

BERRIEN COUNTY
ANIMAL CONTROL
ENFORCEMENT ORDINANCE

County of Berrien, Michigan

AN ORDINANCE RELATING TO AND PROVIDING FOR ANIMAL CONTROL WITHIN THE BOUNDARIES OF BERRIEN COUNTY; PURPOSE OF ORDINANCE: DEFINITIONS: COUNTY ANIMAL CONTROL OFFICER, HIS 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 OF DOGS (AND OTHER ANIMALS) AND REDEMPTION OF DOGS (AND OTHER ANIMALS) IMPOUNDED; KILLING AND SEIZING OF DOGS (AND OTHER ANIMALS); USE OF FIREARMS UNDER CERTAIN CIRCUMSTANCES, PROHIBITION OF WILD ANIMALS, ENUMERATION OF CERTAIN VIOLATIONS AND PROCEDURE THEREFORE; PENALTIES; PRESERVATION OF CERTAIN RIGHTS; COUNTY TREASURER'S DUTIES AND RECORDS; FEES AND EXPENSES: RECEIPTS AND DISBURSEMENTS OF FUNDS; CONSTRUCTION; REPEAL.

THE PEOPLE OF THE COUNTY OF BERRIEN, MICHIGAN, DO ORDAIN:

ARTICLE I

PURPOSE

Deeming it advisable in the interest of protecting the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of the dog licensing provisions of the State of Michigan and in particular Act 339 of the Public Acts of 1919, as amended, being Sections 287.261 – 287.293 of the Compiled Laws of 1948, (MSA Sections 12.511 – 12.543), and to create the position of Animal Control Officer and define his 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 Berrien, Michigan does hereby adopt the following Ordinance:

ARTICLE V

CONFINEMENT

SECTION 1

Any dog that shall bite a person, animal or livestock shall be handled in accordance with the National Association of State Public Health Veterinarians, Inc. (NASPHV, Inc.), Compendium of Animal Rabies Control 1989, as amended. In the event the owner of such animal is unable to or fails to comply with any of

the prescribed procedures, the Animal Control Officer shall take possession and custody of such animal and follow the prescribed procedure. The owner of such animal shall bear the costs thereof. Failure of the owner of such animal to keep, maintain and confine or dispose of the animal when and as required by the NASPHV, Inc., Compendium of Rabies Control 1989 or if unwilling or unable to do so, to release custody of said animal to the Animal Control Officer or when so directed deliver said animal to a veterinarian clinic for confinement, shall be in violation of this Ordinance and subject to the penalties set forth in Article XI.

ARTICLE VI

REDEMPTION OF IMPOUNDED ANIMALS

SECTION 1

All dogs found running at large shall be seized by the Animal Control Officer or by other law enforcement officers, and impounded at the animal shelter for a period of five (5) working days if the dog lacks a collar, license or other evidence of ownership; if the dog possesses a collar, license or other evidence of ownership, it shall be held for a period of not less than seven (7) working days from the date of mailing the notice of the dog's impoundment to its owner. After the required holding period has elapsed the dog may be killed, sold or otherwise disposed of if not claimed by the owner, in a manner authorized by this Ordinance.

SECTION 2

When dogs are found running at large, and their ownership is known to the Animal Control Officer, such dog need not be impounded, but, the Animal Control Officer may, in his discretion, cite the owner of such dog to appear in court to answer charges of violation of 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

For purposes of this Article, the Animal Control Officer shall be authorized to utilize outboard emergency lights mounted on his truck or other vehicle. Said lights shall be amber in color, unless another color is designated by the Board of Commissioners. In connection herewith, the Animal Control Officer shall not utilize a siren whistle, or similar device, shall not engage in high speed pursuit or animals or motorists, shall not stop motorists or otherwise prevent motorists from traveling on public streets or highways, and shall not otherwise engage in law

enforcement activities without the prior permission of the Berrien County Sheriff and the Board of Commissioners.

SECTION 5

Weapons training will be in accordance with the requirement established in Article III, Section 11.

ARTICLE VIII

PROHIBITION OF WILD ANIMALS

No wild animal shall be kept permanently or temporarily except in an accredited American Association of Zoologies Parks and Aquariums (AAZPA) facility.

