



NEW HAVEN VILLAGE COUNCIL REGULAR MEETING AGENDA

April 09, 2024 at 7:00 PM
Municipal Council Room – 57775 Main Street

In accordance with the Americans with Disabilities Act, reasonable accommodations can be made with advance notice by calling the Village Offices at (586) 749-5301

The New Haven Village Council will hold its Regular Council Meeting at 7:00 pm, in the Municipal Council Room located at 57775 Main Street.

- 1. Call to Order/Pledge/Roll Call**
- 2. Approval of Agenda**
- 3. Public Comments on Agenda**
- 4. Approval of the Minutes**

A. ZBA Hearing March 12, 2024 Minutes - Parcel #26-06-28-351-035

B. FY 2024-2025 Budget Public Hearing March 12, 2024 minutes

C. Regular Council Meeting Minutes March 12, 2024

5. Consent Agenda

All matters listed under Consent Agenda are considered routine by the council and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the consent agenda and considered separately.

A. Fire Department Report

B. DPW Report

C. Building Department Report

D. Sheriff Department Report

E. Engineering Project Status Report

F. Code Enforcement

6. Payment of Bills – Treasurer Report

- A. Approval of March 2024 payroll \$77,127.14 and bills to be paid for March 2024 \$630,552.49 - total of \$707,679.63
- B. Treasurers Report - Total Village assets of \$7,067,544.13

7. Communications/Committee Reports

- A. Parks & Rec - Trustee Guerrero

8. Unfinished Business

- A. GFL Contract Extension Proposal

9. New Business

- A. Retirement Medical Stipend
- B. Medical Stipend Letter of Agreement
- C. Macomb County Animal Control Best Practices
- D. 25 MPH Traffic Control Orders
- E. Geotech Investigation Proposal
- F. Category B Road Funding application
- G. DPW Seasonal Help Request
- H. MDOT Decertification Willow Street Resolution
- I. Fireworks 2024 cost share with Lenox Twp

10. Call from the Floor (limited to three minutes)

11. Call from the Table

12. Closed Session

13. Adjournment

Please hold all public comments until call from the floor. There is a 3-minute limit for all calls from the floor. The Council will not take any action on issues raised during call from the floor. This is an opportunity for citizens to voice concerns and thoughts on non-agenda Items.

The Council meetings are set and carried out to conduct the business of the Village. Please turn off all cell phones and pagers before entering the meeting room. Please be courteous to those speaking and others at the meeting. Thank you.



NEW HAVEN ZONING BOARD OF APPEALS PUBLIC HEARING MINUTES

March 12, 2024 at 6:30 PM
Municipal Council Room – 57775 Main Street

1. Call to Order/Roll Call

President Meissen called the meeting to order at 6:35 PM

PRESENT

Brian Meissen
Chris Dilbert
Corinna Guerrero
Fred Nona
Tracy Bonkowski
Mario Pruccoli
Rachel Whitsett

ABSENT

Allan Suchy

2. Public Hearing

A. Zoning Variance Parcel #26-06-28-351-035

CrossRoads Liquor Store, parcel #26-06-28-351-035 has requested to rezone their property to General Business Downtown allowing more flexibility to use make updates to the property.

Motion made by T. Bonkowski to grant the petitioners request as presneted, Seconded by C. Guerrero.

Roll Call - Voting Yea: B. Meissen, C. Dilbert, C. Guerrero, F. Nona, T. Bonkowski, M. Pruccoli

3. Adjournment

Motion made by M. Pruccoli to adjourn at 6:39 PM, Seconded by F. Nona.

Voting Yea: B. Meissen, C. Dilbert, C. Guerrero, F. Nona, T. Bonkowski, M. Pruccoli



PUBLIC HEARING BUDGET FY 2024-2025 MINUTES

March 12, 2024 at 6:45 PM
Municipal Council Room – 57775 Main Street

1. Call to Order/Roll Call

Public Hearing for FY 2024-2025 budget called to order at 6:45 PM

PRESENT

President Brian Meissen

Trustee Tracy Bonkowski

Trustee Chris Dilbert

Trustee Corinna Guerrero

Trustee Fred Nona

Trustee Mario Pruccoli

Clerk Rachel Whitsett

Treasurer Lucy Nolan-Dilbert

ABSENT

Trustee Allan Suchy

2. Public Hearing

A. Public Hearing Budget FY 2024-2025

Trustee Pruccoli had some questions on road funding.

3. Adjournment

Motion made by Trustee Bonkowski to close the public hearing at 6:51 PM, Seconded by Trustee Guerrero.

Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona,

Trustee Pruccoli



NEW HAVEN VILLAGE COUNCIL REGULAR MEETING MINUTES

March 12, 2024 at 7:00 PM
Municipal Council Room – 57775 Main Street

1. Call to Order/Pledge/Roll Call

PRESENT

President Brian Meissen

Trustee Tracy Bonkowski

Trustee Chris Dilbert

Trustee Corinna Guerrero

Trustee Fred Nona

Trustee Mario Pruccoli

Clerk Rachel Whitsett

Treasurer Lucy Nolan-Dilbert

ABSENT

Trustee Allan Suchy

2. Approval of Agenda

Motion made by Trustee Pruccoli to approve the agenda as amended, Seconded by Trustee Bonkowski.

Amended to add - New Business J. 2024 Streets RFP

Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona,
Trustee Pruccoli

3. Public Comments on Agenda

Don B. spoke on behalf of GFL Environmental

4. Presentations

A. NHCS Bond Proposal Presentation

5. Approval of the Minutes

A. CDBG Public Hearing Minutes February 13, 2024

Motion made by Trustee Pruccoli to approve CDBG Public Hearing minutes from February 13, 2024, Seconded by Trustee Bonkowski.

Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

B. Regular Council Meeting Minutes February 13, 2024

Motion made by Trustee Bonkowski to approve Regular Council meeting minutes from February 13, 2024 as amended, Seconded by Trustee Dilbert.

Amended to add roll call

Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

6. Consent Agenda

Motion made by Trustee Bonkowski to accept consent agenda as presented, Seconded by Trustee Guerrero.

Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

7. Payment of Bills – Treasurer Report

A. Approval of February 2024 payroll \$87,211.04 and bills to be paid for February 2024 \$566,566.73 - total of \$653,777.77

Motion made by Trustee Bonkowski to pay February 2024 payroll and bill in the amount of \$653,777.77, Seconded by Trustee Pruccoli.

Roll - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

B. Treasurers Report - Total Village assets of \$7,350,126.06

Motion made by Trustee Pruccoli to receive and file Treasurer's report, Seconded by Trustee Bonkowski.

Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

8. Communications/Committee Reports

- A. Agenda items for April 9, 2024 meeting due by March 30, 2024 - Clerk Whitsett
- B. Planning Commission Report - Trustee Dilbert
- C. Parks and Rec Report - Trustee Guerrero

9. Unfinished Business

- A. ZBA Board Appointments

Motion made by Trustee Dilbert to appoint Mark Goralczyk, Brett Knybel, Brianna Kruk, Time Sosnovske, and Barbara Williams to the ZBA, Seconded by Trustee Bonkowski.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

- B. Letter of Understanding-New Haven Teamster Supervisor Contract 2024

Motion made by Trustee Bonkowski to accept the letter of agreement between The Village of New Haven and Teamsters Local 214 contractual work performed for compensation, Seconded by Trustee Pruccoli.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

- C. RFP Waste Collection

Discussion - Waste RFP's due June 17, 2024. Waste committee consisting of Trustee Nona, Trustee Dilbert, and Trustee Bonkowski.

- D. Community Park Improvements

Motion made by Trustee Bonkowski to cancel splash pad and engage with Snider recreation regarding a new playground at community park, Seconded by Trustee Nona.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Nona, Trustee Pruccoli

Voting Nay: Trustee Guerrero

10. New Business

A. Water Bond Payment

Motion made by Trustee Dilbert to ACH water Bond Payment of \$185,847.33. Seconded by Trustee Bonkowski.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Nona, Trustee Pruccoli

B. 2023-24 Budget Amendments 4th Quarter

Motion made by Trustee Bonkowski to approve the 2023-2024 budget amendments totaling \$23,446.25, Seconded by Trustee Guerrero.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

C. FY 2024-2025 Budget

Motion made by Trustee Bonkowski to approve #2024-002 Resolution for 2024-2025 Budget , Seconded by Trustee Guerrero.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

D. Server and Workstation Refresh

Motion made by Trustee Bonkowski to approve SYO to for server and workstation refresh in for \$57,203.00, Seconded by Trustee Guerrero.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

E. MDOT Decertification Clark Street Resolution

Motion made by Trustee Bonkowski approve resolution #2024-003 Desertification/vacation of Clark Street, Seconded by Trustee Dilbert.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

F. MDOT Decertification Gratiot Avenue Resolution

Motion made by Trustee Bonkowski resolution #2024-004 Desertification/vacation of Gratiot Ave,
Seconded by Trustee Guerrero.

Roll call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero,
Trustee Nona, Trustee Pruccoli

G. MacQueen Equipment Quote for Gas Detection Meters

Motion made by Trustee Pruccoli to approve purchase of gas detection equipment from MacQueen in
the amount of \$19,071.00, Seconded by Trustee Bonkowski.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero,
Trustee Nona, Trustee Pruccoli

H. ISO Public Protection Classification Program

Motion made by Trustee Bonkowski to receive and file ISO Public Protection Certification Program
report, Seconded by Trustee Dilbert.

Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona,
Trustee Pruccoli

I. Lions Hall Roof Replacement Quote

Motion made by Trustee Pruccoli Approve Sals Home Improvement to replace Lions Hall roof and
garage for \$26,500, Seconded by Trustee Bonkowski.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero,
Trustee Nona, Trustee Pruccoli

J. 2024 Streets RFP

Motion made by Trustee Pruccoli to go to bud for 4 streets (Changing St., Adams St., Redford Dr., and
Cynthia Dr.) with the option of all 6, Seconded by Trustee Bonkowski.

Roll Call - Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero,
Trustee Nona, Trustee Pruccoli

11. Call from the Floor (limited to three minutes)

B. Harris - AM Vets Dr Category B funding rejects, any finds from other sources.

12. Call from the Table

President Meissen - Fire department is performing inspection to keep residents and businesses safe.

13. Adjournment

Motion made by Trustee Dilbert to adjourn at 8:47 PM, Seconded by Trustee Bonkowski.

Voting Yea: President Meissen, Trustee Bonkowski, Trustee Dilbert, Trustee Guerrero, Trustee Nona, Trustee Pruccoli

DRAFT



AGENDA REPORT

New Haven, Michigan

Meeting Type

MEETING DATE: 9 April 2024

DEPARTMENT:

DATE SUBMITTED: 30 March 2024

PREPARED BY: Brian Meissen

ITEM TITLE: Retirement Medical Stipend

EXECUTIVE SUMMARY:

Our utility billing clerk has faithfully worked for the Village of New Haven for 26 years, since March 30th, 1998. She wishes to retire this year and is asking for a retirement benefit due to her years of service. She is asking for the Village to give a stipend to cover the actual cost of her medical and/or prescription coverage, not to exceed \$500 per month. Currently, her actual benefit costs are \$362 per month.

RECOMMENDED ACTION:

Approve the letter of agreement for a healthcare stipend not to exceed \$500 per month.

ADMINISTRATIVE REVIEW:

EXHIBITS:

Letter of Agreement



AGENDA REPORT

New Haven, Michigan

Meeting Type

MEETING DATE: 4/9/2024

DEPARTMENT:

DATE SUBMITTED: 3/14/2024

PREPARED BY: Brian Meissen

ITEM TITLE: Medical Stipend Letter of Agreement

EXECUTIVE SUMMARY:

Council – when we approved the supervisor’s contract, we created a gap between what the supervisors get for a medical stipend compared to the clerical staff. We have one clerical staff member who does take a stipend in lieu of benefits. As such, I would like for us to adopt this letter of agreement such that those who are getting a medical stipend are equally paid. Additionally, the supervisors contract approved for retroactive payment to January 2023, and I would ask that we do the same for this staff member.

RECOMMENDED ACTION:

Adopt the letter of agreement for the clerical staff member to receive the stipend at the same rate as the supervisors contract, with a retroactive payment which goes back to January 2023.

ADMINISTRATIVE REVIEW:

EXHIBITS:



AGENDA REPORT

New Haven, Michigan

Meeting Type

MEETING DATE: 9 April 2024

DEPARTMENT:

DATE SUBMITTED: 30 March 2024

PREPARED BY: Brian Meissen

ITEM TITLE: Macomb County Animal Control Best Practices

EXECUTIVE SUMMARY:

Per the attached e-mail received from Macomb County Animal Control, they’re asking communities to adopt their best practices into our ordinances.

RECOMMENDED ACTION:

Adopt ordinance amendment to codify Macomb County Animal Control best practices.

ADMINISTRATIVE REVIEW:

EXHIBITS:

DOG LAW OF 1919
Act 339 of 1919

AN ACT relating to dogs and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the determination and payment of damages done by dogs to live stock and poultry; imposing powers and duties on certain state, county, city and township officers and employees, and to repeal Act No. 347 of the Public Acts of 1917, and providing penalties for the violation of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919.

Compiler's note: Near the end of this title, the word "employes" evidently should read "employees".

The People of the State of Michigan enact:

287.261 Short title; definitions.

Sec. 1. (1) This act shall be known and may be cited as the "dog law of 1919".

(2) For the purpose of this act:

(a) "Livestock" means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing animals being raised in captivity.

(b) "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 protection act, Act No. 451 of the Public Acts of 1994, being sections 324.42701 to 324.42714 of the Michigan Compiled Laws.

(c) "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.

(d) "Kennel" means any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, or sporting purposes.

(e) "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.

(f) "Hunting" means allowing a dog to range freely within sight or sound of its owner while in the course of hunting legal game or an unprotected animal.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5245;—CL 1948, 287.261;—Am. 1959, Act 42, Eff. Mar. 19, 1960;—Am. 1973, Act 32, Imd. Eff. June 14, 1973;—Am. 1996, Act 63, Imd. Eff. Feb. 26, 1996.

287.262 Dogs; licensing, tags, leashes.

Sec. 2. It shall be unlawful for any person to own any dog 6 months old or over, unless the dog is licensed as hereinafter provided, or to own any dog 6 months old or over that does not at all times wear a collar with a tag approved by the director of agriculture, attached as hereinafter provided, except when engaged in lawful hunting accompanied by its owner or custodian; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash; or for any person except the owner or authorized agent, to remove any license tag from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5246;—CL 1948, 287.262;—Am. 1951, Act 173, Imd. Eff. June 8, 1951;—Am. 1969, Act 195, Eff. Mar. 20, 1970.

287.263 Repealed. 1969, Act 195, Eff. Mar. 20, 1970.

Compiler's note: The repealed section pertained to confinement of dog at night.

