



HOUSE BILL No. 4846

June 10, 1993, Introduced by Reps. Gnodtke, Dalman, Gernaat, Voorhees, Middleton and Gustafson and referred to the Committee on Agriculture and Forestry.

A bill to protect the health of dogs and cats and certain other animals through prevention and control of certain communicable and toxicological diseases; to safeguard the human population from certain diseases that are communicable between animals and humans; to protect livestock and poultry from damage by dogs; to provide for the licensing of dogs; to provide for the licensing of breeding, boarding, training, grooming, and private kennel facilities in order to promote the humane handling and care of dogs and cats; to regulate the keeping of dogs and cats and authorize their euthanasia or killing in certain cases; to provide for the establishment and operation of animal control agencies; to provide for standards and requirements for animal control officers; to impose powers and duties on certain state, county, and municipal officers and employees; to provide for

remedies and penalties; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "animal control act of 1993".

3 Sec. 2. The words and phrases defined in sections 3 to 6
4 shall have the meanings attributed to them in those sections.

5 Sec. 3. (1) "Accredited veterinarian" means a veterinarian
6 approved by the United States department of agriculture to per-
7 form specific functions required by cooperative state-federal
8 disease control and eradication programs.

9 (2) "Animal" means any vertebrate animal other than human
10 beings.

11 (3) "Animal control officer" means a person employed pursu-
12 ant to sections 32 and 35.

13 (4) "Animal hobbyist" means an individual who owns purebred
14 dogs or cats recognized by a national breed organization or spe-
15 cifically bred dogs or cats, that are used for personal recrea-
16 tional purposes such as hunting, or competitions in conformation
17 shows, obedience trials, tracking trials, hunting trials, or sled
18 races. Such dogs and cats may be bred [OCCASIONALLY IS TOO
19 VAGUE], but the offspring may not be sold for resale. In addi-
20 tion, the individual must have in residence on the premises at
21 least 1 dog or cat titled by a national club or registry or have
22 participated in 5 or more events during the preceding 12 months.

23 (5) "Approved vaccine" means a veterinary biological that is
24 administered to an animal to induce immunity in the recipient and

1 that is licensed by the United States department of agriculture
2 and approved by the state veterinarian for use in this state pur-
3 suant to the animal industry act of 1987, Act No. 466 of the
4 Public Acts of 1988, being sections 287.701 to 287.747 of the
5 Michigan Compiled Laws.

6 (6) "Boarding facility" means a facility where 3 or more
7 dogs or cats, or a combination of dogs or cats that are not owned
8 by the boarding facility owner are housed for remuneration at any
9 1 time on a temporary basis while the owner is not able to care
10 for the dog or cat. In regard to a veterinary hospital, a board-
11 ing facility shall include only that portion of a veterinary hos-
12 pital housing animals that are not under medical care.

13 (7) "Breeding facility" means a facility where 3 or more
14 litters of dogs or cats, or a combination of dogs and cats, are
15 born or raised in the preceding 12 months. A breeding facility
16 shall include any vehicle used to transport dogs or cats to and
17 from the facility. A breeding facility does not include a facil-
18 ity used by an animal hobbyist for purposes associated with his
19 or her hobby unless more than 3 litters of dogs or cats, or a
20 combination of dogs and cats, are born or raised in the preceding
21 12 months and 25 or more offspring are harbored or kept in the
22 same preceding 12 months.

23 (8) "Cat" means an animal of any age of the species Felis
24 catus.

25 Sec. 4. (1) "Department" means the department of
26 agriculture.

1 (2) "Direct control" means a situation in which a person
2 whether by voice command or physical tether or other means can
3 immediately affect or alter the actions of an animal so as to
4 ensure that the animal does not trespass or otherwise violate
5 this act.

6 (3) "Director" means the director of the department of agri-
7 culture or his or her authorized representative.

8 (4) "Dog" means an animal of any age of the species Canis
9 familiaris.

10 (5) "Euthanasia" means the humane destruction of an animal
11 accomplished by a method that produces rapid unconsciousness and
12 subsequent death without evidence of pain or distress, or a
13 method that utilizes anesthesia produced by an agent that causes
14 painless loss of consciousness and subsequent death.

15 (6) "Facility" means any vehicle, building, structure, or
16 premises. Facility does not include a facility otherwise
17 licensed pursuant to Act No. 224 of the Public Acts of 1969,
18 being sections 287.381 to 287.395 of the Michigan Compiled Laws.
19 Facility does not include an animal show or trial site during or
20 for 24 hours before and after the show or trial.

21 (7) "Farm" means a place 40 or more acres in size, a place 5
22 to 40 acres in size with a gross annual income of \$200.00 per
23 cleared and tillable acre, or a place at least 15 acres in size
24 designated as a specialty farm by the department with a gross
25 annual income of \$2,000.00 or more, as long as in each instance
26 at least 51% of the land is under active cultivation or fenced
27 pasture.

1 (8) "Grade status animal" means an animal that is not
2 recognized by a breed registry.

3 (9) "Grooming facility" means a facility where 1 or more
4 dogs or cats not owned by the grooming facility owner are
5 brushed, bathed, clipped, trimmed, have other cosmetic procedures
6 performed, or are treated for ectoparasites by the application of
7 a pesticide, for remuneration. In regards to a veterinary hospi-
8 tal, a grooming facility shall include only that portion of the
9 veterinary hospital where these activities are conducted for non-
10 medical reasons. A grooming facility shall include all vehicles
11 used by the facility to transport animals for the purpose of
12 grooming.

13 (10) "Hunting" means allowing a dog to range freely, under
14 reasonable control of its owner, while in the course of hunting
15 game as authorized in the wildlife conservation act, Act No. 256
16 of the Public Acts of 1988, being sections 300.251 to 300.270 of
17 the Michigan Compiled Laws, and orders issued under this act.

18 Sec. 5. (1) "Law enforcement officer" has the meaning
19 attributed to that term in the Michigan law enforcement officers
20 training council act of 1965, Act No. 203 of the Public Acts of
21 1965, being sections 28.601 to 28.616 of the Michigan Compiled
22 Laws, and includes conservation officers appointed by the direc-
23 tor of the department of natural resources and trained and certi-
24 fied pursuant to Act No. 203 of the Public Acts of 1965.

