

KENT COUNTY ANIMAL CONTROL ORDINANCE

**Adopted by Kent County Board of Commissioners
On June 23, 2022**

Ordinance No. 06-23-22-82

AN ORDINANCE to control, protect and regulate Animals to protect the health, safety and welfare of Kent County citizens and their interests; and to prescribe penalties for violation of its provisions.

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

Section 1. Short Title and Citation

This Ordinance shall be known and cited as the "Kent County Animal Control Ordinance".

Section 2. Declaration of Purpose

It is in the best interest of the citizens of Kent County to control, protect and regulate Animals to protect the health, safety and welfare of Kent County citizens and their interests.

Section 3. Authority

The authority for this Ordinance is found in 1919 Public Act 339, being MCL 287.261 et seq., as amended, and MCL 46.11U}.

Section 4. Limitations

Pursuant to MCL 287.289a, this Ordinance shall not be construed to apply within any city, village or township which has adopted its own Animal control ordinance.

Section 5. Construction

- a. Any term in the singular shall include the plural.
- b. Pronouns in any gender shall include all genders.
- c. Any requirement or prohibition of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- d. No provision in this Ordinance shall make unlawful any act necessarily performed by any officer or employee of Kent County, the Kent County Sheriff's Office, or any other Kent County department or agency within the scope of his/her duty, or by

any independent contractor when acting under and in conformity with an agreement with the County and/or Sheriff's Department, or his/her agent or employees.

- e. The provisions of this Ordinance are minimum standards supplemental to the statutes of this State.

Section 6. Definitions

For the purpose of this Ordinance, the following terms are defined as follows:

- a. "Abandon" means leaving an Animal, or permitting an Animal to be left, without human supervision and without making provisions for the Animal's adequate care, unless premises are vacated in a short-term emergency for the protection of human life or the prevention of injury to a human. An Animal that is lost by an Owner or Custodian from home or while traveling, walking, hiking, or hunting is not abandoned when the Owner or Custodian has made a reasonable effort to locate the Animal.
- b. "Animal", unless otherwise stated, means domesticated animals, a population that have had their behavior, life cycle or physiology systemically altered as a result of being under human control. "Animal" includes but is not limited to birds, fish, mammals and reptiles.
- c. "Animal Control Officer" means a Kent County Deputy Sheriff or any person appointed by the Kent County Sheriff to enforce this Ordinance, as amended, and/or the Dog Law of 1919.
- d. "Animal Shelter" means the Kent County Animal Shelter or a facility that is contracted with the County for the purpose of Animal impound and to house Stray Animals.
- e. "Animal Shelter Director" means the Director of the Kent County Animal Shelter Department or his/her designee.
- f. "Board of Commissioners" means the Kent County Board of Commissioners.
- g. "County" means the County of Kent, State of Michigan.
- h. "Custodian" of an Animal for purposes of this Ordinance and its enforcement means a Person who keeps or harbors the Animal or has the Animal in his/her care or custody; or who permits the Animal to remain on or about any Premises occupied by the Person.

- i "Dog Law of 1919" means 1919 Public Act 339, being MCL 287.261 et seq., as amended.
- j "Kennel" means an establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration.
- k "Kent County Animal Shelter Department" shall be defined as an administrative department of Kent County
- l "Livestock" means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing Animals being raised in captivity.
- m "Owner" of an Animal for purposes of this Ordinance and its enforcement means a Person having a right of property ownership in an Animal;
- n "Person" means any natural person, corporation, company, association, firm, or any other entity or organization.
- o "Sanitary Conditions" means space free from health hazards including excessive Animal waste, overcrowding of Animals, or other conditions that endanger the Animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
- p "Sheriff" means the Kent County Sheriff or his/her designee.
- q "State" means State of Michigan.
- r "Stray" or "Running at Large" mean an Animal not under the control of an Owner or Custodian and not on an Owner or Custodian's premises.
- s "Tag" means a physical identification emblem or a device issued as a verification of a dog license.
- t "Treasurer" or "County Treasurer" means the Kent County Treasurer or his/her designee.

