

June 14, 2016

The regular meeting of the Otsego County Board of Commissioners was held at the County Building at 225 West Main Street, Room 100, Gaylord, Michigan. The meeting was called to order at 9:30 a.m. by Chairman Ken Borton. Invocation by Commissioner Julie Powers-Gehman, followed by the Pledge of Allegiance led by Commissioner Erma Backenstose.

Roll Call:

Present: Julie Powers-Gehman, Paul Beachnau, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Excused: Paul Liss.

Consent Agenda:

Motion to approve the Regular minutes of May 24, 2016 with attachments. Ayes: Unanimous. Motion carried.

Motion to approve the Land Use Agreement with Bagley Township. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the Land Use Agreement with Elmira Township. Ayes: Unanimous. Motion carried. (see attached)

Motion to adopt OCR 16-17 NEMCOG Corrections Grant application.

Roll Call Vote:

Ayes: Julie Powers-Gehman, Paul Beachnau, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Nays: None.

Excused: Paul Liss.

Motion carried/Resolution adopted. (see attached)

Committee Reports:

Motion by Commissioner Ken Glasser, seconded by Commissioner Robert Harkness, to approve OCR 16-18 Enbridge Line 5.

Roll Call Vote:

Ayes: Julie Powers-Gehman, Paul Beachnau, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Nays: None.

Excused: Paul Liss.

Motion carried/Resolution adopted. (see attached)

Administrator's Report:

John Burt reported on the household hazardous waste pickup held on June 11th; foreclosure house visited last week; Community Center tennis Court repairs starting middle of July; Sewer

break at the Community Center is fixed; Veterans' memorial repairs, cement sunk, flag poles need to be painted.

Motion by Commissioner Julie Powers-Gehman, seconded by Commissioner Doug Johnson, to approve the budget amendment in the amount of \$25,000 for improvements to the Veterans' Memorial. Ayes: Unanimous. Motion carried. (see attached)

City Liaison, Township and Village Representative: None.

Correspondence: Chairman Ken Borton received a letter from the City of Gaylord thanking the County for their support for the improvements around the Courthouse.

New Business:

Motion by Commissioner Bruce Brown, seconded by Commissioner Julie Powers-Gehman, to approve the May 31, 2016 Warrant for a total amount of \$69,333.90. Ayes: Unanimous. Motion carried.

Motion by Commissioner Robert Harkness, seconded by Commissioner Ken Glasser, to approve the June 7, 2016 Warrant in the amount of \$5,174.13 Ayes: Unanimous. Motion carried.

Motion by Commissioner Julie Powers-Gehman, seconded by Commissioner Doug Johnson, to approve the June 14, 2015 Warrant in the amount of \$617,800.18. Ayes: Unanimous. Motion carried.

Motion by Commissioner Paul Beachnau, seconded by Commissioner Robert Harkness, to adopt the updated amended Animal Control Ordinance as presented.

Roll Call Vote:

Ayes: Julie Powers-Gehman, Paul Beachnau, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Nays: None.

Excused: Paul Liss.

Motion carried/Ordinance adopted. (see attached)

Public Comment:

Chairman Ken Borton opened up the meeting for public comment.

Board Remarks:

Commissioner Paul Beachnau reported the Leadership of Otsego County banquet graduated 10 students; ground breaking ceremony for the Fairfield Inn is June 15, 2016 at 1:00 p.m.; Livingston Township drop off held on June 11th; City council meeting, pleased with City wide pickup.

Commissioner Julie Powers-Gehman reported on the City Council meeting, Big Ticket festival; Attended the Leadership Banquet; Update on the skate park, city moved dirt and started putting stones in, signed contract with the cement company.

Commissioner Robert Harkness had no report.

Commissioner Erma Backenstose reported on the fire cleanup in her neighborhood.

Commissioner Bruce Brown reported on the Sportsplex meeting, Day Camp started June 13th, raising money for the Tennis Courts.

Commissioner Ken Glasser attended the Zoning Board of Appeals meeting on May 31, 2016, discussion on barn weddings; Enbridge meetings.

Commissioner Doug Johnson reported on the Parks and Recreation meeting, financials discussed, park was full for the plane fly in; bridge at Irontone springs has been removed; Wah Wah Soo buoys are out; drains are wide open; buoys are coming out at the County Park; working on the Parks and Recreation plan; sewer break at the Community Center has been repaired; outdoor renovations starting at the Community Center; Actions Sports Rental is offering Kayak and paddle board rentals at the County Park.

Chairman Ken Borton attended the MAC Environmental Committee meeting in Lansing with Enbridge Committee; Legislative update, budget approved will receive revenue sharing; House passed HB 5578.

