

Minutes of a regular meeting of the Wexford County Board of Commissioners, held at the Wexford County Courthouse, 437 E. Division St., Cadillac, Michigan on the seventeenth day of July, 2013, at 6:00 p.m.

PRESENT: Robert Colvin, Roberty Hilty, Mark Howie, Gideon Mitchell, Alan Devereaux, Gary Taylor, John Fuscone, Bill Goodwill, and Leslie Housler;
ABSENT: None

The following preamble and resolution were offered by Commissioner Devereaux and supported by Commissioner Taylor.

**RESOLUTION 13-14
AMENDING WEXORD COUNTY ORDINANCE NO. 35
IN AND FOR THE COUNTY OF WEXFORD
TO PROVIDE FOR ANIMAL CONTROL**

WHEREAS, Act 339, Michigan Public Acts of 1919, as amended, provides for the licensing of dogs and regulates the keeping of dogs and Act 438 of Public Acts of 2000, as amended provides for licensing of dogs; and

WHEREAS, Act 339 provides the Board of Commissioners may establish an animal control agency, which agency shall then have jurisdiction to enforce the licensing and regulation of dogs within the County; and

WHEREAS, the dog licensing requirements of the State of Michigan set forth in Act 339 of the Public Acts of 1919, being MCL 287.261 - 287.293, have been amended by Act 390 of the Public Acts of 1998 and Act 438 of the Public Acts of 2000; and

WHEREAS, based upon operational requirements, the Board of Commissioners desires the future flexibility within Ordinance No. 35 to determine the assignment of the animal control agency, and in whole or in part, to assign or contract such duties as permitted by Michigan law and deemed appropriate by the Board of Commissioners; and

WHEREAS, the organizational changes and changes made by Act 390 of the Public Acts of 1998 and Act 438 of the Public Acts of 2000 to the dog licensing requirements make it necessary to further amend the dog licensing requirements contained in Ordinance No. 35 adopted on October 16, 1991 to make such ordinance requirements consistent with state law and to further clarify such ordinance; and

WHEREAS, the Board of Commissioners deems it advisable to amend Ordinance No. 35 to require confinement of animals which bite an individual or other animal, provide authority for alternative confinement if an individual does not undertake such required confinement, and provide for fees for confinement and penalties

for failing to undertake such confinement; and,

WHEREAS, the Ordinance Amending Wexford County No. 35 is attached and incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED, that Section 2, Definitions, paragraphs c, d, i and w hereby are, amended to read as follows:

- c) **“Animal Control Officer” means any person employed by, or contracted by, or designated by the County for the purpose of enforcing this ordinance or state statutes pertaining to dogs as well any law enforcement officer empowered to enforce County ordinances or Act 339.**
- d) **“Animal Shelter” means the facility for the purpose of impounding animals under the authority of this ordinance or state law for care, confinement, return to owner, adoption, or euthanasia. The Animal Shelter may be maintained by the County, an authorized Humane Society, or by any third party which operates an Animal Shelter and which contracts with the County or Sheriff. The Board of Commissioners reserves the right to contract with private/public/non-profit entities to provide an Animal Shelter.**
- i) **"Hunting." This terms means to allow a dog to range freely within sight or sound of its owner while in the course of hunting legal game or an unprotected animal in designated hunting areas.**
- w) **“Special Use Permit” means a permit issued by Animal Control to a person(s) for such purpose as defined in the Ordinance or in operating rules and regulations.**

BE IT FURTHER RESOLVED, that Section 3 Animal Control Oversight paragraphs a, b and c be, and hereby is, amended to read as follows:

- a) **Oversight of the County’s Animal Control Program is currently assigned to the responsibility of the Sheriff. Pursuant to MCL 287.289a, the Board of Commissioners reserves the right to assign the animal control agency functions, in whole or in part, to any existing County department. If so assigned, the director or elected official of the County department to which the animal control agency is assigned shall direct and supervise the Animal Control Officer.**

