

Monroe County
ANIMAL CONTROL
ORDINANCE

EFFECTIVE DATE: JULY 7, 2008

Compliments of the
MONROE COUNTY SHERIFF'S OFFICE

Dale Malone, Sheriff

ARTICLE I

The Board of Commissioners of the County of Monroe recognizes that Act 339 of the Public Acts of 1919, Michigan Compiled Laws 287.261-287.290, Act 426 of the Public Acts of 1988, MCL 287.321-287.323, and Act 368 of the Public Acts of 1978, MCL 333.1101-333.25211 constitute state law for the regulation of dogs. The Board finds that it is necessary to establish and implement a program for the licensing and regulation of dogs and other animals and facilities which house them, that animals require legal protection, and that property rights of owners and non-owners of animals should be protected and that the health, safety, and welfare of people in Monroe County would best be served by adoption of such an ordinance which shall be cited as "The Monroe County Animal Control Ordinance".

ARTICLE II

-DEFINITIONS-

- A) “Adequate Care” means the provision of sufficient food, water, shelter, reasonable comfort and medical attention, to maintain an animal in a state of good health.
- B) “Adoption” means to take an animal into one's home and to accept responsibility for the animal's well being, through means of a legal and binding contract.
- C) “Agent in Control” means that person(s) having temporary custody and/or responsibility of said animal.
- D) “Animal” means any dog, cat, or other mammal, bird, fish, or reptile.
- E) “Animal at Large” means any animal, excluding commonly domesticated cats, that:
 - a. Is not physically restrained on private property (including motorized vehicles) with the permission of the property owner, in a manner that physically prevents that animal from leaving that property or reaching any public areas; or,
 - b. When not in compliance with subsection (a), is not restrained by a leash, tether, or other physical control device not to exceed six (6) feet in length and under the physical control of a responsible person.
- F) “Animal Control Officer” means any person employed by the County for the purpose of enforcing this ordinance or state statutes pertaining to control of dogs or other animals.
- G) “Approved Vaccine” or “Vaccine” means a veterinary biological that is administered to livestock or other animals to induce immunity in the recipient and approved by the State Veterinarian for use in this state pursuant to the Animal Industry Act, Act No. 466 for the Public Acts of 1988, being Sections 287.701 to 287.745 of the Michigan Compiled Laws.

- H) “Attack” means to attempt to cause injury or otherwise forcefully endanger the safety of people or other animals.
- I) “Board” means the Monroe County Board of Commissioners.
- J) “Day” means any day the Monroe County governmental offices are scheduled to conduct business. It shall not include any Saturday, Sunday, or holiday designated by the Board of Commissioners.
- K) “Dog” means an animal of any age solely of the species *Canis Familiaris*.
- L) “Euthanasia” means putting an animal to death in a humane manner.
- M) “Guard Dog” means a dog that has been trained and has obtained a certification of training in protection of property or people, but shall not apply to a dog owned by a law enforcement agency or certified law enforcement officer that has been trained as a K-9 to assist in a law enforcement agency investigation or demonstration, or search for missing persons.
- N) “Harbor” means to feed or shelter an animal(s) for three (3), or more, consecutive, days.
- O) “Hunting” means the act of pursuing game for food or sport.
- P) “K-Facility” means any facility, except a duly licensed pet shop, where, for a fee, 3 or more dogs are kept for breeding, sale, sporting, boarding, or training purposes.
- Q) “Law Enforcement Officer” means any person employed or elected by the People of the State, 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 conservation officers and members of the State Police.
- R) “Livestock” means farm animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, rabbits, and fur-bearing animals being raised in captivity. Livestock does not include animals that are human companions, such as dogs and cats.
- S) “Muzzle” means a device which when fitted upon an animal prevents it from biting any person or animal and which is made in a manner that will not cause injury to the animal or interfere with its vision or respiration.
- T) “Neglect” means to fail to sufficiently and properly care for an animal to the extent that the animal’s health is jeopardized.

