

CLERK  
Jill Nowak  
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CONTROLLER/ADMINISTRATOR  
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## **PUBLIC SAFETY COMMITTEE**

Friday, August 7, 2020  
2:00 P.M.

Manistee County Courthouse & Government Center  
Board of Commissioners Meeting Room via Zoom

### **AGENDA**

- 1) Call to Order
- 2) Public Comment
- 3) Sheriff Items
  - A) Sheriff's Office Items
    - a. Monthly Statistics (APPENDIX A)
    - b. Animal Control Ordinance (APPENDIX B)
  - B) City of Manistee Public Safety Items
  - C) State Police Items
  - D) Tribal Police Items
  - E) North Flight EMS Items (APPENDIX C)
- 4) Emergency Management Coordinator Items
- 5) Jail Administrator Items
- 6) 9-1-1 Director Items
- 7) Other Items from Committee Members
- 8) Adjournment

# Manistee County Sheriff's Department

## Bailiff Daily Stats

Month	JULY 2020																														Monthly	
Day:	W	T	F	S	S	M	T	W	TH	F	S	S	M	T	W	TH	F	S	S	M	T	W	TH	F	S	S	M	T	W	TH	F	Totals
Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Totals
				H																												
<b>Officers on duty:</b>																																
<b>Officers</b>	5	3				4	4	5	3	3			4	4	5	4	3			4	4	5	4	3			4	4	5	3	3	
<b>Daily Activities:</b>																																
<b>Court Duties</b>	10.0	5.5				7.5	12.0	7.5	3.5				9.0	9.5	11.0	3.0	1.5			6.5	8.5	14.0	0.5	1.5			13.0	13.0	14.5	4.0	8.5	164.0
<b>Inmate Services</b>																																0.0
<b>Transport</b>																														1.0		1.0
<b>Report Writing</b>																																0.0
<b>Training</b>																																0.0
<b>Court Security</b>	33.0	23.0				27.0	24.0	32.5	23.5	20.0			26.0	27.0	32.5	25.5	21.5			27.5	24.5	29.5	31.5	25.5			24.0	24.0	30.0	22.0	18.5	572.5
<b>Total Hours Daily:</b>	43.0	28.5	0.0	0.0	0.0	34.5	36.0	40.0	27.0	20.0	0.0	0.0	0.0	36.5	43.5	28.5	23.0	0.0	0.0	34.0	33.0	43.5	32.0	27.0	0.0	0.0	37.0	37.0	45.5	26.0	27.0	737.5



## Manistee County Sheriff's Department Manistee County Station Daily

Month	JULY 2020																															Monthly
Day:	W	T	F	S	S	M	T	W	TH	F	S	S	M	T	W	TH	F	S	S	M	T	W	TH	F	S	S	M	T	W	TH	F	Totals
Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Totals

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**Officers on duty:**

Officers	5	4	5	6	4	4	4	4	4	3	4	4	4	4	4	4	4	4	5	4	4	4	4	4	4	4	6	4	5	4	5
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**Daily Activities:**

Patrol	24.0	15.5	32.0	31.0	16.0	18.0	15.0	21.5	21.0	16.0	17.0	21.0	20.5	21.0	19.0	15.5	26.5	29.0	16.0	19.0	24.0	20.0	18.5	24.5	21.5	12.5	27.0	28.5	17.0	11.0	17.0	636.0
Complaint	15.0	16.0	17.0	19.0	21.0	20.0	19.5	9.0	12.0	11.5	23.0	9.5	17.5	16.0	11.5	16.0	11.5	8.0	11.0	15.0	9.5	10.5	10.0	11.0	17.0	20.5	11.5	5.5	6.5	10.0	23.5	434.5
Report Writing	14.0	10.0	13.0	9.0	8.0	8.0	6.5	16.0	10.0	5.5	3.0	13.0	8.5	8.5	12.5	10.5	6.5	3.0	8.0	11.5	10.5	11.5	7.5	8.0	7.0	14.5	20.5	3.0	13.5	14.0	12.5	307.5
Court																	2.0												1.5			3.5
Transport																				17.0	1.0									3.0		21.0
Airport											1.0	1.0			1.0	1.0					1.0					1.0	1.0		1.0	2.0	1.0	11.0
ZTP																																0.0
ACO		0.5	1.0			1.0				1.0		1.0	0.5		1.0	1.0	2.0	1.5						3.0		4.0		1.5			19.0	
Inmate Services								1.5																								1.5
Liquor Inspection																																0.0
Civil Process									0.5		1.0			2.5		0.5			0.5		0.5		2.0	2.5	0.5	1.0	1.5	0.5	3.0	2.0	18.0	
Community Policing																																0.0
Training	2.0	3.0					1.0		1.5				1.5									2.0	1.0					1.0	12.0	25.0		
Administrative	6.0	2.0	1.0	1.0	1.0	2.0	3.0		1.0	2.0	3.0	2.5	1.0	1.0	3.0	2.0	1.0	1.0	4.0		4.0	2.0	8.5	3.0	2.0	4.0	7.5	1.0	4.0	6.0	3.0	82.5
<b>Total Hours Daily:</b>	<b>61.0</b>	<b>47.0</b>	<b>64.0</b>	<b>60.0</b>	<b>46.0</b>	<b>49.0</b>	<b>45.0</b>	<b>48.0</b>	<b>46.0</b>	<b>36.0</b>	<b>48.0</b>	<b>48.0</b>	<b>49.5</b>	<b>49.0</b>	<b>48.0</b>	<b>48.0</b>	<b>48.0</b>	<b>42.5</b>	<b>56.0</b>	<b>48.0</b>	<b>48.0</b>	<b>48.0</b>	<b>48.0</b>	<b>50.0</b>	<b>48.5</b>	<b>54.0</b>	<b>72.0</b>	<b>39.0</b>	<b>60.0</b>	<b>48.0</b>	<b>57.0</b>	<b>1559.5</b>