- b) **The Sheriff or designated County director or elected official shall:**
- c) **Animal Control Officer, Other Employees, Duties**
 - 1. **The individual granted oversight may designate individuals within his or her Department as Animal Control Officers, or may employ or contract with other municipalities or third parties necessary and appropriate to operate an animal control program.**
 - 2. **Each Animal Control Officer must qualify to be deputized by the County Sheriff.**

BE IT FURTHER RESOLVED, that Section 5, Licensing paragraphs a, b, c, d, f and h of Ordinance 35 be, and hereby is, amended to read as follows:

- a) **Any person owning, keeping, harboring, or having a dog over four months of age within this jurisdiction must obtain a license, as herein provided. Current dog licenses issued by other counties within Michigan, and any other governmental agencies shall be honored in Wexford County its current license expires. Persons may obtain a license for cats upon request and as herein provided.**
- b) **Written application for licenses, shall state the breed, sex, age, color, and markings of the dog, and the name and address of the last previous owner. The application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian. The certificate for vaccination for rabies shall state the month and year of expiration for the rabies vaccination, in the veterinarian's opinion. A license shall not be issued if the dog's current rabies vaccination has expired.**
- c) **The licensing period shall begin each December 1st and, if not revoked, shall run for one year. A license application may be made from the start of the licensing period and up to the following March 1st.**
- d) **Application for a license must be made within thirty days after obtaining a dog over four months of age. A person who owns a dog that will become 4 months old and that is not already licensed shall apply for a license within 30 days after the dog becomes 4 months old. This requirement will not apply to a**

non-resident keeping a dog within the jurisdiction for not longer than sixty days. ...

- f) License fees shall not be required for certified seeing eye or hearing dogs, governmental police dogs, service dogs for a physically limited person, or a dog which is not subject to any fee for licensing, as provided in MCL 287.291. ...
- h) All licensed animals must wear identification tags approved by the Director of the Michigan Department of Agriculture and collars at all times when off the premises of the owner(s) except when engaged in lawful hunting accompanied by its owner. ...

BE IT FURTHER RESOLVED, that Section 6a, Enforcement, be, and hereby is, amended to read as follows:

Section 6. Enforcement

- a) The provisions of this Ordinance may be enforced by any law enforcement officer employed by a municipality within the County, or by any Animal Control Officer contracted with or employed by the County.

BE IT FURTHER RESOLVED, that Section 8b(9), Public Nuisance be, and hereby is, amended to read as follows:

- b) The term "Public Nuisance" shall include, but is not limited to, the following:
 - 9. has been found by the Sheriff or designated County director or elected official or Animal Control Officer, pursuant to guidelines, as set forth by the Licensing Authority, to be a public nuisance animal by virtue of being a menace to the public health, life or property.

BE IT FURTHER RESOLVED, that Section 12b, Kennels be, and hereby is, amended to read as follows:

- b) The application for a kennel license shall be on the form provided by the Michigan Department of Agriculture or, if none is provided by that department, on a form provided by the County or its designee. The application shall have attached to it proof of rabies vaccination and, or for a new kennel, an inspection certificate signed by the director of the Michigan Department of Agriculture stating that an inspection was made not less than 30 days prior to the filing of the application and

that the kennel complies with that department's sanitary requirements and that dogs in the kennel are properly fed and protected from exposure. The Sheriff, or designated County director or elected official or an Animal Control Officer or designee shall inspect the facility prior to issuing a kennel permit. The application shall also be accompanied by the appropriate license fee.