287.264 Supervision and enforcement.

Sec. 4. The state livestock sanitary commission shall have the general supervision over the licensing and regulation of dogs and the protection of livestock and poultry from dogs, and may employ all proper means for the enforcement of this act and all police officers of the state, county, municipality or township shall be at its disposal for that purpose. An animal control officer or a law enforcement officer of the state shall issue a citation, summons or appearance ticket for a violation of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5248;—CL 1948, 287.264;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.265 Tags, blanks and license forms.

Sec. 5. It shall be the duty of the state live stock sanitary commission to purchase from time to time, as may be necessary, a sufficient number of tags for the state of Michigan, which tags shall be purchased from such commission by the treasurers of the counties as the same may be needed to comply with the provisions of this act. Such tags shall be sold at cost to the said treasurers. The state treasurer is hereby authorized to advance to the said commission, out of any funds of the state, such sum of money as may be necessary from time to time to pay for the tags so purchased by the state live stock sanitary commission, which sum shall be repaid to the state treasurer from the money collected from the county treasurers in payment for the tags. The said commission is hereby authorized to extend 30 days' credit to any county treasurer for tags so purchased. The commission shall also furnish to each county treasurer, on or before November fifteenth of each year, a book containing proper forms for issuing dog licenses required in his county, together with the necessary blanks for the use of the supervisors and assessors of such county; such books and blanks shall be furnished to said commission by the board of state auditors without cost to said commission. The tags required by this act shall be not more than 1 1/2 inches in length and uniform in shape throughout the state, the general shape of which shall be changed from year to year; such tags shall have impressed upon them the calendar year for which they are issued and shall bear the name of the county issuing them and shall be numbered consecutively.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5249;—CL 1948, 287.265.

287.266 Dog licenses; application; resolution; provisions; proof of vaccination.

Sec. 6. (1) The owner of a dog that is 4 or more months old shall apply to the treasurer of the county or, except as provided in section 14, the treasurer of the township or city where the owner resides, or to the treasurer's authorized agent, for a license for each dog owned or kept by him or her.

(2) Unless the county board of commissioners adopts a resolution under subsection (3), the owner shall apply for a license annually on or before March 1.

(3) The county board of commissioners of a county may adopt a resolution during the 60-day period before the beginning of the county's fiscal year providing when the owner of a dog that is required to be licensed under subsection (1) must apply for a license. Before adopting the resolution, the county board of commissioners shall obtain the county treasurer's written approval of the resolution. Subject to subsection (4), the resolution shall provide for 1 of the following:

(a) That the owner apply for a license by March 1 every year or every third year, at the owner's option.

(b) That the owner apply for a license by June 1 every year.

(c) That the owner apply for a license by June 1 every year or every third year, at the owner's option.

(d) That the owner apply for a license by the last day of the month of the dog's current rabies vaccination, every year.

(e) That the owner apply for a license by the last day of the month of the dog's current rabies vaccination, every third year.

(f) That the owner apply for a license by 1 of the following, at the owner's option:

(i) The last day of the month of the dog's current rabies vaccination every year.

(ii) The last day of the month of the dog's current rabies vaccination, every third year.

(4) A resolution adopted under subsection (3) shall include necessary provisions for conversion to a new licensing schedule. The resolution may extend the effective period of outstanding licenses but shall not shorten the effective period of outstanding licenses or prorate license fees.

(5) The application shall state the breed, sex, age, color, and markings of the dog, and the name and address of the last previous owner. Except as otherwise provided in this subsection, the application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian. The certificate for vaccination for rabies shall state the month and year of expiration for the rabies vaccination, in the veterinarian's opinion. If the application for a license is submitted electronically, the owner of the dog is not required to provide a valid certificate of a current vaccination for rabies if the dog was licensed the previous year and the dog's current rabies vaccination on record with the treasurer of the county or, except as provided in section 14, the treasurer of the township or city where the owner resides, or the treasurer's authorized agent, is still valid. A license shall not be issued under subsection (3)(d), (e), or (f) if the dog's current rabies vaccination will expire more than 1 month before the date on which that license would expire. When applying for a license, the owner shall pay the license fee provided for in the county budget. The county board of

commissioners may set license fees in the county budget at a level sufficient to pay all the county's expenses of administering this act as it pertains to dogs. For a spayed or neutered dog, the license fee, if any, shall be set lower than the license fee for a dog that is not spayed or neutered. In addition, the license fee may be set higher for a delinquent application than for a timely application.

(6) If a dog is licensed before it becomes 5 months old and is subsequently spayed or neutered before it becomes 7 months old, the owner of the dog may exchange the license for a license for a spayed or neutered dog and receive a refund for the difference in the cost of the licenses. The owner shall exchange the license before the dog becomes 7 months old.

(7) Subsection (6) applies in a county only if the county board of commissioners adopts a resolution to that effect during the 60-day period before the beginning of the county's fiscal year. Before adopting the resolution, the county board of commissioners shall obtain the county treasurer's written approval of the resolution.

(8) The owner of a dog that is required to be licensed under this section shall keep the dog currently vaccinated against rabies by an accredited veterinarian with a vaccine licensed by the United States department of agriculture.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—Am. 1927, Act 53, Eff. Sept. 5, 1927;—CL 1929, 5250;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1935, Act 17, Eff. Sept. 21, 1935;—Am. 1937, Act 47, Imd. Eff. May 18, 1937;—Am. 1947, Act 171, Eff. Oct. 11, 1947;—CL 1948, 287.266;—Am. 1949, Act 35, Eff. Sept. 23, 1949;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1971, Act 229, Eff. Mar. 30, 1972;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001;—Am. 2010, Act 18, Imd. Eff. Mar. 18, 2010.

287.266a Repealed. 1969, Act 195, Eff. Mar. 20, 1970.

Compiler's note: The repealed section pertained to proof of vaccination for rabies.

287.267 Dog license; tag, approval; kept on dog.

Sec. 7. The county treasurer shall then deliver to said owner a license and also 1 of the tags approved by the director of agriculture, before mentioned, such tag to be affixed to a substantial collar to be furnished by the owner, which with the tag attached, shall at all times be kept on the dog for which the license is issued, except when such dog is engaged in lawful hunting accompanied by its owner or custodian.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5251;—CL 1948, 287.267;—Am. 1951, Act 173, Imd. Eff. June 8, 1951.

287.268 Dog license; unlicensed and young dogs; application; fee after certain date.

Sec. 8. A person who becomes owner of a dog that is 4 or more months old and that is not already licensed shall apply for a license within 30 days. A person who owns a dog that will become 4 months old and that is not already licensed shall apply for a license within 30 days after the dog becomes 4 months old. In a county in which section 6(2) or section 6(3)(a) applies, if a person applies for an annual license under this subsection after July 10 of a calendar year, the license fee shall be 1/2 the fee provided for under section 6.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5252;—CL 1948, 287.268;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001.

287.269 Dog license; contents.

Sec. 9. Each dog license issued under this act shall display all of the following:

(a) An expiration date. Subject to section 6(4), the expiration date for a license issued under section 6(2) or 6(3)(b) shall be 1 year after the date on or before which the license was required to be obtained under section 6, and for a license issued under section 6(3)(a) or 6(3)(c) shall be 1 year or 3 years after that date. Subject to section 6(4), the expiration date of a license issued under section 6(3)(d), (e), or (f) shall be the earlier of the following:

- (i) One year or 3 years, as applicable, after the date on which the license was required to be obtained.
- (ii) The expiration date of the dog's rabies vaccination.
- (b) A serial number corresponding to the number on the metal tag furnished to the owner.
- (c) The name of the county issuing the license.
- (d) A full description of the dog licensed.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5253;—CL 1948, 287.269;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001.

287.269a Production of proof of license.

Sec. 9a. A person who owns or harbors a dog shall produce proof of a valid dog license upon request of a person who is authorized to enforce this act.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.270 “Kennel” defined; kennel license; fee; tags; certificate; rules; inspection; exception.

Sec. 10. For the purposes of this act, a kennel shall be construed as an establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in the kennel. Any person who keeps or operates a kennel may, in lieu of individual license required under this act, apply to the county treasurer for a kennel license entitling him to keep or operate a kennel. Proof of vaccination of dogs against rabies shall not be required with the application. The license shall be issued by the county treasurer on a form prepared and supplied by the director of the department of agriculture, and shall entitle the licensee to keep any number of dogs 6 months old or over not at any time exceeding a certain number to be specified in the license. The fee to be paid for a kennel license shall be \$10.00 for 10 dogs or less, and \$25.00 for more than 10 dogs. A fee of double the original license fee shall be charged for each previously licensed kennel, whose kennel license is applied for after June 1. With each kennel license the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All the tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tags for the same year.

The county treasurer or county animal control officer shall not issue a kennel license for a new kennel under the provisions of this act unless the applicant furnishes an inspection certificate signed by the director of the department of agriculture, or his authorized representative, stating that the kennel to be covered by the license complies with the reasonable sanitary requirements of the department of agriculture, and that the dogs therein are properly fed and protected from exposure commensurate with the breed of the dog. The director of the department of agriculture shall promulgate reasonable rules with respect to the inspections in the manner prescribed by law. The inspection shall be made not more than 30 days before filing the application for license. The provisions of this act shall not be effective in the counties of this state that are operating under the provisions of section 16 wherein the board of supervisors have appointed a county animal control officer with certain powers and duties, unless the counties by a resolution duly adopted by the board of supervisors accept the provisions of this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5254;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1945, Act 245, Eff. Sept. 6, 1945;—CL 1948, 287.270;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

Administrative rules: R 285.129.1 of the Michigan Administrative Code.

287.270a Repealed. 1969, Act 195, Eff. Mar. 20, 1970.

Compiler's note: The repealed section pertained to vaccination of dog sold by licensed kennel.

287.270b Kennel licensing ordinance.

Sec. 10b. Any city, township or village having in its employment a full-time animal control officer may adopt an ordinance providing for the issuance of kennel licenses by the animal control officer on the same terms, conditions and fees as is provided in section 10. Upon the adoption of the ordinance the city, township or village shall be excepted from the provisions of sections 10 and 11 of this act.

History: Add. 1966, Act 132, Eff. Mar. 10, 1967;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.271 Rules governing kennel dogs.

Sec. 11. The licensee of a kennel shall, at all times, keep 1 of such tags attached to a collar on each dog 4 months old or over kept by him under a kennel license. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel. This section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5255;—CL 1948, 287.271.

287.272 Lost tags.

Sec. 12. If any dog tag is lost, it shall be replaced without cost by the county treasurer, upon application by the owner of the dog, and upon production of such license and a sworn statement of the facts regarding the loss of such tag.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5256;—CL 1948, 287.272.

287.273 License and tag; transferability.

Sec. 13. No license or license tag issued for 1 dog shall be transferable to another dog. Whenever the

ownership or possession of any dog is permanently transferred from 1 person to another within the same county, the license of such dog may be likewise transferred, upon notice given to the county treasurer who shall note such transfer upon his record. This act does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred, for the purpose of hunting game, or for breeding, trial, or show, in the state of Michigan.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5257;—CL 1948, 287.273.

287.274 Application for license blanks and tags; issuance of dog licenses and tags; fee; return of unused tags, books, and receipts; contents of receipt; paying over money; resolution providing that clerk perform duties of treasurer.

Sec. 14. (1) Every township or city treasurer shall, on or before December 1 each year, apply to the county treasurer for necessary license blanks and tags for the ensuing year and shall issue dog licenses and tags in a manner prescribed for issuing licenses by the county treasurer. Every township or city treasurer shall receive for the services of licensing dogs a reasonable fee at a rate determined by the county board of commissioners for each dog license issued.

(2) Each township or city treasurer shall not later than March 1 each year, or June 1 each year for a county operating under section 6(3)(b) or (c), return to the county treasurer all unused tags, and the book or books from which dog licenses have been issued, containing receipts properly filled out, and showing the name of the person issued each license and the number of each license issued and a full description of each dog licensed. The township or city treasurer shall on or before March 1 each year, or June 1 each year for a county operating under section 6(3)(b) or (c), pay over all money received for issuing licenses less the amount set by the board of commissioners to be retained by the township or village for each license issued.

(3) A city may, by resolution of its legislative body, provide that its clerk shall perform the duties by this act imposed on the treasurer. Upon the adoption of the resolution, the treasurer of a city is not required to issue licenses under this act but the clerk of the city shall perform, in the manner and under the terms and conditions, and with the same compensation, all of the duties imposed upon city treasurers by this act.

(4) A township treasurer, city treasurer, or city clerk may enter an agreement with the county treasurer for the county treasurer to perform the duties of the township treasurer, city treasurer, or city clerk under this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1921, Act 310, Eff. Aug. 18, 1921;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5258;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1947, Act 168, Eff. Oct. 11, 1947;—CL 1948, 287.274;—Am. 1977, Act 317, Imd. Eff. Jan. 9, 1978;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2000, Act 438, Imd. Eff. Jan. 9, 2001.

287.274a Issuance of dog license; information about microchip implantation availability to be provided to dog owner; definitions.

Sec. 14a. (1) When issuing a dog license under section 14, a county treasurer, city clerk, city treasurer, township treasurer, or the authorized agent of a city or township treasurer, including, but not limited to, a veterinarian, animal control shelter, or animal protection shelter, shall also provide information to the dog owner regarding the availability of microchip implantation and registration for dogs by a veterinarian, animal control shelter, or animal protection shelter.

(2) As used in this section, "animal control shelter" and "animal protection shelter" mean those terms as defined in section 1 of 1969 PA 287, MCL 287.331, and are facilities registered with the department of agriculture and rural development under section 6 of 1969 PA 287, MCL 287.336.

History: Add. 2006, Act 551, Eff. Mar. 30, 2007;—Am. 2022, Act 120, Imd. Eff. June 29, 2022.

287.275 County treasurer's record; inspection.

Sec. 15. The county treasurer shall keep a record of all dog licenses, and all kennel licenses, issued during the year in each city and township in his or her county. Such record shall contain the name and address of the person to whom each license is issued and the expiration date of each license. For an individual license, the record shall also state the breed, sex, age, color, and markings of the dog licensed; and for a kennel license, it shall state the place where the business is conducted. The record is a public record and shall be open to inspection during business hours. The county treasurer shall also keep an accurate record of all license fees collected by the county treasurer or paid over to him or her by any city or township treasurer.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5259;—CL 1948, 287.275;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998.