**Daily Stats:**

Verbal Warnings	6.0	10.0	16.0	11.0	3.0	4.0	9.0	3.0	1.0	3.0	13.0	7.0	2.0	1.0	3.0	13.0	1.0	1.0		4.0	16.0	2.0	3.0	15.0	5.0	4.0		3.0	2.0	4.0	165.0	
Traffic	1.0	3.0		6.0		3.0	1.0	1.0			8.0	4.0				4.0		2.0		3.0	6.0			1.0	5.0						48.0	
Misd.	2.0			1.0		1.0					3.0	1.0	1.0			1.0			2.0	1.0	3.0			1.0	6.0				5.0	1.0	29.0	
Felony									1.0					1.0		2.0				1.0	1.0										6.0	
Property Inspections	1.0	5.0	12.0	12.0	14.0		8.0	7.0	5.0	2.0		1.0		3.0	1.0	5.0	3.0	1.0	3.0	3.0	10.0	11.0	7.0	4.0	1.0	6.0	4.0	4.0	5.0	138.0		
Civil Papers	1.0										2.0			1.0				1.0			2.0		1.0	2.0		2.0	1.0	5.0	1.0	2.0	21.0	
Traffic Stops	14.0	13.0	13.0	19.0	1.0	18.0	10.0	4.0	1.0	5.0	20.0	16.0	2.0	2.0	3.0	17.0	1.0	3.0		5.0	21.0	2.0	4.0	17.0	23.0	5.0		3.0	2.0	3.0	247.0	
Persons Investigated	28.0	26.0	31.0	38.0	31.0	32.0	19.0	20.0	22.0	21.0	41.0	26.0	16.0	11.0	17.0	34.0	16.0	8.0	6.0	28.0	33.0	17.0	22.0	35.0	41.0	14.0	18.0	7.0	13.0	14.0	19.0	704.0
Vehicles Assisted	3.0			3.0	8.0	2.0		6.0	5.0	1.0	1.0	2.0	3.0	6.0	5.0	5.0	5.0	2.0	1.0	2.0	3.0	4.0	4.0	5.0	3.0	5.0	4.0	2.0	2.0	5.0	5.0	102.0
Mileage	760	527	977	643	609	778	501	571	530	536	598	474	902	468	418	568	921	622	972	501	381	601	636	552	656	672	891	653	535	462	615	19530.0
PI / OWI			1.0																													1.0
OWI											1.0											1.0				1.0					3.0	
PIA ONLY								1.0	2.0								1.0		1.0				1.0							3.0	9.0	
PDA					2.0	3.0	1.0	2.0	1.0		1.0				3.0	3.0	1.0		1.0	3.0	2.0	2.0	2.0		3.0		1.0			1.0	32.0	

# **COUNTY OF MANISTEE**

## **ANIMAL CONTROL ORDINANCE**

An ordinance relating to and providing for animal control services within the boundaries of Manistee County ; providing for the employment of a County Animal Control Officer and describing duties; authority and responsibilities of that division; providing and enforcing a county licensing and rabies protocol; providing for confinement of domesticated animals under certain circumstances; authorizing the establishment of a County Animal Shelter for the impoundment of dogs and other domesticated animals and their redemption; permitting the seizing and possible euthanasia of dogs and other domesticated animals; providing special controls and penalties for keeping of vicious animals; authorizing if possible an annual dog census within the county; enumerating certain violations and penalties therefore; prescribing duties of the County Treasurers duties in regards to dog licensing; and authorizing certain fees and expenses and the receipt and disbursements of funds regarding the Animal Control division.

THE PEOPLE OF THE COUNTY OF MANISTEE OF THE STATE OF MICHIGAN HEREBY ORDAIN THE 2018 ANIMAL CONTROL ORDINANCE.

### **ARTICLE I**

#### **PURPOSE, FINDINGS, AND POLICY**

The County of Manistee deems the ownership of an animal carries with it responsibilities to the County and its residents regarding care and control of such animals. In interpretation and application, the provisions of this

Ordinance shall be construed to impose a primary responsibility for compliance therewith on the owner of such animal. The County of Manistee concludes it advisable to adopt an Animal Control Ordinance in the interest of protecting public health and safety, promoting the welfare of animals within Manistee County and for providing for the orderly and uniform administration of the provisions of Act 339 of the Public Acts of 1919, as amended. The Sheriff of Manistee County along with his/her staff finds that the presence of vicious domesticated animals, as defined herein, within Manistee County creates an increased danger to public health and safety and to the welfare of other animals. The Sheriff, in recognition of the reallocation of governmental functions brought about by Act 139 of the Public Acts of 1973, hereby assigns the Animal Control Division, under the direction of the Animal Control Officer of Manistee County. It is the policy of the Sheriff of Manistee County that this ordinance shall be enforced, to the extent that financial means permit such enforcement, whenever the activities of domesticated animals and their owners within Manistee County directly endanger human life and whenever animals subject to protection by state law or this Ordinance are cruelly or inhumanely treated.

