

**STATE OF MICHIGAN
COUTY OF ALGER
DOG CONTROL ORDINANCE #12**

An Ordinance to regulate and control the running at large or otherwise of dogs within the County of Alger, Michigan and to prescribe penalties for violation of said Ordinance.

THE COUNTY OF ALGER, A MICHIGAN MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS BOARD OF COMMISSIONERS, DOES HEREBY ORDAIN:

SECTION 1: Short Title:

This ordinance shall be known as "The Dog Control Ordinance".

SECTION 2: Definitions:

As used in this ordinance, the following definitions shall apply.

- a) LIVESTOCK means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and fur-bearing animals being raised in captivity.
- b) POULTRY means all domestic fowl, ornamental birds and game birds possessed or being reared under authority of a breeder's license pursuant to Act No. 191 of the Public Acts of 1929, as amended, being sections 317.71 to 317.84 of the Compiled Laws of 1948.
- c) POLICE OFFICER means any person employed or elected by the people of the State of Michigan, or by any municipality, county or township, whose duty it is to preserve peace or to make arrests or to enforce the law, and includes game, fish, and Forest fire wardens and members of the state police and the Alger County Sheriff and Deputies.
- d) OWN. To have a right of property in a dog; to keep or harbor a dog or to have a dog in one's care or possession.
- e) PERSON. The word "person" shall include state and local officers or employees, individuals, corporations, Co-partnerships and associations.
- f) KENNEL. The term "kennel" shall mean any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.
- g) REASONABLE CONTROL shall mean that a dog is tethered by a leash not more than eight (8) feet in length made of leather or other durable material; or kept inside an area sufficiently fenced to prevent an escape from the premises of the owner or custodian of a dog; or by voice control if the dog is on the premises of the owner or custodian when the owner or custodian is present to supervise said dog by sight and command.
- h) AT LARGE shall mean that a dog is not under the reasonable control of some person.
- i) Singular word shall include the plural. Masculine word shall include the feminine and neuter.

SECTION 3: Animal Control Officers:

- a) The Alger County Sheriff and all Alger County Sheriff Deputies, Police Officers for the City of Munising, Michigan State Police and Michigan Department of Natural Resources shall be responsible for the enforcement of the Alger County Dog Enforcement Ordinance within their respective law enforcement jurisdiction.
- b) Duties. All law enforcement officers shall fulfill the following duties:
 1. Any law enforcement officer shall promptly seize, take up and place in the dog pound any dogs found at large or being kept or harbored in any place within the County contrary to the Provisions of this Ordinance.
 2. All law enforcement officers responsible for the enforcement of this ordinance shall be legally authorized to have the power to issue violation tickets to those persons owning or harboring dogs contrary to the provisions of this Ordinance.

SECTION 4: Confinement:

Any person shall at all times of the day or night keep their dog confined upon the premises of its owner or custodian, except when said dog is otherwise under the reasonable control of some person. It shall be unlawful for any person who owns or has custody of any dog to allow any dog to stray beyond his premises, unless under the reasonable control of some person or when engaged in lawful hunting, accompanied by his owner or custodian

SECTION 5: Vicious dogs:

No person shall permit any vicious dog, of which he/she is the owner, caretaker or custodian to be unconfined unless securely muzzled and led by a leash. Any dog shall be deemed vicious which has bitten a person or domestic animal without molestation or which, by its actions, gives indication that it is liable to bite any person or domestic animal without molestation. Any vicious dog, which is impounded, shall be confined for not less than fourteen (14) days.

SECTION 6: Removal of dog and other animal defecation from public and private properties:

An owner or person having custody of any dog or any other animal shall not permit said dog or other animal to defecate on any public grounds, public street, alley, sidewalk, tree, lawn, park or other public grounds or any private property within the County of Alger, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately.

SECTION 7: Impoundment of dogs not leashed:

Any dog, licensed or unlicensed, which is not under the reasonable control of some person, and which is found on public places or private property, other than premises of the owner or person having custody of said dog, may be impounded in the county dog pound.