- U) “Owner”, when applied to any property or premise, means both the owner of title of record and those occupying or in possession of such property or premise.
- V) “Owner” when applied to the proprietorship of a dog means every person having a right of property in the dog, and every person who keeps or harbors the dog or has it in his care, and every person who permits the dog to remain on or about any premises occupied by him.
- W) “Person” means any natural person, association, partnership, firm, or corporation.
- X) “Poultry” means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeder’s license pursuant to part 427 (breeders and dealers) of the Natural Resources and Environmental Act, No. 451 of the Public Acts of 1994, being Sections 324.42701 to 324.42714 of Michigan Compiled Laws.
- Y) “Provoke” means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack of an ordinary dog or animal.
- Z) “Quarantine” means a state of enforced isolation.
- AA) “Sanitary Conditions” means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal’s health.
- BB) “Secure Structure,” means a four (4) sided structure with a securely enclosed top. The sides must be at least six (6) feet high, with a concrete or buried fence floor. The door must be locked at all times.
- CC) “Treasurer” means the Monroe County Treasurer.
- DD) “Torment” means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

ARTICLE III
-Animal Control Officers-
-Duties, Authority & Responsibility-

- A) The Monroe County Board of Commissioners shall fund a Chief Animal Control Officer who shall direct the Animal Control Division of the Monroe County Sheriff's Office and Deputy Animal Control Officers as necessary and in accordance with the county budgetary and personnel policies.
- B) It shall be the responsibility of all Animal Control Officers to enforce the provisions of this Ordinance.
- C) Animal Control Officers shall be empowered to enforce this Ordinance, including but not limited to issuance of tickets, citations, or summonses to persons in violation of this Ordinance, and may make a complaint in regard to such violation to the District Court. Animal Control Officers are empowered to enforce state animal control laws, including but not limited to issuance of tickets, citations, or summonses to persons in violation of those state laws.
- D) Animal Control Officers, when enforcing this Ordinance or an applicable state law, shall bear satisfactory identification reflecting the authority under which they act. This identification shall be shown to any person requesting it.

ARTICLE IV

-Shelter Operation, Impoundment, Release & Disposal-

- A)** The Animal Control Division of the Monroe County Sheriff's Office shall operate and maintain an adequate facility as a shelter to receive, care for, and safely confine any animal in an Animal Control Officer's custody under provisions of this Ordinance or coming into the custody of said officer under state law. The shelter shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals.
- B)** An Animal Control Officer may impound and hold at the shelter any animal when it is the subject of a violation of this Ordinance or state law, when it requires protective custody and care because of mistreatment or neglect by its owner, when it is voluntarily donated by its owner for disposition, or when otherwise ordered impounded by the court.
- C)** An animal shall be considered impounded when an Animal Control Officer takes physical custody of the animal.
- D)** Impoundment is subject to the following holding period and notice requirements:
 - 1) An animal bearing identification of ownership or whose ownership is otherwise known shall be held for a minimum of seven (7) days after its impoundment. The Animal Control Division shall, within 24 hours of impoundment, make reasonable efforts by telephone to contact the owner. If unsuccessful, the Animal Control Division shall, within 36 hours of impoundment, send a written notice by certified mail of impoundment advising the owner of the date by which redemption must be made, and

listing fees payable to Monroe County Animal Control prior to redemption/release.

- 2) An animal not bearing identification of ownership shall be held for a minimum of four (4) days after its impoundment.
- 3) Animals held for periods prescribed under this section and not redeemed by their owner shall be subject to disposition.

E) Disposition of animals shall be made in the following manner:

- 1) Redemption - An impounded animal shall be released to its owner, or the owner's authorized representative, provided:
 - a) It is redeemed within the period set forth in this section;
 - b) Cash payment of fees for impoundment and care, including actual cost of veterinary care incurred, if any, while held in the animal shelter, is received; and,
 - c) The owner is in compliance with provisions of this Ordinance and statutes of the State including licensing and vaccination requirements.
- 2) Adoption - A dog, cat, or ferret may be released for adoption subject to the following conditions:
 - a) Each prospective adopter shall complete a preliminary adoption form prior to their name being added to the list of prospective adopters;
 - b) If the prospective adopter does not own their residence, whether single family home, apartment, manufactured housing, or similar residences, they must provide written permission from the owner/management allowing them to have a pet prior to adopting a dog, cat, or ferret from the Monroe County Animal Control Shelter;
 - c) The adoptive owner shall pay, in cash, a surgical prepayment deposit which shall be refundable upon furnishing written certification by a licensed veterinarian that the animal has been rendered sexually incapable of reproducing;