## **ARTICLE II**

### **DEFINITIONS**

For the purposes of this Ordinance, the following terms shall have the following meanings respectively designated for each:

- (a) **ALLOW OR PERMIT.** Action or inaction by an owner that results in movement or activities by his/her animals beyond the area of power of his control of said animals.
- (b) **ANIMAL.** Unless otherwise stated, the word "Animal" as used in this Ordinance shall mean dogs, cats, birds, fish, mammals, amphibians, and reptiles.
- (c) **ANIMAL CONTROL OFFICER.** Special Deputy sworn in by the Sheriff of Manistee County for enforcing this Ordinance along with state statutes pertaining to domesticated animals within the County of Manistee. This Ordinance may also be enforced by Deputy Sheriffs of Manistee County also.
- (d) **ANIMAL SHELTER.** The area leased for housing animals at the Homeward Bound Animal Shelter.
- (e) **COUNTY.** The County of Manistee.

- (f) **CRUELTY.** Cruelty includes neglect and mistreatment as well as inappropriate usage of domesticated animals and includes all those forms of cruelty set forth in MCLA 750.49-50; MSA 28.244-245 and MCLA 752.21; MSA 28.161 and Article VIII of this Ordinance.
- (g) **DAY.** 24 Hour Period.
- (h) **DOG.** Any member of the animal species *Canis Familiars* four (4) months of age or more.
- (i) **HUNTING.** Allowing a dog to range freely within sight or sound of its owner while hunting legal game or an unprotected animal.
- (j) **KEEPING.** Any person who provides food and shelter or has custody of any domesticated animal other than a temporary basis.
- (k) **KENNEL.** Any establishment, except a pet shop, animal shelter or pound licensed pursuant to Act 287 of the Public Acts of 1969, as amended, being MCLA 287-331-340; MSA 12.481 (101)-(110), wherein or whereon three or more dogs are confined and kept for sale, boarding, breeding, training, or sporting purposes, for remuneration, constructed so as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein. This definition shall not be deemed to apply to a litter of puppies under the age of four (4) months.
- (l) **LIVESTOCK.** Horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, hogs, swine, and furbearing animals raised in captivity (excluding dogs and cat).
- (m) **OWNER.** "Owner" and "persons owning premises", when applied to realty, shall include both the title owner of record and those lawfully occupying or in possession of any property or premises; "Owner", when applied to the proprietorship of an animal, means every person having a right of property in the animal, and authorized agent of the owner, and every person who keeps or harbors the animal or has it in his/her care, custody or control, and every person who permits the animal to remain on or about the premises owned or occupied by said person. For this Ordinance, the license records at the County Treasurer's Office, shall be prima facie evidence of ownership of an animal.
- (n) **PERSON.** Person shall include individuals, corporations, societies, co-partnerships, associations, and state and local officers or employees.
- (o) **POLICE OFFICER, PEACE OFFICER OR LAW ENFORCEMENT OFFICER.** Any person employed or elected by the people of the State of Michigan, or by any city, village, county, or township whose duty is to preserve peace, to make arrests and to enforce the law within a specific geographical jurisdiction, and includes game, fish, and forest fire wardens, members of the State Police and Conservation Officers.
- (p) **POULTRY.** All domestic fowl and game birds possessed or being reared under authority of a breeder's licenses pursuant to Act 191 of the Public Acts of 1929, as amended being MCLA 317.71-84; MSA 13,1271-1284.

- (q) **PUBLIC NUISANCE.** Any animal that unreasonably endanger the life or health of other animals or person(s), or substantially interfere with life or property. The term public nuisance animal shall mean and include, but is not limited to, any animal that:
- i. Is found running at large
  - ii. Damages the property of anyone other than its owner
  - iii. Molests or intimidates pedestrians or passerby
  - iv. Chases vehicles
  - v. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained
  - vi. Attacks other domestic animals; or
  - vii. Has been found by the Animal Control Officer, after notice to its owner and a hearing to be a public nuisance animal by virtue of being a menace to the public health, welfare or safety
  - viii. Excessively makes disturbing noises, including, but not limited to, continued and repeated barking, howling, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored
- (r) **RABIES SUSPECT ANIMAL.** Any animal which has bitten a human, or any animal which has been in contact with or been bitten by a rabid animal, or any animal which shows symptoms suggestive of rabies.
- (s) **RUN AT LARGE.** The unrestrained wandering or roaming of an animal other than a cat on public property or on the private property of other persons, or restrained wandering on a leash held by the owner if the leash is longer than six (6) feet.
- (t) **STATE.** The State of Michigan
- (u) **VICIOUS ANIMAL.** Any animal with a propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings. Also, any animal which has previously attacked or bitten a human being or other domesticated animal other than under the type of circumstances that would be justifiable. Furthermore, any animal which has shown tendencies in the past that the owner of said animal knows or should reasonably know to attack or bite human beings or other domestic animals.

The circumstances that would not qualify as above are listed as follows:

- 1a. An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner

1b. An animal that bites or attacks a person or animal that provokes, torments, tortures, or treats an animal cruelly.

1c. An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault and battery or another animal.

(v) **WILD ANIMALS.** (ALSO CALLED EXOTIC ANIMALS) means animals which are not typically domesticated or found on farms or in residential homes, but which are typically found in the wild, zoos, circuses, wildlife sanctuaries, or nature preserves.