287.276 Listing of dogs; compensation of supervisor; appointment, duties, and compensation of animal control officer.

Sec. 16. The supervisor of each township and the assessor of every city, annually, on taking his assessment of property as required by law, may make diligent inquiry as to the number of dogs owned, harbored or kept

by all persons in his assessing district; and on or before June 1, make a complete report to the county treasurer, for his county, on a blank form furnished by the director of agriculture, setting forth the name of every owner, or keeper, of any dog, subject to license under this act, how many of each sex are owned by him, and if a kennel license is maintained such fact shall be also stated. Every supervisor or assessor shall receive for his services in listing such dogs at a rate determined by the board of supervisors for each dog so listed, which sums shall be paid out of the general fund of the county. In any city having a population of 5,000 or more, the county board of supervisors may by resolution appoint for a term of 2 years, an animal control officer, who shall perform in and for the city all the duties which this act prescribes for the supervisors of townships, and who shall receive the same compensation as is herein provided for supervisors. The board of supervisors of any county may, by resolution, appoint for the county for a term of 2 years an animal control officer whose duties and compensation shall be such as shall be prescribed by the board of supervisors and who may be delegated the duties required by this section to be performed by the supervisors and assessors without extra compensation.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—Am. 1925, Act 327, Imd. Eff. May 26, 1925;—CL 1929, 5260;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—Am. 1941, Act 278, Eff. Jan. 10, 1942;—Am. 1947, Act 168, Eff. Oct. 11, 1947;—CL 1948, 287.276;—Am. 1967, Act 197, Eff. Nov. 2, 1967;—Am. 1968, Act 38, Eff. Jan. 1, 1969;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.277 Identification and location of unlicensed dogs; public nuisance; list; commencement of proceedings.

Sec. 17. The county treasurer may, based on records of the dogs actually licensed in each city or township of the county and any report under section 16, identify and locate all unlicensed dogs. A dog required to be licensed under this act that is unlicensed is a public nuisance. The county treasurer shall immediately list all unlicensed dogs identified under this section and shall deliver copies of the list to the prosecuting attorney of the county. Upon receipt of the name of an owner of an unlicensed dog from the county treasurer, the prosecuting attorney shall commence proceedings against the owner of the dog as required by this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5261;—Am. 1933, Act 79, Imd. Eff. May 19, 1933;—CL 1948, 287.277;—Am. 1967, Act 197, Eff. Nov. 2, 1967;—Am. 1968, Act 38, Eff. Jan. 1, 1969;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973;—Am. 1998, Act 390, Imd. Eff. Nov. 30, 1998;—Am. 2014, Act 32, Imd. Eff. Mar. 11, 2014.

287.278 Killing of dog molesting wildlife.

Sec. 18. A law enforcement officer may kill a dog determined to be molesting wildlife and not hunting as defined in this act.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 322, Eff. Aug. 27, 1925;—CL 1929, 5262;—CL 1948, 287.278;—Am. 1973, Act 32, Imd. Eff. June 14, 1973.

287.279 Killing of dog pursuing, worrying, or wounding livestock or poultry, or attacking person; damages for trespass; effect of license tag.

Sec. 19. Any person including a law enforcement officer may kill any dog which he 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 field or enclosure which is owned by or leased by a person producing livestock or poultry, outside of a city, unaccompanied by his owner or his owner's agent, shall constitute a trespass, and the owner shall be liable in damages. Except as provided in this section, it shall be unlawful for any person, other than a law enforcement officer, to kill or injure or attempt to kill or injure any dog which bears a license tag for the current year.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5263;—CL 1948, 287.279;—Am. 1959, Act 42, Eff. Mar. 19, 1960;—Am. 1973, Act 32, Imd. Eff. June 14, 1973.

287.279a Killing dog or other animal; use of high altitude decompression chamber or electrocution prohibited.

Sec. 19a. An animal control officer or other person killing a dog or other animal pursuant to the laws of this state shall not use a high altitude decompression chamber or electrocution for that killing.

History: Add. 1980, Act 382, Eff. Mar. 31, 1981.

287.280 Loss or damage to livestock or poultry caused by dogs; complaint; examination; summons; proceedings; killing of dog; liability of owner or keeper.

Sec. 20. If a person sustains any loss or damage to livestock or poultry that is caused by dogs, or if the livestock of a person is necessarily destroyed because of having been bitten by a dog, the person or his or her agent or attorney may complain to the township supervisor or a township officer or other qualified person

designated by the township board of the township in which the damage occurred. The complaint shall be in writing, signed by the person making it, and shall state when, where, what, and how much damage was done, and, if known, by whose dog or dogs. The township supervisor or a township officer or other qualified person designated by the township board shall at once examine the place where the alleged damage was sustained and the livestock or poultry injured or killed, if practicable. He or she shall also examine under oath, or affirmation, any witness called. After making diligent inquiry in relation to the claim, the township supervisor or a township officer or other person designated by the township board shall determine whether damage has been sustained and the amount of that damage, and, if possible, who was the owner of the dog or dogs that did the damage. If during the course of the proceedings the owner of the dog causing the loss or damage to the livestock becomes known, the township supervisor or a township officer or other person designated by the township board shall request the district court judge to immediately issue a summons against the owner commanding him or her to appear before the township supervisor or township officer or other person designated by the township board and show cause why the dog should not be killed. The summons may be served anyplace within the county in which the damage occurred, and shall be made returnable not less than 2 nor more than 6 days from the date stated in the summons and shall be served at least 2 days before the time of appearance mentioned in the summons. Upon the return day fixed in the summons the township supervisor or township officer or other person designated by the township board shall proceed to determine whether the loss or damage to the livestock was caused by the dog, and if so he or she shall immediately notify the sheriff or the animal control officer of the county of that fact and upon notification the sheriff or the animal control officer shall kill the dog wherever found. Any owner or keeper of the dog or dogs shall be liable to the county in a civil action for all damages and costs paid by the county on any claim as provided in this section.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5264;—Am. 1937, Act 47, Imd. Eff. May 18, 1937;—CL 1948, 287.280;—Am. 1968, Act 38, Eff. Jan. 1, 1969;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973;—Am. 1989, Act 45, Imd. Eff. June 12, 1989.

287.281 Report of examination.

Sec. 21. If after making the examination required in section 20, the township supervisor or other person designated by the township board has determined that damage has been sustained by the complainant, the township supervisor or other person designated by the township board, upon payment to him or her of his or her costs up to that time by the complainant, shall deliver a report of the examination and all papers relating to the case to the county board of commissioners of the county in which the loss was sustained. The report shall be filed in the office of the county board of commissioners. If the complainant has not paid the costs, the township supervisor or other person designated by the township board shall state that fact in the report and the amount of the unpaid costs.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1929, Act 131, Eff. Aug. 28, 1929;—CL 1929, 5265;—CL 1948, 287.281;—Am. 1980, Act 223, Imd. Eff. July 18, 1980.

287.282 Damage to livestock or poultry by dogs; fees of justice, inclusion in damages.

Sec. 22. Justices of the peace, for the services rendered under this act, shall receive \$4.00 for each case, and 10 cents per mile for each mile traveled, to be paid by the claimant in each case. In all cases where damages are awarded, the fees paid by claimants shall be included in the amount of such damages.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5266;—CL 1948, 287.282;—Am. 1958, Act 26, Eff. Sept. 13, 1958.

287.283 Payment for amount of loss or damage; costs; investigation.

Sec. 23. (1) When the county board of commissioners of the county receives a report of the township supervisor or other person designated by the township board pursuant to section 21, if it appears from the report that a certain amount of damage has been sustained by the claimant, the county board of commissioners shall immediately draw their order on the treasurer of the county in favor of the claimant for the amount of loss or damage which the claimant has sustained, together with all necessary and proper costs incurred. If the claim filed with the board appears from the report filed to be illegal or unjust, the board may make an investigation of the case and make its award accordingly.

(2) An amount awarded pursuant to this section shall be paid by the county out of its general fund. A payment shall not be made for any item which has already been paid by the owner of the dog or dogs doing the injury. If a payment is made by the county for any livestock or poultry bitten by a dog or dogs, the payment shall not exceed the amount allowed by the county board of commissioners.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1925, Act 31, Eff. Aug. 27, 1925;—Am. 1927, Act 52, Eff. Sept. 5, 1927;—Am. 1929, Act 131, Eff. Aug. 28, 1929;—CL 1929, 5267;—Am. 1931, Act 286, Eff. Sept. 18, 1931;—Am. 1945, Act 233, Eff. Sept. 6, 1945;—CL 1948, 287.283;—Am. 1980, Act 223, Imd. Eff. July 18, 1980.

287.284 Board of county auditors; duties.

Sec. 24. In a county having a board of county auditors, that board shall receive, audit, and determine all claims for damages under this act, and when a claim is found to be legal and just, the board of county auditors shall order its payment out of the general fund of the county. A township supervisor or other person designated by the township board in a county having a board of county auditors shall deliver the report of investigation under this act to the board of county auditors.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5268;—CL 1948, 287.284;—Am. 1980, Act 223, Imd. Eff. July 18, 1980.

287.285 Saving clause; disposition of dog fund; expense of dog department in cities, payment.

Sec. 25. Any valid claims for loss or damage to live stock which have accrued under any general or local laws, prior to the taking effect of this act, shall not abate by reason of the repeal of such laws by the operation of this act, but all such claims, and all claims arising under this act and all expense incurred in any county in enforcing the provisions of this act shall be paid out of the general fund of the county. At the time this act takes effect, all moneys then in the "dog fund" in the hands of township or city treasurers, derived from the taxation of dogs under existing laws, shall be turned into the county general fund: Provided, In all cities having a well regulated dog department, the reasonable expense of maintaining the same, shall be borne by said county, duly audited by the board of supervisors, and in any county having a board of county auditors, said board of county auditors shall audit said reasonable bills, to be paid out of the general fund of the county.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5269;—CL 1948, 287.285.

287.286 Penalties; disposition of fines.

Sec. 26. Any person or police officer, violating or failing or refusing to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine not less than \$10.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment. Any person presenting a false claim, knowing it to be false, or receiving any money on such false claim, shall be guilty of a misdemeanor and upon conviction, shall pay a fine of not less than \$10.00 nor more than \$100.00, or shall be imprisoned in the county jail for not exceeding 3 months, or both such fine and imprisonment. All fines collected under the provisions of this act shall be paid to the treasurer of the county to be credited to the library fund of the county.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5270;—CL 1948, 287.286;—Am. 1969, Act 195, Eff. Mar. 20, 1970.

287.286a Sworn complaint; contents; issuance of summons; hearing; order; penalty for disobedience; costs; audit and payment of claims.

Sec. 26a. (1) A district court magistrate or the district or common pleas court shall issue a summons similar to the summons provided for in section 20 to show cause why a dog should not be killed, upon a sworn complaint that any of the following exist:

(a) After January 10 and before June 15 in each year a dog over 6 months old is running at large unaccompanied by its owner or is engaged in lawful hunting and is not under the reasonable control of its owner without a license attached to the collar of the dog.

(b) A dog, licensed or unlicensed, has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner.

(c) A dog, licensed or unlicensed, has attacked or bitten a person.

(d) A dog has shown vicious habits or has molested a person when lawfully on the public highway.

(e) A dog duly licensed and wearing a license tag has run at large contrary to this act.

(2) After a hearing the district court magistrate or the district or common pleas court may either order the dog killed, or confined to the premises of the owner. If the owner disobeys this order the owner may be punished under section 26. Costs as in a civil case shall be taxed against the owner of the dog, and collected by the county. The county board of commissioners shall audit and pay claims for services of officers rendered pursuant to this section, unless the claims are paid by the owner of the dog.

History: Add. 1927, Act 114, Eff. Sept. 5, 1927;—CL 1929, 5271;—CL 1948, 287.286a;—Am. 1977, Act 261, Imd. Eff. Dec. 8, 1977.

287.286b Penalty for stealing or confining licensed dog.

Sec. 26b. Any person who shall steal, or confine and secrete any dog licensed under this act or kept under a kennel license, unless legally authorized to do so, or unless such confining be justifiable in the protection of person, property or game, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than \$50.00 nor more than \$100.00, or imprisonment in the county jail for not less than 60 nor

more than 90 days, or both in the discretion of the court.

History: Add. 1939, Act 17, Eff. Sept. 29, 1939;—CL 1948, 287.286b.

287.287 Recovery of value of dog illegally killed.

Sec. 27. Nothing in this act shall be construed to prevent the owner of a licensed dog from recovery, by action at law, from any police officer or other person, the value of any dog illegally killed by such police officer or other person.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5272;—CL 1948, 287.287.

287.288 Common law liability.

Sec. 28. Nothing in this act contained shall be construed as limiting the common law liability of the owner of a dog for damages committed by it.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5273;—CL 1948, 287.288.

287.289 Dogs imported temporarily.

Sec. 29. None of the provisions of this act shall be construed to require the licensing of any dog imported into this state, for a period not exceeding 30 days, for show, trial, breeding or hunting purposes.

History: 1919, Act 339, Eff. Aug. 14, 1919;—CL 1929, 5274;—CL 1948, 287.289.

287.289a Animal control agency; establishment; employees; jurisdiction; contents of animal control ordinance.

Sec. 29a. The board of county commissioners by ordinance may establish an animal control agency which shall employ at least 1 animal control officer. The board of county commissioners may assign the animal control agency to any existing county department. The animal control agency shall have jurisdiction to enforce this act in any city, village or township which does not have an animal control ordinance. The county's animal control ordinance shall provide for animal control programs, facilities, personnel and necessary expenses incurred in animal control. The ordinance is subject to sections 6 and 30.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.289b County animal control officers; employment standards.

Sec. 29b. (1) The board of county commissioners shall adopt minimum employment standards relative to the recruitment, selection and appointment of animal control officers. The minimum standards shall include:

(a) Requirements for physical, educational, mental and moral fitness.

(b) A minimum course of study of not less than 100 instructional hours as prescribed by the department of agriculture.

(2) Subdivision (b) shall not apply if the animal control officer is a police officer or has served at least 3 years as an animal control officer.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.289c Municipal animal control officers; employment standards.

Sec. 29c. Any city, village or township adopting or having adopted an animal control ordinance shall provide in the ordinance that the minimum employment standards relative to the recruitment, selection and appointment of animal control officers shall at least equal the minimum standards set forth in section 29b.

History: Add. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

287.290 Municipal animal control ordinances; certificate of vaccination.

Sec. 30. A city, village or township by action of its governing body may adopt an animal control ordinance to regulate the licensing, payment of claims and providing for the enforcement thereof. A city, village, county or township adopting a dog licensing ordinance or ordinances shall also require that such application for a license, except kennel licenses, shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian.

History: 1919, Act 339, Eff. Aug. 14, 1919;—Am. 1921, Act 310, Eff. Aug. 18, 1921;—Am. 1929, Act 329, Eff. Aug. 28, 1929;—CL 1929, 5275;—Am. 1933, Act 189, Imd. Eff. June 28, 1933;—Am. 1941, Act 288, Eff. Jan. 10, 1942;—Am. 1943, Act 209, Imd. Eff. Apr. 17, 1943;—CL 1948, 287.290;—Am. 1949, Act 22, Eff. Sept. 23, 1949;—Am. 1952, Act 125, Eff. Sept. 18, 1952;—Am. 1953, Act 172, Imd. Eff. June 4, 1953;—Am. 1959, Act 211, Eff. Mar. 19, 1960;—Am. 1969, Act 195, Eff. Mar. 20, 1970;—Am. 1971, Act 229, Eff. Mar. 30, 1972;—Am. 1972, Act 349, Imd. Eff. Jan. 9, 1973.

