

**OTTAWA COUNTY**  
**ANIMAL CONTROL ORDINANCE**

**[Adopted on May 22, 2018]**

WHEREAS the control, regulation and protection of animals is important in protecting the public health of Ottawa County citizens and their interests;

WHEREAS, the following Ordinance provides for the collection of stray and unwanted animals, licensing and rabies vaccination of dogs, issuance of health permits for dog kennels, regulation of animal behavior and the keeping of animals, impoundment of animals, and the establishment of a public spay/neuter clinic:

NOW, THEREFORE, the Ottawa County Board of Commissioners ordains as follows:

**ARTICLE I – General Provisions**

**Short Title.** This Ordinance may be known as and may be cited and referred to as “The Ottawa County Animal Control Ordinance.”

**Limitations.** This Ordinance shall not be construed to apply within any city or township which has adopted an animal control ordinance pursuant to MCL §287.290.

**Authority.** The authority for this Ordinance is found in 1919 Public Act No. 339, being MCL §287.261 et seq, 1978 Public Act No. 368, Part 24, being MCL §333.2435-§333.2441 and MCL §46.11(j).

**Agents.** Whenever a power is granted to, or a duty is imposed upon the Sheriff, the power may be exercised, or the duty performed, by a deputy duly appointed by the Sheriff to exercise such power, or to perform such duty unless this Ordinance expressly provides otherwise.

**Establish Guidelines.** The Sheriff may establish guidelines and policies concerning the interpretation of these Ordinances. The guidelines and policies shall be subject to review and approval by the Board of Commissioners, prior to implementation.

**Severability.** The various sections, paragraphs, sentences, clauses, and phrases of these Ordinances are hereby declared severable. If a court of competent jurisdiction adjudges any section, paragraph, sentence, clause, or phrase unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

**Replacement.** Adoption of this Ordinance rescinds, revokes, supersedes and replaces any prior County ordinance, resolution or regulation covering these topics.

## ARTICLE II – Definitions

**Definitions.** Whenever the following terms are used they shall have the meanings set forth in this article.

1. **“Aggressive Animal”** shall mean an animal that exhibits menacing behavior on public or private property including that of its owner or keeper. “Menacing behavior” shall include, but not be limited to: charging, scratching, toppling, teeth-baring, snapping, growling, or other predatory mannerisms, directed at a person or other animal in a place where the person or other animal is legally entitled to be.

2. **“Animal Control Officer”** shall mean any the individual appointed by the Ottawa County Sheriff who is hereby designated to work with the Director and to otherwise enforce this Ordinance and the 1919 Dog Law.

3. **“Animal Shelter”** shall mean the animal boarding facility used by Ottawa County to house stray or unwanted animals. The Ottawa County Board of Commissioners may contract for the use of another county’s or entity’s animal control shelter.

4. **“Dangerous Animal”** shall mean an animal that bites or otherwise causes serious injury to a person or other animal on public or private property when the injured person or other animal is legally entitled to be, including the property of the animal’s owner or custodian. An animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or services purposed which engaged in the activities for which they were trained, shall be considered a dangerous animal.

5. **“Director”** shall mean the Director of the Ottawa County Health Department or his/her designee.

6. **“Department”** shall mean the Ottawa County Health Department.

7. **“Dog Kennel”** shall mean any establishment which keeps on boards dogs for profit whether for breeding, sale or sporting purposes.

8. **“Nuisance Animal”** shall mean an animal running at large, on public or private property other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to: (a) biting or otherwise making physical contact with a person or other animal in a harassing manner; (b) urinating or defecation without the collection by the owner or keeper; or (c) damaging inanimate personal property.

9. **“Owner”** when applied to the proprietorship of an animal for the purpose of this Ordinance, shall mean any person who has a right of property in an animal, or any person who permits an animal to remain on or about any premises for seven consecutive days.

10. **“Person”** shall mean an individual person, a firm, partnership, corporation, trust or any association of persons.