Meeting adjourned at 10:14 a.m.

Kenneth C. Borton, Chairman

Susan I. DeFeyter, Otsego County Clerk

**CONTRACT FOR MUNICIPAL LAND USE SERVICES ADMINISTRATION
(LAND USE PLANNING, ZONING, ZONING ADMINISTRATION AND
BUILDING CODE COMPLIANCE)
2017-2018**

WHEREAS, Otsego County (the County) and Bagley Township (the Township) agree that it is in the interest of the Citizens of the County and the Township and the overall development of the County and the Township to centralize administration of Land Use Services; and

WHEREAS, the County and the Township agree that Land Use Services includes Land Use Planning, Zoning and Zoning Administration and Enforcement; and

WHEREAS, the County and the Township agree that because the County's offices are centrally located and because the County can provide professional and administrative personnel, and office space to the Township so that the land use within the Township can be developed uniformly with joint cooperation and with one location for citizens to go for more efficient service with one set of rules.

Agreements

The County and the Township hereby enter into this Contract for services. This contract shall be in effect for a period of two (2) years beginning January 1, 2017 and continuing in effect until December 31, 2018.

Responsibilities of the Township

1. Funding for the Land Use Services Zoning function is distributed among participating townships using an equal blend of the latest State Equalized Values and population for each township (see Attachment A). Bagley Township agrees to provide a total of \$10,300 in 2017 and \$10,300 in 2018 to assist in covering the costs of operation and staffing of the Planning & Zoning Department
2. The Township will pay the annual contribution amount as noted above by July 1st of each year of this contract.
3. The Township Board will select their representative, with confirmation by the Otsego County Board of Commissioners, to serve on the Otsego County Planning Commission.

Responsibilities of the County

1. The County shall provide full and complete professional Land Use Planning.
2. The County shall provide professional planning personnel on staff to assist Township official, citizens, land owners and developers with Land Use Planning questions and procedures and municipal cooperation.

ATTACHMENT A

Funding

Based on numbers used in 2013-2014 and 2015-2016 Agreements.

<u>Township</u>	<u>2017</u>	<u>2018</u>
Bagley	\$10,300	\$10,300
Charlton	\$ 6,180	\$ 6,180
Chester	\$ 4,120	\$ 4,120
Corwith	\$ 6,180	\$ 6,180
Dover	\$ 2,060	\$ 2,060
Elmira	\$ 6,180	\$ 6,180
Hayes	\$ 7,210	\$ 7,210
Livingston	\$ 8,755	\$ 8,755
Otsego Lake	\$ 7,210	\$ 7,210
Total	\$58,195	\$58,195

3. The County shall maintain digital maps for zoning and land use planning purposes.
4. The County shall appoint and operate a County Planning Commission for the purposes of administering the County Plan and the County Zoning Ordinance.
5. The County shall appoint and operate a County Zoning Board of Appeals for the purposes of interpreting and ruling on requests involving administration of the Zoning Ordinance.
6. The County shall ensure that the Township is informed and advised of any proposed land use changes or proposed ordinance text changes or special land use requests or other similar requests presented to the Planning Commission and any requests presented to the Zoning Board of Appeals involving land within the Township.
7. The County shall provide professional personnel on staff to administer and enforce the zoning ordinance regulations and all other land use regulations.
8. The County will pay for legal expenses related to zoning functions and decisions.
9. Funds related to the Otsego County Land Use Department Planning & Zoning will be maintained in a fund separate from the County's General Fund.

Either party may terminate this Agreement for any or no reason upon one hundred eighty (180) day written notice.

In the event of termination of this Agreement, the Township shall be responsible only for costs pro-rated to the date of termination.

Otsego County and Bagley Township.

Entered into this ____ day of _____ 2016 between Otsego County and Bagley Township

Otsego County

Bagley Township

John Burt, County Administrator

William L. Giles, Supervisor

Susan DeFeyter, County Clerk

James E. Szymanski, Township Clerk

**CONTRACT FOR MUNICIPAL LAND USE SERVICES ADMINISTRATION
(LAND USE PLANNING, ZONING, ZONING ADMINISTRATION AND
BUILDING CODE COMPLIANCE)
2017-2018**

WHEREAS, Otsego County (the County) and Elmira Township (the Township) agree that it is in the interest of the Citizens of the County and the Township and the overall development of the County and the Township to centralize administration of Land Use Services; and

WHEREAS, the County and the Township agree that Land Use Services includes Land Use Planning, Zoning and Zoning Administration and Enforcement; and

WHEREAS, the County and the Township agree that because the County's offices are centrally located and because the County can provide professional and administrative personnel, and office space to the Township so that the land use within the Township can be developed uniformly with joint cooperation and with one location for citizens to go for more efficient service with one set of rules.