## **ARTICLE III**

### **ANIMAL CONTROL OFFICER DUTIES, AUTHORITY, AND RESPONSIBILITIES**

**SECTION 1.** An Animal Control Officer shall be appointed by the Sheriff of Manistee County and shall serve as the head of the Animal Control Division: provided that said officer shall have and meet the minimum requirements contained in MCLA 287.289b; MSA12.540(2)

**SECTION 2.** The Animal Control Officer shall fulfill the following duties:

- (a) The Animal Control Officer shall promptly seize, take up and place in the animal shelter all dogs being kept or harbored or found running at large any place within Manistee County.
- (b) The Animal Control Officer shall be properly certified as an Animal Control Officer in accordance with MCL 257.289 (b); MSA 12.540(2) and shall be legally authorized to have the power and it shall be his duty to issue appearance tickets, citations, or summonses to those persons owning, keeping or harboring animals contrary to the provisions of this Ordinance.
- (c) The Animal Control Officer, subject to the limitations contained herein, shall destroy in a humane manner all impounded animals which are not claimed, turned over to the Homeward Bound Animal Shelter, or released within four (4) days after being impounded. However, if a dog has a collar with a license or other form of identification or evidence of ownership, the Animal Control Officer shall notify the owner by telephone and or letter via

first class mail. If no contact is made, the same procedure as listed above will be followed.

This section does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal of said animal.

- (d) The Animal Control Officer shall promptly investigate all domesticated animal bite cases involving human injury and shall search out and attempt to discover the animal involved and if such animal is found shall either impound or quarantine at the owner's residence for the period of time as described by the Michigan Department of Health Rabies Protocol. Also, the Animal Control Officer shall be obliged to seize and impound any rabies suspected animal. All charges regarding this will become the responsibility of the owners of the animal if known.
- (e) The Animal Control Officer shall make efforts to enforce the Dog Licensing and Vaccination of all canines within Manistee County. The Animal Control officer may issue citations regarding violations under the Manistee County Dog Ordinance and the statutes of the State of Michigan.
- (f) The Animal Control Officer and or Deputies of the Manistee County Sheriff Office is hereby authorized and empowered in accordance with the provisions of this Ordinance to enter upon private premises (except entry into buildings, unless in possession of a Search Warrant) for the purpose of inspecting those premises in order to determine if the owners of dogs or animals there harbored, to determine if the owners of the dogs or other animals there harbored, kept, or possessed have complied with the provisions of this Ordinance and to apprehend and take, or issue citations for whom no license has been procured in accordance with this Ordinance or for any other violation hereof. The provisions of this subsection shall include, but not be limited to, investigation of or seizure for neglect and cruelty to animals.
- (g) The Animal Control Officer shall have the duty to inspect any kennel, a license for which has been issued by the County or its authorized agents pursuant to this Ordinance and the statutes of the State, and shall have a duty to suspend said license if conditions exist which are unhealthy or inhumane to the animals kept therein, pending corrections of such conditions; and further shall have the duty to revoke said license if such conditions are not corrected within a reasonable period of time.
- (h) The Animal Control Officer shall have the duty to investigate complaints of animals alleged to be dangerous or vicious to persons or property and shall have the right to seize, take up and impound such animals pending disposition pursuant to this ordinance.
- (i) The Animal Control Officer shall have the duty to investigate complaints of neglect or cruelty to animals and shall have the duty to seize, take up and impound any domesticated animal

which has been subject to neglect or cruelty; and thereafter said officer shall, when the evidence of such neglect or cruelty is compelling, seek a warrant charging the owner of said animals with a criminal violation.

- (j) The Animal Control Officer shall be responsible for all monetary transactions regarding the claiming of animals that have been lodged and released while under the control of the Manistee County Animal Control Division.
- (k) The Animal Control Officer shall not sell any animal for the purpose of research, demonstration, experimental, or any other purposes by any person, firm, corporation, or institution, except to the extent necessary to comply with health laws and regulations concerning rabies.
- (l) The Animal Control Officer may have such other duties relating to the enforcement of this ordinance as the Sheriff of Manistee County may from time to time provide.

**Section 3.** The Animal Control Officer, in enforcing the provisions of this ordinance and the statues of the State pertaining to animals, may make complaint to the Manistee County Prosecuting Attorney and to the District Court regarding any violations thereof.

**Section 4.** All suspensions and revocations of license and all seizures for neglect, cruelty, viciousness or dangerousness as provided for herein shall be in accordance with this Ordinance.

**Section 5.** All fees and monies collected by the Animal Control Officer shall be accounted for and turned over to the Manistee County Treasurer.

## **ARTICLE IV**

### **LICENSING AND VACCINATION**

**Section 1.** It shall be unlawful for any person:

- (a) To own any dog four (4) months old or older unless the dog is licensed and has a current rabies vaccination as hereinafter provided;
- (b) To own any dog four (4) months old or older that does not always wear a collar with an identifying tag approved by the Director of the Michigan Department of Agriculture (see exception below), attached as hereinafter provided, except when engaged in lawful hunting accompanied by its owner;  
or
- (c) Except the owner, to remove any collar and license tag from a dog.

**Section 2.** A dog license needs to be purchased within the month the dog receives its rabies vaccination. Manistee County Dog Licenses are no longer calendar-year licenses; they will be based on the owner's dog's rabies vaccination date.

**Section 3.** Requirements for purchase of a Manistee County Dog License will be a valid rabies vaccination certificate signed by an accredited veterinarian, a certificate of spay or neutering, if applicable, and the appropriate fee.

**Section 4.** The fees for licensing will be as followed:

1-year license for spayed/neutered; \$10.00. male/female \$20.00

3-year license for spayed/neutered; \$30.00. male/female \$60.00

Delinquent 1-year license for all dogs; \$40.00

Delinquent 3-year license for spayed-neutered; \$60.00. male/female; \$80.00

If an owner has a new dog or puppy, or are a new resident to Manistee County, the fees will be at the reduced rate if you acquire the license within (30) thirty days.