25 (2) "Livestock" means those species of animals used for
26 human food and fiber or those species of animals used for service
27 to humans. Livestock includes, but is not limited to, cattle,

1 sheep, new world canelids, goats, bison, captive cervidae,
2 ratites, swine, equine, poultry, acquaculture products, and
3 rabbits. Livestock does not include dogs and cats.

4 (3) "Municipality" means a city, village, or township.

5 (4) "Official interstate health certificate" or "official
6 interstate certificate of veterinary inspection" means a printed
7 form adopted by any state that records the information required
8 under section 7 and that is issued within 30 days before importa-
9 tion of the animal it describes.

10 (5) "Owner" means a person having a right of property owner-
11 ship in an animal, who keeps or harbors the animal or has the
12 animal in his or her care or custody, or who permits the animal
13 to remain on or about any premises occupied by the person. An
14 owner does not mean a person who harbors an animal in the course
15 of conducting a boarding, grooming, or training business, or a
16 veterinary hospital, or a person who harbors an animal in viola-
17 tion of Act No. 309 of the Public Acts of 1939, being sections
18 287.301 to 287.308 of the Michigan Compiled Laws.

19 (6) "Owner's agent" means an individual authorized by the
20 owner or lessee of livestock or poultry to intervene on behalf of
21 the owner or lessee to protect the livestock or poultry from
22 being pursued, wounded, or killed by a dog.

23 (7) "Person" means an individual, partnership, corporation,
24 cooperative, association, joint venture, or other legal entity,
25 including, but not limited to, contractual relationships.

1 (8) "Poultry" includes chickens, guinea fowl, turkeys,
2 waterfowl, pigeons, doves, peafowl, and game birds that are
3 propagated and maintained under the husbandry of humans.

4 (9) "Prior entry permit" means a code that is obtained from
5 the department for specific species of animals imported into the
6 state that is recorded on the official interstate health certifi-
7 cate or official interstate certificate of veterinary
8 inspection..

9 (10) "Private kennel facility" means a facility separate
10 from a personal residence where an animal hobbyist or other
11 person houses and cares for 4 or more dogs or cats, or a combina-
12 tion of dogs and cats, that are kept as pets or used for personal
13 recreational purposes. A facility meeting the definition of pet
14 shop, animal shelter, or dog pound pursuant to Act No. 287 of the
15 Public Acts of 1969, being sections 287.331 to 287.340 of the
16 Michigan Compiled Laws, or a facility meeting the definition of a
17 dealer or research facility pursuant to Act No. 224 of the Public
18 Acts of 1969, being sections 287.381 to 287.395 of the Michigan
19 Compiled Laws, or a facility that is a boarding facility, breed-
20 ing facility, grooming facility, or training facility pursuant to
21 this act is not a private kennel. A veterinary hospital is not a
22 private kennel facility.

23 Sec. 6. (1) "Reportable disease" means an animal disease on
24 the current reportable animal disease list pursuant to the animal
25 industry act of 1987, Act No. 466 of the Public Acts of 1988,
26 being sections 287.701 to 287.747 of the Michigan Compiled Laws,

1 that poses a serious threat to the livestock industry, public
2 health, or human food chain.

3 (2) "Reasonable control" means a situation in which a person
4 whether by voice command or physical tether or any other avail-
5 able method can affect or control the action of a dog to ensure
6 that the dog does not trespass or otherwise violate this act.

7 (3) "Rules" means rules promulgated pursuant to the adminis-
8 trative procedures act of 1969, Act No. 306 of the Public Acts of
9 1969, being sections 24.201 to 24.328 of the Michigan Compiled
10 Laws.

11 (4) "Six months old" means a dog or cat with permanent upper
12 canine teeth visibly present unless the owner can document the
13 exact age.

14 (5) "State veterinarian" means the chief animal health offi-
15 cial of this state as appointed by the director pursuant to Act
16 No. 466 of the Public Acts of 1988, or his or her authorized
17 representative.

18 (6) "Sterilized" means an animal which has by virtue of a
19 surgically performed castration or ovariectomy or other
20 recognized veterinary procedure been rendered incapable of sexual
21 reproduction.

22 (7) "Titled dog or cat" means a dog or cat that has earned a
23 conformation, obedience, tracking, hunting, or other performance
24 title granted by a national dog or cat club registry or nation-
25 ally recognized dog or cat association.

26 (8) "Toxic substance" means a natural or synthetic chemical
27 in concentrations which alone or in combination with other

1 natural or synthetic chemicals presents a threat to the health,
2 safety, or welfare of human or animal life or which has the
3 capacity to produce injury or illness through ingestion, inhala-
4 tion, or absorption through the body surface.

5 (9) "Training facility" means a facility where 3 or more
6 dogs at any 1 time not owned by the facility owner are housed for
7 the purpose of training as hunting dogs, guard dogs, seeing-eye
8 dogs, handicapper assistance dogs, obedience dogs, show dogs,
9 racing dogs, or other special purpose. A training facility
10 includes any vehicle used to transport animals in the course of
11 the training process.

12 (10) "Veterinarian" means a person licensed to practice vet-
13 erinary medicine under the public health code, Act No. 368 of the
14 Public Acts of 1978, being sections 333.1101 to 333.25211 of the
15 Michigan Compiled Laws, or under a state or federal law applica-
16 ble to that person.

17 Sec. 7. (1) Dogs and cats, and other animals as determined
18 by the director pursuant to subsection (2), imported into this
19 state shall be accompanied by an official interstate health cer-
20 tificate or an official interstate certificate of veterinary
21 inspection. The director may also require that a prior entry
22 permit be obtained prior to entry into this state for certain
23 classifications of animals. If the director determines that a
24 prior entry permit be obtained prior to entry into this state,
25 the person importing or transporting the animal into the state is
26 required to obtain such a permit. Health certificates are not
27 required for dogs or cats passing through the state to points

1 beyond; or to a dog or cat visiting the state for a period of
2 less than 30 days for the purpose of exhibition or field trial;
3 or to a Michigan dog or cat which leaves the state temporarily
4 for a period not to exceed 60 days.