ANIMAL CONTROL
BEST PRACTICES
IN
MACOMB COUNTY MICHIGAN



MACOMB COUNTY ANIMAL CONTROL BEST PRACTICES

Preamble

Inadequate animal control ordinances can lead to increased health risks from dog bites, lawsuits from dog attacks, complaints about nuisance issues, improper care of and lack of protection for companion animals, and animal suffering. This document provides information to public officials on model policy by recommending best practices outlined.

The Macomb County Animal Control Division has established this “Model Ordinance” of Animal Welfare and Husbandry, to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the County. Animal ownership is encouraged and welcomed within this County; however, strong emphasis is placed on responsible pet ownership and husbandry practices. Animal owners are encouraged to respect the rights of their fellow citizens and also those of their animals. Primary responsibility is placed upon animal owners/custodians to properly care for, train and/or secure their animals so as to keep them in a state of good health, prevent them from causing injuries and/or creating nuisances.

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ARTICLE I - GENERAL PROVISIONS

Section 1.1. Title.

These guidelines will be identified and cited as The Macomb County Animal Control Best Practices.

Section 1.2. Limitation.

Best Practices shall not be construed to apply to any city or township that has adopted an animal control ordinance pursuant to MCL 287.290.

Section 1.3. Authority.

The authority for these guidelines are found in 1978 Public Act 368, part 24 (MCL 333.2435-333.2441).

Section 1.4. Agents.

Whenever a power is granted to, or a duty is imposed upon, the Director, the power may be exercised, or the duty performed, by an agent authorized by the Director to exercise such power, or to perform such duty unless these Best Practices expressly provide otherwise.

Section 1.5. Guidelines.

The Director may establish guidelines and policies concerning the interpretation of these Best Practices.

Section 1.6. Severability.

The various sections, paragraphs, sentences, clauses and phrases of these Best Practices are declared severable. If a court of competent jurisdiction adjudges any section, paragraph, sentence, clause or phrase unconstitutional or invalid, the remainder of these Best Practices shall not be affected.

Section 1.7. Words and Phrases.

When not inconsistent with the context, words used in the present tense include the future, words in singular number include the plural number, and words in the plural number include the singular number. The word "shall" is always mandatory, and not merely directory. Words and terms not defined in these Best Practices shall be interpreted in the manner of their common usage.

ARTICLE II – DEFINITIONS

Abandon

To desert, forsake, or give up an animal without having secured another owner or custodian for the animal or having transferred the animal to the Animal Care and Control Agency or Animal Protection Shelter.

Adequate care

As defined in MCL 750.50 "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health. To the extent of responsible practice of animal husbandry, handling, confinement, protection, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal, and the provision of veterinary care when needed to prevent suffering, impairment of health, or the treatment of illness or injury.

Adequate Shelter

Provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, wood shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters whose wire, grid, or slat floors permit the animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not protect the animals' feet or toes from injury, are not adequate shelter.

Animal

Any living vertebrate creature, wild or domestic, except humans.

Animal Breeder

Any firm, person, or corporation which is engaged in the operation of breeding and raising animals for the purpose of selling, trading, bartering, giving away, or otherwise transferring same.

Animal Control Officer

Any employee who is certified by the Michigan Department of Agriculture to perform animal control duties who is under the direction of the Director.

Animal Control Shelter

A facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to violations of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter.

Animal Protection Shelter

A facility operated by a person, humane society, a society for the prevention of cruelty to animals, or another nonprofit organization for the care of homeless animals.

Animal Shelter

The animal kenneling facility used by Macomb County to house stray or unwanted animals.

At Large

At large shall mean the condition wherein an animal is off the premises of its owner and is not under secure restraint by a substantial leash, not to exceed six (6) feet in length, or is not otherwise under the charge and control of a person competent to keep such animal under effective charge and control.

Cat

An animal of the Felidae family or the order Carnivora.

Certificate of Origin

A document declaring the source of the animal sold or transferred by the retail seller. The certificate shall include the name and premise address of the source of the animal.

Certificate of Veterinary Inspection

An official document issued by an USDA-accredited veterinarian certifying that the animal(s) identified on the document have been inspected and were found to satisfy federal and state requirements for moving animals from one state to another.

Community Cat

Any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats may be distinguished from other cats by being sterilized, ear tipped and vaccinated for Rabies. A community cat may also be defined as a cat 'found' outside that is brought to the animal shelter and not yet sterilized, ear tipped or vaccinated for Rabies.

Community Cat Caregiver

A person who provides care, including food, shelter or medical care to a community cat and is actively involved in Macomb County Animal Control's Trap-Neuter-Return program, while not being considered the owner, custodian, harbinger, controller, or keeper of a community cat, or who has care or charge of a community cat.

Dangerous Animal

An animal whose behavior is dangerous. Dangerous behavior shall include, but not be limited to: biting or otherwise causing serious injury to a person or other animal on public or private property where the injured person or other animal is legally entitled to be, including the property of the animal's owner or custodian. An animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or service purposes while engaged in the activities for which they were trained, shall be considered a dangerous animal.

Department

The Macomb County Animal Control Division.

Director/ Chief Animal Control Deputy

The Director or Chief Animal Control Deputy of the Macomb County Animal Control Division, and his/her designee.

Dog

An animal of the Canidae family of the order Carnivora.

Dog License

The registration of a Rabies vaccinated dog that is 4 or more months old, residing within Macomb County, as mandated by the Michigan State Law MCL 287.

Dog Kennel

Any establishment that keeps, harbors or boards more than the municipal limit whether for breeding, sale, animal rescue\protection or sporting purposes.

Domesticated Animal

Any animal which is accustomed to living in an environment managed by humans and is suitable for the purpose of human companionship or service.

Ear-tipping

The removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to be the universal identification that the community cat is sterilized and lawfully vaccinated for Rabies at least once.

Exhibitor

Any person (public or private) that displays animals to the public or conduct performances featuring animals.

Existing Pet Store

Any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred live animals in the City/Township on the effective date of this article and complied with all applicable provision of the Code of Ordinances, in the City/Township.

Exotic Animal

Exotic animal means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of 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.

Dangerous or exotic animals include, but are not limited to:

- (1) reptiles, insects, or arachnids which are venomous and which are not indigenous to Macomb County; or any reptile not indigenous to Macomb County which weighs forty (40) pounds or more, whether venomous or not.
- (2) non-human primate;
- (3) animals covered under Michigan Wolf-Dog Cross Act as per MCL 287.1001-287.1023.
- (4) animals covered under Michigan Large Carnivore Act as per MLC 287.1101 - 287.1123.

Ferret

A domesticated animal of any age of the species *Mustela furo*.

Health Certificate

Pet Health Certificates must be issued by a veterinarian and are valid for 30 days from the date of examination. The health certificate must be signed by an accredited veterinarian after examining your pet and determining that it is free of infectious diseases.

Hobby Breeder

Any person, business, organization, or corporation that is registered with the Macomb County Animal Control Division and is in good standing, that does not meet the State (MDARD) requirements for the Large-Scale Breeder and has less than 15 intact animals over the age of 4 months, that breeds animals for sale, trade or giving away and whose primary source of income is not derived from the breeding and/or sale of animals.

Impound

An animal confined, kept, and maintained by the Macomb County Animal Control Division.

Large Reptiles

Members of the class reptilian including, but not limited to, monitor lizards, alligators, pythons, boa constrictors, venomous reptiles and constrictor snakes that grow to more than 72 inches long.

Livestock

Cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry (including egg-production poultry), fowl, llamas, alpacas, live fish, crawfish, and any other animals that are part of a foundation herd (including producing dairy cattle) or offspring.

Long-lived Birds

Any bird whose life expectancy is expected to exceed 25 years, including, but not limited to, cockatoos, macaws and amazons.

Neuter/Castration

Professional sterilization procedure performed by a veterinarian that renders a male animal incapable of reproducing.

Off-site Retail Sale

The exchange of consideration for an animal, regardless of age of the animal at a location other than where the animal was bred.

Owner

- (1) every person having a right of property in an animal;
- (2) an authorized agent of the person having a right of property in an animal;
- (3) every person who keeps or harbors an animal or has it in his or her care, custody or control;
- (4) every person who permits an animal to remain on or about the premises occupied by him or her;
- (5) every person who has the apparent authority to have a right of property in an animal;
- (6) any person having control or purporting to have control over an animal;
- (7) the person named in the licensing records of any animal as the owner;
- (8) The occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing records;
- (9) The parent or guardian of an owner under 18 years of age shall be deemed the owner as defined in this section. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner, even if the animal was in the possession of or under the control of a keeper at the time of the offense.

Person

An individual, firm, partnership, corporation, trust, or any association of persons.

Pet Store

A place where animals are sold or offered for sale, exchanged, or transferred.

Pet Store Operator

A person who owns or operates a pet store, or both.

Rabbit

A long-eared short-tailed lagomorph mammal with long hind legs of the Leporidae family.

Retail Sale

An offer for sale, offer for adoption, barter, auction, give away, and display for commercial purposes of otherwise transfer any animal that is not bred on the premises.

Spay

Professional sterilization procedure performed by a veterinarian that renders a female dog, cat or ferret incapable of reproducing.

Stray Animal

Any animal running loose on public or private property without restraint.

Tethering

The restraint and confinement of an animal by use of a chain, rope or similar device.

Trap-Neuter-Return

The process of humanely trapping, sterilizing, vaccinating for Rabies, ear-tipping, and returning community cats to their original location.

Wild Animal

Any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, wolf, etc.

ARTICLE III - COLLECTION OF STRAY ANIMALS

Section 3.1. Animals Running At Large.

A person who owns or has custody or control of an animal shall prevent the dog from running at large. A person who owns or has custody or control of an animal shall, at any time the animal is off that person's property, restrain the dog with a lead or leash of a length sufficient to maintain effective control of the animal.

Section 3.2. Capture.

The Director may capture or take into custody:

- i. Unlicensed dogs;
- ii. Dogs and other domestic animals that are running at large in violation of municipal (local), County or State laws.
- iii. Stray, abandoned, or abused animals;
- iv. Animals maintained contrary to any city or township ordinance, or State or Federal Law other than an animal control ordinance adopted pursuant to MCL 287.290;
- v. Animals which the owner or custodian is not able to care for properly as a result of:
 - a. Illness;
 - b. Bankruptcy;
 - c. Litigation;
 - d. Other contingencies;
- vi. Any animal that has bitten a person.

Section 3.3. Observation.

The Director may capture and take into custody, or accept and care for, any animal to be held for observation at the recommendation of a doctor, veterinarian, or the Health Department.

Section 3.4. Private Property.

The Director is authorized to rescue any animal on any property, public or private, in conjunction with the fulfillment of the duties and responsibilities in these Best Practices. No person shall refuse to permit the Director, after proper identification, to inspect any premises in accordance with MCL 333.2446 nor shall any person interfere with or resist the Director in the discharge of these duties and the protection of the public health.

Section 3.5. Proof of Animals Licenses or Certificates of Vaccination.

The Director may require that a person owning any dog provide proof of the required vaccination certificate, or the current license and license tag for the dog.

Section 3.6. Wearing of License Tag.

Dogs must wear valid license tags when off their owner's property. An owner whose dog is off his/her property without wearing a valid license tag is in violation of these Best Practices and MCL 287.262.

Section 3.7. Failure to Show License.

It is a violation of these Best Practices for a person upon whom a demand is made under Section 3.5 to fail or refuse to exhibit the dog certificate of vaccination or its license tag.

Section 3.8. Interference with an Animal Control Deputy.

No person shall interfere with, oppose, or resist an Animal Control Deputy while he/she is engaged in the performance of any act authorized by these Best Practices.

Section 3.9. Unauthorized Removal from the Shelter.

No person shall remove any animal from the custody of the Department nor shall any person remove any animal from the Animal Shelter without first receiving permission from the Director.

Section 3.10. Reclamation.

All reclaimed animal must be licensed and microchipped as specified in Article IV and Article V.

Section 3.11. Stray Livestock.

A person who owns or has custody or control of livestock or poultry shall prevent such animals from running at large on public or private property without the consent of the property owner. However, this Section shall not prohibit the leading or driving of livestock, under the owner's or custodian's supervision, along a public highway.

ARTICLE IV - IMPOUNDMENT PROCEDURES

Section 4.1. Animal Shelter.

The Animal Shelter is the animal custodial care facility for Macomb County. The Director shall hold all animals impounded by him/her as provided in MCL 287.388. Any animal found stray in Macomb County, which is delivered to the Animal Shelter, shall be delivered during normal working hours.

Section 4.2. Relinquishing Strays.

Any person picking up any stray animal or animal found running at large shall deliver such animal to the Director by taking it to the Macomb County Animal Control in accordance with MCL Section 287.308, for required legal stray hold to be completed through Animal Control.

Section 4.3. Length of Impoundment.

The length of impoundment shall be computed by excluding the first day the animal is impounded at the shelter and including the last day of confinement. If the last day is a weekend or a County observed Holiday, the period shall be extended to the next business day. Length of impoundment before the animal becomes County property shall be:

- i. **Unlicensed Animals.** The Animal Shelter shall hold all healthy unlicensed animals for four (4) business days.
- ii. **Animals with current owner information** (including but not limited to microchip, dog license and ID tag that leads to the owner). Animal Control shall hold all healthy stray animals with current, valid identification seven (7) business days from the date notice is given, in accordance with MCL 287.
- iii. **Sick or Injured Animals.** Any animal that is suffering unduly may be euthanized at the discretion of the Director.
- iv. **Voluntarily Surrendered Animals.** Any animal may be euthanized at the request of the owner for health reasons.
- v. **Animals Deemed a Public Health Hazard.** The Animal Shelter shall hold any animal deemed to be a public health hazard until such time as a court of competent jurisdiction makes a determination as to the disposition of the animal or the owner consents.
- vi. **Animals confiscated for neglect/cruelty,** shall be subject to a "Show Cause" hearing. Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing must be conducted within 14 days of the filing of the civil action, or as soon as practicable. The hearing must be before a judge without a jury, as outlined in MCL 750.50 (3).
- vii. **Livestock.** The Macomb County Animal Control shall hold livestock in accordance with MCL Act 328 Section 433.16

Section 4.4. Records.