SECTION 8: Impoundment procedure:

- a) Any dog found at large may be seized by any duly authorized law enforcement officer, impounded, and confined in a humane manner for a period of not more than one hundred twenty (120) hours, and may thereafter be disposed of in a humane manner if not claimed by their owners.
- b) When dogs are found at large, and their ownership is known to the law enforcement officer or other police officer, such dog need not be impounded, but may be returned to the owner and the law enforcement officer or other police officer may in his discretion cite the owners of such dogs to appear in Court to answer charges of violation of this Ordinance.
- c) Within a reasonable time upon impounding a dog or dogs, the law enforcement officer shall make every reasonable effort to notify such owners of the conditions whereby they may regain custody of such animals.
- d) Redemption from pound. Any person may redeem a dog from the dog pound by executing a sworn statement of ownership, furnishing a license and tag as required by State law and paying the redemption fees as established by the County of Alger in a fee schedule on file at the Office of the Alger County Clerk. The schedule of redemption fees may be increased without further notice by the Alger County Board of Commissioners.
- e) All dogs must be licensed pursuant to state law within ten (10) days of redemption of said animal. Failure to license a dog within said ten (10) days shall constitute a violation of this ordinance and subject the owner or custodian to the penalties provided in Section 13 of this Ordinance.

SECTION 9: State Laws Apply:

No person shall violate any law of the State of Michigan or any rule or regulation pertaining to dogs adopted by any state agency: dogs shall be licensed pursuant to state law.

SECTION 10: Killing of dogs:

- a) Every law enforcement office may, on complaint, impound any dog or dogs which are found at large unaccompanied by owner or keeper.
- b) Justification. Any law enforcement officer or person may kill or deliver to a law enforcement officer any dog which he sees in the act of pursuing, worrying, or wounding any livestock, poultry, or attacking any person and there shall be no liability on such in damages or otherwise for such killing or delivering.

SECTION 11: Common Law Liability:

Nothing in this Ordinance's contents shall be construed as limiting the common law liability of the owner of a dog for damages committed by said dog.

SECTION 12: Prima Facia Evidence of ownership:

In all prosecutions for violation of this Ordinance the records of the County Treasurer's office showing the name of the owner and the license number to whom any license was issued and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership of any dog.

SECTION 13: Penalty for violation of provisions of Dog Control Ordinance: Civil Infraction

The owner or custodian of any dog found at large not under the reasonable control of some person shall be responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00. A court may order a person whose dog causes damage to property or injury person(s) as a result of a violation of this ordinance to pay full restitution for that damage and/or injury above and beyond the penalties paid for civil fines. A dog owner or custodian who violates any other provision contained in this ordinance shall be responsible for a civil infraction. A person found responsible for a violation of any part of this ordinance shall be responsible of a civil infraction as defined in RJA Section 113, MCLA 600.113, and may be ordered to pay a civil fine of not more than \$500.00

SECTION 14: Severability:

The sections and provisions of this ordinance are declared to be severable, and any portions which are declared to be unconstitutional or inoperative for any reason shall in no way effect the other provisions of this ordinance.

SECTION 15: Effective Date:

This ordinance shall become effective the day following publication of notice of its adoption in a newspaper of general circulation in the County, and unless otherwise amended shall remain in effect.

SECTION 16: The existing Dog Control Ordinance adopted by the Alger County Board of Commissioners on October 10, 1989 shall be and hereby is repealed as of the effective date of this Ordinance.

This Ordinance is adopted by action of the Alger County Board of Commissioners this 19th day in the month of January, 2016.

Commissioners voting "Aye": Mattson, Pullen, Rondeau, VanLandschoot, and Doucette

Commissioners voting "Nay": None

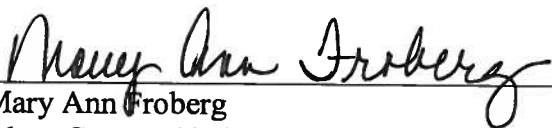
Commissioners Absent: None



Jerry Doucette, Chairperson
Alger County Board of Commissioners

Certification

I, Mary Ann Froberg, Clerk of the County of Alger, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Alger County Board of Commissioners on January 19, 2016.



Mary Ann Froberg
Alger County Clerk