11. **“Tag”** shall mean a physical identification emblem or device in a form approved by the Department, consistent with state statutes, as an appropriate verification of the license and other information deemed relevant by the Department.

### Exceptions

An animal shall not be considered a nuisance, aggressive or dangerous animal where its offending act is caused by; (a) an illness or injury suffered by the animal at the time of the act; (b) the negligent or reckless conduct of any person to whom the act is directed; (c) lawful hunting while the animal is under the control of its owner or custodian; or (d) defense of the animal’s owner or members of the owner’s family or household, or their property.

## **ARTICLE III – Collection of Stray and Unwanted Animals**

**1. Capture.** The Animal Control Officer or any deputy of the Ottawa County Sheriff may capture or take into custody:

- (a) Unlicensed dogs;
- (b) Dogs without current rabies vaccination certificates;
- (c) Dogs which are running loose or which are not held properly in leash while off the owner’s property;
- (d) Stray unwanted, abandoned or abused animals,
- (e) Animals maintained contrary to any city or township ordinance other than an animal control ordinance adopted pursuant to MCL §287.290;
- (f) Animals which the owner or custodian is not able to properly care for a result of:
  - i. Illness;
  - ii. Bankruptcy;
  - iii. Litigation;
  - iv. Other contingencies;
- (g) Any animal which has bitten a person.

**2. Observation.** The Animal Control Officer may capture and take into custody, or accept and care for any animal held for observation-at the recommendation of a doctor, a veterinarian, or the County Health Department.

3. **Private Property.** With probable cause to believe a violation of State Statutes or this Ordinance is occurring, the Animal Control Officer is authorized to enter any premises or property for purposes of examining, capturing, or rescuing any animal or to conduct inspections of all properties, public or private, in conjunction with the fulfillment of the duties and responsibilities in this Ordinance. No person shall refuse to permit the Animal Control Officer, after proper identification, to inspect any premises in accordance with MCL §333.2446.

4. **Exhibition of Animals, Licenses or Certificates of Vaccination.** The Animal Control Officer or deputy of the Ottawa County Sheriff may require that a person owning any dog exhibit the dog, the required vaccination certificate, or the current license and license tag for such dog.

5. **Failure to Show License.** Any person upon whom a demand is made under authority of this Ordinance for the exhibition of any dog, rabies vaccination certificate, license or tag, who fails or refuses to exhibit the same if he has it in his possession, is in violation of this Ordinance.

6. **Interference with an Animal Control Officer.** No person shall interfere with, oppose or resist the Animal Control Officer while he is engaged in the performance of any act authorized by this Ordinance.

7. **Unauthorized Removal From the Shelter.** No person shall remove any animal from the custody of the Animal Control Officer nor shall any person remove any animal from the Animal Shelter without first receiving permission from the Animal Control Officer.

8. **Reclamation.** All reclaimed dogs must be licensed as specified to Articles IV and VIII.

#### **ARTICLE IV – Individual Dog Licensing**

1. **Licensing Required.** All dogs shall be licensed by the County except:

- (a) A dog under four months of age;
- (b) A dog licensed by a municipality in which the dog owner and dog reside;
- (c) A dog licensed by another state or county in which the dog and owner reside, if the owner will be present in Ottawa County for thirty days or less;
- (d) Dogs kept in dog kennels licensed pursuant to MCL §287.270.

2. **Rabies Vaccination.** All dogs shall be currently protected by a rabies vaccine active at the time of license issuance. Such vaccine shall be administered by a veterinarian except when a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated.

3. **Licensing Limitations.** A dog license shall be issued for only an animal which has a current rabies vaccination; provided, however, that a license may be issued to an unvaccinated dog if the veterinarian certification set forth in Section 402 hereof has been obtained.

4. **Individual Licenses.** The County Treasurer or his agent shall issue licenses as provided by MCL §287.274. License fees shall be established from time to time by the County Board of Commissioners.

5. **License Late Fees.** Failure to comply with the licensing requirements of Section 404 will result in the imposition of such late fees and penalties as may be established from time to time by the County Board of Commissioners.