d) The adoptive owner shall sign a written contract agreeing, within 30 days of adoption or upon the animal attaining sexual maturity, whichever event last occurs, to render an adopted dog or cat sexually incapable of reproducing. The contract shall also include a statement that:

i) **If the terms of the contract are breached because adoptive owner fails to have the animal spayed/neutered, as required in the contract, the deposit shall be forfeited; and,**

ii) **Proof of animal being spayed/neutered must be received by Monroe County Animal Control on or before 15 days from date specified on the contract, or the deposit shall be forfeited.**

iii) **VIOLATING ANY PROVISION OF SUBSECTION d) SHALL CONSTITUTE A MISDEMEANOR.**

e) The Chief Animal Control Officer may decline to release a dog, cat or ferret for adoption under any of the following circumstances:

i) The prospective adoptive owner has been convicted of the crime of cruelty to animals within the previous five (5) years; or,

ii) The prospective adoptive owner has inadequate or inappropriate facilities for keeping the dog, cat, or ferret and providing proper care to it; or,

iii) The existence of other circumstances which in the opinion of the Chief Animal Control Officer would endanger the welfare of the dog, cat, or ferret or the health, safety, and welfare of people.

3) Any animal held for the period prescribed under this Article without redemption or adoption shall be disposed of only by euthanasia, except

that livestock and poultry may be sold in accordance with provisions of the statutes of the State.

- 4) Provisions of this Article regarding holding periods do not apply to any animal that is sick or injured to the extent that the holding period would cause the animal undue suffering in the judgment of the Chief Animal Control Officer, or to any animal voluntarily delivered to the animal shelter by the owner requesting humane destruction. Such animals will be disposed of by euthanasia as soon as possible.

ARTICLE V

-DOG LICENSING-

- A) It is required that any dog shall be licensed upon attaining the age of four (4) months, within thirty (30) calendar days of acquisition by the owner, or within thirty (30) days of the owner becoming a resident of Michigan, whichever occurs later. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE (3) YEARS, IT SHALL BE A MISDEMEANOR.**

- B) The application for the license must be accompanied by proof of vaccination of the dog for rabies, using an approved vaccine and signed by a licensed veterinarian, and the required license fee.

- C) Licenses shall be valid until the expiration date listed on the license application.

- D) Every dog shall wear a collar at all times to which a current license tag, approved by the Michigan Department of Agriculture, shall be securely attached and displayed at all times, except when the dog is engaged in lawful hunting and is accompanied by its owner or the dog is displayed in an exhibition. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE (3) YEARS, IT SHALL BE A MISDEMEANOR.**

- E) The license and license tag are assigned to the dog and are not transferable to another dog. The license and license tag shall remain with the dog upon transfer to another owner for the life of the license, providing that upon transfer to another owner within Monroe County the last registered owner and the new owner shall notify the Animal Control Division, in writing, of the change in ownership so that it may note such transfer upon its records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, training, trial or show. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE (3) YEARS, IT SHALL BE A MISDEMEANOR.**

- F) A dog displaying a valid license tag from another Michigan county shall not require licensing in Monroe County until expiration of the current license, provided that dog remains in the possession of the owner to whom the license was issued.
- G) If a currently valid dog license tag is lost it shall be replaced without charge by the Animal Control Division upon application by the owner of the dog, with a signed statement of the fact regarding the loss of such tag.
- H) Fees shall be waived for licenses issued for any guide dog, leader dog, or service dog, upon presentation of an affidavit by the dog's owner. The waiver shall apply to all subsequent licenses issued to that dog so long as it remains the property of the person named in the affidavit.
- I) A penalty equal to twice the applicable license fee shall be charged to any person who fails to apply for initial license or renewal license within the times specified by the Board. For license renewals by mail, the postmark must be no later than the last day of February, exceptions being noted in section "A".
- J) No dog shall be exempt from the rabies vaccination requirements set forth in this Ordinance, unless there is a valid medical reason supplied in writing by a licensed veterinarian. A titer test must be performed on the exempt dog that proves the dog's titer is sufficient to adequately protect against the rabies virus. The veterinarian performing the titer test must put into writing the results of the test, which will be accompanied by a copy of the titer test results. The titer test must be done each year on the exempt dog before a current license will be issued. If the exempt dog's titer is not sufficient to protect the dog from rabies virus the dog will be required to have the rabies vaccination or be euthanized. The owner of the dog shall pay all costs incurred. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE (3) YEARS, IT SHALL BE A MISDEMEANOR.**
- K) The Board of Commissioners shall set the Annual Dog License Tag fees.