Section 7. Animal Shelter, Animal Shelter Director and Animal Control Officers

- a The Kent County Animal Shelter Department is established by the Kent County Administrator for the operation of the Animal Shelter. The Animal Shelter Director shall be an employee of Kent County and shall report to the County Administrator. The Animal Shelter Director is not responsible for oversight of Animal Control Officers.

- b. Animal Control Officers and enforcement of this Ordinance will be under the supervision, oversight and control of the Kent County Sheriff. An Animal Control Officer may be deputized by the Sheriff as a peace officer and/or Special Deputy to enforce this ordinance and/or the Dog Law of 1919.
- c. An Animal Control Officer shall meet the minimum employment standards as established by the Dog Law of 1919 and any other applicable law, rule or regulation.

Section 8. Collection of Animals

- a. Capture. The Animal Control Officer or any Deputy of the Kent County Sheriff's Office may capture or take into custody:
 - 1. Unlicensed dogs;
 - 2. Dogs without current rabies vaccination certificates;
 - 3. Dogs which are Running at Large, Stray or which are not restrained with a lead or leash no greater than six {6} feet in length while off the Owner or Custodian's property; provided, however, this subsection shall not apply (1) when the dog is inside the boundaries of an established dog park accompanied by the dog's Owner or Custodian where dog park rules allow a dog to be off leash; (2) when the dog is engaged in lawful hunting accompanied by its Owner or Custodian; or (3) as allowed by other applicable law;
 - 4. Abandoned Animals;
 - 5. Animals whose treatment constitutes cruelty or abuse in violation of State law or this Ordinance;
 - 6. Animals not provided adequate care as required by State law or this Ordinance, including Section 13, Keeping of Animals;
 - 7. Animals which have bitten a person;
 - 8. Animals that are subject of a violation of this Ordinance, State law or other applicable law.
- b. 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.

- c. Producing for Inspection. The Animal Control Officer or Deputy of the Kent County Sheriff's Office may require that a person owning any dog produce for inspection the dog, the required vaccination certificate, or the current license and license Tag for such dog.
- d. Failure to Produce for Inspection. Any Person upon whom a demand is made under authority of this Ordinance produce for inspection any dog, rabies vaccination certificate, license or Tag, who fails or refuses to produce the same, is in violation of this Ordinance.
- e. Interference with an Animal Control Officer. No Person shall interfere with, oppose, or resist the Animal Control Officer or Deputy Sheriff while he or she is engaged in the performance of any act authorized in this Ordinance.
- f. Unauthorized Removal from the Shelter. No Person shall remove any Animal from the Animal Shelter without first receiving permission from the Animal Shelter Director.
- g. Reclamation. All dogs reclaimed from the Animal Shelter must be licensed as specified in Sections 9 {Individual Dog Licensing} and 12 {Impoundment and Disposition}.

Section 9. Individual Dog Licensing

- a. Licensing Required. Unless otherwise required by State law, all dogs shall be licensed by the County except:
 - 1. A dog under four months of age;
 - 2. A dog licensed by a municipality in which the dog Owner and dog reside;
 - 3. A dog licensed by another state or county in which the dog and Owner reside, if the Owner will be present in Kent County for thirty days or less;
 - 4. Dogs kept in Dog Kennels licensed pursuant to MCL 287.270.
- b. Rabies Vaccination. A dog license shall be issued for only a dog which has a current rabies vaccination; provided, however, that a license may be issued to an unvaccinated dog if a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated.
- c. Individual Licenses. The County Treasurer or the Treasurer's agent shall issue licenses as provided by MCL 287.274-287.274a. License fees shall be established from time to time by the County Board of Commissioners.

- d. Wearing of Tags. A license Tag shall be worn by each licensed dog at all times, except when such dog is engaged in lawful hunting accompanied by its Owner or Custodian.