If your dog license is lost, you may bring in your dog license receipt to the Manistee County Treasurer's Office and a new license will be provided at no charge. This replacement license will only be valid as long as the original license was valid.

Dog licenses will be available at the Manistee County Treasurer at 415 3<sup>rd</sup> St, Manistee Mi. 49660. The phone number for information is (231) 723-3173. Licenses will also be available at the Homeward Bound Animal Shelter at 736 Paws Trail, PO Box 144. Manistee Mi. 49660. The phone number will be (231) 723-7387. Hours are Wednesday 12-6 or Thursday-Saturday 12-4.

Kennel Licenses will be available at the Manistee County Animal Control at 736 Paws Trail, Manistee Mi. 49660. The phone number will be (231) 723-3170.

**Section 5.** No licenses or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred by the last registered owner upon proper notice to the Treasurer Office who shall note it in the records.

**Section 6.** Any person who owns, keeps or operates a kennel shall on or before June 1 of the year shall obtain a kennel license from Manistee County Animal Control and shall be subject to the following rules:

- (a) Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required under this ordinance, on or before June 1<sup>st</sup> of each year, contact Manistee County Animal Control for a kennel license entitling said person to own, keep or operate such kennel in accordance with the applicable statutes of the State, including Section 10 of Act 339, Public Acts of 1919, as amended, being MCLA 287,270; MSA 12.520.
- (b) All kennels must be kept sanitary and provide adequate housing for and humane treatment to the dogs kept therein.
- (c) Issuance of a kennel license does not relieve or exempt the owner of the kennel from the requirement in Section 3 of this Article that all dogs 4 months or older possess a valid rabies vaccination.
- (d) The Animal Control Officer shall not issue to any person a kennel license unless such person complies with this Ordinance and laws of the State of Michigan pertaining to governing dog kennels.
- (e) The fees for said kennel licenses shall be \$50.00 for (1) one to (10) ten dogs and \$100.00 for any dogs over (10) ten. Fees may be changed from time to time by a resolution or motion of the Manistee County Board of Commissioners. This section shall not apply to a litter of puppies when with the mother of such, so long as said litter of puppies are less than (4) months of age. Failure to obtain such kennel license shall be punished as set forth in the penalty provision of this ordinance.

## **ARTICLE V**

### **CONFINEMENT**

**Section 1.** Any domesticated animal kept as a pet that shall bite a person, animal, or livestock shall be securely confined by the owner thereof inside an appropriate building or enclosure for a minimum period of ten (10) days from the day of the biting of such person, animal, or livestock. In the event that the owner of such animal shall fail to securely confine the animal for such period of time, then in that event, the Animal Control Officer, deputies, or assistants, may take possession and custody of said animal, confine it at the Animal Shelter until the expiration of said ten (10) day period and upon satisfactory evidence that said animal is not suffering from rabies may release the animal. The expenses of confining such animal will be at the expense of the owner. Any animal running loose after biting a person, animal, or livestock, and whose owner cannot be determined, shall, if located, be confined for the ten (10) day period at the Animal Shelter or suitable location. The Animal Control Officer may humanely destroy said animal upon the recommendation of the victim's doctor and a veterinarian; a sample specimen shall be sent immediately to the Michigan Department of Public Virology Laboratory for testing for the rabies virus. This shall not include rodents or lagomorphs. If owners of animal involved in a bite requests to have the animal destroyed, the 10-day quarantine period will be followed, or the animal will be euthanized, and a specimen will be sent for testing at their expense.

## **ARTICLE VI**

### **ANIMAL SHELTER AND IMPOUNDMENT**

**Section 1.** All dogs found running at large and not under the control of their owners may be seized by the Animal Control Officer or Peace Officer, impounded and thereafter be transferred to the Homeward Bound Animal Shelter or disposed of under the required time frame as stated in the state statutes.

**Section 2.** If the Animal Control Officer or Peace Officer comes upon a non-vicious or non-dangerous dog running at large whose ownership is known and the owner is available, said officer shall not seize and impound such animal, but rather may return said dog and issue a citation to answer to charges of violation of this Ordinance.

**Section 3.** Animals other than dogs seized and impounded by the Animal Control Officer pursuant to this Ordinance shall be treated in the same manner as dogs pursuant to Section 1 above.

**Section 4.** Immediately upon impounding an animal, the Animal Control Officer shall use reasonable efforts to notify the owner of such animal so impounded and inform such owner of the conditions whereby custody of such animal may be regained pursuant to the regulations for the operation of the animal shelter.

**Section 5.** An owner may claim and obtain release of an animal from the animal shelter by executing of ownership, furnishing a license and tag as required by this Ordinance and state law, and paying the required fees required by the Animal Shelter.

## **ARTICLE VII**

### **KILLING AND SEIZING OF DOGS**

**Section 1.** Any person, including a law enforcement officer, may kill any dog he or she sees in the act of pursuing, worrying or wounding any livestock or poultry or attacking persons, and there shall be no liability on such person in damages or otherwise for such killing. Any dog that enters any enclosed property which is owned or leased by any person producing livestock or poultry, said dog not be accompanied by its owner or the owner's agent, shall

constitute a trespass and the owner of said dog shall be liable for damages sustained. In no event shall the provisions of this section exonerate a person from compliance with the criminal laws of this state including, but not limited to, the safe discharge of firearms.