Agreements

The County and the Township hereby enter into this Contract for services. This contract shall be in effect for a period of two (2) years beginning January 1, 2017 and continuing in effect until December 31, 2018.

Responsibilities of the Township

1. Funding for the Land Use Services Zoning function is distributed among participating townships using an equal blend of the latest State Equalized Values and population for each township (see Attachment A). Elmira Township agrees to provide a total of \$6,180 in 2017 and \$6,180 in 2018 to assist in covering the costs of operation and staffing of the Planning & Zoning Department
2. The Township will pay the annual contribution amount as noted above by July 1st of each year of this contract.
3. The Township Board will select their representative, with confirmation by the Otsego County Board of Commissioners, to serve on the Otsego County Planning Commission.

Responsibilities of the County

1. The County shall provide full and complete professional Land Use Planning.
2. The County shall provide professional planning personnel on staff to assist Township official, citizens, land owners and developers with Land Use Planning questions and procedures and municipal cooperation.

3. The County shall maintain digital maps for zoning and land use planning purposes.
4. The County shall appoint and operate a County Planning Commission for the purposes of administering the County Plan and the County Zoning Ordinance.
5. The County shall appoint and operate a County Zoning Board of Appeals for the purposes of interpreting and ruling on requests involving administration of the Zoning Ordinance.
6. The County shall ensure that the Township is informed and advised of any proposed land use changes or proposed ordinance text changes or special land use requests or other similar requests presented to the Planning Commission and any requests presented to the Zoning Board of Appeals involving land within the Township.
7. The County shall provide professional personnel on staff to administer and enforce the zoning ordinance regulations and all other land use regulations.
8. The County shall regularly provide reports to the Township at the Township Association meetings. The report shall include but is not limited to a financial report showing the expenses of the Planning & Zoning Department, the fee schedule for permits issued, the number and type of permits issued; and the revenue received.
9. Funds related to the Otsego County Land Use Department Planning & Zoning will be maintained in a fund separate from the County's General Fund.

Either party may terminate this Agreement for any or no reason upon one hundred eighty (180) day written notice.

In the event of termination of this Agreement, the Township shall be responsible only for costs pro-rated to the date of termination.

Otsego County and Elmira Township.

Entered into this 12th day of May 2016 between Otsego County and Elmira Township

Otsego County

Elmira Township

John Burt, County Administrator

Diane J. Franckowiak
Diane Franckowiak, Supervisor

Susan DeFeyter, County Clerk

Susan Schaedig
Susan Schaedig, Township Clerk

ATTACHMENT A

Funding

Based on numbers used in 2013-2014 and 2015-2016 Agreements.

<u>Township</u>	<u>2017</u>	<u>2018</u>
Bagley	\$10,300	\$10,300
Charlton	\$ 6,180	\$ 6,180
Chester	\$ 4,120	\$ 4,120
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Livingston	\$ 8,755	\$ 8,755
Otsego Lake	\$ 7,210	\$ 7,210
Total	\$58,195	\$58,195

OCR 16-17
Approving the Fiscal Years 2017
Community Corrections Grant Applications of the
Northeast Michigan Council of Governments

Otsego County Board of Commissioners
June 14, 2016

WHEREAS, the Northeast Michigan Council of Governments (NEMCOG) serves as the Northern Michigan Community Corrections Advisory Board's (NMCCAB) fiscal agent and manager; and

WHEREAS, Otsego County is a member of the Northern Michigan Community Corrections Advisory Board, has been served by its programs, and wishes to continue participation with the Board's programs and services in the future; and

WHEREAS, an application in the amount of \$161,700 for CPS funds and \$9,852 DDJR funds, for a total of \$171,552 for the Fiscal year 2017, has been prepared by NEMCOG to continue the Community Corrections programs in Cheboygan, Crawford, Oscoda, Otsego, and Presque Isle counties; and

WHEREAS, the Northern Michigan Community Corrections Advisory Board, has approved this proposal, and recommends its approval by the member counties; now, therefore be it

RESOLVED, that Otsego County hereby approves the Northern Michigan Community Corrections Advisory Board Grant Application prepared by NEMCOG for Community Corrections funding in the annual amount of \$161,700 for CPS funds and \$9,852 in DDJR funds, for a total of \$171,552 for Fiscal Year 2017.

