents for the purpose of impounding or caring for the animals held under the authority of this ordinance or state law.

Cage - A complete enclosure with sidewalls and a roof, where the roof is constructed of the same material as the sidewalls. {Added 6-02-92}

Dog House/Shelter - Constructed of various materials to include 3 sides, a top and a bottom. {Added 6-19-01}

Harbor - To shelter or protect.

Household Pet - Any domesticated animal kept for friendship excluding livestock and wild animals. {Added 6-02-92}

Humane Officer - Any person designated by the State of Michigan, County Government or a humane society, as law enforcement officer who is qualified to perform such duties under the laws of this state.

Kennel - Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

Owner - Person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for ten consecutive days or more.

Pen - An enclosure with sidewalls only. {Added 6-02-92}

Pet - Any animal kept for pleasure rather than utility.

Pet Shop - Any business owned by a person, partnership or corporation whether operated separately or in connection with another business enterprise except for a licensed kennel that buys, sells or boards any species of animal.

Public Nuisance - Any animal or animals which:

1. hinders or endangers passersby or passing vehicles {Amended 6-19-01}
2. attacks other animals
3. trespasses on school grounds
4. is repeatedly at large
5. damages private or public property
6. barks, whines, or howls in an excessive, frequent, loud or untimely fashion
7. inhabits unsanitary conditions causing odors offensive to public

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

Riding School or Stable - Any place which has available for hire, boarding and/or riding instructions, any horse, pony, donkey, mule or burro.

Transient - Of short duration; passing away quickly; not permanent. {Added 6-02-92}

Vicious Animal - Any animal or animals that constitute a physical threat to human beings or other animals.

Wild/Exotic Animals - Any animal normally found in the wild irrespective of geographic origin, or any crossbreeds of these animals with domestic animals (50% wild/50% domestic), or any descendant of such crossbreeds which is 25% or more wild animal, and which because of its size or vicious propensity or other characteristic would constitute a danger to human life or domesticated animals. Wild/Exotic animals include but is not limited to the following: any venomous snake; python or constrictor snakes which because of size pose a potential danger to human life; monkey; raccoon; skunk; leopard; lion; tiger; lynx; bobcat; badger; fox; coyote; wolf;

squirrel. Any canine with a genetic make-up of 25% or higher wolf, coyote, or fox shall be considered a wild animal. Questions regarding the status of animals not included in the above list should be directed to the St. Joseph Animal Control. {Amended 5-7-96}

Zoological Park - Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership or corporation or government.

SECTION III - LICENSING

- (A) It shall be unlawful for any person, partnership or corporation to own, possess or harbor a dog over four (4) months of age {Amended 6-19-01} unless said dog is licensed as herein provided.
- (B) A license shall be issued after payment of applicable fee: {Fees amended 9-19-95}
1. Each unneutered male dog \$ 10.00
 2. Each unspayed female dog \$ 10.00
 3. Each neutered male dog \$ 5.00
 4. Each spayed female dog \$ 5.00

- (C) Proof of sterilization must accompany vaccination slip from veterinarian to obtain license.
- (D) The licensing period shall begin with the fiscal year and shall run for one year. License application shall be made before March 1st at any township, county or city treasurer or County Animal Shelter. Any person owning a dog that becomes four (4) months of age {Amended 6-19-01} or over at any time after the first day of March shall secure a license and pay applicable fee provided in (B). Application fee after the 10th of July shall be one half the regular fee (excludes delinquent licenses.)
- (E) Any person owning a dog who is four (4) months {Amended 6-19-01} or older, and fails to secure a license by March 1st, will pay \$20.00 {Amended 10-03-89} for a license, regardless of sexed or unsexed.
- (F) Written application for licenses shall include name, address of applicant, description of animal, the appropriate fee, and proof of vaccination of the origin with the preceding two years or a dead virus vaccine within the preceding one year issued by licensed veterinarian.
- (G) License fees shall not be required for seeing eye dogs or governmental police dogs, or for hearing dogs. A copy of the animals rabies vaccination must be sent to the pound.
- (H) Dogs must wear license tags attached to collars at all times when off the premises of the owners, except when engaged in the lawful act of hunting, accompanied by the owner.
- (I) The Animal Control Officer shall maintain a record of the licenses of all tags issued and make it available to the public.
- (J) A duplicate license may be obtained upon payment of a \$.50 replacement fee.
- (K) No person may use any license for any animal other than the animal for which it was issued.