**Section 2.** It shall be lawful for any person to seize any dog running at large in violation of this ordinance for the purpose of turning said dog or other animal over to the Animal Control Officer.

## **ARTICLE VIII**

### **ENUMERATION OF CERTAIN VIOLATIONS; NEGLIGENCE/CRUELTY; AND PROCEDURE THEREOF**

**Section 1.** It shall be unlawful for an owner to permit or allow his or her animal to do any of the following:

- (a) For dogs, to run at large; provided, however, that working dogs such as leader dogs, working farm dogs, hunting dogs, and other trained dogs actively engage in their trained activities accompanied by their owners need not be leashed when under the reasonable control of their owners;
- (b) To permit any female dog in heat to go beyond the premises of such owner unless the female dog is held properly in leash;
- (c) To be within the confines of any public park or public property, by appropriate signs or notices, prohibits all animals, pets or a specific animal, except a service animal assisting its handicapped owner;
- (d) To destroy property, real or personal, or to trespass in a manner that causes actual damage to the property of persons other than the owner of animal including, but not limited to, the repetitive depositing of feces or urine on said property;
- (e) To attack or bite a person;
- (f) To show vicious tendencies or molest passers-by or neighbors when such persons are lawfully on the public highways, roads, streets or rights of way or on their own property.

- (g) To allow a canine to excessively make disturbing noises, including, but not limited to, continued and repeated barking, howling, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others near the premises where the animal is kept.
- (h) Allow or permit any livestock or poultry to stray onto public or private property other than the owner's property.

**Section 2.** It shall be unlawful for any person:

- (a) To remove a collar or tag from any animal without the permissions of its owner;
- (b) To decoy or entice any animal out of its enclosure or off the property of its owner;
- (c) To seize, molest, or tease any animal while held or led by any person or while on the property of its owner;
- (d) To neglect or cruelly treat any animal under said person's care, custody, or control by:
  - (i) Failing to provide adequate shelter, food and potable water on a regular basis, which causes the animal to suffer exposure, thirst and hunger;
  - (ii) Confining an animal in a fashion that a substantial portion of the animal's living area is contaminated with excreta which the animal directly contacts or above or below which the animal must live;
  - (iii) Confining an animal in a fashion that the animal does not have a dry area on which to exercise or rest;
  - (iv) Confining an animal in an enclosed area without sufficient fresh air or ventilation and light;
  - (v) Repeatedly allowing an animal who is tied or chained to become entangled so that the animal has less than five (5) feet of lead;
  - (vi) Caging or chaining an animal continuously in an area insufficient for the animal to obtain adequate exercise;
  - (vii) Placing an animal on a porch or roof at a height of greater than five (5) feet without a protective restraining barrier or without chaining so that the length of the lead does not reach any of the edges of the elevated area or;
  - (viii) Restraining an animal so that the weight of the animal's tie does not allow the animal to comfortably raise his or her head or move.
- (e) To fail to inquire as to the necessity for medical care when an animal is in obvious pain or distress (example: in a state of emaciation; unable to rise and walk, unable to urinate or defecate; crying out in pain; unable to eat or drink; suffering from unattended broken bones, painful or difficult breathing; wounds; burns; convulsions; passing blood in urine , feces, and or vomit; infested with maggots; severe skin disease);

- (f) To permit or allow an ill, diseased, aged, maimed, or injured animal to suffer unnecessary pain by neglecting to do the following: provide medical treatment; put the animal out of its misery by euthanasia; or to give the animal to another person who can provide the proper and necessary care for the animal;
- (g) To put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, road, street, alley, lane, lot, field, meadow or common, except the same and every part thereof be buried at least four (4) feet underground: or the owner or owners of the animal to knowingly permit the same to remain in any of the detriment of public health;
- (h) To overdrive, overload, drive when overloaded, overwork, torture, torment, cruelly beat, mutilate, or cruelly kill, or cause or procure to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, cruelly beaten, mutilated, or cruelly killed, any animal:
- (i) To abandon an animal in the care, custody or control of said person;
- (j) To transport or confine an animal in a cruel manner;
- (k) To intentionally injure or poison an animal
- (l) To kill an animal belonging to another without legal authority or the owner's effective consent;
- (m) To cause or allow an animal to fight with another animal; or
- (n) Who is an owner of an animal that is deceased to knowingly allow the carcass to be left unattended and not properly disposed of for more than seventy-two (72) hours after death of the animal.

**Section 3.** In the event of any of the above violations or a violation of any other provision of this ordinance or the laws of the State, the Animal Control Officer or any Peace Officer may issue an appearance ticket, citation, or summons to the owner or person in possession of said animal, summoning the owner or person in possession of said animals to appear before the district court to answer charges made of violation of this Ordinance or laws of this State, proceed to obtain the issuance of a warrant and cause the arrest of the person against whom said violation is charged in order to bring said person before the court to answer to the charge. The Court, upon conviction thereof, may impose penalties in accordance with the penalty provision of this Ordinance and the law of the State.

**Section 4.** In all prosecutions for violation of this ordinance or State law pertaining to animals, the Manistee County Dog License records showing the name of the owner and the license number which was issued, and the license tag affixed to the collar or harness of the animals showing a corresponding number, or lack thereof, shall be prima facie evidence of ownership of any animal and of issuance, or non-issuance respectively, of an animal license or tag.

**Section 5. Order to Show Cause for Killing or Confining a dog.** The provisions of Section 26a of Act No. 339 of the Public Acts of 1919, as amended, being MCLA 287.286a; MSA 12.537 are available under this ordinance and shall be utilized by the Animal Control Officer whenever the action of any dog brings that dog within the provisions of that statute.