6. **Wearing of Tags.** A license tag shall be worn by each licensed dog at all times.

7. **Concealment of Dogs.** No person shall conceal any dog or conceal ownership of any dog when questioned by the Animal Control Officer.

#### **ARTICLE V – Dog Kennels**

1. **Kennel Licenses.** Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required for dogs under this Ordinance and under the Statutes of the State of Michigan apply to the County Treasurer's Office or Animal Shelter for a kennel license entitling that person to own, keep or operate such kennel in accordance with applicable Laws of the State, including but not limited to MCL §287.270. The dogs in the kennel covered by the kennel license must be kept for sale, boarding, breeding, training or sporting purposes for remuneration. Pets must be licensed individually and will not be covered under the kennel license.

2. **Application for Kennel Health Permit.** In order to obtain a kennel license, any person who owns, keeps or operates a kennel at any single location within the boundaries of Ottawa County except in cities, villages, or townships with their own animal control agency, shall; (1) within thirty (30) calendar days prior to the start of such operation, or; (2) a person which has been previously issued a kennel license shall apply for a new kennel license by June 1 of each year, to the County Treasurer's Office or Animal Shelter, which shall issue such license if the kennel is in compliance with Sections 10 and 11 of Act 339, of the Public Acts of 1919, as amended, being Sections 287.270 and MCL §287.271, and with any applicable ordinance of the city, 18 village or township in which it is located. The County Treasurer or Animal Shelter will not issue a kennel license to any person who has been denied a kennel license by the city, village or township where they reside. Failure to apply for a kennel license within the prescribed time limits will result in a doubling of the applicable fee.

3. **Inspection.** The Animal Control Officer shall have the right to inspect any kennel in the Ottawa County in order to determine whether said kennel is in compliance

with this Ordinance and the State Statute. If the kennel has been issued a license, it shall be the duty of the Animal Control Officer to suspend said license if, in the Officer's opinion, conditions exist which are not in compliance with this Ordinance, Section 10 of Act 339 of the Public Acts of 1919, as amended, being MCL §287.270, and the rules of the Michigan Department of Agriculture, pending correction of such conditions, and further shall have the ability to revoke said license if such conditions are not corrected within a designated reasonable time.

**4. Double Fencing.** All licensed kennels shall be required to have double fencing. The fencing on a dog run shall constitute one fence. The fence on the outer perimeter shall be constructed in such a manner as to prevent stray animals and people from making direct contact with kennel animals. Exceptions to the above would be: 1) solid fence such as a solid privacy fence and/or 2) animals kept inside a building or solid structure.

**5. Conditions of Kennel.** Any dog kennel which under Michigan State Law is to be covered by a license shall be of such construction as will adequately and comfortably house any dogs kept therein during any season of the year. The buildings, including walls and floor, shall be of such construction as to be readily cleaned and kennels and yards connected therewith used to confine kennel dogs shall be kept clean and free from accumulation of filth and debris. All dogs kept or maintained in connection with such kennels shall be furnished with a clean, fresh water supply and adequate and proper food to maintain such animals in a state of good health.

**6. Rabies.** Any kennel dog four (4) months old or older must have a current rabies vaccination as evidenced by a valid certificate of vaccination for rabies with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian or affidavit of the kennel owner. Failure to comply with this requirement shall be a violation of this Ordinance and subject the dog's owner to the penalties set forth in Article XII.

**7. Revocation of Permit.** A kennel health permit may be revoked if a condition exists which will endanger the health of the community or if the kennel is, in the opinion of the Director, not in compliance with this Ordinance.

**8. Forfeiture of Fee.** Upon revocation of a kennel health permit no part of the fees paid for the license and health permit shall be returned and such fees shall be forfeited to the County.

**9. Display of License and Health Permit.** Every person having a kennel license and a kennel health permit shall keep the license and permit posted and exhibited in a conspicuous manner at the kennel.

**10. Local Zoning.** No kennel health permit shall be valid for any kennel which violates any zoning ordinances or official land use plan. No permit shall be valid

where such use is declared a nuisance by the relevant Township Board or City Commission.