ARTICLE VI

- "K" LICENSE -

- A) Any person who, within the boundaries of Monroe County, owns, keeps, or operates a facility wherein/whereon, for a fee, dogs are kept for breeding, sale, sporting, boarding, or training purposes, shall be required under this Ordinance and under the statutes of the state of Michigan to apply to the Animal Control Division for a K-Facility License entitling that person to own, keep, or operate such a facility in accordance with the applicable laws.
- B) The proper application fee must accompany the application for this permit.
- C) Any person who owns, keeps, or operates such facility shall, within thirty (30) calendar days prior to the start of such operation, or within thirty (30) calendar days prior to the expiration date of a previously issued license, obtain a "K-Facility License" from the Animal Control Division, which shall issue such license provided the facility is in compliance with this Ordinance and with any applicable ordinance of the city, village, or township in which it is located. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.**
- D) Failure to apply for a "K-Facility License" within the prescribed time limits will result in a doubling of the applicable fee.
- E) All licensed facilities shall be required to have double fencing. The fencing on the outer perimeter shall be constructed in such a manner as to prevent stray animals and people from making direct contact with animals in the facility. Exceptions to double fencing requirements: (1) solid fence and/or (2) animals only kept inside. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.**
- F) A facility, covered by a license, shall be of such construction as will adequately and comfortably house any dogs kept therein during any season of the year. The buildings, including walls and floor, shall be of such construction as to be readily cleaned. Cages and yards used to confine dogs in the facility shall be kept clean and free from accumulation of filth and debris. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS**

CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.

- G) All dogs kept or maintained in connection with such facility shall be furnished with a clean, fresh water supply and adequate and proper food to maintain such animals in a state of good health. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.**
- H) All facility dogs, four (4) months old or older, must have on file at the facility a copy of a valid rabies certificate. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.**
- I) Any facility dog, four (4) months old or older, shall at all times, wear a collar with a securely attached valid current license tag. In lieu of this requirement, dogs shall be permitted to wear a collar with a securely attached “K TAG”. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.**
- J) “K-TAGS” may be purchased from Monroe County Animal Control and used in lieu of the dog’s valid current license tag while the dog is at the facility.
- K) The owner/operator of a “K-Facility” shall keep a daily log. This log shall provide a description of each dog and the license tag number or “K-TAG” number that is secured to the collar worn by that dog. This log is to be kept at the facility and be available for review at all times. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.**
- L) Animal Control Officers shall have the right to inspect any “K-Facility” in the County of Monroe in order to determine whether said facility is in compliance with this Ordinance and the statutes of the State. If the facility has been issued a license it shall be the duty of the Animal Control Officer to suspend that license if, in the officer’s opinion, conditions exist which are unhealthy or inhumane to the animals kept therein. Further, the Chief Animal Control Officer shall have the duty to revoke said license if such conditions are not corrected within a designated time.

- M) Upon change in ownership of a “K-Facility” the owner may, with written notification to Monroe County Animal Control, request the current K-Facility License be transferred to the new owner’s name. The applicable fee must accompany this request. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.**

- N) The Board of Commissioners shall set the Annual K-Tag and K-Facility License fees.

- O) There shall be no refund of any fees paid if a “K-Facility” license is revoked for any reason.

- P) No person convicted of cruelty to animals or animal torture shall be issued a “K-Facility” license to operate a commercial establishment.