OCR 16-18
Enbridge Line 5

Otsego County Board of Commissioners
June 14, 2016

WHEREAS, Line 5 is a pipeline owned by Enbridge that transports crude oil and natural gas liquids Since 1953 from Superior, WI, eastward across Michigan's Upper Peninsula to where a dual pipeline crosses the bottom of the Straits of Mackinac, just west of the Mackinac Bridge continuing South on its route to its terminus point in Sarnia, Ontario; and

WHEREAS, Line 5 was constructed prior to Public Act 247 of 1955 Great Lakes Submerged Land Act as amended which purpose is to protect the waters of the Great lakes and the Great Lakes bottomlands by requiring a permit when constructing structures in the Great Lakes within Michigan; and

WHEREAS, there is a potential risk that Line 5 could develop a leak which would cause Environmental damage to the Great Lakes as well as economic loss; and

WHEREAS, a portion of the pipeline flows through Otsego County under the Pigeon River State Forest; and

WHEREAS, the State of Michigan has the legal authority to manage the bottomlands and waters of the Great Lakes within Michigan from the prevention of pollution and to protect the natural resources of the State; now, therefore be it

RESOLVED, that the Otsego County Board of Commissioners request that the State's authority be utilized by acting immediately to restrict Line 5 to its original design capacity until the recommendations within the Michigan Petroleum Pipeline Task Force Report are enacted, specifically; requiring an independent risk analysis for the straits pipelines, an independent analysis of alternatives to the existing straits pipelines, and independent verification is received demonstrating that the increased capacity does not impose any additional risk, and, be it further

RESOLVED, a copy of this resolution be forwarded to Governor Snyder, Attorney General Schuette, Senator Stamas, Representative Cole, and the Michigan Association of Counties.

ANIMAL CONTROL ORDINANCE
County of Otsego
State of Michigan

An ordinance relating to and providing for Animal Control, an Animal Control Officer, and Animal Shelter and providing penalties for violation of this ordinance.

**THE PEOPLE OF THE
COUNTY OF OTSEGO,
STATE OF MICHIGAN,
DO ORDAIN**

ARTICLE I
Purpose

The Board of Commissioners of the County of Otsego, in the interest of protecting the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of log licensing provisions of state law, Public Act 339 of 1919 as amended, MCL 287.261-287.290, and to create the position of Animal Control Officer and define his/her duties, authority and responsibilities, and to regulate and control the conduct, keeping and care of dogs and certain other animals, livestock and poultry, hereby adopts the following ordinance.

ARTICLE II
General Provisions

- (a) **Short Title:** This ordinance may be known as and may be cited and referred to as the "Animal Control Ordinance."
- (b) **Limitations:** This Ordinance shall apply uniformly throughout Otsego County except to any City, Village, or Township which adopts its own Animal Control Ordinance.
- (c) **Authority:** Public Act 339 of the Public Acts of 1919 of the State of Michigan, as amended, MCL 298.261-287.290.
- (d) **Penalties:** Any person violating any portion of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00 nor more than ~~\$100.00~~ \$500.00 , or by up to three (3) months jail, or both.
- (e) **Agents:** Whenever a power is granted to, or a duty is imposed upon the Board of Commissioners, the power may be exercised, or duty performed by an agent authorized by the Board of Commissioners to exercise such power, or to perform such duty, unless this ordinance expressly provided otherwise.
- (f) **Severability:** If any part of this Ordinance is held invalid it shall not alter other parts of this Ordinance.

ARTICLE III
Definitions

For the purpose of this ordinance, the following terms shall have the following meanings:

- (a) Animal: Any dog, cat, livestock, poultry and shall include birds, fish, wild mammals and reptiles.
- (b) Animal Control Officer: Any agent of the Board of Commissioners designated to enforce this Ordinance or State Acts pertaining to dogs or other animals.
- (c) Animal Shelter: An animal kenneling facility used by Otsego County to house stray or unwanted animals.
- (d) At large: An animal off the premises of the owner and not under reasonable control.
- (e) Board: the Otsego County Board of Commissioners.
- (f) ~~Companion Animal: Any pet or domestic animal (i.e. dog or cat).~~
- (g) Department: The Animal Control Department.
- (h) Euthanasia: Putting an animal to death in a humane manner.
- (i) Harbor: Providing shelter and/or food other than a periodic or temporary situation.
- (j) Kennel: Any establishment which keeps or boards animals for profit whether for breeding, sale, storage or sporting purposes.
- (k) Livestock: Farm animals used for human food and fiber or animals used for service to humans. Does not mean human companion animals such as dogs or cats.
- (l) Owners: A person, partnership or corporation owning, keeping or harboring animals.
- (m) Poultry: Any domestic fowl, ornamental or game bird.
- (n) Reasonable Control: Having an animal on a suitable leash or under the oral control of the owner or confined in an automobile, cage or pen.
- (o) To keep: Provide shelter and/or food for any animal for any period of time in excess of twelve (12) hours to be in charge of control of an animal under any written or verbal agreement with the owner thereof.
- (p) Vicious Animals: An animal that has,
 - (1) demonstrated propensity to attack without provocation to cause injury or otherwise threaten the safety of humans or domestic animals.
 - (2) without provocation attacks and by action indicates it will bite any person or domestic animal.
 - (3) chased or approached a person in a menacing fashion causing a reasonable person to fear for his/her safety.