5 (2) The director may require that an animal other than a dog
6 or cat, or livestock or poultry regulated pursuant to the animal
7 industry act of 1987, Act No. 466 of the Public Acts of 1988,
8 being sections 287.701 to 287.747 of the Michigan Compiled Laws,
9 be imported in compliance with this section if the director
10 determines that the species of animal is capable of harboring a
11 disease that threatens public health, livestock, or other animals
12 in this state.

13 (3) An official interstate health certificate or official
14 interstate certificate of veterinary inspection shall be prepared
15 and signed by an accredited veterinarian in the state of origin.
16 An approved copy of the official interstate health certificate or
17 official interstate certificate of veterinary inspection shall be
18 forwarded to the state veterinarian within 10 days after the date
19 of issuance. An official interstate health certificate or offi-
20 cial interstate certificate of veterinary inspection shall
21 include all of the following:

22 (a) The complete names and addresses of the consignor and
23 consignee and the destination address if different from the con-
24 signee address.

25 (b) A description of the animal by breed, sex, age, and
26 including, as applicable, any name or identification number,
27 color, markings, and approximate weight.

1 (c) A record of the most recent vaccinations, treatments, or
2 tests including dates of administration or results. The expira-
3 tion date of any rabies vaccination shall be indicated on the
4 certificate.

5 (d) The date of examination of the animal by the accredited
6 veterinarian preparing the certificate.

7 (e) Whether or not the animal immediately or within the past
8 30 days originates from an area under quarantine for any disease
9 or toxicological condition.

10 (f) A certification by the accredited veterinarian preparing
11 the certificate certifying that the animal is free from clinical
12 signs of infectious, contagious, or communicable diseases and, to
13 the best of his or her knowledge, exposure to an infectious, con-
14 tagious, or communicable disease.

15 (4) (a) Dogs and cats 12 weeks of age or older entering this
16 state shall be vaccinated against rabies in accordance with label
17 directions with an approved vaccine that is administered by a
18 veterinarian.

19 (b) An owner of a dog or cat imported into this state shall
20 produce proof of each vaccination required in this section upon
21 request by a law enforcement officer, an animal control officer,
22 or the director.

23 (c) Rabies vaccinations are not required for dogs and cats
24 that are immediately upon importation taken to and remain at a
25 research facility licensed with the department pursuant to Act
26 No. 224 of the Public Acts of 1969, being sections 287.381 to
27 287.395 of the Michigan Compiled Laws.

1 (5) A person shall not import into this state an animal from
2 an area under quarantine for any disease or toxicological condi-
3 tion unless permission is granted by the director.

4 (6) An animal imported into this state from an area under
5 quarantine for any disease or toxicological condition may be
6 quarantined at its destination in this state at the discretion of
7 the director, or if the animal was imported without permission
8 from the director, the animal may be returned to the point of
9 origin at the owner's or consignee's expense.

10 (7) An animal in violation of subsections (1) to (6) may be
11 returned to the state of origin or quarantined until the required
12 vaccinations are administered and a licensed, accredited veteri-
13 narian has examined the animal and found the animal to be free
14 from any clinical signs of infectious, contagious, or communica-
15 ble diseases. The owner or consignee, or both, of the animal is
16 responsible for all fees incurred for transportation, examina-
17 tion, and vaccinations incurred with regard to the animal.

18 (8) The director may require additional or other testing and
19 vaccination requirements for animals imported into this state if
20 a situation arises that the director determines is a threat to
21 the health of animals in this state.

22 Sec. 8. (1) A person who discovers, suspects, or has reason
23 to believe that an animal is either affected with a reportable
24 disease or contaminated with a toxic substance shall immediately
25 report that fact, suspicion, or belief to the director. The
26 director shall take appropriate action to investigate the
27 report. A person possessing an animal affected with, or

1 suspected of being affected with, a reportable disease or
2 contaminated with a toxic substance shall allow the director to
3 examine the animal or collect diagnostic specimens. A person
4 possessing an affected or suspected animal shall not expose other
5 animals to the affected or suspected animal or otherwise move the
6 affected or suspected animal except with permission from the
7 director.

8 (2) At the request of the director, a person owning an
9 animal shall confine and restrain the animal in a safe and humane
10 manner so any examination or testing procedure considered neces-
11 sary by the director may be performed in a comfortable, safe, and
12 efficient manner.

13 (3) The director may call upon a law enforcement officer or
14 animal control officer to assist in carrying out the director's
15 orders.

16 (4) A person shall not remove or alter the identification of
17 an animal for the purpose of misrepresentation of the animal's
18 identity or the ownership of the animal.

19 (5) A person shall not make misrepresentations concerning
20 the health status of an animal with a reportable disease.

21 Sec. 9. (1) The director may declare a quarantine on an
22 animal in any district or region of this state for the purpose of
23 controlling or preventing the spread of an infectious, conta-
24 gious, or toxicological disease. A person shall not move an
25 animal that is under quarantine without permission from the
26 director. A person shall not allow an animal under quarantine to
27 mingle or have contact with animals not under quarantine without

1 to this section is not subject to liability for the animal. The
2 department also is not liable for such action.

3 Sec. 11. (1) A person shall not own or harbor a dog 6
4 months old or older, unless the dog is licensed as provided in
5 this act. Each dog shall at all times wear a substantial collar
6 provided by the owner to which is attached a current license tag
7 approved by the director. If a dog is lawfully engaged in hunt-
8 ing or is used for show purposes, the dog may in lieu of wearing
9 a collar and current license tag be permanently identified pursu-
10 ant to Act No. 309 of the Public Acts of 1939, being sections
11 287.301 to 287.308 of the Michigan Compiled Laws. If a dog is
12 housed at a boarding facility licensed pursuant to this act, the
13 boarding facility owner may remove the collar and tag as long as
14 the dog is securely confined and the dog owner has been notified
15 that the collar and tag may be removed. A person shall not alter
16 a license tag or license or, except for the owner or authorized
17 agent, remove any license tag from a dog. An owner shall not
18 allow a dog to stray from the owner's property unless the dog is
19 leashed or otherwise under the direct control of the owner at all
20 times or unless the dog is lawfully hunting and under the reason-
21 able control of the owner at all times. It shall be unlawful for
22 any owner to allow a cat to stray from the owner's property
23 unless the cat is under the direct control of the owner at all
24 times.