SECTION IV - PERMITS

- (A) No person, partnership or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.
- (B) The Animal Control Officer shall recommend regulations for the issuance of permits and shall include requirements for the humane care of all animals and for compliance with the provision of this ordinance and State Law. The Animal Control Officer may recommend such regulations from time to time as deemed necessary for the public health and welfare and for protection of animals, subject to approval by the Law Enforcement Committee.
- (C) In case of change in ownership of commercial animal establishment, the new owner may have current permit transferred for \$10.
- (D) Annual permit issued upon payment of applicable fee:
 - 1. Each kennel with less than 10 dogs \$ 30
 - 2. Each kennel with 10 or more, but less than 25 dogs \$ 60
 - 3. Each kennel with 25 or more dogs \$100{Items 1 and 2 amended 4-05-88}
- (E) Persons operating kennels for the breeding of dogs which house less than ten animals may license animals individually.

- (F) No fee is required of any vet hospital, animal shelter or government operated zoological park.
- (G) Failure to obtain a permit before opening any facility covered in this section shall result in a fine of \$100.

SECTION V - LICENSING/PERMIT ISSUANCE/AND REVOCATION

- (A) The Animal Control Officer may revoke any permit or license if person refuses or fails to comply with this ordinance, regulations or any laws governing the protection of animals.
- (B) Any person whose permit or license is revoked, shall immediately surrender, humanely dispose of all animals. Fee is not refundable.
- (C) The Animal Control Officer shall be permitted to inspect all animals and premises where they are kept and if permission for inspection is refused, he may revoke the permit or license.
- (D) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- (E) Any person having been denied a license or permit may not reapply for 30 days. Each reapplication will need \$10 fee.

SECTION VI - RESTRAINT

- (A) All dogs shall be kept under restraint.
- (B) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- (C) Every vicious animal, as determined by the Animal Control Officer, shall be confined by owner within a building or secure enclosure and shall be securely muzzled or caged when off the premises of owner.
- (D) A kennel facility shall be constructed as to prevent the public or stray animals from obtaining entrance.

SECTION VII - INVESTIGATION

- (A) For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any agent (of the Animal Control Officer or any Police Officer) is empowered to enter upon any premises on which an animal is kept or harbored to demand the exhibition by owner or animal, except a building designated for and used for residential purpose.
- (B) It is further provided that any agent of the Animal Control Officer may enter premises where animal is kept in reportedly cruel or inhumane manner and demand to examine such animal and take possession of animal when, in his opinion and that of a licensed vet, it requires humane treatment.

SECTION VIII - PENAL CODE 28.747

Any person who shall knowingly and willfully obstruct, resist or oppose any sheriff, coroner, township treasurer, constable or other office or person duly authorized, in serving or attempting to serve or execute

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any process rule or order made or issued by lawful authority or who shall resist any officer in the execution of any ordinance, passed by the common council, or any city board or trustees, or common council or village council of any incorporated village or township board of any township or who shall assault, beat or wound any sheriff or other officer duly authorized while serving or attempting to serve or execute any such process rule or order, or for having served or attempted to serve or execute the same shall be guilty of a misdemeanor, punishable by imprisonment in the County Jail for not more than 90 days, or a fine not to exceed \$100.00.

SECTION IX - ANIMAL CARE

- (A) Every owner of an animal shall see that his animal or animals are provided with sufficient good and wholesome food and water.
 - 1. Sufficient feed: Provisions not exceeding 24 hours of a quantity of wholesome foodstuff suitable for species and age and maintains a reasonable level of nutrition.
 - 2. Sufficient water: Constant access to a supply of clean fresh potable water provided at intervals not to exceed 24 hours.
- (B) Are kept in clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.
- (C) Shelter should be ventilated and protected from excessive heat and cold and of sufficient size to permit the animals to exercise and move about.
- (D) Any exercise enclosure shall be not smaller than 24 square feet in area and no animal shall be tethered by use of a choke collar or leash less than 8 {Amended 6-19-01} feet long or of such unreasonable weight as to prevent animal from moving about freely.
- (E) If diseased or injured and receiving veterinary care, the diseased animal shall be segregated from other animals to prevent transmittal of disease.
- (F) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any dogfight, cockfight or other combat between animals or between animals and humans.
- (G) No owner of an animal shall abandon such animal. Animal is deemed abandoned if owner or harbinger doesn't properly maintain such animal for 48 hours.
- (H) Any person as the operator of a motor vehicle who strikes a dog shall immediately report such injury or death to the appropriate law enforcement agency or local animal shelter. {Amended 6-19-01}
- (I) No person shall expose any known poisonous substance, whether mixed with food or not so that the same shall be liable to be eaten by any animal provided that it shall be unlawful for a person to expose on his property common rat poison mixed only with vegetable substances.
- (J) No person shall crop a domestic animal's ears, or dock a tail except by a licensed vet.