ARTICLE IV
ANIMAL CONTROL OFFICER
Authority and Responsibilities

Section 1: The Board, or the County Administrator, if applicable, shall select an Animal control Officer who shall direct the Animal control Department, Deputy Animal Control Officers and other

individuals working at the Animal Shelter in accordance with the County's budgetary and personnel policies. Animal Control Officers must be accredited by the Michigan Department of Agriculture.

Section 2: The Animal Control Officer, his deputies, and any police officer shall enforce the provisions of this ordinance and applicable State Acts including but not limited to issuance of tickets, citation or summonses to persons in violation of this Ordinance or State Acts and may make a complaint in regard to such violations to the District Court.

Section 3: The Animal Control Officer and Deputies, when enforcing this ordinance, shall bear satisfactory identification reflecting the authority under which they act.

Section 4: The Animal Control Officer and Deputies are authorized, consistent with constitutional limitations, to inspect public and private premises to determine compliance with this Ordinance and state animal control laws including, but not limited to, the harboring, keeping, possessing, or licensing of animals. The authority to inspect shall include the authority to obtain a search warrant to compel entry for inspection.

ARTICLE V Duties of Animal Control Officers and Deputies

Section 1: The Animal Control Officer and Deputies shall promptly seize and place in the Animal Shelter all dogs or other animals, livestock or poultry found running at large or being kept or harbored any place with the County contrary to the provisions of the Ordinance or State Acts.

Section 2: The Animal Control Officer and Deputies shall assure that all companion animals deemed unsuitable for adoption are destroyed in a humane manner after being impounded for a period of not less than ~~five (5) to (10)~~ days and the remains shall be disposed of as defined by the Board or State Acts.

Section 3: The Animal Control Officer or Deputies shall promptly investigate all animal bite complaints involving humans and shall search out and attempt to discover the animal involved and shall to decide whether to impound or quarantine for examination for disease in accordance with provisions of this Ordinance and/or State Acts. He/she shall also be obligated to seize and impound any rabies suspect animal.

Section 4: The Animal Control Officer or Deputies shall attempt to identify and locate all unlicensed dogs, to list such dogs and deliver such list to the Prosecuting Attorney for necessary proceedings as provided by this Ordinance and/or State Acts.

Section 5: The Animal Control Officer and Deputies shall investigate all cases of suspected animal cruelty.

Section 6: The Animal Control Officer and Deputies shall have the authority to inspect any kennel within Otsego County to ensure compliance with this Ordinance and state animal control laws; may suspend a kennel license and operations, upon probable cause to believe the kennel lacks adequate care, as defined by state law, MCL 750.50, as to any animal, such suspension to be lifted only upon clear proof that the condition leading to the lack of adequate care has been fully corrected; and shall revoke a kennel license upon court order.

Section 7: The Animal Control Officer and Deputies shall have the authority to investigate all incidents where an animal is alleged to be dangerous to persons, animals, or property; shall have the authority to seize and impound, pending a show cause hearing before the District Court, any allegedly dangerous animal upon probable cause to believe the animal is and will continue to be a

danger to persons or other animals; and shall have the authority to confine and quarantine for ten (10) days any animal which has bitten a person or another animal.

Section 8: The Animal Control Officer and Deputies shall have the obligation to properly account for all fees and monies collected and shall deposit same with the County Treasurer as directed.

Section 9: The Animal Control Officer and Deputies shall have such other duties relating to enforcement of this ordinance and State Acts as the Board may provide from time to time.

ARTICLE VI Licensing – Vaccination

Section 1: It shall be unlawful for any person to own any dog six (6) months or older unless the dog is licensed or to own any dog six (6) months or older that does not, at all times, wear a collar with a tag approved by the Director of the Michigan Department of Agriculture attached except when engaged in lawful hunting or training accompanied by the owner.

Section 2: An application for a license shall indicate the dog's breed, sex, age, color and address of its owner.

Section 3: The owner of the dog must prove that the animal has been inoculated against rabies and no license shall be issued unless applicant can provide a certificate signed by a veterinarian showing compliance with this provision.