- Q) No “K-Facility” shall employ anyone convicted of cruelty to animals or animal torture. **VIOLATING THIS SECTION SHALL BE A MISDEMEANOR.**

ARTICLE VII

-Prohibitions & Regulated Conduct-

- A) For the purposes of this Article the term “permit” shall include human conduct that is intentional, deliberate, careless, or negligent in relation to an animal.

- B) It is unlawful for any person to:
 - a. Permit any animal, except domesticated cats, to be at large or to stray beyond the property of such person unless such animal is restrained by leash and under the control of a responsible person or unless such animal is engaged in lawful hunting or hunting practice, or in an exhibition and is accompanied by a responsible person. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.**

 - b. Permit any animal to trespass upon the property or to cause damage to property, real or personal, of another person. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.**

 - c. Permit a dog in heat (estrus) to be accessible to a male dog, except for intentional breeding purposes. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION.**

 - d. Permit any animal to cause unreasonable annoyance, alarm, or noise, at any time of the day or night, by repeated barking, whining, screeching, howling, baying, or other like sounds which may be heard beyond the boundaries of the owner’s property. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION.**

 - e. Permit an animal to be confined within or on a motor vehicle at any location under such conditions as may endanger the health or well being of the animal including, but not limited to, dangerous temperature or lack of food, water, or attention. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE YEARS, IT SHALL BE A MISDEMEANOR.**

- f. Abandon any animal in or upon any sidewalks, street, alley, road, public right-of-way, park, or other public property, or in or upon the property of another person. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION.**
- g. Knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to any animals, except rodents. **VIOLATING THIS SECTION SHALL BE A MISDEMEANOR.**
- h. Physically mistreat any animal either by deliberate abuse or neglect to furnish adequate care and shelter, including veterinary attention, or to leave the animal unattended for more than twenty-four (24) hours without adequate care. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION.**
- i. Permit any animal to leave the confines of any officially prescribed quarantine area. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION.**
- j. Seize, molest or torment any animal while on the property of its owner or while held or led on a leash by its owner, or to decoy or entice any animal out of an enclosure or off the property of its owner. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION.**
- k. To keep or harbor a guard dog upon any premises unless the guard dog is within an enclosed building or fenced area and with a sign being posted upon the premises and prominently displayed and clearly visible to the public, containing the words "WARNING-GUARD DOG". **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION.**
- l. To permit a guard dog to be outside of an enclosed building or fenced area unless such guard dog is upon a leash not longer than six (6) feet in length. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION.**
- m. Fail to comply with the requirements of this Ordinance and of state statutes, which apply to the keeping of an animal or a facility where animals are kept. **VIOLATING THIS SECTION SHALL BE A CIVIL INFRACTION.**

C) LOST OR STOLEN ANIMALS:

- a. No person shall steal, or confine and secrete, any dog licensed under this ordinance or kept under a "K-Facility" license, unless legally authorized to do so, or unless such confining is justifiable in the protection of a person,

property, or game. **VIOLATING THIS SECTION SHALL BE A MISDEMEANOR.**

- b. Any person who finds and harbors a dog without knowing the identity of its owner shall notify the Animal Control Division and furnish a description of the animal.
- c. The finder shall surrender the dog to an Animal Control Officer within 48 hours after such person comes into possession of said dog. **VIOLATING THIS SECTION IS A MISDEMEANOR.**
- d. If the owner of the dog has not reclaimed the surrendered dog within seven (7) business days, the finder may adopt the animal in accordance with Article IV (E) (2).

D) Dead Animals:

A person who places a dead animal or part of the carcass of a dead animal into a lake, river, creek, pond, road, street, alley, lane, lot, field, meadow, or common area, or in any place within one (1) mile of the residence of a person, except the same and every part of the carcass is buried at least four (4) feet underground, and the owner or owners thereof who knowingly permits the carcass or part of a carcass to remain in any of those places, to the injury of the health, or to the annoyance of another is guilty of a misdemeanor.