25 (2) The licensing requirements of this section do not apply
26 to dogs kept at pet shops, animal control shelters, or animal
27 protection shelters licensed pursuant to Act No. 287 of the

1 to this section is not subject to liability for the animal. The
2 department also is not liable for such action.

3 Sec. 11. (1) A person shall not own or harbor a dog 6
4 months old or older, unless the dog is licensed as provided in
5 this act. Each dog shall at all times wear a substantial collar
6 provided by the owner to which is attached a current license tag
7 approved by the director. If a dog is lawfully engaged in hunt-
8 ing or is used for show purposes, the dog may in lieu of wearing
9 a collar and current license tag be permanently identified pursu-
10 ant to Act No. 309 of the Public Acts of 1939, being sections
11 287.301 to 287.308 of the Michigan Compiled Laws. If a dog is
12 housed at a boarding facility licensed pursuant to this act, the
13 boarding facility owner may remove the collar and tag as long as
14 the dog is securely confined and the dog owner has been notified
15 that the collar and tag may be removed. A person shall not alter
16 a license tag or license or, except for the owner or authorized
17 agent, remove any license tag from a dog. An owner shall not
18 allow a dog to stray from the owner's property unless the dog is
19 leashed or otherwise under the direct control of the owner at all
20 times or unless the dog is lawfully hunting and under the reason-
21 able control of the owner at all times. It shall be unlawful for
22 any owner to allow a cat to stray from the owner's property
23 unless the cat is under the direct control of the owner at all
24 times.

25 (2) The licensing requirements of this section do not apply
26 to dogs kept at pet shops, animal control shelters, or animal
27 protection shelters licensed pursuant to Act No. 287 of the

1 Public Acts of 1969, being sections 287.331 to 287.340 of the
2 Michigan Compiled Laws, or at registered research facilities or
3 licensed dealers pursuant to Act No. 224 of the Public Acts of
4 1969, being sections 287.381 to 287.395 of the Michigan Compiled
5 Laws, or the public health code, Act No. 368 of the Public Acts
6 of 1978, being sections 333.1101 to 333.25211 of the Michigan
7 Compiled Laws, if the dogs are used for or intended to be used
8 for research.

9 Sec. 12. A person shall not own or harbor any dog or cat 6
10 months old or older, unless the dog or cat is currently vacci-
11 nated against rabies with an approved rabies vaccine administered
12 by a veterinarian, except that rabies vaccinations are not
13 required for research dogs or cats kept at registered research
14 facilities or licensed dealers pursuant to Act No. 224 of the
15 Public Acts of 1969, being sections 287.381 to 287.395 of the
16 Michigan Compiled Laws or the public health code, Act No. 368 of
17 the Public Acts of 1978, being sections 333.1101 to 333.25211 of
18 the Michigan Compiled Laws, if the dogs or cats are used for or
19 intended to be used for research, or for dogs or cats kept at
20 animal control shelters or animal protection shelters registered
21 pursuant to Act No. 287 of the Public Acts of 1969, being sec-
22 tions 287.331 to 287.340 of the Michigan Compiled Laws, if the
23 dog or cat has been at the animal control shelter or animal pro-
24 tection shelter less than 30 days and if a rabies vaccination is
25 not a condition of a quarantine requirement. Rabies vaccinations
26 are not required for cats kept on farms unless the cats are used
27 for breeding purposes or are sold or unless the director

1 determines that there is a substantial threat of rabies to humans
2 or other animals within that county or a contiguous county. In
3 that case the person owning or harboring the cats shall assure
4 that the cats are vaccinated with an approved rabies vaccine
5 administered by a veterinarian or assure that the cats are
6 euthanized. If there are 3 or more cases of rabies diagnosed in
7 a 12-month period in a county, the director may determine that a
8 substantial rabies threat exists. The first rabies vaccination
9 for a dog or cat of any age expires 1 year after vaccination.

10 Sec. 13. The department shall have general supervision over
11 the licensing of dogs and the regulation of dogs and cats and the
12 protection of livestock and poultry from dogs and cats, and may
13 employ all proper means for the enforcement of this act. All law
14 enforcement officers of the state, county, or municipality and
15 animal control officers of any county or municipality shall be at
16 the disposal of the department to assist the department in ful-
17 filling its obligations under this act.

18 Sec. 14. The license tags and forms shall be under the gen-
19 eral supervision of the department. The treasurer of the county
20 shall obtain at county expense, as necessary to comply with this
21 act, a sufficient number of license tags and forms. The license
22 tags and forms shall be approved by the department. The tags
23 required by this act shall be of a shape with no protrusions and
24 shall be not more than 1-1/2 inches in length and the general
25 shape or color, or both, shall be changed from year to year. The
26 tags shall have impressed upon them the calendar year for which
27 they are issued and shall bear the name and telephone number of

1 the county issuing them and shall be numbered consecutively.

2 This section does not preclude the issuance of a permanent
3 license number for dogs. The license forms shall correspond with
4 the license tag number. The license form shall contain at least
5 the following information:

6 (a) Name, address, and telephone number of the owner.

7 (b) Name of the animal.

8 (c) Species of the animal.

9 (d) Description of the animal including age or date of
10 birth, estimated weight, sex (male, female, sterilized male, or
11 sterilized female), breed, color, and markings.

12 (e) Any permanent identification pursuant to Act No. 309 of
13 the Public Acts of 1939, being sections 287.301 to 287.308 of the
14 Michigan Compiled Laws.

15 (f) Expiration date of rabies vaccination.

16 (g) The date the license was issued.

17 (h) The name and telephone number of the county issuing the
18 license.

19 Sec. 15. (1) Prior to March 1 of each year, the owner of
20 any dog 6 months old or older shall obtain from the county or
21 municipal treasurer or his or her authorized agent in the place
22 of the owner's primary residence a license for each dog owned by
23 that person. Prior to the issuance of a license, the owner of
24 the dog shall present proof of vaccination of the dog against
25 rabies by a valid certificate of vaccination for rabies, with an
26 approved vaccine signed by a veterinarian. If the dog's rabies
27 vaccination expires during the term of the licensure, the owner

1 of the dog shall have the dog revaccinated for rabies by a
2 veterinarian. The rabies certificate shall contain the following
3 information:

4 (a) Name, address, and telephone number of the owner.