Section 4: ~~All dogs secured from the shelter must be properly licensed.~~

~~The Board, by resolution, shall establish license fees for dogs and determine additional payment for failure to comply with provisions of this section. The Board shall consider that:~~

- ~~(a) All dogs six (6) months or older, on or before March 1 and each March 1 thereafter must have a license.~~
- ~~(b) The owner shall have thirty (30) days after securing a dog to obtain a license without penalty.~~
- ~~(c) All dogs secured from the shelter must be properly licensed and provision made for altering as provided by Article IX, Section 7 of this Ordinance.~~

Section 5: Fee for leader dogs or dogs trained to assist the handicapped are waived but owner must assure that rabies shot has been secured for the dog as provided in Section 3 of Article VI.

Section 6: Current licenses issued by other Michigan Counties and any other governmental agencies shall be honored by Otsego County until the following March 1.

Section 7: No dog shall be exempt from the rabies vaccine requirement unless a registered and practicing veterinarian of the State of Michigan certifies, in writing, that such vaccine would be detrimental to the health of the dog.

Section 8: No license or license tag issued for one dog shall be transferable to another. However, if the ownership or possession of a dog is permanently transferred from one person to another within this County, the license of the dog remains valid. It is the responsibility of the new owner to notify the Animal Control Officer or a Deputy.

Section 9: A lost dog license shall be replaced by the County upon application to the Animal Control Officer or Deputy. Cost of the replacement to be determined by the Board.

ARTICLE VII
Confinement

Section 1: Any animal that bites a person shall be quarantined for ten (10) day at the Animal Shelter at the expense of the owner. The animal shall be securely confined and have no contact with other animals. At the discretion of the Director of Public Health, the animal may be quarantined on the premises of the owner or at a veterinary hospital.

Section 2: An animal not kept as a pet, including wild animals, which bite a human or animal, shall, if located, be confined for the required ten (10) days at the Animal Shelter or other suitable location. Public Health policies shall prevail in all situations.

Section 3: Every dog and other animal shall at all times be confined on the premises of the owner except when the animal is under the reasonable control of the owner.

Section 4: All vicious animals shall be securely confined indoors or in an enclosed and locked pen or structure on the premises of the owner. The pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top attached to the sides. If the floor is not attached to the sides, the sides must be imbedded into the ground to a minimum of two (2) feet.

Section 5: Vicious animals, off the owners property, must be muzzled and restrained on a chain or leash not more than four (4) feet in length and under the control of a person physically capable of controlling the animal.

Section 6: The owner of a vicious animal shall display in a prominent place on the owner's premises a clearly visible warning sign indicating that there is a vicious animal on the premises. The sign must be readable from the public highway or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a vicious animal.

ARTICLE VIII
Kennel License

Section 1: Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required under this Ordinance and in accordance with State Acts, apply to the Animal Control Department for a kennel license entitling that person to own, keep or operate such kennel in accordance with applicable State Acts. All other provisions of this Ordinance shall apply.

Section 2: Any person who owns, keeps or operates a kennel within the boundaries of Otsego County shall, within thirty (30) calendar days prior to the start of such operation, or within thirty (30) days prior to the expiration date of a previously issued license, obtain a kennel license from the Animal Control Department which shall issue such license if the kennel is in compliance with Public Act 339 of 1919, as amended MCL 287.270, 287.271 and with applicable parts of this Ordinance.

Section 3: the fee for a kennel license shall be as determined by the Public Acts of the State of Michigan. Failure to apply within the prescribed time limits (see Section 2 above) will result in a doubling of the applicable fee.

Section 4: The Animal Control Officer or Deputies shall have the right to inspect any kennel in Otsego County. (see Section 6 of Article V)

ARTICLE IX
Animal Shelter and Impoundment

Section 1: The Animal Control Officer and Deputies shall operate and maintain an adequate facility as a shelter to receive, care for and safely confine any animal in the Officer's custody under the provisions of this Ordinance. The shelter shall be accessible to the public during reasonable hours for the conduct of necessary business, especially concerning impounded animals.

Section 2: The Animal Control Officer and Deputies may impound and hold at the shelter any animal when it is subject to a violation of this Ordinance, when it requires protective custody and care due to mistreatment or neglect by its owner, when it is voluntarily donated by its owner or when otherwise ordered impounded by a court.

Section 3: Any companion animal that is impounded or brought to the Animal Shelter as a stray or running at large, will not become property of Otsego County until after a four (4) day stray hold period. The stray hold period shall begin at ~~An animal shall be considered impounded from the time~~ an Animal Control Officer takes physical custody of the dog or cat.