The Director shall keep a record of each animal impounded, the date of the impounding, the date and manner of its disposition and if redeemed, reclaimed or sold, the name and amount of all fees collected because of the impounding, reclaiming, or purchasing of the animal, together with the number of any license tag or kennel license exhibited or purchased upon the redemption or sale. Animals being impounded by Animal Control must be accompanied by specific information regarding how the animal was obtained, including but not limited to the point of origin and name of persons in possession of the animal.

Section 4.5. Compliance.

The Director shall not release or sell any animal that has been impounded in accordance with these Best Practices unless the person to whom the animal is released provides satisfactory proof that the animal will be maintained in accordance with these Best Practices and any other relevant ordinance or statute.

Section 4.6. Medical Attention.

The Director may employ a veterinarian whenever he deems it necessary in a medical emergency in order to care properly for an impounded animal. The County shall charge a fee for veterinary services and such animal shall not be redeemed without payment of such fee in addition to other impoundment fees and costs.

Section 4.7. Microchipping & Vaccinations.

All animals impounded by the Macomb County Animal Control are require to be microchipped and vaccinated prior to release, at the expense of their owner.

Section 4.8. Payment of Fees.

The Director shall not release any owned animal unless the fees and charges for animal shelter services in impound and caring for the animal, disposition and redemption, dog licenses and any other services furnished has been paid in full. These fees and costs shall be periodically reviewed by the Macomb Office of the County Executives.

Section 4.9. Unclaimed Animals.

All animals not reclaimed within a period of time established for the holding of strays shall be dispositioned at the discretion of the Director.

ARTICLE V - LICENSING

Section 5.1. Licensing Required.

All dogs shall be licensed in accordance with State law (MCL 287.266) except:

- i. A dog under four months of age;
- ii. A dog licensed by another state in which the dog and owner reside, if the owner will be present in Macomb County for thirty days or less.

Section 5.2. Rabies Vaccination.

All dogs shall be protected by a rabies vaccine at the time of license issuance. Such vaccine shall be administered by a veterinarian except when a veterinarian states annually in writing that the dog should not be vaccinated for medical reasons and indicates when/if the dog can be vaccinated.

Section 5.3. Licensing Limitations.

A dog license shall be issued for only an animal that has a current rabies vaccination. A one (1) year license may be issued to an unvaccinated dog if the required veterinarian certification has been obtained.

Section 5.4. Individual Licenses.

The Director shall issue licenses as provided by MCL 287.274. License fees shall be periodically reviewed by the Macomb Office of the County Executives.

Section 5.5. License Late Fees.

Failure to comply with the licensing requirements of Section 5.1 will result in the imposition of such late fees and penalties as may be periodically reviewed by the Macomb Office of the County Executives, in addition to penalties established by local and state laws.

Section 5.6. Hobby Breeder Registration

A County permitted Hobby Breeder may sell, trade, exchange or otherwise place up to 20 animals per calendar year.

- i. **Registration.** Hobby Breeder registrations are limited annually to one per person, entity, corporation and location. The applicant must not have been convicted of animal negligence, cruelty, abuse, or in violation of Macomb County Animal Control Best Practices. All registration requests are subject to approval. Registration fees shall be periodically reviewed by the Macomb Office of the County Executives.
- ii. **Inspection.** A recipient of a Hobby Breeder permit shall allow an inspection performed by Animal Control as specified in Section 3.4 annually, without a warrant of the premises used for sheltering, harboring, and/or maintaining, except for those portions of the premises used solely for human habitation or to house personal pets not used for breeding. Conditions are specified in Article VI and Article VIII. Hobby breeders shall maintain current verifiable records for a period of at least 2 years. The records shall include:
 - a. The verified name and address of the person from whom the animal was acquired, where the animal was acquired, and the date that the animal was acquired.
 - b. A description and identification of the animal, including the animal's identification information, color, breed, sex, alteration status, and approximate weight and age.
 - c. The date and method of disposition of the animal. If the animal is adopted, transferred, or sold, the records shall also include the verified name and address of the person to whom the dog is adopted, transferred, or sold.
 - d. The number of intact breeding adult animal.
 - e. Breeding records for each female intact animal that include the approximate date the animal was bred and the birth date and size of each litter.
- iii. **Medical Care.** Every Hobby Breeder permittee shall have a primary veterinarian responsible for the veterinary care of the animals. All animals on the premises must be current on required rabies, and species/age specific vaccinations and licensed. Pet Health Certificates must be issued by a veterinarian; a copy must be provided when selling, trading, exchanging or otherwise placing the animal, and a copy must be kept for the breeder's records and provided during inspections. Animals involved in interstate transport will be required to have a valid Certificate of Veterinary Inspection.

ARTICLE VI - DOG KENNELS

Section 6.1. Kennel License.

Any person operating a dog kennel shall obtain a kennel license annually in accordance with MCL 287.270.

Section 6.2. Rabies Vaccination.

Each dog kept in a kennel shall be up to date on age appropriate vaccinations including but not limited to rabies vaccination as specified in Section 5.2.

Section 6.3. Display of License.

Every person having a kennel license shall keep the license posted in a conspicuous manner at the kennel and obtain individual dog licenses for each qualifying dog (over 4 months old).

Section 6.4. Conditions of Kennel.

- i. **Building.** Whenever a commercial animal facility is unattended, the name, address and telephone number of the owner of the facility and the person responsible for the care of animals shall be posted in a conspicuous place at the front of the facility. Enclosures that give adequate protection against weather extremes shall be provided. Floors and walls of buildings shall be of an impervious material to enable proper cleaning and disinfecting. The building temperature shall be maintained at a reasonable level and adequate ventilation shall be provided.
- ii. **Cages.** Cages shall provide enough space to let each dog stand up, lie down, and turnaround without touching the top or sides of the cage. Cages shall be of a material and construction that permits cleaning and sanitizing. Cage floors, unless radiantly heated, shall have either a resting area above the cage floor or some type of bedding.
- iii. **Runs.** Dog runs shall be of concrete or pea gravel. Concrete runs shall have adequate slopes for sanitation. If pea gravel is used, droppings must be collected and removed. All runs must be periodically disinfected.
- iv. **Feeding.** All food shall be free of contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the daily requirements determined by the condition and size of the animal.
- v. **Water.** All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping.

ARTICLE VII - ANIMAL BEHAVIOR

Section 7.1. Quarantine.

Every animal that has bitten a person/animal shall be quarantined for a period of not less than 10 days. Such quarantine shall be at the Macomb County Animal Control, a veterinary office, or a place designated by the Director. The owner shall surrender the dog to the Director upon request. Should the owner refuse to cooperate, the Director may seek a court order or warrant to enforce the quarantine in accordance with Sections 2241 and 2242 of the Public Health Code.

Section 7.2. Public Health Hazard.

The Director may declare any animal that is known to have bitten a person or other animal, or be infected with/exposed to a zoonotic disease, a public health hazard. At their discretion, the Director may require that the animal be removed from the community, quarantined or confined in a manner specified by the Director. Should the owner refuse to cooperate, the Director may seek a court order or warrant to enforce the removal, quarantine, or confinement in accordance with Sections 2241 and 2242 of the Public Health Code. The Director shall give written notice to the owner of their intent to petition a court of competent jurisdiction for authorization to euthanize or otherwise dispose of the animal. The owner shall then have 48 hours to respond before the petition is filed.

Section 7.3. Defecation.

A person who owns or has custody or control of an animal shall prevent the animal from defecating on any public or private property other than their own or shall immediately collect and properly dispose of all fecal matter deposited by the animal while it is off his property.

Section 7.4. Nuisance or Dangerous Animal.

A person who owns or has custody of an animal shall prevent the animal from engaging in nuisance or dangerous behavior. An animal running at large, on public or private property other than that of its owner or keeper, whose behavior constitutes a nuisance shall include, but not be limited to:

- i. making physical contact with a person or other animal in a harassing manner;
- ii. urinating or defecating;
- iii. damaging inanimate personal property; and
- iv. incessant barking as to unreasonably disturb the peace.
 - a. Evidence that the dog(s) has/have barked or howled for an aggregate period of twenty (20) minutes out of one hour shall be sufficient for conviction. If the nuisance barking or howling complaint is determined to be provoked by any other animal or nearby pedestrian(s), it may be excluded from the aggregate time if the owner:
 - i. provides documentation that the provocation exists and cannot be avoided; and
 - ii. takes remedial steps to change the environment of the dog(s) and abate the nuisance within a three-month period from the date of the complaint.
 - b. Upon evaluation of the report, if in the opinion of the animal control officer the dog is creating a nuisance by barking or howling incessantly or continuously, the animal control officer shall issue a citation to the owner of said animal for a violation of this section. Such violation shall be an infraction. Personal appearance before the court shall be mandatory.

Section 7.5. Potentially Dangerous Dog.

The purpose of this section is to establish a procedure for identifying dogs that pose a potential or significant threat to the safety of people, animals, or property, to impose precautionary restrictions on such dogs in an effort to prevent a serious injury from occurring, and to promote responsible ownership of all dogs within the County.

- i. **Determination of a potentially dangerous dog.** The determination that a dog is potentially dangerous shall be based on the following specific behaviors exhibited by the dog:
 - a. Menaces, chases, displays threatening or aggressive behavior toward, or otherwise threatens or endangers the safety of a person or domestic animal.
 - b. Causes injury to a person or domestic animal that is less than a severe injury. For purposes of this section, the term "severe" injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function.
 - c. Aggressively bites a person or domestic animal. For purposes of this section, the term "aggressively bites" means the dog physically bit the person or animal in a manner not normally associated with playfulness or accidental behavior while exhibiting objective signs of aggression, attack behavior, or intent to harm. The damage inflicted by a bite, or lack thereof, may also be used by animal control officials as a factor in determining whether a bite was aggressive.
 - d. Any of the behaviors listed above exhibited in another community and documented in an official report of any law enforcement or animal control agency.
- ii. **Notice of determination.** An Animal Control Deputy shall have the authority to make a determination that a dog is potentially dangerous if the Animal Control Deputy concludes the dog has exhibited the behaviors specified in this section. The owner or keeper of a dog determined to be potentially dangerous shall be provided with a notice containing the following information:
 - a. A summary of the findings that form the basis for the determination that the dog is potentially dangerous.
 - b. Notice of requirements necessary to possess a potentially dangerous dog in the municipality or County.
 - c. Notice of the right to request removal of the potentially dangerous classification after the dog has resided and been licensed within the County for a minimum of three full years following the date that the dog is licensed with the County as a potentially dangerous dog without any violations of the conditions required for keeping the potentially dangerous dog and without any new incidents involving behavior by the dog that would qualify for a potentially dangerous determination pursuant to this section. The removal request shall be sent in writing to animal control. The decision to remove the potentially dangerous classification shall be made in the first instance by animal control upon a review of the history of the dog and its residence for the three years preceding the date of the removal request, including a premises inspection and an inspection of the dog to ensure that the conditions set forth in this section have been followed.

- iii. **Mitigating circumstances.** An Animal Control Deputy shall have discretion to refrain from making a potentially dangerous determination if the animal control officer determines that the behavior was the result of the victim abusing or tormenting the dog, was directed toward a trespasser or person committing or attempting to commit a crime, involved accidental or instinctive behavior while playing, did not involve a significant injury, or other similar mitigating or extenuating circumstances.
- iv. **Impoundment.** A dog that is determined to be potentially dangerous shall be removed from the municipality and placed with the Department or, in the discretion of Animal Control, the owner may authorize placement of the dog at a residential home outside of the city, or with a qualified rescue organization or qualified dog lodging business, during any quarantine period and until the owner has either confirmed a new place of residence for the dog outside of the city. If the dog is not being housed at the Department, it must first be microchipped with all information required by animal control. All impoundment, lodging, and microchipping costs are the sole responsibility of the dog's owner.
- v. **Requirements for possession of a potentially dangerous dog.** If the owner of the dog requests that the dog be permitted to return to the city, its return shall not be permitted until the following requirements have been satisfied:
 - a. Animal control shall confirm the following:
 - i. The owner or keeper shall install secure fencing at the property where the dog will reside which is maintained in good repair with self-locking ingress or egress gates. The fencing may be any combination of chain link fencing and/or privacy fencing, shall only be installed upon obtaining all required fence permits from the city, and shall pass all required inspections prior to the dog's return to the property.
 - ii. When removed from the property of the owner or keeper, a potentially dangerous dog shall always be restrained by a secure leash of no more than four feet in length and under the control of a capable person.
 - iii. A potentially dangerous dog shall have a microchip implanted by a licensed veterinarian. The microchip shall contain the name and approximate age of the dog, its classification as potentially dangerous, and the name, address, and telephone number of the registered owner.
 - iv. The owner shall obtain and maintain public liability insurance with policy coverage in the minimum amount of \$250,000.
 - v. Two recent color photographs of the dog, which clearly show the color and approximate size of the animal, shall be provided to animal control.

- vi. The potentially dangerous dog shall meet the requirements of the AKC's Canine Good Citizen Program, or its equivalent, to the satisfaction of animal control. Dogs that are under one year of age are ineligible for the AKC Canine Good Citizen Program, so such dogs must be enrolled in or have completed the AKC START Program or an equivalent approved by animal control. The dog may not return to its city residence until these requirements have been met, but it may be kept at a qualified rescue or dog housing business until proof of successful completion of the program is submitted to, and acknowledged by, animal control. For every future violation of this chapter for which a dog may be determined to be potentially dangerous which occurs after the dog has completed the requirements of this subsection and been properly registered under this section, additional training or testing, including but not limited to renewing the dog's compliance with this division, may be imposed by animal control as a condition of continuing to keep the dog within the city unless the dog's status is changed to dangerous due to the nature or frequency of the new violation(s).
- vii. The potentially dangerous dog, if over 12 weeks old, has been spayed or neutered.
- viii. All impoundment and lodging costs have been paid by the owner.
- b. Before the dog returns to any property within the city other than a qualified rescue organization or a boarding business, the owner of a potentially dangerous dog shall ensure that the dog's license is current and shall register the dog with the Macomb County Animal Control as a potentially dangerous dog with all information required by these Best Practices, as well as the following:
 - i. Proof of animal control's certification that the required fence, self-locking gate, and leash have all been procured for the dog.
 - ii. Proof of microchipping and the information contained on the microchip. The owner shall ensure that the microchip information is kept up to date.
 - iii. Proof of the required insurance policy.
 - iv. Proof of the successful completion of the required training and temperament testing.
 - v. Two recent color photographs of the dog, which clearly show the color and approximate size of the animal.
- c. The owner or keeper of a potentially dangerous dog must, within ten business days, report to the Macomb County Animal Control if the dog has been permanently removed from the city, has died, or has relocated within the city. The new address of a relocated potentially dangerous dog shall be provided as part of the report.
- d. After its initial registration, a potentially dangerous dog shall be registered with the Department annually and its owner or keeper shall pay a registration fee established by the Macomb Office of the County Executives annual discretionary fees approval process. This registration and fee shall be in addition to any other requirements for annual licensing of an animal.