BE IT FURTHER RESOLVED, that Section 13a, Permits be, and hereby is, amended to read as follows:

- a) **The Licensing Authority shall establish regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this Ordinance and other applicable laws. The Licensing Authority may amend such regulations from time to time as deemed desirable for the public health and welfare and for protection of animals.**

BE IT FURTHER RESOLVED, that Section 14a, Inspection of Premises be, and hereby is, amended to read as follows:

- a) **It shall be a condition of the issuance of any permit or license that the Sheriff, or designated County director or elected official or Animal Control Officer, shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such is refused, issue an appearance citation.**

BE IT FURTHER RESOLVED, that Section 15e Revoking a License or Permit be, and hereby is, amended to read as follows:

- e) **The Sheriff or designated County director or elected official or Animal Control Officer may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this Ordinance, the regulations established by the Licensing Authority, or any law governing the protection and keeping of animals.**

BE IT FURTHER RESOLVED, that Section 16a Restraint, be, and hereby is, amended to read as follows:

- a) **All dogs and cats shall be kept under restraint. This does not apply to working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his or her authorized agent, and actively engaged in activities for which such dogs are trained.**

BE IT FURTHER RESOLVED, that Section 17 Impoundment; Violation Notice be, and hereby is, amended to read as follows:

- a) **All dogs running at large shall be seized by the Animal Control Officer or the officer's authorized agents and impounded for four days for unidentifiable dogs or seven days for identifiable dogs.**
- b) **If, by a license tag or other means, the owner of an impounded animal can be identified, the Sheriff or Animal Control Officer or designee shall immediately upon impoundment notify the owner by telephone or certified mail. The Animal Control Officer or the officer's authorized agents shall utilize every reasonable effort to locate the owner of the impounded dog.**
- c) **The owner of the dog may claim the dog from impoundment by executing a statement of ownership and furnishing proof of a license, as required by this Ordinance and state law, and paying the required fees. Subsequent impounds occurring within twelve months may be charged additional fees.**
- d) **If funding is provided, unrestrained cats or other animals may be impounded in an animal shelter and there be confined in a humane manner for a reasonable period of time.**

BE IT FURTHER RESOLVED, that Section 18d Animal Care is hereby deleted.

BE IT FURTHER RESOLVED, that Section 24, Bite Confinement hereby is enacted to read as follows:

Section 24. Bite Confinement

- a) **Any dog that bites a person or another animal shall be securely confined by the owner in an appropriate building or enclosure for a minimum of ten days following the biting of such person or animal. In the event the owner cannot securely confine the dog for the required period of time, the Animal Control Officer or an authorized representative may take possession and custody of said dog and confine it to the animal shelter for the ten day period. Upon satisfactory evidence that the dog is not suffering from rabies, the Animal Control Officer may release the dog. The confinement of the dog shall be at the expense of the owner for boarding at a rate of \$10.00 per day, plus a licensing fee and rabies fee if not current. This fee is subject to change from time to time on or before November 1st of each year by resolution or motion of the Board of Commissioners.**

- b) Any dog, whose owner cannot be ascertained, who bites a person or another animal shall be confined at the animal shelter for a period of ten days. Upon recommendation of the victim's physician and/or a veterinarian, the dog may be euthanized, with a sample specimen being sent to the appropriate agency for testing.
- c) Any person violating, failing or refusing to comply with the confinement procedures shall be charged with a misdemeanor and upon conviction shall be assessed a fine of up to \$500.00.

BE IT FURTHER RESOLVED, that the remainder of the Ordinance 35, as amended, shall remain unchanged.

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to take all required action to have this Ordinance Amendment published in a newspaper of general circulation in the County.

BE IT FURTHER RESOLVED, that this Ordinance Amendment shall become effective on September 1, 2013. Notice of its adoption is published in a newspaper of general circulation in the County.

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

AYES: Goodwill, Hilty, Devereaux, Taylor, and Housler;

NAYS: Fuscione, Colvin, Howie, and Mitchell

RESOLUTION DECLARED ADOPTED.

Leslie D. Housler
 Leslie D. Housler, Chairman, Wexford County Board of Commissioners

Elaine Richardson
 Elaine Richardson, County Clerk

STATE OF MICHIGAN)
) ss.
 COUNTY OF WEXFORD)

I hereby certify that the foregoing is a true and complete copy of Resolution 13-14 adopted by the County Board of Commissioners of Wexford County at a regular meeting held on July 17, 2013, and I further certify that public notice of such meeting was given as provided by law.

Elaine Richardson
 Elaine Richardson, County Clerk