Section 10. Dog Kennels

- a. 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 at the Kent County Animal Shelter for a Kennel license entitling that person to own, keep, or operate such a Kennel in accordance with applicable laws of the State, including but not limited to MCL 287.270. Pets must be licensed individually and will not be covered under the Kennel license. This provision is not intended to and does not negate any obligation to obtain zoning permission from the local governmental unit if required by the local unit.
- b. Application for Kennel License. In order to obtain a Kennel License, any person who owns, keeps, or operates a Kennel at any single location within the boundaries of Kent County, except in cities, villages, or townships with their own Animal control ordinance, shall; (1) within thirty days prior to the start of such operation or; (2) a person who has been previously issued a Kennel License, shall apply for a new Kennel License for a new Kennel License by June 1 of each year, at the Animal Shelter Department which, acting as agent of the Treasurer, shall issue such license if the Dog Kennel is in compliance with Sections 10 and 11 of the Dog Law of 1919, being MCL 287.270 and MCL 287.271, and the applicant provides proof acceptable to the County that the Dog Kennel is in compliance with any applicable ordinance of the city, village, or township in which it is located.
- c. Inspection. The Animal Control Officer shall have the right to inspect any Dog Kennel in Kent County in order to determine whether said Kennel is in compliance with this Ordinance and State Statute. If the Kennel has been issued a Kennel License, it shall be the duty of the Animal Control Officer to suspend said Kennel License if, in the Officer's opinion, conditions exist which are not in compliance with this Ordinance, Section 10 of the Dog Law of 1919, 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 Kennel License if such conditions are not corrected within a designated reasonable time.
- d. Rabies Vaccination. Each dog kept in the Kennel that is four (4) months of age or older must have a current rabies vaccination as evidenced by a valid certificate of vaccination licensed by the United States Department of Agriculture, signed by an accredited veterinarian or affidavit of the Kennel owner.

- e. Conditions of Kennel. Any Kennel which under State law is to be covered by a Kennel License shall meet all applicable requirements of State law, including but not limited to Department of Agriculture and Rural Development, Animal Industry Division, Regulation No. 129, being R 285.129.1, Dog kennels.
- f. Animal Care. All licensed Kennels shall provide Animal care as required by applicable State law and this Ordinance, including but not limited to Section 13, Keeping of Animals.
- g. Revocation of Kennel License. A Kennel License may be revoked if the Kennel is not in compliance with State law or this Ordinance.
- h. Forfeiture of Fee. Upon revocation of a Kennel License no part of the fees paid for the License shall be returned and such fees shall be forfeited to the County.
- i. Display of License. Every person having a Kennel License shall keep the License posted and exhibited in a conspicuous manner at the Kennel.
- j. Local Zoning. No Kennel License shall be valid for any Kennel which violates any zoning ordinances or official land use plan. No Kennel License shall be valid where such use is declared a nuisance by the relevant Township Board, Village Council or City Commission.
- k. Fees. The Kent County Board of Commissioners shall set the fees associated with the Article and all other provisions in this Ordinance.

Section 11. Animal Behavior

- a. An Owner or Custodian shall not permit or enable his/her dog or Animal to Run at Large.
- b. An Owner or Custodian 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; provided, however, this requirement shall not apply (1) when the dog is inside the boundaries of an established dog park accompanied by the dog's Owner or Custodian where dog park rules allow a dog to be off leash; (2) when the dog is engaged in lawful hunting accompanied by its Owner or Custodian; or (3) as allowed by other applicable law.
- c. An Owner or Custodian shall not intentionally, or by failure to exercise due care, allow his/her dog or Animal to menace, attack or bite a person or other Animal in a place where the person or other Animal is legally entitled to be. "Menace" 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. "Menace" shall not include behavior of a dog or Animal separated from the person or other Animal by a cage, fence or other barrier.

- d. An Owner or Custodian shall not intentionally, or by failure to exercise due care, allow his/her dog or other Animal to destroy real or personal property.
- e. An Owner or Custodian 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.
- f. Stray Livestock. The Owner or Custodian of livestock or poultry shall prevent such animals from running at large on public or private property without consent of the property owner provided, however that this section shall not prohibit leading or driving livestock, under the Owner or Custodian's supervision, along a public highway.