5 (b) Name of the animal.

6 (c) Species of the animal.

7 (d) Description of the animal including age or date of
8 birth, estimated weight, sex (male, female, sterilized male, or
9 sterilized female), breed, color, and markings, and any permanent
10 identification pursuant to Act No. 309 of the Public Acts of
11 1939, being sections 287.301 to 287.308 of the Michigan Compiled
12 Laws.

13 (e) Manufacturer of rabies vaccine.

14 (f) Serial number of rabies vaccine.

15 (g) Date vaccine was administered.

16 (h) Expiration date of rabies vaccination.

17 (i) Name, address, telephone number, and license number of
18 veterinarian administering the vaccine.

19 (2) A county shall establish dog licensing fees as appropri-
20 ate for their jurisdiction, except that such fees shall be dif-
21 ferentially structured as follows:

22 (a) A minimum license fee of \$10.00 for any unsterilized
23 dog.

24 (b) A minimum license fee of \$5.00 for any sterilized dog.

25 (c) Whenever fees above these amounts are established, a 2
26 to 1 ratio for unsterilized to sterilized dogs shall be
27 maintained.

1 (d) If a dog is certified in writing by a veterinarian as
2 unsuitable for sterilization because of medical or health rea-
3 sons, a county may apply a minimum license fee of \$5.00 for such
4 a dog.

5 (3) A person who owns a dog or a veterinarian who falsely
6 maintains that a dog cannot be sterilized because of medical or
7 health reasons in order to evade the higher license fee for an
8 unsterilized dog is guilty of a misdemeanor pursuant to section
9 36(3). If a person obtains a dog on or after March 1, or if a
10 dog turns 6 months old on or after March 1, then the owner of the
11 dog has 30 calendar days in which to purchase a license for the
12 dog. If a person does not purchase a license prior to March 1 or
13 within 30 days as described in this section, then the person is
14 delinquent and the county may charge a license fee that is up to
15 twice the regular fee. In the case of dogs kept at a licensed
16 private kennel facility or a breeding facility, there shall not
17 be a license fee other than for the facility license. A county
18 may opt to eliminate individual licenses for dogs kept at
19 licensed private kennel facilities or breeding facilities; how-
20 ever, a license tag shall be issued for each dog at the facility
21 and proof of rabies vaccination shall be provided as described in
22 this section.

23 Sec. 16. In lieu of licensing dogs from January 1 to
24 December 31 of each year, a county may adopt a year-round stag-
25 gered licensing system provided the following criteria are met:

26 (a) The license is valid for 1 year or the expiration date
27 of the vaccination, whichever comes first.

1 (b) A person who does not obtain a license within 30 days of
2 rabies vaccination is considered delinquent.

3 (c) A person who does not renew a license within 30 days
4 past its expiration date is delinquent.

5 (d) Except as described in this section, all other aspects
6 of licensing and proof of vaccination described in this act are
7 applicable.

8 Sec. 17. A municipality or a board of county commissioners
9 by ordinance may establish licensing requirements for cats except
10 that licensing shall not be required for cats on farms. The
11 ordinance shall provide for proof of rabies vaccination, license
12 tags, forms, and procedures as described for dogs in this act.

13 Sec. 18. A person who owns or harbors a dog shall produce
14 proof of a valid dog license for the dog and a person who owns or
15 harbors a dog or cat shall produce proof of a valid rabies cer-
16 tificate for the dog or cat upon request of a person who is
17 authorized to enforce this act. A person who owns or harbors
18 dogs or cats exempt from rabies vaccination requirements pursuant
19 to section 12 is not required to show proof of a valid rabies
20 certificate for those dogs or cats. If the dog is not wearing a
21 substantial collar with the current license tag attached, the
22 owner may be requested to demonstrate the animal's permanent
23 identification pursuant to Act No. 309 of the Public Acts of
24 1939, being sections 287.301 to 287.308 of the Michigan Compiled
25 Laws, and evidence that the animal is lawfully engaged in hunting
26 or is used for show purposes.

1 Sec. 19. (1) A breeding facility, boarding facility,
2 grooming facility, or training facility shall not operate without
3 a license as provided in this act. A person who owns a private
4 kennel facility may apply for a private kennel license. The fee
5 to be paid for a license to operate a breeding facility, boarding
6 facility, grooming facility, training facility, or a private
7 kennel and to pay for all necessary inspections shall be a mini-
8 mum of \$25.00 annually. For any fee over \$25.00, the fee shall
9 not exceed twice the estimated actual cost of issuing the license
10 and conducting the necessary inspections. The county may adopt a
11 licensing schedule such that licenses are due prior to June 1 or
12 the county may license facilities on an individual year-round
13 basis. If done on a year-round basis, the facility license shall
14 be considered delinquent 30 days past the license anniversary
15 date. The county may impose a delinquent fee for a delinquent
16 license. The fee for a delinquent license shall not be greater
17 than twice the regular fee for the license. A facility license
18 shall contain all of the following information:

19 (a) The name of the business (if appropriate).

20 (b) The name, address, and telephone number of the facility
21 owner.

22 (c) The type of facility (breeding, boarding, grooming,
23 training, or private kennel).

24 (d) The number of dogs or cats, or both, which may be housed
25 at the facility.

26 (e) The license plate numbers for any facility vehicles.

(2) Each separate facility is required to have a license.

If more than 1 activity occurs at a facility, then only 1 license is required, but the activities covered by it shall be specified. Facility licenses are not transferable to another location or owner. The county animal control officer or the county treasurer shall not issue a facility license for a new facility or renew a license for an established facility under this act unless the applicant furnishes an inspection certificate in a form approved by the department signed by the director or the animal control officer of the county where the facility is located stating that the facility to be covered by the license complies with the rules of the department and provisions of this act including requirements for rabies vaccination. If there is not an animal control officer in the county, then the board of commissioners may appoint a person who is knowledgeable about dogs and cats to conduct the inspection. The inspection shall not be made more than 30 days before filing the application for license. Unannounced inspections of licensed breeding, boarding, grooming, training, or private kennel facilities may be made to monitor compliance with this act and department rules implementing this act.