E) Ferrets:

- a. A person shall not own or harbor a ferret over 12 weeks of age unless the ferret has a current vaccination against rabies with an approved rabies vaccine administered by a veterinarian, except that rabies vaccinations are not required for research ferrets kept at research facilities registered pursuant to the public health code. **VIOLATING THIS SECTION IS A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE (3) YEARS, IT SHALL BE A MISDEMEANOR.**
- b. A person who owns or harbors a ferret shall produce proof of a valid rabies certificate signed by a veterinarian upon request of a law enforcement agent or Animal Control Officer. **VIOLATING THIS SECTION IS A CIVIL INFRACTION. IF A PERSON VIOLATES THIS SECTION AND HAS A PREVIOUS CONVICTION FOR VIOLATING THIS SECTION WITHIN THREE (3) YEARS IT SHALL BE A MISDEMEANOR.**

- F) A BITE/SCRATCH REPORT & QUARANTINE AGREEMENT shall be completed by an Animal Control Officer for each and every incident reported to Monroe County Animal Control wherein a bite/scratch penetrated the skin of the victim.

ARTICLE VIII
-GUIDE, SERVICE, and GUARD DOGS-

Any person claiming that a dog is a guide dog, service dog, or guard dog has the burden of proving such a claim by the preponderance of the evidence.

ARTICLE IX

-Interference With Animal Control Officer-

It shall be unlawful for any person to hinder, delay, interfere with, obstruct, or directly or indirectly to aid, counsel, assist, or advise another to hinder, delay, interfere with, or obstruct an Animal Control Officer while such officer is engaged in capturing or securing a dog, cat or other animal found to be in violation of this Ordinance or state law or while taking into custody, and/or maintaining in custody, any stray dog, cat or other animal subject to impoundment pursuant to the provisions of this Ordinance or state law, or to open any vehicle or other place of confinement, which may result in the release of any such impounded animal.

Violating this Article shall be a misdemeanor.

ARTICLE X

-Violations & Penalties-

- A) **Civil Infractions shall be punishable by a fine of Fifty (\$50.00) to Two Hundred (\$200.00) Dollars.** Civil infraction tickets may be written by the Animal Control Officer or by such other persons as may be provided for by law. Defendant may also be assessed costs. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Ordinance shall not prevent civil proceedings for abatement or termination of the activity prohibited by this Ordinance.

- B) **Misdemeanors shall be punishable by 90 days jail and/or \$100 to \$500 fine, plus the costs of prosecution.**

- C) The classification of an offense as a civil infraction or misdemeanor under this Ordinance shall not preclude the Monroe County Animal Control Division and its officers, the Prosecuting Attorney, the Attorney General, or any other law enforcement officer from electing to prosecute the offense or offender under any other applicable state law.

ARTICLE XI

-FEES & EXPENSES-

- A) The Treasurer of the County of Monroe shall receive all fees collected by the Monroe County Animal Control Division for the issuance and recording of licenses and other services.
- B) The Monroe County Board of Commissioners shall adopt a schedule of fees for licenses and other services authorized by this Ordinance from time to time.

ARTICLE XII

-Protection Of Persons & Livestock-

- A) Any person, including a law enforcement officer, may kill any dog in the act of pursuing, worrying, or wounding any livestock or poultry, or attacking person(s) without provocation, and there shall be no liability on such person in damages or otherwise for such killing.

- B) Any dog that enters any field or enclosure which is owned by or leased by a person producing livestock or poultry outside of an incorporated city, unaccompanied by the owner or the owner's agent, shall constitute a trespass, and the owner of said dog shall be liable for damages.

ARTICLE XIII

-Construction-

- A) 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 shall include the feminine and neuter. The word “shall” is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any Article or Section of this Ordinance.
- B) Where any of the provisions of this Ordinance are in conflict with provisions of any other local ordinance or state statutes or regulations, the latter shall prevail.
- C) If any part of this Ordinance shall be held to be unenforceable or void, such part shall be deemed severable from this Ordinance and the invalidity thereof shall not affect the remaining parts of this Ordinance.

ARTICLE XIV

- A) Repeal: The Monroe County Animal Control Ordinance of January 10, 1999, revised 2003, is hereby repealed on the effective date of this Ordinance.
- B) Effective Date of Ordinance: This Ordinance shall take effect sixty (60) days after publication following the date of its adoption by the Board.