- (K) Animals shall be disposed of in a humane manner. {Amended 6-19-01}

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SECTION X - IMPOUNDMENT AND VIOLATION NOTICE

- (A) The County of St. Joseph shall provide and maintain a shelter and it shall be the duty of the Animal Control Officer or Police Officer to seize and impound all unrestrained dogs and nuisance animals and confine in a humane manner.
- (B) Impounded dogs shall be eligible for adoption after four (4) working days. {Amended 9-06-94} Seven (7) calendar days if the dog is wearing a collar.
- (C) Impounded dogs not claimed after four (4) working days may be adopted based on the following fees:
- | | |
|---------------------------------|----------|
| Dogs - 6 months of age or under | \$55.00* |
| Dogs - 6 months of age or older | \$55.00* |
- *Includes refundable \$25.00 spay/neuter bond and \$20.00 license bond. {Amended 6-19-01}
- (D) Cats can be adopted for a fee of \$35.00* per cat.
*Includes refundable \$25.00 spay/neuter bond. {Amended 6-19-01}
- (E) No stray animal shall be disposed of unless sick or injured until after seven (7) days of impoundment. If by license or other means, the owner can be identified, the Animal Control Officer shall immediately upon impoundment, notify owner by phone or mail. They shall have 7 days to reclaim the animal. {Amended 6-19-01}
- (F) An owner reclaiming an impounded dog shall pay a fee of \$20.00 {Amended 10-03-89, 6-19-01} plus \$3.00 {Amended 6-19-01} for each day the animal has been impounded, plus \$20.00 license bond if dog is not licensed. The fee will continue to increase \$5.00 for each time the dog is impounded. {Amended 4-05-88}
- (G) Any animal not reclaimed by its owner within seven (7) working days, shall become the property of the shelter and shall be placed for adoption in a suitable home or humanely euthanized.
- (H) Owner of impounded animal may also be proceeded against for violation of this ordinance.
- (I) The Animal Control Authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a twelve month period.

SECTION XI - WILD/EXOTIC ANIMALS

{Amended 6-02-92}

{Amended 4-16-96}

{Amended 5-07-96}

- (A) No person, partnership or corporation shall possess or harbor any wild/exotic animal. This does not apply to zoological parks, transient animal exhibitions, circuses, or veterinarians.
- (B) As of the May 11, 1996 publication date of the Amendment of this Section {Amended 5-7-96}, anyone in possession of a wild/exotic animal or a crossbreed of a wild/exotic animal with a domestic animal must do the following if they wish to keep the animal:
1. Obtain a permit from the Animal Control Officer within 90 days from the publication of this

ordinance. Permits shall be valid for one year from the date of issue, will be renewed if the owner is in compliance, and will be revoked at any time for noncompliance.

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2. Keep the animal in a tightly secured cage or pen and restrained at all times. The animal must be muzzled or caged when transported.
3. Provide to the Animal Control Officer, written proof from a licensed veterinarian that the animal has been spayed or neutered, or written statements from a licensed veterinarian why the animal cannot or should not be spayed or neutered.

INSTRUCTIONS FOR OBTAINING PERMIT
TO POSSESS A WILD/EXOTIC ANIMAL

1. Submit to Animal Control a site plan and drawing that will include property lines, existing structures and buildings and the location and size of the proposed cage or pen. The area and materials used must be in compliance with standards set by Animal Control, and based upon the size and nature of the animal.
2. File an application for permit and the appropriate fee.
3. Show proof that you have liability insurance specifically stating that the animal is covered.
4. Allow Animal Control freedom to inspect the area as necessary to assure the health and safety needs are being met.

THE PERMIT MUST BE DISPLAYED ON DEMAND OF ANY UNIFORMED OFFICER.

ST. JOSEPH COUNTY ANIMAL CONTROL
APPLICATION AND PERMIT TO POSSESS A WILD/EXOTIC ANIMAL

NAME OF OWNER _____

ADDRESS _____

SOCIAL SECURITY NUMBER _____ DOB _____

NAME OF ANIMAL _____

SPECIES OF ANIMAL _____

AGE _____ COLOR _____ SEX _____ SIZE _____

I have read and understand the regulations concerning the possession and control of the above animal.