11. **Fees.** The Ottawa County Board of Commissioners shall set the fees associated with this Article and all other provisions in this Ordinance.

#### **ARTICLE VI – Animal Behavior**

1. **Dogs Running Stray.** A person who owns or has custody or control of a dog shall prevent the dog from running at large. A person who owns or has custody or control of a dog shall, at any time the dog is off that person's property, restrain the dog with a lead or leash no greater than six (6) feet in length.

2. **Defecation.** A person who owns or has custody or control of an animal shall prevent the animal from defecating on any public or private property other than his own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his property.

3. **Stray Livestock.** A person who owns or has custody or control of livestock or poultry shall prevent such animals from running at large on public or private property without the consent of the property owner, provided, however, that this Section shall not prohibit leading or driving livestock, under the owner's or custodian's supervision, along a public highway.

4. **Nuisance, Aggressive or Dangerous Animal or barking dog.** A person who owns or has custody of an animal shall prevent the animal from engaging in nuisance, aggressive or dangerous behavior. The owner of a dog shall prevent the dog from barking, whining or howling in excessive or continuous fashion.

#### **ARTICLE VII – Impoundment Procedures**

1. **Animal Shelter.** The Animal Shelter is the animal custodial care facility designated as such by the County, which designation may occur by contract with a third party including but not limited to the Ottawa County Humane Society. The Animal Control Officer shall hold all animals impounded by him in the Animal Shelter. Any stray animal found in Ottawa County may be delivered to the custody of the Shelter during normal working hours.

2. **Relinquishing Strays.** Any person picking up any stray animal may assist the Animal Control Officer by holding such animal for the Animal Control Officer to pick up or by delivering it to the Animal Shelter.

3. **Apprehension of Strays.** Any person finding a stray animal may assist the Animal Control Officer by holding such animal for the Animal Control Officer to pick up or by delivering it to the Animal Shelter.

4. **Length of Impoundment.** Length of impoundment shall be:

(a) **Unlicensed Animals.** The Animal Shelter shall hold all healthy unlicensed animals for four days after which time, the animal may be humanely destroyed.

(b) **Licensed Dogs.** The Animal Shelter shall hold all healthy stray dogs with current, valid licenses seven days from the date notice is given after which time, the animal may be humanely destroyed.

(c) **Sick or Injured Animals.** Any animal that is suffering unduly may be destroyed at the discretion of the Animal Control Officer.

(d) **Voluntarily Surrendered Animals.** Any animal may be destroyed at the request of the owner for a fee set from time to time by the County Board of Commissioners.

The length of impoundment shall be computed by excluding the first day the animal is brought to the shelter and including the last day of confinement. If the last day is Saturday, Sunday or legal holiday, the period shall be extended to the next day which is not Saturday, Sunday, or legal holiday.

5. **Records.** The Animal Shelter shall keep a record of each animal impounded by it, the date of the impounding, the date and manner of its disposal and if redeemed, reclaimed or sold, the name and amount of all fees collected by the County because of the impounding, reclaiming, or purchasing of the animal, together with the number of any license tag or kennel license exhibited or purchased upon the redemption or sale. The Animal Control Officer shall keep similar records but only in the event that the animal is not impounded in the Animal Shelter.

6. **Notice.** When any animal wearing a current, valid license tag issued by the County of Ottawa or any municipality with the County of Ottawa is impounded pursuant to this Ordinance, the Animal Control Officer or the Animal Shelter if impounded there, shall, within twelve working hours after receiving such animal, give written notice of the animal's confinement to the person to whom the license was issued.

7. **Compliance.** The Animal Control Officer or Animal Shelter shall not release or sell any animal that has been impounded in accordance with this Ordinance unless the person to whom the animal is released or sold provides satisfactory proof that the animal will be licensed and maintained in accordance with this Ordinance and any other relevant ordinance or statute.