~~This hold time shall not apply to dogs or cats that are sick and/or injured to the extent that the hold period would cause undue suffering per a veterinarian.~~

Section 4: Immediately upon impounding an animal the Animal Control Officer or Deputies shall make a reasonable effort to notify or locate the owner. Dogs or cats with evidence of ownership (traceable identification) need to be held for (7) seven days from the date of mailing notice to the owner. Evidence of ownership includes, but is not limited to a collar with a tag, tattoo and/or microchip. Any owner may redeem an animal by executing a sworn statement of ownership, furnishing a license and tag and paying any required fees or costs. Animal Control need not release to an owner, without a court order, any animal which is dangerous, subject to quarantine, which has not been given adequate care, or if there exists other circumstances which would endanger the welfare of the animal or the health, safety, or welfare of the public.

Section 5: upon impounding an animal, Animal Control shall record: the date, a description of the animal, license information, owner information, other pertinent data.

Section 6: Any companion animal (dog or cat) not redeemed by its owner, which is neither a potentially dangerous animal nor in a dangerous condition of health will be released for adoption pursuant to Otsego County's "no kill policy".

Section 7: A dog or cat released for adoption will be released subject to the following conditions:

- (a) The adoptive owner shall pay applicable fees and costs.
- ~~(b) Adoptive owner shall pay a surgical prepayment deposit to assure that dogs or cats capable of sexual reproduction are rendered sexually non-reproductive by spaying or neutering. Upon written certification that the animal has been altered by a licensed, practicing veterinarian, the surgical prepayment deposit will be refunded.~~
- ~~(c) The adoptive owner shall sign a written agreement to render any dog or cat sexually non-reproductive within thirty (30) days of adoption or upon the animal attaining sexual maturity.~~

Section 8: The Animal Control Officer or Deputies may decline to release an animal for adoption if the prospective owner has been convicted of cruelty to animals within the previous ten (10) years, or has inadequate or inappropriate facilities for keeping or harboring the animal and providing proper care or there is the existence of other circumstances, which in the opinion of the Animal Control Officer or Deputy, would endanger the welfare of the animal or the health, safety or welfare of the public.

ARTICLE X

Prohibitions and Regulated Conduct

Section 1: For the purpose of this Article the term "permit" shall include human conduct that is intentional, deliberate, careless or negligent regarding an owned animal. 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 the owner unless such animal is restrained by a leash or unless such animal is engaged in lawful hunting or hunting practice and is accompanied by a responsible person.
- (b) Permit any animal to trespass upon the property or to cause damage to property, real or personal, of another person.
- (c) Keep exotic, wild or otherwise dangerous animals unless specifically approved by the Animal Control Officer.
- (d) Engage in any activity prohibited by Public Act 381 of 1988, MCL 750.49 relating to animals owned, possessed, trained or used for fighting, baiting or target shooting.
- (e) Permit a dog in heat (estrus) to be accessible to a male dog not in the person's ownership except for intentional breeding purposes.
- (f) Permit any animal to cause unreasonable annoyance, alarm or noise disturbance at any time of the day or night, by repeated barking or other sounds which may be heard beyond the boundaries of the owner's property.
- (g) Permit an animal to be confined within or on a motor vehicle when conditions may endanger the health or well being of the animal, including, but not limited to dangerous temperature, lack of food, water or attention.
- (h) Abandon any animal.
- (i) Knowingly place food of any description containing poisonous or other injurious ingredients in any area likely to be reasonably accessible to any animals except rodents.
- (j) Physically mistreat any animal either by deliberate abuse or failure to furnish adequate care and shelter.
- (k) Permit any animal to leave the confines of any officially prescribed quarantine area.
- (l) Seize, molest or tease 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.
- (m) Fail to comply with the requirements of this Ordinance and State Acts which apply to animal control.
- (n) Offer companion pets for adoption or sale on the property of any retail establishment. (Exception: Retail pet store or kennels).

Section 2: Otsego County reserves the right to limit the number of companion pets harbored in any one location, to insure the health, safety or welfare of the animal(s) or public.

ARTICLE XI Regulations and Prohibition in certain Cities and Villages

Prohibitions, requirements and regulations set forth in this Article shall apply and be enforceable within the jurisdiction of any city or village within Otsego County having a population in excess of 3,000 according to the most recent official census.

Section 1: The owner of a vicious animal must provide proof to the City or Village Clerk that the owner has procured public liability insurance of at least \$500,000 insuring the owner for any personal injury which may be caused by his or her vicious animal.

Section 2: Conditions for keeping.

- (a) No person shall own or keep any animal or be in control of any animal that defecates on land owned by another or public land unless such owner or person in control immediately removes the feces and either places it in a refuse disposal container or otherwise disposes of it at his own place of abode.
- (b) All refuse or other litter resulting from their keeping or housing shall be disposed of daily in such a manner as to prevent any nuisance or any unsanitary, odorous or offensive condition.