ARTICLE IX

**ENUMERATION OF CERTAIN VIOLATIONS
AND PROCEDURE THEREFORE**

SECTION 1

The owner of any dog shall be deemed in violation of this Ordinance and subject to the penalties set forth in Article X if:

- (a) The owner's dog, regardless of age, and whether licensed or unlicensed, wearing a collar or not wearing a collar, runs at large, provided however, that a dog engaged in hunting need not be leashed when under the reasonable control of its owner.
- (b) The owner's dog, regardless of age, and whether licensed or unlicensed, wearing a collar or not wearing a collar, except a leader dog for a blind person, hearing dog for a deaf or audibly impaired person, or a service dog for a physically limited person which is accompanied by its owner, to be within the confines of any public park when such park, by appropriate designation at its entrance, prohibits dogs or other animals.
- (c) The owner's dog, at any time, whether licensed or unlicensed, destroys property, real or personal, or trespasses in a damaging way on property of persons other than the owner.
- (d) The owner's dog or other animal at any time, whether, licensed or unlicensed, attacks or bites a person.
- (e) The owner's dog shows vicious habits and molests passers-by when such persons are lawfully on the public highway or right-of-way.

- (f) No person shall hinder, harass, injure, or interfere with a dog or other animal being used for law enforcement purposes by a law enforcement official.

SECTION 2

An owner of livestock or poultry shall be in violation of this Ordinance and subject to the penalties set forth in Article XI and Act 328 of the Public Acts of 1976, being Section 433.11, et seq of the Compiled Laws of 1948 (MSA 18.789(1), et seq) if the owner's livestock or poultry runs at large upon the premises of another or upon any public street, lane, alley or other public ground in the county unless otherwise specifically allowed.

SECTION 3

Subject to the provisions of applicable federal and state laws, no person shall keep any exotic animal or type of animal which the Animal Control Officer may determine to be a hazard to the community.

SECTION 4

A person shall be in violation of this Ordinance and subject to the penalties set forth in Article XI if he/she removes a collar or tag from any dog or other animal without the permission of its owner, or decoys or entices any dog or other animal out of an enclosure or off the property of its owner, or seizes, molests, injures, or teases any dog or other animal while held or led by any person or while on the property of its owner.

SECTION 5

In the event of any of such violations or of a violation of any other provision of this Ordinance or of the laws of the state, the Animal Control Officer as well as any law enforcement officer may issue an appearance ticket, citation or summons to the owner of said dog, animal, livestock or poultry, or other person, summoning them to appear before a district court or other appropriate court within the county to answer the charges made in violation of this Ordinance. The said Animal Control Officer or law enforcement officer may sign a complaint before said court for violation of the provisions 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 them before the court to answer the charges. In the event a warrant is issued, the arrest of the person against whom said violation is charged shall be made by a law enforcement officer, who may be accompanied by an Animal Control Officer. The Court may in such case, in its discretion, upon a finding of guilt, assess the penalties in accordance with the penalty provision of this Ordinance.

ARTICLE XIII

FEES AND EXPENSES

SECTION 1

Every township and city treasurer of Berrien County, Michigan, as well as other authorized locations (including veterinary clinics and the Humane Society), shall receive the sum of FIFTY CENTS for each dog license issued for the issuing and recording of same. The remuneration as herein established shall be deemed additional compensation for additional services for each township or city treasurer who receives a salary in lieu of fees, when so designated by the appropriate township board or city council. This fee may be changed from time to time by the Board of Commissioners.

SECTION 2

It shall be the duty of the County Treasurer annually to make a census of the number of dogs owned by all persons in Berrien County, Michigan, in accordance with state law. The County Treasurer is hereby empowered to employ whatever personnel he reasonably 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. These activities may be delegated to the Animal Control Department.

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 or before November 1 of each year and for subsequent years by action of the Board of Commissioners, Section 5. All fees and expenses as herein provided for, shall be paid in accordance with Article XV of this Ordinance.

SECTION 5

All fees and monies as herein provided for, shall be paid in accordance with Article XIV of this Ordinance.

APPROVED: July 15, 2004