8. **Medical Attention.** The Animal Control Officer or Animal Shelter may employ a veterinarian whenever he deems it necessary in a medical emergency in order to properly care for an impounded animal. The County or Animal Shelter shall charge a fee for veterinary services and such animal shall not thereafter be

redeemed without payment of such fee in addition to other impoundment fees and costs.

9. **Payment of Fees.** The Animal Control Officer or Animal Shelter shall not release any dog unless the dog is first licensed and vaccinated against rabies and all fees and costs are paid as established from time to time by Ottawa County Health Department and the Ottawa County Board of Commissioners.

10. **Unclaimed Animals.** All animals not reclaimed within a period of time established for the holding of strays, shall be destroyed or sold at the discretion of the Animal Control Officer or the Animal Shelter provided such destruction or sale is consistent with the provisions of any County contract with the Animal Shelter.

### **ARTICLE VIII – Keeping of Animals**

1. **General Ordinances.** Every person who owns or who has charge, care or custody of an animal shall comply with each of the following requirements:

(a) **Feeding.** Each animal shall be supplied with sufficient, good, wholesome food and water as often as the feeding habit of the animal requires.

(b) **Cleanliness.** All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

(c) **Unattended Animals.** No animal shall be without attention for more than twenty-four hours. Whenever a commercial animal facility is left unattended, the name, address and telephone number of the owner of the facility and the person responsible for the care of animals shall be posted in a conspicuous place at the front of the facility.

(d) **Dangerous Surroundings.** No condition shall be maintained or permitted that is, or could be injurious to the animal.

(e) **Teasing.** Every reasonable precaution shall be taken to insure that animals are not teased, abused, mistreated, annoyed, tormented or made to suffer by any person or means.

(f) **Protection.** All reasonable precautions shall be taken to protect the public from animals and animals from the public.

(g) **Sick Animals.** Every commercial animal facility shall isolate sick animals sufficiently so as not to endanger the health of other animals.

(h) **Ventilation and Light.** Every building or enclosure where in animals are maintained shall be constructed of materials easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals with sufficient light to allow observation of the animals.

(i) **Veterinarian Attention.** The owner or custodian shall take an animal to a veterinarian for an examination and treatment if the Animal Control Officer finds this is necessary in order to maintain the health of the animal, and so orders.

(j) **Caged.** All animal rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodation for the animals kept therein.

(k) **Shelter.** Proper shelter and protection from the weather provided at all times and as a minimum shall consist of a three-sided shelter of suitable size.

(l) **Structural Strength.** Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, contain the animal and restrict the entrance of other animals.

## 2. **Cruelty.**

(a) **Beating.** No person shall beat, kick, hit, bite, burn or in any other manner cause an animal to suffer needlessly.

(b) **Injury.** No person shall cause abusive injury to an animal.

(c) **Teasing.** No person shall tease or entice a dog or other animal.

(d) **Alcohol.** No person shall give an animal any alcoholic beverage unless prescribed by a veterinarian.

(e) **Incompatible Animals.** No person shall allow animals, which are natural enemies, temperamentally unsuited, or otherwise incompatible to be quartered together or so near each other as to cause injury, fear, or torment. If two or more animals are trained so that they can be place together and without attacking each other, or performing, or attempting any hostile act toward each other, such animals shall not be considered enemies.

(f) **Injurious Tack.** No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.

(g) **Proper Exercise.** Working animals shall be given exercise proper for the individual animal under this particular conditions.

(h) **Working Sick Animals.** No person shall work or use any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.

(i) **Dog in Heat.** No person having a dog in heat shall permit her to be contained in a fashion which gives stray animals access to her or which permits her to escape.

(j) **Confinement.** No person shall confine a dog on a chain for more than four hours unless the chain permits movement over at least 30 square feet and allows the dog free access to a suitable shelter.

(k) **Abandonment.** No person shall abandon an animal.

3. **Sale of Fowl or Rabbits.** No person shall give, sell, or offer to see any chicks, ducklings or other fowl under three months of age or rabbits under two months of age. This section does not prohibit the proper sale of such animals for breeding purposes.