- vi. **Visiting Dogs.** Any dog that does not reside within the municipality and is licensed by another community but which is determined to be a potentially dangerous dog pursuant to this section shall not be subject to the conditions for possessing a potentially dangerous dog within the municipality, except that the dog shall be microchipped before its release, all impound and microchipping costs shall be paid by the owner, and its owner and keeper shall be advised by animal control that the dog is not to return unless all of the conditions for possessing a potentially dangerous dog are first satisfied. In the event the dog is subsequently in the municipality without full compliance with the requirements for possessing a potentially dangerous dog, the person harboring or possessing the dog shall be subject to the penalties set forth in Article XII.
- vii. **Penalties.**
 - a. Any person who owns, harbors, keeps, or possesses a potentially dangerous dog in violation of any of the requirements of this section for possessing a potentially dangerous dog, or who in any way aids or abets such ownership, harboring, keeping, or possession, shall be in violation set forth in Article XII.

ARTICLE VIII - KEEPING OF ANIMALS

Section 8.1. General Best Practices.

Every person who owns or who has charge, care or custody of an animal shall comply with each of the following requirements:

- i. **Feeding.** Each animal shall be supplied with sufficient, good, wholesome food and water as established by USDA animal welfare act and Best Practices.
- ii. **Cleanliness.** All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

Section 8.2. Unattended Animals.

No animal shall be without attention\supervision for an unreasonable period of time.

Section 8.3. Severe Weather Conditions.

It shall be unlawful for any person to leave any dog outside and unattended during any period in which any severe weather warning has been issued for Macomb County, Michigan by the National or Local Weather Service for a unreasonable amount of time, if the temperature during such period remains entirely either below 32° F. or above 90° F. "Outside," for purposes of this section, shall mean any dog that is outdoors subject to the weather and elements, which expressly includes, but is not limited to, a dog in a securely fenced-in yard, a dog in a carrier, or a dog tethered or tied-out. The dog shall be considered "outside" regardless of access to an outdoor doghouse or similar structure, unless such structure is a properly functioning climate-controlled and weather-resistant structure.

- i. **Dangerous Surroundings.** No condition shall be maintained or permitted that is, or could reasonably be expected to be, injurious to the animal.

- ii. **Teasing.** Every reasonable precaution shall be taken to insure that animals are not teased, abused, mistreated, annoyed, tormented or made to suffer by any person or means.
- iii. **Protection.** All reasonable precautions shall be taken to protect the public from animals and animals from the public.
- iv. **Sick Animals.** Every animal facility shall isolate sick animals sufficiently so as not to endanger the health of other animals.
- v. **Ventilation and Light.** Every building or enclosure where animals are maintained shall be constructed of materials easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals with sufficient light to allow observation of the animals.
- vi. **Veterinarian Attention.** The owner or custodian shall take an animal to a veterinarian for an examination and treatment if the Director finds this is necessary in order to maintain the health of the animal and so orders.
- vii. **Cages.** All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodation for the animals.
- viii. **Shelter.** Proper shelter of suitable size and protection from the weather shall be provided at all times as established by USDA animal welfare act and regulations.
- ix. **Structural Strength.** Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals.
- x. **Tethering.** It shall be unlawful for any person to attach chains or tethers, restraints or implements directly to a dog without the proper use of a collar, harness or other device designed for that purpose and made from a material that prevents injury to the animal. In addition, no person shall:
 - a. Tether a dog without the continuous presence of an adult on the premises at all times that the dog is restrained; or
 - b. Leave a dog outdoors without the continuous presence of an adult on the premises at all times; or
 - c. Tether a dog unless the tether is a coated steel cable specifically designed for restraining dogs and is at least three times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or non-choke collar specifically designed for tethering, with a swivel attached to both ends, done in such a manner as to not cause injury, strangulation or entanglement of the dog on fences, trees, another tethered dog, or any other manmade or natural objects; or
 - d. Tether more than one dog to a single tether or tether one dog to a single tether that would allow the dog to come within three (3) feet of another tethered dog or a property line; or
 - e. Continuously tether a dog for more than two continuous hours, except that tethering of the same dog may resume after a hiatus of three continuous hours, for up to three hours total time on tether per day; or
 - f. Use a tether or any assembly or attachments thereto to tether a dog that shall weigh more than one-eighth of the animal's body weight, or due to weight, inhibit the free movement for the animal within the area tethered; or

- g. Tether a dog on a choke chain or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other man made or natural obstacles; or
- h. Tether a dog without access to shade when sunlight is likely to cause overheating; or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below 40 degrees Fahrenheit, or to tether a dog without securing its water supply so that it cannot be tipped over by the tether; or
- i. Tether a dog in an open area where it can be teased by persons or an open area that does not provide the dog protection from attack by other animals; or
- j. Tether an animal in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.

Section 8.4. Leaving Animal in Unattended Vehicle.

It shall be unlawful to leave or confine an animal in an unattended motor vehicle under conditions that endanger the health or well-being of the animal. A person owes a duty of care to an animal that the person leaves confined in an unattended vehicle.

- i. No police officer, Animal Control Deputy or firefighter who enters into an unattended vehicle in order to rescue an animal, nor the employer of any such person, shall be liable for any damage caused by the rescue, provided that the person.
 - a. Prior to entry, makes a reasonable effort to locate the person who owes a duty of care to the animal.
 - b. Acts under a reasonable belief that the animal is in severe physical distress.
 - c. Takes reasonable steps to ensure or restore the well-being of the animal.
 - d. Leaves a note on or in the vehicle directing the person to the law enforcement agency having custody of the animal including the address where the animal can be located.
- ii. The immunity provided shall apply regardless of whether the person is charged with or found guilty of committing an offense under this section.

Section 8.5. Cruelty.

In accordance with MCL 750.50b, it shall be unlawful for a person to perform acts of cruelty on an animal, including but not limited to the following:

- i. **Beating.** No person shall beat, kick, hit, bite, burn, or in any manner cause an animal to suffer needlessly.
- ii. **Injury.** No person shall cause abusive injury to an animal.
- iii. **Teasing.** No person shall tease or entice a dog or other animal.
- iv. **Alcohol.** No person shall give an animal any alcoholic beverage or controlled drug unless prescribed by a veterinarian.
- v. **Incompatible Animals.** No person shall allow animals, which are natural enemies, temperamentally unsuited, or otherwise incompatible to be quartered together, or so near each other as to cause injury, fear, or torment. Animals shall not be considered enemies if two or more animals are trained so that they can be placed together without attacking each other, or performing, or attempting any hostile act toward each other.

- vi. **Injurious Tack.** No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to an animal.
- vii. **Proper Exercise.** Working animals shall be given exercise proper for the individual animal under the particular conditions.
- viii. **Working Sick Animals.** No person shall work or use any animal that is overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.
- ix. **Female in Heat.** No person having a bitch in heat shall permit her to be contained in a fashion that gives stray animals access to her or that permits her to escape.
- x. **Confinement.** No person shall confine a dog on a chain for an unreasonable time unless the chain permits movement over at least 30 square feet and allows the dog free access to a suitable shelter.
- xi. **Abandonment.** No person shall abandon any animal.

Section 8.6. Dangerous or Exotic Animals.

No person shall own, possess, breed, exchange, buy, sell or harbor any dangerous or exotic animals without proper Federal, State or Local permits, and municipality approval.

- i. **Inspection.** An inspection shall be performed by Macomb County Animal Control, regardless of exception, as specified in Section 3.4 annually, without a warrant, of the premises used for sheltering, harboring, and/or maintaining, except for those portions of the premises used solely for human habitation. The provisions of this section shall not apply to:
- ii. **Exceptions:** Exotic animals shall be permitted to organizations and/or entities that are accredited by the American Association of Zoological Parks and Aquariums (AZA).

Section 8.7. Wild Animals.

Wild animals are not allowed to be confined on any premises in any zoning district without municipality approval except in conjunction with the following situations:

- i. **Inspection.** An inspection shall be performed by Macomb County Animal Control, regardless of exception, as specified in Section 3.4 annually, without a warrant, of the premises used for sheltering, harboring, and/or maintaining, except for those portions of the premises used solely for human habitation.
- ii. **Exceptions.** The provisions of this section shall not apply to:
 - a. Wild animals shall be permitted to organizations and/or entities that are accredited by the American Association of Zoological Parks and Aquariums (AZA).
 - b. Pursuant to a possession permit issued by the state department of natural resources as defined in the Wildlife Conservation Order, in good standing, authorizing temporary noncommercial shelter and/or treatment for an injured or abandoned wild animal until the animal can feasibly be released from captivity.

Section 8.8. Community Cats

The preferred method for controlling the community cat population is through Trap-Neuter-Return (“TNR”). TNR is a method for humanely and effectively managing cat colonies and reducing free-roaming cat populations. The process involves trapping the cats in a colony, having them spayed/neutered, ear-tipped for identification, vaccinating against rabies, then releasing them back into their original territory.

- i. All community cats shall be sterilized, ear tipped and vaccinated in accordance with the Trap-Neuter-Return process.
- ii. All community cats living in colonies shall be cared for on the private property of the community cat caregiver or with the permission of the property owner or property manager.
- iii. All community cats may be managed and maintained by a community cat caregiver under the following requirements:
 - a. Food. Feeding areas may not be located within thirty (30) feet of a primary residential or commercial structure.
 - i. Food shall be provided in the proper quantity for the number of cats being managed and is to be supplied no more than twice per day, for only 30 minutes each feeding time.
 - ii. Food must be placed in feeding containers that are maintained and secure.
 - iii. All feeding stations shall be kept in a clean, sanitary manner.
 - iv. Food may only be placed out between the hours of dawn and dusk. No food shall be left out overnight.
 - b. Water. Supplied water must be clean, potable, and free from debris and algae.
 - c. Shelter. If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the cat(s). Shelters may not be located within thirty (30) feet of a primary residential or commercial structure.
- iv. Trapping of free-roaming or community cats is permitted only for the purpose of Trap-Neuter-Return unless the community cat is injured and veterinary care is required.
- v. An ear tipped cat received by Animal Control shall be returned to the location where it was trapped with no hold periods, unless veterinary care is required.

ARTICLE IX - ANIMALS ON DISPLAY

Section 9.1. Performing Animal Exhibitions.

No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

- i. If you have animals on display to the public or conduct performances featuring animals, you must become licensed as an exhibitor, unless you fall under one of the exemptions defined by the USDA Animal Welfare Act.
 - a. **Exceptions:** The provisions of this section shall not apply to animals participating in 4-H or FFA events, or those showcased in breed shows.
- ii. Exhibitors must supply a public safety and recapture plan, including but not limited to a listing of all drugs and equipment the exhibitor will use in the event of an emergency; the specific names of staff member(s) certified to use the equipment and controlled substances; and an emergency action plan. This plan must be approved by the local law enforcement agency.
- iii. Any owner exhibiting animals doing tricks or shows must be licensed, unless one of the exemptions applies. This includes each person owning animals performing in circuses, marine mammal shows, amusement parks, carnivals, independent animal acts, television shows, movies, or educational exhibits. All animals must receive the same quality of housing and other care, regardless of whether they are currently performing.
- iv. Businesses that buy or sell warm-blooded animals, exhibit them to the public, transport them commercially, or use them for research, teaching, testing, or experiments, must be licensed and/or registered by the U.S. Department of Agriculture (USDA). Animals involved in interstate transport will be required to have a valid Certificate of Veterinary Inspection.

Section 9.2. Farm Animals/Petting Farms.

In any Municipality where the keeping of farm animals or petting zoos are permitted as part of agriculture or accessory to a permissible dwelling, they are subject to the following requirements:

- i. Before the operation is conducted the owner/operator shall submit sufficient information/receive final approval to/from the proper municipal offices (zoning/building administrator) stating that the property upon which the operation is proposed to be sited.
- ii. Before the operation commences/final approval, the owner/operator shall submit a site plan to the municipality (zoning/building administrator) with sufficient detail and measurements for the administrator to determine compliance with this article. The site plan shall include the number and breed of animals proposed for the operation.
- iii. The owner/operator must comply with the Michigan Department of Agriculture (MDARD) and United States Department of Agriculture (USDA) requirements for exhibitors of farm animals/Petting Farms involving livestock and the Generally Accepted Agricultural Management Practices (GAAMPs) mandated by the Michigan Right to Farm Act (Act 93 of 1981, as amended).

- iv. The recommendations in the most recent GAAMPs for site selection and odor control for new and expanding livestock facilities and in accordance with such additional rules, regulations and guidelines as may from time to time be established by the state agriculture commission or other appropriate state agency in accordance with Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).
- v. Unreasonable odors, dust, noise and drainage shall be controlled so as to not become a nuisance, hazard or annoyance to adjoining residents or the general public and remain in compliance of all municipal ordinances.
- vi. Animal manure shall be stored and treated in accordance with recognized applicable standards and specifications including the construction and design standards and specifications set forth in the GAAMPs and applicable field office technical guides of the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS).
- vii. Barns, shelters, pens, paddocks, riding rings/arenas, and pastures for livestock shall be located/erected in accordance with all local and state requirements.
- viii. All buildings, structures, enclosed areas, feedlots (excluding land used only for pasture purposes), and equipment associated with the conducting of the livestock operation, including animal shelter and waste storage facilities, shall have property line setbacks consistent with those established in the GAAMPs for site selection and odor control for new and expanding livestock facilities.

ARTICLE X – HUMANE PET ACQUISITION

Section 10.1. Adoption of Shelter and Rescue Animals.

Nothing in this article shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by an Animal Control Shelter, Animal Protection Shelter, nonprofit Humane Society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

Section 10.2. Prohibitions.

- i. No pet store shall sell, offer for sale, offer for adoption, trade, barter, auction, give away, deliver, or otherwise transfer or dispose of dogs, cats, rabbits, long-lived birds, or large reptiles.
- ii. No person or business entity shall offer for sale, offer for adoption trade, barter, auction, give away, or otherwise transfer dogs, cats, ferrets, long-lived birds, or large reptiles on a roadside, public right-of-way, commercial parking lot, outdoor special sale, swap meet, flea market, or other similar event.
- iii. No person, breeder or business entity shall hold off-site retail sales of animals at a location other than where the animal was bred.
- iv. A pet store shall not sell or transfer any live animal without providing disclosure through a Certificate of Origin prior to the sale or transfer.
- v. No person shall knowingly provide or present an inaccurate Certificate of Origin.

Section 10.3. Exemptions.

This Article does not apply to:

- i. Any large-scale breeder or hobby breeder in good standing with State and County requirements.
- ii. A publicly operated animal control shelter, animal protection shelter or zoological park.
- iii. A private, charitable, nonprofit humane society or animal rescue organization
- iv. A publicly operated animal control shelter, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

Section 10.4. Existing Pet Store.