Section 12. Impoundment and Disposition

- a. Animal Shelter. The Animal Shelter is the Animal custodial care and animal impound facility designated as such by the County. Any Stray Animal found in Kent County may be delivered to the custody of the Animal Shelter during its normal business hours.
- b. Relinquishing Strays. Any person picking up any Stray Animal promptly shall inform the Animal Shelter Director that they have found a Stray Animal and shall surrender such Animal to the Animal Shelter upon demand of the Animal Shelter Director, Animal Control Officer or law enforcement officer.
- c. Apprehension of Strays. Any person finding a Stray 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.
- d. Length of Impoundment. At a minimum the Animal Shelter shall impound Animals and Livestock for the length of time required by State law or applicable court order, if any.

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 Sunday, legal holiday, or day the Animal Shelter is closed to the public, the period shall be extended to the next day which is not Sunday, legal holiday, or day the Animal Shelter is closed to the public.

- e. Licensed Dogs. When any Stray dog wearing a current, valid license Tag issued by the Kent County Treasurer, his/her agent, or any municipality within Kent County is impounded pursuant to this Ordinance, the Animal Control Officer or the Animal

Shelter shall, within twelve working hours after receiving the dog, give written notice of the dog's impoundment to the person to whom the license was issued using the address given on the license application. The Notice shall inform the Owner that the dog will be impounded for seven days after the date of the Notice and must be reclaimed within that impoundment period. If the Owner does not reclaim the dog by the end of the impoundment period, the dog shall be considered unclaimed under Subsection J of this Section.

- f. Sick or Injured Animals. Any Animal that is terminally ill or suffering unduly may be humanely euthanized at the discretion of the Animal Shelter Director and any impound time shall not apply.
- g. Voluntarily Surrendered Animals. Any Animal may be humanely euthanized at the request of the Owner for a fee set from time to time by the County Board of Commissioners. No impound time is required for voluntarily surrendered Animals.
- h. 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 disposition, and if reclaimed, adopted or sold, the name and amount of all fees collected by the County because of the impounding, reclaiming, adopting or purchasing of the Animal, together with the number of any license Tag or Kennel License exhibited or purchased upon the redemption or sale.
- g. 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.
- h. Medical Attention. The Animal Control Officer or Animal Shelter may employ a veterinarian whenever he or she deems 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 reclaimed without payment of such fee in addition to other impoundment fees and costs.
- i. Payment of Fees. All fees and costs shall be paid, or a payment plan established, prior to the release of any Animal. Fees and costs are established by the Kent County Board of Commissioners.
- j. Impoundment and Disposition. Upon conclusion of the impoundment period, if the Animal has not been reclaimed by its Owner, the Animal Shelter Director may continue to confine the Animal, release the Animal for adoption, sell the Animal or euthanize the Animal in a humane manner.

- k Prohibition. Animals may not be sold or otherwise transferred to be used as experimental subjects.

Section 13. Keeping of Animals

- a Adequate Care. Every person who owns or who has charge, care, or custody of an Animal shall provide sufficient food, water, shelter, Sanitary Conditions, exercise, and veterinary medical attention in order to maintain the Animal in a state of good health. Adequate Care includes but is not limited to each of the following requirements.
 - 1 Feeding. Each Animal shall be supplied with sufficient, good, wholesome food and water of sufficient quality and nutritive value to meet the daily requirements determined by the condition and size of the Animal. All Animals shall have fresh water available at all times.
 - 2 Cleanliness. All Animals and all Animal buildings or enclosures shall be maintained in a clean and sanitary condition.
 - 3 Unattended Animals. Whenever a commercial Animal facility or a Dog Kennel is left unattended, the name, address, and telephone number of the owner of the facility and the person responsible for care of the Animals shall be posted in a conspicuous place at the front of the facility.
 - 4 Dangerous Surroundings. No condition shall be maintained or permitted that is, or could be, injurious to the Animal.
 - 5 Teasing. Every reasonable precaution shall be taken to ensure that Animals are not teased, abused, mistreated, annoyed, tormented, or made to suffer by any person.
 - 6 Protection. All reasonable precautions shall be taken to protect the public from Animals and Animals from the public.
 - 7 Sick Animals. Every commercial Animal facility and Dog Kennel shall isolate sick Animals sufficiently so as to not endanger the health of other Animals.
 - 8 Ventilation and Light. Every building or enclosure wherein 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.