(3) The department shall issue rules to establish minimum standards for housing, care, and handling of animals at breeding facilities, boarding facilities, training facilities, grooming facilities, and private kennel facilities.

Sec. 20. If any dog license tag is lost, it shall be

replaced by the county treasurer upon application by the owner of

1 the dog, and upon production of the license and a sworn statement
2 of the facts regarding the loss of the license tag. The county
3 board of commissioners may establish a fee for the replacement of
4 a lost tag. The fee shall not exceed the nondelinquent license
5 fee currently being charged by the county.

6 Sec. 21. A license or license tag issued for 1 dog shall
7 not be transferable to another dog. Whenever the ownership or
8 possession of any dog is permanently transferred from 1 person to
9 another within the same county, the license of such dog may be
10 transferred, upon notice given to the county treasurer who shall
11 note such transfer upon the record. This act does not require
12 the procurement of a new license, or the transfer of a license
13 already secured, when the possession of a dog is temporarily
14 transferred, for purposes such as hunting, breeding, training,
15 boarding, trial, or show, in this state. The county board of
16 commissioners may establish a fee for the transfer of a license
17 when the dog is permanently transferred from 1 person to another
18 within the same county. The fee shall not exceed the nondelin-
19 quent license fee currently being charged by the county.

20 Sec. 22. Each municipal treasurer shall, on or before
21 December 1 of each year, make application to the county treasurer
22 for necessary license blanks and tags for the ensuing year and
23 may issue dog licenses and tags in a manner prescribed for issu-
24 ing licenses by the county treasurer. Each municipal treasurer
25 shall receive for the services of licensing dogs a fee at a rate
26 determined by the county board of commissioners for each dog
27 license issued. Each municipal treasurer shall, on or before

1 March 15 of each year, return to the county treasurer all unused
2 tags, and the book or books from which dog licenses have been
3 issued, containing receipts properly filled out, and showing the
4 name of the person to whom each license was issued and the number
5 of each license issued and a full description of each dog
6 licensed. Each municipal treasurer shall on or before March 15
7 of each year remit all money received for issuing licenses less
8 the amount set by the board of commissioners to be retained by
9 the municipality for each license issued. A municipality may, by
10 resolution of its legislative body, provide that its clerk shall
11 perform the duties imposed on the treasurer by this act. Upon
12 the adoption of the resolution, the treasurer of a municipality
13 is not required to issue licenses under this act but the clerk of
14 the municipality shall perform, in the manner and under the terms
15 and conditions, and with the same compensation, all of the duties
16 imposed upon municipal treasurers by this act. If a county opts
17 for a year-round licensing system, then records and money shall
18 be turned over to the county treasurer as determined by the
19 county treasurer.

20 Sec. 23. The county treasurer shall keep a record of all
21 dog licenses, and all licenses for breeding facilities, boarding
22 facilities, grooming facilities, training facilities, and private
23 kennel facilities issued during the year in each municipality in
24 the county. These records shall contain all licensing informa-
25 tion required under sections 15 and 19. The record shall be a
26 public record and open to inspection during business hours. The
27 county treasurer shall also keep an accurate record of all

1 license fees collected or paid over to the county by any
2 municipal treasurer.

3 Sec. 24. After March 1 of each year, the board of commis-
4 sioners may appoint or employ a person or persons, including the
5 animal control officer, to perform a census of the number of dogs
6 or cats, or both, owned, harbored, or kept by all persons in the
7 county and the status of the rabies vaccinations for the dogs and
8 cats and the status of licensure of the dogs. In the case of
9 cats kept on farms, when there is not a substantial threat of
10 rabies, an estimate of the number of cats on the farm may be made
11 if the cats cannot readily be confined and counted. On or before
12 December 1, the appointed person or persons shall make a complete
13 report to the county treasurer, setting forth the name of every
14 owner of any dog or cat, how many of each sex are owned, and the
15 status of the rabies vaccinations for the dogs and cats and the
16 dogs' licenses. If a breeding facility, boarding facility,
17 grooming facility, training facility, or private kennel facility
18 license is maintained, this fact shall also be stated. Every
19 person appointed or employed for this census shall be paid a fee
20 determined by the board of commissioners for dogs and cats accu-
21 rately listed. These fees shall be paid out of the general fund
22 of the county.

23 Sec. 25. A person who is the owner of a dog shall not allow
24 or permit the dog to harm, destroy, or kill deer, moose, or elk.
25 A conservation officer or animal control officer, after making
26 every reasonable effort to capture the dog, may kill a dog

1 determined to be harming, destroying, or killing deer, moose, or
2 elk.

3 Sec. 26. The owner or lessee of any livestock or poultry, a
4 member of the owner's or lessee's household, the owner's agent,
5 an employee of the owner or lessee, an animal control officer, or
6 law enforcement officer may kill a dog or cat that he or she sees
7 in the act of pursuing or wounding any livestock or poultry, and
8 this person is not civilly or criminally liable for his or her
9 actions. Any person may kill a dog or cat which he or she sees
10 in the act of attacking a person or persons, and this person is
11 not civilly or criminally liable for his or her actions. After
12 killing a dog or cat pursuant to this section, the person shall
13 report the killing to the sheriff or animal control officer of
14 the county. Any dog or cat unaccompanied by its owner or its
15 owner's agent, entering any field or enclosure which is owned by
16 or leased by a person producing or holding livestock or poultry,
17 shall constitute a trespass, and the owner of the dog or cat
18 shall be liable in damages. Damages shall include, but not be
19 limited to, value of animals killed or aborted, veterinary bills,
20 court costs, and reasonable attorney fees. Trespass without the
21 act of pursuing or wounding livestock or poultry does not consti-
22 tute a reason for killing a dog.

23 Sec. 27. An animal control officer, law enforcement offi-
24 cer, or other person killing a dog or cat or other animal pursu-
25 ant to the laws of this state shall not use a high altitude
26 decompression chamber, electrocution, or drowning for that
27 killing.