An existing pet store may continue to display, offer to sale, offer for adoption, barter, auction, give away or otherwise transfer dogs, cats, ferrets, rabbits, long-lived birds or large reptiles until [*insert date*].

ARTICLE XI – ANIMAL RESCUE/SANCTUARY REGISTRATION

Section 11.1. Definitions:

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Animal Rescue

Any organization that acquires animals through owner surrender, transfer, adoption, or any other means for the purpose of finding permanent adoptive homes for companion animals and that does not maintain an animal shelter, but rather houses the animals in a residential dwelling or uses a system of housing animals in foster homes or boarding establishments.

Animal Sanctuary

Any organization providing temporary or permanent safe haven to animals and accredited by the Global Federation of Animal Sanctuaries (GFAS).

Foster Care Provider

Foster care provider shall mean any individual who provides care or rehabilitation for animals in a housing facility that would not require licensing or registration by the Michigan Department of Agriculture and Rural Development (MDARD), through a contractual affiliation with an animal shelter or rescue.

Foster Homes

Private residential dwelling and its surrounding grounds, or any other facility, at which site, through an affiliation with an animal rescue, care or rehabilitation is provided to an animal.

Rescue Manager/Director

Rescue manager shall mean an individual designated by an animal rescue or sanctuary to be responsible for:

- (1) obtaining all required licensing from local, county or state agencies;
- (2) intake of all animals in the care of the animal rescue organization;
- (3) arranging for the spay or neuter of each animal;
- (4) maintaining, on that person's premises, all documentation including records pertaining to the adoption, placement, or other disposition of each animal receiving temporary care from the animal organization; and
- (5) ensuring compliance with local, county and state laws and regulations by each animal foster home in affiliation to the animal rescue organization.

Section 11. 2. Best Practices

All rescues and sanctuaries operating within Macomb County must adhere to the best practices outlined as follows:

- i. All animal rescue/sanctuary organizations must have a relationship with at least one veterinarian or clinic.
- ii. Proper medical protocol shall be followed as advised by a licensed veterinarian.
- iii. Age and species appropriate vaccinations and preventative care shall be provided under the supervision/direction of a licensed veterinarian.
- iv. Animal rescue/sanctuary organization shall maintain verifiable records that include, but are not limited to, name and address of any person from whom the animal is acquired, point of origin, and the date the animal was acquired, along with the disposition information. Records shall be held for a period of at least two (2) years.
- v. Organizations utilizing foster homes must maintain a current roster containing the name, location and contact information for each place or premises at which animals are housed.
- vi. Records must be maintained for the name, breed/species, physical description, age, gender and foster home or premises for each animal.
- vii. Medical records are to be provided at time of adoption or transfer of ownership.
- viii. Contracts:
 - o Adoption contracts shall contain terms that prohibit the reselling, rehoming and future sterilization requirements (if applicable), as well as define the transfer of ownership from rescue/sanctuary to adopter.
 - o Foster contracts shall clearly define legal custody and ownership, as well as responsibility held by the animal rescue/sanctuary and the expectations of the foster care provider.
- ix. Animals being imported must have a valid Certificate of Veterinary Inspection (CVI) from the place of origin as required by the Michigan Department of Agriculture and Rural Development (MDARD).
- x. Emergency Preparedness Plan shall be constructed and communicated in the event of an unfortunate impediment, or any natural or manmade disaster.

Section 11. 3. Rescue Registration

Any rescue or sanctuary operating within Macomb County must abide by the Macomb County Animal Control Best Practices and register their organization within the County.

- i. Non-profit/tax-exempt status must be obtained and in good standing.
- ii. Microchip all animals prior to transfer of ownership.
- iii. Spay and neuter, unless not advised by a veterinarian in writing.
- iv. Animal rescue/sanctuary may not breed animals, or be housed on the premises of a breeder or broker, or obtain animals from a breeder or broker for compensation.
- v. An animal rescue/sanctuary organization may not take stray animals unless they are contracted with a government agency to provide animal control services. Each dog or cat in the care of an organization, other than the personal pets of the organization, shall have been relinquished by an owner, transferred from another organization, or transferred from an animal shelter.
- vi. Rescue/Sanctuary organizations shall contribute data to Shelter Animals Count database.
- vii. Rescue/Sanctuary organizations shall assure proper capacity for care in order to promote the Five Freedoms as outlined by the National Animal Control Association (NACA) and the Humane Society of the United States (HSUS 2010).

ARTICLE XII - ENFORCEMENT

Section 12.1. Criminal Penalties.

A violation of these Best Practices is a misdemeanor as adjudicated by a court of competent jurisdiction, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than \$500.00 or both pursuant to Section 2441 (2) of the Michigan Public Health Code, Act 368 of 1978, as amended. Each day that a violation of these Best Practices continues may be deemed a separate offense by a court of competent jurisdiction.

Section 12.2. Civil Penalties.

The Macomb Office of the County Executives may adopt a schedule of monetary civil penalties to be assessed for violations of these Best Practices as provided in Sections 2461-2462 of the Michigan Public Health Code, Act 368 of 1978, as amended.

Section 12.3. Injunctive Proceedings.

If a person has violated a provision of these Best Practices, the Director may seek injunctive relief from a court of competent jurisdiction to restrain, enjoin, prevent or correct the violation as provided in Section 2465 of the Michigan Public Health Code, Act 368 of 1978, as amended.

ARTICLE XIII - APPEALS

Section 13.1. General Provisions.

Any person taking exception to, or aggrieved by, a decision, ruling, requirement, notice, or violation issued under these Best Practices, has the right to a contested case hearing in the matter. The contested case hearing shall be conducted in accordance with written policies and procedures adopted by the department and applicable provisions of the Administrative Procedures Act of 1969. Any person taking exception to or aggrieved by any administrative action shall have the right to seek judicial review.

ARTICLE XIV - AMENDMENTS

Section 14.1. General Provisions.

The Director may adopt amendments to these Best Practices with the approval of the Macomb Office of the County Executives, pursuant to Sections 2441 and 2442 of the Michigan Public Health Code, Act 368 of 1978 as amended.



63775 Gratiot • Lenox, Michigan 48050 • (586) 727-2085 • Fax: (586) 727-3188

NOTICE LENOX TOWNSHIP ADOPTION OF MACOMB COUNTY ANIMAL CONTROL BEST PRACTICES, 2022 EDITION

2022 MACOMB COUNTY ANIMAL CONTROL BEST PRACTICES ADOPTED. THE MACOMB COUNTY ANIMAL CONTROL BEST PRACTICES, 2022 EDITION, IS ADOPTED, AND INCORPORATED IN ITS ENTIRETY HEREIN.

"Macomb County Animal Control Best Practices, 2022 Edition" is hereby added to Chapter 301 of the Lenox Township Book of Ordinances. Lenox Township Chapter 301- Animal Control and Chapter 308 Pet Acquisition are hereby repealed.

THE TOWNSHIP OF LENOX ORDAINS:

At a regular meeting of the Lenox Township Board of Trustees held on November 6, 2023, a motion was made by Clerk Kandell and supported by Trustee Gurley to adopt Macomb County Animal Control Best Practices, 2022 Edition.

At the same meeting, a motion was made by Clerk Kandell supported by Treasurer Honold to repeal Lenox Township Chapter 301 Animal Control and Chapter 308 Pet Acquisition.

REPEAL, EFFECTIVE DATE

1. All regulatory provisions contained in other Township Ordinances, which are inconsistent with the provisions of the Macomb County Animal Control Best Practices, 2022 Edition are hereby repealed.
2. Macomb County Animal Control Best Practices, 2022 Edition shall become effective on December 22, 2023, 30 days following publication of a Notice of Adoption.

The Township Board ordered notice of adoption to be published one time in the Voice Newspaper. A true and complete copy of the Macomb County Animal Control Best Practices, 2022 Edition, may be purchased or inspected at the offices of the Township Clerk, Monday through Thursday, except Holidays, during regular Township Business Hours.

Publish: November 22, 2023



AGENDA REPORT

New Haven, Michigan

Meeting Type

MEETING DATE: 9 April 2024

DEPARTMENT:

DATE SUBMITTED: 30 March 2024

PREPARED BY: Brian Meissen

ITEM TITLE: 25 MPH Traffic Control Orders

EXECUTIVE SUMMARY:

November of last year, Governor Whitmer signed Public Act 212 of 2023 into law which effectively gives local municipalities control over 25mph speed limits within their jurisdiction, removing the requirement of the State Police performing a speed study.

As we all know, although speed limits have the word “limit” in the name, reality is that most people are going to drive at least 5mph higher than the limit, if not more. With our downtown area being 35mph, motorists are routinely going 40mph or faster.

Now that we have the ability to do so, I am proposing we reset the speed limits that are currently set to 35mph back to 25mph. This would be Main Street from the rail road tracks to Rosell, Clark Street from Main Street to Havenridge, and Havenridge from the Village limits to Main Street.

RECOMMENDED ACTION:

Approve the attached traffic control orders to reset the speed limits in our downtown residential areas to 25mph.

ADMINISTRATIVE REVIEW:

EXHIBITS:

Traffic Control Order

ORDER TO PLACE SIGNS TO ESTABLISH MAXIMUM SPEED LIMITS

Pursuant to MCL Act 300, P.A. 1949, as amended, we requested a traffic investigation for the Village Road; **Havenridge Road** in the Township of Lenox and the Village of New Haven, in Macomb County, Michigan. After reviewing the survey, we have determined that the speed of traffic is greater or less than reasonable or safe under the existing conditions at the intersection or any other place or part of such road hereafter described, and we hereby declare the following reasonable and safe speed limits and direct the Village of New Haven Department of Public Works to erect and maintain appropriate signs, to comply with the Michigan Manual of Uniform Traffic Control Devices from the Michigan State Police, which give notice of the following determination:

In the County of Macomb, Township of Lenox, and the Village of New Haven:

A maximum speed limit of **twenty-five (25)** miles per hour on Havenridge Road between the Village Limits south to Main Street.

This order becomes effective when signs giving notice of the above have been erected.

Marcuz Dilbert
DPW Superintendent, Dir. of Roads

Brian Meissen
Village of New Haven President

Date _____

This Traffic Control Order shall be received and filed in the office of the Village of New Haven Clerk.

Date _____

Traffic Control Order

ORDER TO PLACE SIGNS TO ESTABLISH MAXIMUM SPEED LIMITS

Pursuant to MCL Act 300, P.A. 1949, as amended, we requested a traffic investigation for the Village Road; **Main Street (New Haven Road)** in the Township of Lenox and the Village of New Haven, in Macomb County, Michigan. After reviewing the survey, we have determined that the speed of traffic is greater or less than reasonable or safe under the existing conditions at the intersection or any other place or part of such road hereafter described, and we hereby declare the following reasonable and safe speed limits and direct the Village of New Haven Department of Public Works to erect and maintain appropriate signs, to comply with the Michigan Manual of Uniform Traffic Control Devices from the Michigan State Police, which give notice of the following determination:

In the County of Macomb, Township of Lenox, and the Village of New Haven:

A maximum speed limit of forty (40) miles per hour on Main Street (New Haven Road) between Gratiot Avenue west to CN Railroad tracks.

A maximum speed limit of **twenty-five (25)** miles per hour on Main Street (New Haven Road) between CN Railroad tracks west to Rosell.

This order becomes effective when signs giving notice of the above have been erected.

Marcuz Dilbert
DPW Superintendent, Dir. of Roads

Brian Meissen
Village of New Haven President

Date _____

This Traffic Control Order shall be received and filed in the office of the Village of New Haven Clerk.

Date _____

Traffic Control Order

ORDER TO PLACE SIGNS TO ESTABLISH MAXIMUM SPEED LIMITS

Pursuant to MCL Act 300, P.A. 1949, as amended, we requested a traffic investigation for the Village Road; **Clark Street (27 Mile Road)** in the Township of Lenox and the Village of New Haven, in Macomb County, Michigan. After reviewing the survey, we have determined that the speed of traffic is greater or less than reasonable or safe under the existing conditions at the intersection or any other place or part of such road hereafter described, and we hereby declare the following reasonable and safe speed limits and direct the Village of New Haven Department of Public Works to erect and maintain appropriate signs, to comply with the Michigan Manual of Uniform Traffic Control Devices from the Michigan State Police, which give notice of the following determination:

In the County of Macomb, Township of Lenox, and the Village of New Haven:

A maximum speed limit of forty-five (45) miles per hour on Clark Street (27 Mile Road) between Gratiot Avenue (M-19) west to Havenridge Road.

A maximum speed limit of twenty-five (25) miles per hour on Clark Street between Havenridge Road west to Rosell.

This order becomes effective when signs giving notice of the above have been erected.

Marcuz Dilbert
DPW Superintendent, Dir. of Roads

Brian Meissen
Village of New Haven President

Date _____

This Traffic Control Order shall be received and filed in the office of the Village of New Haven Clerk.

Date _____

HOUSE BILL NO. 4126

February 22, 2023, Introduced by Reps. Snyder, Slagh, Tsernoglou, McFall, Rheingans, Liberati, Tyrone Carter, Wilson, Steckloff, Outman, Hood, Byrnes and Martus and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 627 (MCL 257.627), as amended by 2022 PA 52.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 627. (1) An individual operating a vehicle on a highway
2 shall operate that vehicle at a careful and prudent speed not
3 greater than nor less than is reasonable and proper, having due
4 regard to the traffic, surface, and width of the highway and of any
5 other condition existing at the time. An individual shall not

1 operate a vehicle ~~upon~~**on** a highway at a speed greater than that
2 which will permit a stop within the assured, clear distance ahead.
3 A violation of this subsection shall be known and may be referred
4 to as a violation of the basic speed law or "VBSL".

5 (2) Except as provided in subsection (1), it is lawful for the
6 operator of a vehicle to operate that vehicle on a highway at a
7 speed not exceeding the following:

8 (a) ~~15~~**Fifteen** miles per hour on a highway segment within the
9 boundaries of a mobile home park, as that term is defined in
10 section 2 of the mobile home commission act, 1987 PA 96, MCL
11 125.2302.

12 (b) ~~25~~**Twenty-five** miles per hour on a highway segment within
13 a business district.

14 (c) ~~25~~**Twenty-five** miles per hour on a highway segment within
15 the boundaries of a public park. A local authority may decrease the
16 speed limit to not less than 15 miles per hour in a public park
17 under its jurisdiction.

18 (d) ~~25~~**Twenty-five** miles per hour on a highway segment within
19 the boundaries of a residential subdivision, including a
20 condominium subdivision, consisting of a system of interconnected
21 highways with no through highways and a limited number of dedicated
22 highways that serve as entrances to and exits from the subdivision.