9. 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 necessary to maintain the health of the Animal, and so orders.
10. Cages. Cages shall provide enough space to let each Animal stand up, lie down, and turn around without touching the top or sides of the cage. Cages shall be of a material and construction that permits cleaning and sanitizing. Cage floors, unless radiantly heated, shall have either a resting area above the cage floor or some type of bedding.
11. Shelter. Proper shelter and protection from the weather shall be provided at all times and at a minimum shall consist of a three-sided shelter of suitable size. Shelter floors, unless radiantly heated, shall have either a resting area above the shelter floor or some type of dry bedding.
12. 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.

b Cruelty

1. General Prohibition. No person shall beat, harass, injure, or attempt to beat, harass, or injure an Animal.
2. Alcohol. No person shall give an Animal any alcoholic beverage unless prescribed by a veterinarian.
3. 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 placed together and without attacking each other, or performing, or attempting any hostile act toward each other, such Animals shall not be considered enemies.
4. 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.

5. Proper Exercise. Working Animals shall be given exercise proper for the individual Animal under the particular conditions.
6. Working Sick Animals. No person shall work or use any Animal which is overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.
7. Dog in Heat. No person having a dog in heat shall permit her to be contained in a fashion which gives Animals Running at Large or Stray Animals access to her or which permits her to escape.
8. Confinement. No person shall confine a dog on a chain for more than four hours unless the chain permits movement over at least thirty square feet and allows the dog free access to a suitable shelter and water at all times.
9. Abandonment. No person shall Abandon an Animal.

Section 14. Bites

- a. Reporting. An Owner or Custodian of an Animal which is known to have bitten a person is obligated to report the bite to the Animal Control Officer and/or the Animal Shelter within twenty-four hours of knowledge of the bite. If on a weekend, the report may be made through calling emergency dispatch (911).
- b. Proof of Vaccination. Any Owner or Custodian must upon request provide proof of the Animal's rabies shots or vaccinations and if the Owner or Custodian refuses, the Animal will be presumed to have no current protections.
- c. Quarantine. Every Animal which is known to have bitten a person shall be quarantined as required by State law. Such quarantine shall be at the Animal Shelter, a veterinary office, or a place designated by the Animal Control Officer. The Owner or Custodian shall surrender the Animal to the Animal Control Officer upon request.

Section 15. Enforcement and Penalties

- a. Fines. Any person who violates this Ordinance may be responsible for municipal civil infraction violation punishable by a municipal civil infraction fine, as follows:
 1. \$100 for an initial infraction, or \$200 for a subsequent infraction within five years; and
 2. the costs of prosecution and other costs as determined by the court.

- b. Enforcement. The Animal Control Officer or any Deputy of the Kent County Sheriff's Office 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 Deputy of the Kent County Sheriff's Office is 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, that it is a 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 may exercise equitable powers within its authority to compel current and future compliance with this Ordinance.
- c. Other Remedies. Nothing in this Ordinance shall be construed as impairing the right of Kent County or the Animal Control Officers to pursue other legal remedies, including but not limited to, injunctive relief, to enforce the provisions of this Ordinance or citation under applicable State law.

Section 16. Fees for Licenses, Services and Costs

The Kent County Board of Commissioners shall determine fees and costs for various licenses, services, and costs provided or incurred under this Ordinance.

Section 17. Amendments

This Ordinance may be amended from time to time at the discretion of the Kent County Board of Commissioners during a regularly scheduled meeting by majority vote of the members present. The Ordinance shall be read in conformity with and to include any amendments to the State statutes referenced.

Section 18. Severability

The phrases, sentences and provisions of this Ordinance are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 19. Repeal

Any ordinances, rules or regulations heretofore enacted and in conflict with this Ordinance are hereby repealed.

Section 20. Effective Date

This Ordinance shall become effective July 1, 2022.

Adopted: 6/23/2022 by Resolution No. 06-23-22-82