4. **Exotic Animals.** No person shall keep any exotic animal or type of animal which are objectively a hazard to the community because of a threat to safety or of disease. For purposes of this subsection, "exotic animal" means any animal that is native to a foreign country and is not native to any state of the United States.

#### **ARTICLE IX – Public Spay/Neuter Clinic**

1. **General.** The Director may establish or designate a clinic at which members of the public may have dogs or cats spayed or neutered. It shall be the goal of this clinic to provide services at a reduced cost for animals owned by persons who would not otherwise have their animals altered.

2. **Costs.** The fees and costs of surgery shall be established by the County Board of Commissioners.

3. **Certification of Ownership.** Any person submitting a dog or cat for the above service shall sign a consent form prepared by the Department of Health certifying that he is the owner of the animal (or setting forth facts showing that he is otherwise authorized to present the animal for the above operation) and such person may be required to furnish proof of ownership or authority. The consent shall waive liability of the County, the Animal Shelter, and County employees for injury or death to the animal arising out of the aforementioned operation.

4. **Abandonment.** The Animal Shelter shall establish a return date by which a person submitting a dog or cat for the above operation shall pick-up said animal or be subject to reasonable board and care fees commencing the day after the return date. Failure to pick up an animal within five days of a return date shall be deemed abandonment of the animal and the director may dispose of it by sale or destruction.

#### **ARTICLE X –Bites**

1. **Reporting.** An owner of an animal which is known to have bitten another person is obligated to promptly report the bite to the Animal Control Officer and/or the Department and preferably within twenty-four (24) hours of the bite. The Animal Control Officer or the Director may require that the owner of the animal

complete the form attached as Exhibit B, hereto. Any owner must provide proof upon request of the animal's rabies shots or vaccinations and if the owner refuses, the animal will be presumed to have no current protections.

2. **Quarantine.** Every animal which is known to have bitten a person shall be quarantined for a period of not less than ten (10) days after the bite. Such quarantine shall be at the Animal Shelter, a veterinary office, or a place designated by the Animal Control Officer. The owner shall surrender the animal to the Animal Control Officer upon request.

3. **Public Hazard.** Any animal that is known to have bitten a person or other animal may be declared a public health hazard by the Animal Control Officer. At his discretion, the Animal Control Officer may require that the animal be removed from the community, quarantined or confined in a manner specified by the Animal Control Officer.

## **ARTICLE XI—ENFORCEMENT and PENALTIES**

1. **Fines.** Any person who violates this ordinance may be responsible for a municipal civil infraction violation punishable by a municipal civil infraction fine, which shall not be less than \$100 for an initial infraction and not less than \$200 for subsequent infraction within five (5) years and not to exceed five hundred dollars (\$500.00) and the costs of prosecution, in the discretion of the court. In accordance with MCL §333.2441, violation of Article IX.2 (Cruelty) or Article IX.4 (dangerous exotic animals) may be considered a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than five hundred dollars (\$500.00) or both.

2. **Enforcement.** The Animal Control Officer or any deputy of the Ottawa County Sheriff may also order correction of a violation and may specify the nature of corrective action required and a reasonable time limit for the corrective action to be completed. In the case of violations that may present an imminent danger to public health and safety, immediate corrective action may be required. The Animal Control Officer and any Sheriff's Deputy is also authorized to issue and serve municipal civil infraction citations if he or she has reasonable cause to believe that a person has committed a violation of this Ordinance. The citation shall contain a description of the violation, whether it is a misdemeanor or civil infraction, and shall cite the specific sections of the State Statutes or this Ordinance that apply. A court which finds an individual responsible for a civil infraction or guilty of a misdemeanor may exercise equitable powers within its authority to compel current and future compliance with this Ordinance.

3. **Costs and Fees List.** The Ottawa County Board of Commissioners shall determine fees and costs for various licenses, services and costs provided or incurred under this Ordinance. Exhibit A attached hereto contains a list of fees and costs approved by the Ottawa County Board of Commissioners, which list shall be updated from time to time.