I have never had a court order entered against me for any animal violation.

I have never been convicted of cruelty to animals or possessing an animal that is vicious or has bitten someone.

I understand that noncompliance with the animal control regulations will cause immediate revocation of my permit and confiscation of animal.

Date _____

Owner's Signature _____

All of the information presented by me is true to the best of my knowledge.

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PERMIT FEE SCHEDULE

	<u>SMALL</u>	<u>MEDIUM</u>	<u>LARGE</u>
HERBIVOROUS	\$30	\$ 40	\$ 50
CARNIVOROUS & OMNIVOROUS	\$30	\$100	\$150

HEARING AND DISPOSITION

{Added 4-16-96}

When an Animal Control Officer or designee has reason to believe that an individual possesses a wild/exotic animal, he/she shall submit a report to the Office of the Prosecuting Attorney. The Prosecuting Attorney shall decide whether or not to petition the District Court for a show cause hearing before a magistrate where the animal's status as a wild/exotic animal shall be determined. If an animal is determined to be wild/exotic by the magistrate, the individual possessing the same shall immediately comply with the restraint and insurance requirements of such animals. At anytime following the magistrate's decision, if the Animal Control Authority believes any such animal has not been adequately restrained, the animal may be immediately taken into custody and held in a safe and humane manner until the owner can demonstrate compliance. Any individual whose animal has been so held by the Animal Control Authority shall be responsible for the costs incurred as a result of failure to comply with the ordinance.

Any person possessing such an animal shall have 14 calendar days following the magistrate's decision to fully comply with this ordinance. After 14 calendar days if any such individual has not so complied, the Animal Control Authority shall issue that individual a citation for violating this ordinance. Any individual who is found guilty of violating this ordinance shall be subject to the penalties set forth in section XIV of this ordinance. Further, a violation of this section could result in the court ordered destruction of a wild/exotic animal.

SECTION XII - CENSUS

The Animal Control Officer may hire census takers subject to the approval of the Law Enforcement Committee to take the dog count in each township or city. The dog count may be taken beginning on March 1 and before June 1 of each year. The census taker shall be under the supervision of the Animal Control Officer. {Amended 6-19-01}

SECTION XIII - ENFORCEMENT

The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by the Animal Control Authority. It shall be a violation to interfere with an Animal Control Officer or Humane Officer during his duties.

SECTION XIV - PENALTIES

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$50 or more than \$500 or imprisonment in the County Jail not exceeding 90 days or both such fine and imprisonment. If any violation be continuing, each days violation shall be deemed a separate violation. If any person be found guilty by a court of violating Section IX, his permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued. {Amended 6-19-01}

SECTION XV - ADDITIONAL FEES

{Added 4-05-88}

- (A) Any dog owner, requesting their dog to be picked up and taken to the animal shelter for reasons of disposing of the dog, will be charged a \$15.00 fee for one dog, \$5.00 for each additional dog for this pickup service. {Amended 10-03-89, 6-19-01}

- (B) Any owner requesting their dog to be euthanized, will pay:
 - 1. A \$25.00 {Amended 6-19-01} fee for this service, if they bring the dog to the animal shelter.

 - 2. A \$40.00 fee {Amended 10-03-89, 6-19-01} for this service, if they request an Animal Control Officer to pickup the dog. (\$15.00 for pickup and \$25.00 for euthanasia.) {Amended 10-3-89, 6-19-01}

 - 3. Any owner requesting their dog be adopted or if not adopted after seven (7) days, euthanized, a fee of \$25.00 to cover the expense associated with the care of the dog for the seven (7) days, euthanasia and disposal expenses. The \$25.00 fee will be refunded to the owner should the dog be adopted within the seven (7) days. {Added 9-19-00, Amended 6-19-01}

- (C) Any owner requesting their cat to be euthanized must bring their cat to the animal shelter and pay a \$15.00 per cat fee.

- (D) Animals sold for research - fee of \$10.00. {Amended 10-03-89, 6-19-01}

- (E) Any owner requesting disposal of their dead dog or dead cat must bring it to the animal shelter and pay a \$10.00 per dog or cat fee.

- (F) There is no fee to pick up a stray dog(s).

- (G) There is no fee for the adoption of a dog to be used as a service dog (ie; police/border patrol, seeing eye, etc.)

- (H) Trap rental fee - \$25.00 (includes \$20.00 refundable deposit upon return of trap, in good condition, to the animal shelter.)