23 (e) ~~Until January 1, 2024,~~ ~~25~~**Twenty-five** miles per hour on a
24 highway segment that is part of the local street system as
25 designated by a local jurisdiction and approved by the state
26 transportation commission under 1951 PA 51, MCL 247.651 to 247.675,
27 and that is within land that is zoned for residential use by the
28 governing body of an incorporated city or village under the
29 Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to

1 125.3702, unless another speed is fixed and posted. ~~The department~~
2 ~~of state police shall perform a speed study on a random sample of~~
3 ~~local streets set under this subdivision. No later than January 1,~~
4 ~~2023, the department of state police shall submit a report on the~~
5 ~~speed study required under this subdivision to the senate majority~~
6 ~~leader, the speaker of the house of representatives, and the~~
7 ~~governor.~~

8 (f) ~~25~~ **Twenty-five** miles per hour on a highway segment with 60
9 or more vehicular access points within 1/2 mile.

10 (g) ~~30~~ **Thirty** miles per hour on a highway segment with not
11 less than 50 vehicular access points but no more than 59 vehicular
12 access points within 1/2 mile.

13 (h) ~~35~~ **Thirty-five** miles per hour on a highway segment with
14 not less than 45 vehicular access points but no more than 49
15 vehicular access points within 1/2 mile.

16 (i) ~~40~~ **Forty** miles per hour on a highway segment with not less
17 than 40 vehicular access points but no more than 44 vehicular
18 access points within 1/2 mile.

19 (j) ~~45~~ **Forty-five** miles per hour on a highway segment with not
20 less than 30 vehicular access points but no more than 39 vehicular
21 access points within 1/2 mile.

22 (3) An individual operating a truck with a gross weight of
23 10,000 pounds or more, a truck-tractor, a truck-tractor with a
24 semi-trailer or trailer, or a combination of these vehicles shall
25 not exceed a speed of 35 miles per hour during the period when
26 reduced loadings are being enforced in accordance with this
27 chapter.

28 (4) Where the posted speed limit is greater than 65 miles per
29 hour, an individual operating a school bus, a truck with a gross

1 weight of 10,000 pounds or more, a truck-tractor, or a truck-
2 tractor with a semi-trailer or trailer or a combination of these
3 vehicles shall not exceed a speed of 65 miles per hour on a limited
4 access freeway or a state trunk line highway.

5 (5) All of the following apply to the speed limits described
6 in subsection (2):

7 (a) A highway segment adjacent to or lying between 2 or more
8 areas described in subsection (2)(a), (b), (c), or (d) is not
9 considered to be within the boundaries of those areas.

10 (b) A highway segment of more than 1/2 mile in length with a
11 consistent density of vehicular access points equal to the number
12 of vehicular access points described in subsection (2)(f), (g),
13 (h), (i), or (j) must be posted at the speed limit specified in the
14 adjoining segment. A separate determination must be made for each
15 adjoining highway segment where vehicular access point density is
16 different.

17 (c) A speed limit may be posted on highways less than 1/2 mile
18 in length by prorating in 1/10 mile segments the vehicular access
19 point density described in subsection (2)(f), (g), (h), (i), or
20 (j).

21 (6) An individual operating a vehicle on a highway, when
22 entering and passing through a work zone described in section
23 79d(a) where a normal lane or part of the lane of traffic has been
24 closed due to highway construction, maintenance, or surveying
25 activities, shall not exceed a speed of 45 miles per hour unless a
26 different speed limit is determined for that work zone by the state
27 transportation department, a county road commission, or a local
28 authority, based on accepted engineering practice. The state
29 transportation department, a county road commission, or a local

1 authority shall post speed limit signs in each work zone described
2 in section 79d(a) that indicate the speed limit in that work zone
3 and shall identify that work zone with any other traffic control
4 devices necessary to conform to the Michigan manual on uniform
5 traffic control devices. An individual operating a vehicle shall
6 not exceed a speed limit established under this section or a speed
7 limit established under section 628. For a work zone that has a
8 speed limit in effect only where workers are present, the state
9 transportation department, a county road commission, or a local
10 authority is authorized to include 1 or more flashing lights and an
11 illuminated changeable digital message displaying the speed limit
12 on the speed limit sign required under this subsection. As used in
13 this subsection:

14 (a) "Illuminated changeable digital message" means an
15 electronic message that displays the speed limit in a numerical
16 format.

17 (b) "Present" means located in proximity to a roadway that is
18 not protected by a guardrail or barrier.

19 (c) "Speed limit sign" includes, but is not limited to, a sign
20 that displays illuminated changeable digital messages.

21 (7) The state transportation department, a county road
22 commission, or a local authority shall decrease the speed limit in
23 a hospital highway zone by up to 10 miles per hour upon request of
24 a hospital located within that hospital highway zone. The state
25 transportation department, county road commission, or local
26 authority may decrease the speed limit in a hospital highway zone
27 by more than 10 miles per hour if the decrease is supported by an
28 engineering and safety study. The state transportation department,
29 county road commission, or local authority shall post speed limit

1 signs in a hospital highway zone that indicate the speed limit in
2 that hospital highway zone and shall identify that hospital highway
3 zone with any other traffic control devices necessary to conform to
4 the Michigan manual on uniform traffic control devices. If a change
5 in a sign, signal, or device, is necessitated by a speed limit
6 decrease described in this subsection, the hospital requesting the
7 decrease shall pay the cost of doing so. As used in this
8 subsection, "hospital highway zone" means a portion of state trunk
9 line highway maintained by the state transportation department that
10 has a posted speed limit of at least 50 miles per hour and has 2 or
11 fewer lanes for travel in the same direction, traverses along
12 property owned by a hospital, contains an ingress and egress point
13 from hospital property, and extends not more than 1,000 feet beyond
14 the boundary lines of hospital property in both directions in a
15 municipality.

16 (8) Subject to subsection (17), the maximum speed limit on all
17 limited access freeways upon which a speed limit is not otherwise
18 fixed under this act is 70 miles per hour, which shall be known as
19 the "limited access freeway general speed limit". The minimum speed
20 limit on all limited access freeways upon which a minimum speed
21 limit is not otherwise fixed under this act is 55 miles per hour.

22 (9) Subject to subsection (17), the speed limit on all trunk
23 line highways and all county highways upon which a speed limit is
24 not otherwise fixed under this act is 55 miles per hour, which
25 shall be known as the "general speed limit".

26 (10) Except as otherwise provided in this subsection, the
27 speed limit on all county highways with a gravel or unimproved
28 surface upon which a speed limit is not otherwise fixed under this
29 act is 55 miles per hour, which shall be known as the "general

1 gravel road speed limit". Upon request of a municipality located
2 within a county with a population of 1,000,000 or more, the county
3 road commission, in conjunction with the requesting municipality,
4 may lower the speed limit to 45 miles per hour on the requested
5 road segment and if a sign, signal, or device is erected or
6 maintained, taken down, or regulated as a result of a request by a
7 municipality for a speed limit of 45 miles per hour, the
8 municipality shall pay the costs of doing so. If a municipality
9 located within a county with a population of 1,000,000 or more
10 requests a speed different than the speed described in this
11 subsection, the county road commission, in conjunction with the
12 department of state police and the requesting municipality, may
13 conduct a speed study of free-flow traffic on the fastest portion
14 of the road segment in question for the purpose of establishing a
15 modified speed limit. A speed study conducted under this subsection
16 must be completed between 3 and 14 days after a full gravel road
17 maintenance protocol has been performed on the road segment. A full
18 gravel road maintenance protocol described in this subsection must
19 include road grading and the application of a dust abatement
20 chemical treatment. Following a speed study conducted under this
21 subsection, the speed limit for the road segment must be
22 established at the nearest multiple of 5 miles per hour to the
23 eighty-fifth percentile of speed of free-flow traffic under ideal
24 conditions for vehicular traffic, and must not be set below the
25 fiftieth percentile speed of free-flow traffic under ideal
26 conditions for vehicular traffic. A speed study conducted under
27 this subsection is the responsibility of the department of state
28 police, and if a sign, signal, or device is erected or maintained,
29 taken down, or regulated as a result of a request by a municipality

1 under this subsection, the municipality shall pay the costs of
2 doing so.

3 (11) A public record of all traffic control orders
4 establishing statutory speed limits authorized under this section
5 must be filed with the office of the clerk of the county in which
6 the county highway is located or at the office of the city or
7 village clerk or administrative office of the airport, college, or
8 university in which the local highway is located, and a certified
9 copy of the traffic control order is evidence in every court of
10 this state of the authority for the issuance of that traffic
11 control order. The public record filed with the county, city, or
12 village clerk or administrative office of the airport, college, or
13 university must not be required as evidence of authority for
14 issuing a traffic control order in the case of signs temporarily
15 erected or placed at points where construction, maintenance, or
16 surveying activities is in progress. A traffic and engineering
17 investigation is not required for a traffic control order for a
18 speed limit established under subsection (2). A traffic control
19 order must, at a minimum, contain all of the following information:

20 (a) The name of the road.

21 (b) The boundaries of the segment of the road on which the
22 speed limit is in effect.

23 (c) The basis ~~upon~~ **on** which the speed limit is in effect.

24 (d) The section of law, including a reference to the
25 subsection, under which the speed limit is established.

26 (12) Except for speed limits described in subsections (1),
27 (2) (d), (2) (e), and (9), speed limits established under this
28 section are not valid unless properly posted. In the absence of a
29 properly posted sign, the speed limit in effect is the basic speed

1 law described in subsection (1). Speed limits established under
2 subsection (2)(b), (f), (g), (h), (i), and (j) are not valid unless
3 a traffic control order is filed as described in subsection (11).

4 (13) Nothing in this section prevents the establishment of a
5 modified speed limit after a speed study as described in section
6 628. A modified speed limit established under section 628
7 supersedes a speed limit established under this section.

8 (14) All signs erected or placed under this section must
9 conform to the Michigan manual on uniform traffic control devices.

10 (15) If upon investigation the state transportation department
11 or county road commission and the department of state police
12 determine that it is in the interest of public safety, they may
13 order city, village, airport, college, university, and township
14 officials to erect and maintain, take down, or regulate speed limit
15 signs, signals, and devices as directed. In default of an order,
16 the state transportation department or county road commission may
17 cause designated signs, signals, and devices to be erected and
18 maintained, removed, or regulated in the manner previously directed
19 and pay the costs for doing so out of the designated highway fund.
20 An investigation, including a speed study, conducted under this
21 subsection is the responsibility of the department of state police.

22 (16) An individual who violates a speed limit established
23 under this section is responsible for a civil infraction.

24 (17) No later than January 5, 2018, the state transportation
25 department and the department of state police shall increase the
26 speed limits on at least 600 miles of limited access freeway to 75
27 miles per hour if an engineering and safety study and the eighty-
28 fifth percentile speed of free-flowing traffic under ideal
29 conditions of that section contain findings that the speed limit

1 may be raised to that speed, and the department shall increase the
2 speed limit of 900 miles of trunk line highway to 65 miles per hour
3 if an engineering and safety study and the eighty-fifth percentile
4 speed of free-flowing traffic under ideal conditions of that
5 section contain findings that the speed limit may be raised to that
6 speed.

7 (18) As used in this section:

8 (a) "Traffic control order" means a document filed with the
9 proper authority that establishes the legal and enforceable speed
10 limit for the highway segment described in the document.

11 (b) "Vehicular access point" means a driveway or intersecting
12 roadway.



AGENDA REPORT

New Haven, Michigan Council Meeting

MEETING DATE: April 9, 2024
DEPARTMENT: DPW
DATE SUBMITTED: April 1, 2024
PREPARED BY: Marcuz Dilbert, DPW Superintendent
ITEM TITLE: DPW Seasonal Help Request

EXECUTIVE SUMMARY:

Last year the hours worked was 10,669. The forecasted hours for the new year are 10, 840.00 (2%). This equates to 5.21 Full-time Employees (FTE). To cover the forecasted hours, I am requesting 1520 hours for seasonal help. The cost will be mostly incurred as General Fund Parks and Recreation.

The seasonal hourly rate will be \$15.00. The budget will be increased by approximately \$25,000.00.

RECOMMENDED ACTION: Approve request to hire seasonal help for 2024 for 1520 hours.

ADMINISTRATIVE REVIEW:

EXHIBITS:

		Yearly Hours	Holidays-14	Personal Days (hrs)	Sick Accrue (hrs)	Vacation (hrs)	Total Hours to Cover	FTE
	Utility Worker	2,080.00	-	24.00	96.00	160.00	2,360.00	1.13
	Laborer 1	2,080.00	-	24.00	96.00	160.00	2,360.00	1.13
	Laborer 2	2,080.00	-	24.00	96.00	120.00	2,320.00	1.12
	Laborer 3	2,080.00	-	24.00	96.00	80.00	2,280.00	1.10
	Seasonal (2) 19wks	1,520.00	-	-	-	-	1,520.00	0.73
		9,840.00	-	96.00	384.00	520.00	10,840.00	5.21
					Total PTO Hours	1,000.00		

		<u>FTE</u>	<u>% Increase</u>
2018	10,643.63	5.12	
2019	11,458.13	5.51	8%
2020	10,422.70	5.01	-9%
2021	9,385.40	4.51	-10%
2022	9,516.80	4.58	1%
2023	10,668.28	5.13	12%
2024	10,840.00	5.21	2%

Forecast



AGENDA REPORT

New Haven, Michigan

Council Meeting

MEETING DATE: April 9, 2024

DEPARTMENT: DPW-Road Administrator

DATE SUBMITTED: April 1, 2024

PREPARED BY: Sandra Cazel

ITEM TITLE: MDOT Decertification Clark Street Resolution

EXECUTIVE SUMMARY:

MDOT brought to our attention that Willow Street is considered a non-motorized road. It has been requested that we decertify the length of the road. The road will not affect our funding.

RECOMMENDED ACTION: To approve the resolution and decertify Willow Street as presented.

ADMINISTRATIVE REVIEW:

EXHIBITS:

VILLAGE OF NEW HAVEN
RESOLUTION 2024-
DECERTIFICATION/VACATION OF A ROAD
Willow Street

At a regular meeting of the Village Council of New Haven, the New Haven Board of Trustees offered the following resolution.

Whereas the Village of New Haven does wish to decertify/vacate Willow Street. This decertification/vacation of Willow Street is between Main Street and Haven Ridge Road, for a total decertification/vacation based on the consideration the street is non-motorized.

NOW, THEREFORE BE IT RESOLVED that the New Haven Board of Trustees does hereby determine that Willow Street, between Main Street and Haven Ridge Road decertified/vacation because of the street is non-motorized.

YEAS: _____

NAYS: _____

ABSENT: _____

RESOLUTION DECLARED ADOPTED by the Village Board of Trustees this 9th day of April 2024.

APPROVED by the President of the Village Board of Trustees this 9th day of April 2024.

X

Brian Meissen
Village President

The foregoing resolution was certified at a regular meeting of the Board of Trustee of the Village of New Haven held on this 9th day of April 2024.

CERTIFICATION

X

Rachel Whitsett
Clerk