**Section 6.** The enumeration of certain violations in this Article does not constitute all violations of this ordinance for which penalties are provided by this ordinance.

## **ARTICLE IX**

### **SPECIAL PROVISIONS REGARDING VICIOUS ANIMALS**

**Section 1.** The keeping of vicious animals shall be subject to the following standards:

- (a) **LEASH AND MUZZLE.** No person shall permit a vicious animal to go outside of its kennel, pen, or the owner's residence unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit such an animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all such animals on a leash outside of the animal's kennel, pen, or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting person or other animals.
- (b) **CONFINEMENT.** All vicious animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in paragraph (a) above. Such pen, kennel or structure must have secure sides and a secure top attached to its sides. A fenced in

yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground to a depth of no less than two (2) feet. All structures erected to house such animals must comply with all zoning structures and building regulations. The house or shelter for said animal must be adequately lighted and ventilated and kept clean and sanitary condition and shall be totally enclosed within the confinement structure

- (c) **CONFINEMENT INDOORS.** No vicious animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacle preventing the animal from exiting the structure.
- (d) **SIGNS.** All owners or persons in custody of such animal within the county of Manistee shall within ten (10) days of the effective date of this Ordinance display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using such words as "Beware of Dog" or other appropriate warning language. In addition, a similar sign must be posted on the kennel or pen of such animal.

**Section 2. Insurance Identification and Reporting Requirements.**

- (a) **INSURANCE.** All owners or persons in custody of vicious animals must within ten (10) days of the effective date of this Ordinance provide proof to the County of Manistee Animal Control Division liability insurance in an amount of Five Hundred Thousand Dollars (\$500,000.00) for bodily injury to or death of any persons which may result from ownership, keeping, or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be effective unless ten (10) days written notice is first given to the Animal Control Division.
- (b) **IDENTIFICATION PHOTOGRAPHS:** All owners or persons with custody of vicious animals must within ten (10) days of the effective date of this Ordinance provide the Animal Control Officer two color photographs of the registered animal clearly showing the color and approximate size of the animal.
- (c) **REPORTING REQUIREMENTS:** All owners or persons with custody of vicious animals must within three (3) days of the following incidents report the same in writing to the Animal Control Officer.
  - 1) The removal from the County or death of a vicious animal.
  - 2) The birth of offspring of a vicious animal.
  - 3) The new address of a vicious animal should the owner move within the County limits.
  - 4) The animal is on the loose, has been stolen or has attacked a person.
  - 5) The acquisition of a vicious animal.

6) The possession of a vicious animal, even though possessed prior to the adoption of this Ordinance.

**Section 3.** FAILURE TO COMPLY. If the owner or person in custody of a vicious animal within the County of Manistee fails to comply with the requirements and conditions set forth in this Article and the entire Ordinance, said animal shall be subject to immediate seizure and impoundment and further disposition in accordance with the Ordinance.

## **ARTICLE X**

### **SPECIAL PROVISIONS REGARDING EXOTIC OR WILD ANIMALS**

**Section 1.** PROHIBITED EXOTIC ANIMALS. Wild animals may not be possessed, bred, exchanged, bought, sold, or attempted to buy or sell in Manistee County under any conditions or circumstances.

**Section 2.** EXCEPTIONS. Notwithstanding the above provisions, it shall not be a violation of this ordinance for a person, persons, corporation or business entity in lawful possession of an animal to travel through Manistee County on public highways for a destination out of the County. Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums, wildlife sanctuaries, nature preserves, circuses, and bona fide scientific, medical, or educational research facilities are also an exception.

**Section 3.** NON-PREDATORY AND/OR NON-DANGEROUS ANIMALS. Only certain wild animals which are traditionally non-predatory and/or non-dangerous may be possessed in Manistee County. These include non-poisonous snakes less than three feet in length, quails, pheasants, peacocks, raccoons, skunks, squirrels, wild turkeys, and deer, but may only be possessed if the following conditions are met.

- (a) That the animals possessed are possessed under the proper State and Federal permits and/or licenses.
- (b) That the animals possessed are properly caged, penned, housed, or secured so as not to leave the property upon which they are possessed.
- (c) That the animals possessed do not become excessively noisy, excessively odorous, dangerous, or in any way disruptive to the character of the area in which they are possessed.

**Section 4.** NUISANCE PER SE. Any continuing violation or repeated violation of this Ordinance shall constitute a nuisance per se and may be abated by an action in circuit court separately or in addition to criminal proceedings.

**Section 5.** WOLF HYBRIDS.

- (a) In regards to Wolf Hybrids, per State Act 274 of 2000 (Large Carnivore Act) is an act to regulate the ownership, possession, and care of certain large carnivores; to prohibit the ownership and possession of certain large carnivores; to impose fees; to prescribe the powers and duties of certain governmental entities and officials and of certain veterinarians; and to prescribe penalties and provide remedies.
- (b) The Wolf Hybrid Act of 2000 prohibits ownership of wolf/dog hybrids in Michigan. There is an exception provided for people who legally owned such animals prior to the passing of the act, if they adhere to "grandfather clause" requirements of the act.

## **ARTICLE XI**

### **PRESERVATION OF CERTAIN RIGHTS**

**Section 1.** Nothing in this Ordinance shall be construed to prevent the owner of a licensed dog recovery in an action at law from any peace officer or any person, except as herein provided.