Section 3: No person shall allow any animal to be on or in any public park or any public or private school property except for organized and sanctioned events.

Section 4: Limitation on number of dogs/cats.

- (a) No person shall possess, harbor, shelter, keep or have custody of more than two (2) dogs that are three (3) months old or older on the same premises in any city or village except in commercial or licensed kennels, veterinary hospitals, clients, pet shops or similar permitted uses in properly zoned districts or when such kennels, veterinary hospital, clinics, pet shops and similar uses validly exist as non-conforming uses pursuant to the applicable zoning ordinances.
- (b) No person shall own, possess, shelter, keep or harbor more than three (3) cats over six (6) months of age at any one time. The provisions of this section shall not apply to cats that are being kept by a veterinarian or in a veterinary hospital or by an established commercial pet shop.

Section 5: Farm Animals: No person shall keep or house any horse, cow, calf, mule, duck, geese, turkey, guinea hen, goat, sheep, chicken, rabbit or pig within any city or village.

Section 6: No person shall shelter, exhibit, market, harbor, raise, breed, maintain or have in his or her possession or under his or her control within any city or village, any dangerous or exotic animal.

(a) Definitions as used in this Section:

- (1) "Dangerous or exotic animals" means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property;
- (2) "Animal" means a live and vertebrate creature, fowl, or reptile;
- (3) "Exotic" means an animal which is foreign and generally not native by birth to the County of Otsego;
- (4) "Harbor" means to feed or shelter an animal;
- (5) "Wild" means an animal which generally lives in its original and natural state and is not normally domesticated;
- (6) "Market" means to buy, sell, or otherwise deal in a wild or exotic animal, either wholesale or retail.

(b) This Section does not apply to:

- (1) The keeping of such animals in a bona fide licensed veterinary hospital for treatment;
- (2) The keeping of such animals in a bona fide educational or medical institution, museum or other place where they are kept as live specimens for public view or for the purpose of instruction or study;
- (3) Any official police canine dog.

Section 7: Carcass Removal and Burial:

- (a) When any animal dies the owner in possession of it shall, within twelve (12) hours thereafter, cause the carcass to be removed beyond the city or village limits or bury the

- same so that the entire carcass shall be covered with earth not less than three (3) feet in depth above such carcass.
- (b) Unless authorized, no person shall bring the carcass of any dead animal into any city or village for disposal,

ARTICLE XII
Receipts and Disbursement of Funds

All fees and monies collected under the provisions of this Ordinance, but not those collected under state law, shall be transferred to the ~~Animal Control General~~ Fund of Otsego County, Michigan in accordance with the standards and practices of the County Treasurer and the monies paid out in accordance with this Ordinance shall be drawn upon the ~~Animal Control General~~ Fund of Otsego County, Michigan.

ARTICLE XIII
Treasurer's Record and Duties

Section 1: An annual report shall be made by the Animal Control Officer indicating the number of logs licensed as compared with the previous year to assist in locating unlicensed dogs.

Section 2: Every Township, Village or City Treasurer shall receive a sum to be determined from time to time for each dog they license between December 1 and the last day of February.

Section 3: The fees and expenses as established by this Ordinance may be changed from time to time on or before November 1 of each year by the Board.

Section 4: All other fees relating to the Animal Control Department shall be determined by the Board.

ARTICLE XIV
Animal Control Department

Section 1: The Animal Control Officer shall be the Department Manager.

Section 2: The Animal Control Shelter and equipment is assigned to the Animal Control Department.

Section 3: The annual operating budget shall be prepared and submitted by the Manager.

Section 4: The Animal Control Officer and Deputies shall dress in a uniform suitable for a law enforcement officer.

~~Section 5: The Animal Control Department will have an Animal Control Committee made up of three (3) members of the Board.~~

ARTICLE XV
Preservation of Certain Rights

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

Section 2: Nothing in this Ordinance shall be construed as limiting the common law liability of the owner of a dog or other animal for damages committed by a dog or other animal.

ARTICLE XVI
Construction

Section 1: When not inconsistent with the context words used in the present tense include the future and past tense. 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 of this Ordinance.

Section 2: The regulations of this Ordinance are minimum standards supplemental to the rules and regulations duly enacted by appropriate Michigan Departments and the Acts of the State of Michigan. Where any provision of this Ordinance is a conflict with State Acts the State Act shall prevail.

Section 3: All ordinances or parts of ordinances or policies inconsistent herewith are hereby repealed.

COUNTY OF OTSEGO

By: _____
Kenneth C. Borton, Chairman

By: _____
Susan I. DeFeyter, County Clerk