1 Sec. 28. (1) If a person's cow, goat, horse, sheep, swine,
2 other than swine kept as pets, chicken, duck, goose, or turkey is
3 killed by a dog, or if such an animal is necessarily destroyed
4 because of having been attacked by a dog, the owner of that
5 animal or his or her agent or attorney may complain to the animal
6 control officer of the county where the loss occurred or to the
7 township supervisor or a township officer or other qualified
8 person designated by the township board of the township in which
9 the loss occurred. The complaint shall be in writing, signed by
10 the person making it, and shall state when, where, what, and how
11 much loss was sustained, and if known, by whose dog or dogs.

12 (2) The animal control officer or township supervisor or a
13 township officer or other qualified person designated by the
14 township board shall at once, if practicable, investigate a com-
15 plaint received under subsection (1) and report his or her find-
16 ings to the county board of commissioners. The report shall
17 include the name and address of the person claiming loss, the
18 date and circumstances of the incident, the numbers and types of
19 animals lost, a description of any insurance held by the claimant
20 which covers animal loss, and, if known, a description of the dog
21 or dogs causing the loss and the name and address of the owner of
22 the dog or dogs. The claimant shall sign the report stating that
23 all information in the report is truthful to the best of his or
24 her knowledge.

25 Sec. 29. (1) When the county board of commissioners
26 receives a report pursuant to section 28, and it appears that the
27 report is legal and just and that the claimant's cow, goat,

1 horse, sheep, swine, other than swine kept as a pet, chicken,
2 duck, goose, or turkey was killed by a dog or had to be destroyed
3 because of being attacked by a dog and there is no insurance to
4 cover the loss and the owner of the dog is unknown, the county
5 board of commissioners shall immediately order the county trea-
6 surer to pay the claimant. An amount awarded pursuant to this
7 section shall be paid by the county out of its general fund.
8 When determining the amount of the award, any animal lost by
9 damage from a dog shall be treated as a grade status animal. The
10 award shall be up to 75% of the commercial livestock auction
11 market value of that type of animal on the date of the loss. In
12 the event that the aggregate fair market value of the animals
13 lost in the given incident does not exceed \$75.00, the county is
14 not under an obligation or requirement to consider the claim or
15 make any award.

16 (2) When the county board of commissioners receives a report
17 pursuant to section 28 and the report appears to be illegal or
18 unjust, the board may make an investigation of the case and pay
19 the award, if any, in an amount that the board considers
20 appropriate. If a payment for such a claim is made, the amount
21 awarded shall be paid by the county out of its general fund and
22 shall not exceed the amount allowed by the county board of
23 commissioners.

24 Sec. 30. (1) A judge or magistrate of a district or municipi-
25 pal court shall issue a summons to show cause why a dog or cat
26 should not be killed, upon a sworn complaint that any of the
27 following exist:

1 (a) A dog or cat is running at large unaccompanied by its
2 owner.

3 (b) A dog is engaged in lawful hunting but is not under the
4 reasonable control of its owner.

5 (c) A dog or cat has destroyed property or repeatedly causes
6 damage by trespassing on the property of a person who is not the
7 owner.

8 (d) A dog or cat has attacked or bitten a person except in
9 the following situations:

10 (i) The dog or cat bit or attacked a person who was know-
11 ingly trespassing on the property of the dog's or cat's owner.

12 (ii) The dog or cat bit or attacked a person who provoked or
13 tormented the dog or cat.

14 (iii) The dog or cat was responding in a manner that an
15 ordinary and reasonable person would conclude was to protect a
16 person if that person was engaged in a lawful activity or was the
17 subject of an assault.

18 (e) A dog or cat has shown vicious habits or has molested a
19 person when lawfully on the public highway.

20 (f) A dog or cat has killed or necessitated the destruction
21 of livestock or poultry.

22 (2) After a hearing under subsection (1), the judge or mag-
23 istrate of the district court or municipal court may either order
24 the dog or cat killed or sterilized, or confined to the premises
25 of the owner, or both, or taken from the owner and given to an
26 animal control facility or animal protection facility for
27 disposal at the discretion of the facility manager. If the owner

1 disobeys this order, the owner is subject to punishment under
2 section 36. Costs as in a civil case shall be taxed against the
3 owner of the dog or cat, and collected by the county or
4 municipality. The county board of commissioners shall audit and
5 pay claims for services of officers rendered pursuant to this
6 section, unless the claims are paid by the owner of the dog.

7 Sec. 31. This act does not do any of the following:

8 (a) Prevent the owner of a dog or cat, kept pursuant to this
9 act, from recovery from a law enforcement officer or other
10 person, by action at law, the value of any dog or cat illegally
11 killed by the law enforcement officer or other person. The owner
12 of the dog or cat is also entitled to court costs and reasonable
13 attorney fees.

14 (b) Limit the common law liability of the owner of a dog or
15 cat for damages committed by it.

16 (c) Require the licensing of any dog imported into this
17 state, for a period not exceeding 30 days.

18 Sec. 32. The board of county commissioners by ordinance may
19 establish an animal control agency which shall employ at least 1
20 animal control officer. The board of county commissioners may
21 assign the animal control agency to any existing county depart-
22 ment or may establish a new department. The animal control
23 agency shall have jurisdiction to enforce this act in any munici-
24 pality that does not have an animal control agency pursuant to
25 section 34. The county's animal control ordinance shall provide
26 for animal control programs, facilities, personnel, and necessary

1 expenses incurred in animal control. The ordinance is subject to
2 the requirements of this act.

3 Sec. 33. (1) The board of county commissioners shall adopt
4 minimum employment standards relative to the recruitment, selec-
5 tion, and appointment of animal control officers. The training
6 for each employee shall be approved by the department and shall
7 be completed within 90 days of being hired. The minimum stan-
8 dards shall include all of the following:

9 (a) Requirements for physical and educational standards.

10 (b) Except as provided in subsection (2), a minimum course
11 of study of not less than 100 instructional hours as prescribed
12 by the department. The training shall cover areas, including,
13 but not limited to: laws and regulations of this state pertain-
14 ing to animals, law enforcement, investigation techniques, record
15 keeping, design and construction of animal facilities, sanitation
16 of animal facilities, animal behavior, animal handling and
17 restraint, animal diseases, rabies, other zoonotic diseases,
18 animal identification, animal first aid, vehicles and animal
19 transportation, capture techniques, and euthanasia techniques.