**Section 2.** Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of an animal for damages committed by said animal.

## **ARTICLE XII**

## **TREASURER'S RECORDS AND DUTIES; EVIDENCE**

**Section 1.** The treasurer shall make a comparison of his records of the dogs licensed in the County with the report of the Animal Control Officer to determine and locate all unlicensed dogs.

**Section 2.** On and after June 15 of each year, every unlicensed dog subject to license under provisions of this Ordinance or the statutes of this State, is hereby declared to be a public nuisance and the Treasurer shall immediately thereafter list all such unlicensed dogs, as shown by the returns in his/her office of the supervisors and assessors, and shall deliver copies of such lists to the Animal Control Officer and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in Act 339 of the Public Acts of 1919, being MCLA 287.277; MSA 12.527 as amended.

**Section 3.** The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in the County. Such records shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses the record shall also state the breed, sex, age, color, and markings of the dog; and in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to inspection during business hours. He/She shall also keep an accurate record of all license fees collected by him/her or paid over to him by any city or township treasurer.

## **ARTICLE XIII**

### **FEES AND EXPENSES; DOG CENSUS**

**Section 1.** It shall be the duty of the Animal Control Division to annually make a census of the number of dogs owned by all persons in the county within the budget limitations provided by the Board of Commissioners. The Animal Control Officer is hereby empowered to employ whatever personnel he reasonably believes necessary to conduct the census.

**Section 2.** The duties and obligations herein imposed upon the respective designated officials may be delegated when permitted by law to some other appropriate person or persons by each of said officials with like force and effect.

**Section 3.** The fees, expenses, and fines as established by this Ordinance may be changed from time to time by Resolution or Motion of the Board of Commissioners.

## **ARTICLE XIV**

### **RULES OF CONSTRUCTION; SEVERABILITY**

**Section 1.** When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine includes the feminine and neuter. Words or terms not defined shall be interpreted in accordance with their common meaning. Headings are inserted for convenience and shall not limit or increase the scope of any article or section of this Ordinance.

**Section 2.** The provisions of this Ordinance are minimum standards supplemental to the rules and regulations duly enacted by the Michigan Department of Health and Agriculture Division and the laws of the State of Michigan

**Section 3.** If any part of this Ordinance shall be held unconstitutional or void, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

## **ANIMAL CONTROL PUBLISHED FINES AND COSTS**

<u>OFFENSE</u>	<u>SECTION NO.</u>	<u>MISDEMEANOR</u>	<u>CIVIL INFRACTION</u>
No valid/expired rabies vaccination -if vaccinated	Article IV Section 1	\$275.00	\$150.00 \$75.00
Fail to buy dog license -if license purchased	Article IV Section 1	\$275.00	\$150.00 \$75.00
Dog running at large 1 <sup>st</sup> offense	Article VIII Section 1	\$275.00	\$150.00
Dog running at large 2 <sup>nd</sup> offense	Article VIII Section 1	n/a	\$200.00
Dog running at large 3 <sup>rd</sup> offense	Article VIII Section 1	n/a	\$250.00
No tag on dog	Article IV Section 1	\$275.00	\$150.00
Nuisance/Aggressive animal	Article VIII Section 1	\$275.00	\$150.00
Improper Tether	Article VIII Section 2	93-day Misd.	\$250.00
Animal Neglect/Cruelty	Article VIII Section 2	93-day Misd. /Felony	\$250.00
Unrestrained animal in vehicle	Article VIII Section 2	93-day Misd.	\$250.00
Stray Livestock/Poultry 1 <sup>st</sup> offense	Article VIII Section 2	\$275.00	\$150.00
Stray Livestock/Poultry 2 <sup>nd</sup> offense	Article VIII Section 2	n/a	\$200.00
Stray Livestock/Poultry 3 <sup>rd</sup> offense	Article VIII Section 2	n/a	\$250.00
Animal causing damage to property	Article VIII Section 1	n/a	\$250.00
Improper Shelter	Article VIII Section 2	93-day Misd.	\$250.00
Barking dog	Article VIII Section 1	n/a	\$150.00
Quarantine Violations	Article V Section 1	n/a	\$150.00
Poss. Prohibited Exotic Animal	Article X Section 1	n/a	\$150.00
Improper Burial of Animal	Article VIII Section 2	\$275.00	\$150.00
Dog Violation State/Federal Park	Article VIII Section 1	n/a	\$150.00
Dog Attack/Bite Human	Article VIII Section 1	n/a	\$300.00
Animal Left in Vehicle Extreme Temperatures	Article VIII Section 2	93-day Misd.	\$250.00

Animal Neglect/Cruelty or other listed violations may be charged as a civil infraction or a misdemeanor or felony under the laws of the State of Michigan depending upon the severity of the incident.

Under Act 328 of 1931/ 750.50, charges of Animal Neglect/Cruelty may be prosecuted under State statutes.

Rationale      Current Month Data  
July                      2020

**911 Requests by Township/City and 911 Response Time Avg**

<b>Response Times</b>		
<b>Township</b>	<b>Requests</b>	<b>Minutes</b>
Arcadia	4	21.28
Bear Lake	16	10.3
Brown	3	21.79
Cleon	8	19.53
Dickson	13	9.77
Filer	29	11.15
Manistee	50	5.82
Maple Grove	10	8.23
Marilla	2	15.16
Norman	15	12.98
Onkama	25	13.76
Pleasanton	1	0.01
Springdale	4	17.88
Stronach	7	11.7
Manistee City	17	6.38
Eastlake City	2	12.33

**Total Requests = 206                      10.27**