20 (c) That a person has no previous convictions for cruelty to
21 animals; a violation of Act No. 287 of the Public Acts of 1969,
22 being sections 287.331 to 287.340 of the Michigan Compiled Laws,
23 or rules promulgated under that act; or Act No. 224 of the Public
24 Acts of 1969, being sections 287.381 to 287.394 of the Michigan
25 Compiled Laws, or rules promulgated under that act.

26 (2) Subsection (1)(b) is not applicable if the person was
27 employed as an animal control officer for at least 3 years prior

1 to 1973 or if the person received at least 100 instructional
2 hours of training approved by the department between 1973 and the
3 effective date of this act. Subsection (1)(b) also is not appli-
4 cable to law enforcement officers who are employed as animal con-
5 trol officers on the effective date of this act. However, if the
6 law enforcement officer becomes unemployed as an animal control
7 officer for 2 or more consecutive years, the law enforcement
8 officer will be required to meet the requirements of subsection
9 (1)(b).

10 (3) This section shall not prohibit a law enforcement offi-
11 cer from temporarily functioning as an animal control officer in
12 an emergency situation when the animal control officer is tempo-
13 rarily unavailable.

14 Sec. 34. The governing body of a municipality may by ordi-
15 nance establish an animal control agency which shall employ at
16 least 1 animal control officer. The governing body of the munic-
17 ipality may assign the animal control agency to any existing
18 municipal department or may establish a new department. The
19 animal control agency shall have jurisdiction to enforce this act
20 and other animal ordinances of the municipality in that
21 municipality. The municipal animal control ordinance shall pro-
22 vide for animal control programs, facilities, personnel, and nec-
23 essary expenses incurred in animal control. The ordinance is
24 subject to the requirements of this act, including section 33.
25 This section does not require the establishment of an animal con-
26 trol agency if the only municipal ordinances that are enacted are
27 beyond the scope of this act.

1 Sec. 35. (1) Notwithstanding any law or ordinance to the
2 contrary, a dog that is used as a guide or leader dog for a blind
3 person, a hearing dog for a deaf or audibly impaired person, or a
4 service dog for a physically limited person shall have a current
5 rabies vaccination and be licensed pursuant to this act, but is
6 not subject to any fee for licensing.

7 (2) As used in this section:

8 (a) "Audibly impaired" means audibly impaired as defined in
9 section 1 of Act No. 82 of the Public Acts of 1981, being section
10 752.61 of the Michigan Compiled Laws.

11 (b) "Blind person" means a blind person as defined in sec-
12 tion 1 of Act No. 260 of the Public Acts of 1978, being section
13 393.351 of the Michigan Compiled Laws.

14 (c) "Deaf person" means a deaf person as defined in section
15 1 of Act No. 82 of the Public Acts of 1981, being section 752.61
16 of the Michigan Compiled Laws.

17 (d) "Physically limited" means physically limited as defined
18 in section 1 of Act No. 1 of the Public Acts of 1966, being sec-
19 tion 125.1351 of the Michigan Compiled Laws.

20 Sec. 36. (1) A person who intentionally violates a condi-
21 tion of quarantine so as to endanger livestock or public health
22 or public safety is guilty of a felony punishable by imprisonment
23 for not more than 5 years, or a fine of not less than \$1,000.00
24 or more than \$50,000.00, or community service of not more than
25 1,000 hours, or any combination of penalties thereof.

26 (2) A person who commits 1 or more of the following is
27 guilty of a misdemeanor punishable by imprisonment for not more

1 than 90 days, a fine of not less than \$500.00 or more than
2 \$1,000.00, or community service work for not more than 500 hours,
3 or any combination of these penalties:

4 (a) Falsifying a rabies vaccination certificate or present-
5 ing a false rabies vaccination certificate.

6 (b) Intentionally killing a dog or cat unless legally autho-
7 rized to do so.

8 (c) Stealing, or secreting, or confining, unless legally
9 authorized to do so, any dog or any cat, or unless the action is
10 justifiable for the protection of person, property, game, or the
11 dog or cat.

12 (3) A person who fails to license a dog is guilty of a mis-
13 demeanor punishable by a fine of not less than \$35.00. The
14 person must also supply the court with proof of licensing of the
15 dog.

16 (4) Any person who violates any provision of this act or a
17 rule promulgated under this act other than subsections (1), (2),
18 and (3) is guilty of a misdemeanor punishable by imprisonment for
19 not more than 30 days, or a fine of not less than \$50.00 or more
20 than \$500.00, or community service work for not more than 250
21 hours, or any combination thereof.

22 (5) In addition to all penalties listed in subsections (1)
23 to (4), a judge may order that an owner's animal or animals that
24 are in violation of this act be forfeited and may prohibit the
25 person from owning any such animal or an animal of that species
26 for a time period to be determined by the judge.

1 (6) Any animal control officer, law enforcement officer, or
2 the director shall be able to issue an appearance ticket, as
3 described and authorized by sections 9a to 9g of chapter IV of
4 the code of criminal procedure, Act No. 175 of the Public Acts of
5 1927, being sections 764.9a to 764.9g of the Michigan Compiled
6 Laws, for any violation of this act that is a misdemeanor.

7 (7) Notwithstanding the provisions of this act, an animal
8 control officer, a law enforcement officer, or the department may
9 bring an action to do 1 or more of the following:

10 (a) Obtain a declaratory judgment that a method, act, or
11 practice is a violation of this act.

12 (b) Obtain an injunction against a person who is engaging,
13 or about to engage, in a method, act, or practice that violates
14 this act.

15 Sec. 37. The department may promulgate rules for the imple-
16 mentation and enforcement of this act pursuant to the administra-
17 tive procedures act of 1969, Act No. 306 of the Public Acts of
18 1969, being sections 24.201 to 24.328 of the Michigan Compiled
19 Laws.

20 Sec. 38. Act No. 339 of the Public Acts of 1919, being sec-
21 tions 287.261 to 287.291 of the Michigan Compiled Laws, is
22 repealed.