

50.200 - DEFINITIONS

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

- (a) **Let or allow.** Act or omission by an owner that results in movement or activities by his or her animals beyond the area or power of the owner's care custody, or control of said animals.
- (b) **Animal.** Unless otherwise stated, the word "Animal" as used in this Ordinance shall mean dogs, cats, birds, fish, mammals, amphibians and reptiles.
- (c) **Animal Control Officer.** Any person employed by the County for the purpose of enforcing this Ordinance or state statutes pertaining to dogs or other animals as well as persons and deputies employed by the County to act in the Animal Control Division.
- (d) **Animal shelter.** The Grounds and Buildings of the Bay County Animal Control Division.
- (e) **Board of Commissioners.** The Bay County Board of Commissioners.
- (f) **Cat.** Any member of the animal species Felis Catus four (4) months or more in age.
- (g) **County.** The County of Bay of the State of Michigan.
- (h) **Cruelty.** Cruelty includes neglect and mistreatment as well as inappropriate usage of animals (such as for fighting), and includes all those forms of cruelty set forth in MCL 750.49-50; and MCL 752.21; and in Article VIII of this Ordinance.
- (i) **Day.** Monday through Saturday excluding Sundays, Holidays and other days County offices are closed, with hours established by the County Executive.
- (j) **Dog.** Any member of the animal species Canis Familiars four (4) months or more in age.
- (k) **Hunting.** 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.
- (l) **Keeping.** Any person who provides food and shelter for any domesticated animal on other than a temporary basis.
- (m) **Kennel.** Any establishment, except a pet shop, animal shelter or pound licensed pursuant to Act 287 of the Public Acts of 1969, as amended, being MCL 287.331-340, wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding, training or sporting purposes, for remuneration, constructed so as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein. This definition shall not be deemed to apply to a litter of puppies with their mother and under four (4) months of age.
- (n) **Livestock.** Horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, hogs, swine, and fur-bearing animals being raised in captivity (excluding dogs and cats).

- (o) **Non-agricultural area.** Any area zoned by a city, village, township or other governmental body, agency or commission for purposes other than agricultural.
- (p) **Owner.** "Owner" and "persons owning premises," when applied to realty, shall include both the title owner of record and those lawfully occupying or in possession of any property or premises; "owner," when applied to the proprietorship of an animal, means every person having a right of property in the animal, an authorized agent of the owner, and every person who keeps or harbors the animal or has it in his care, custody or control, and every person who permits the animal to remain on or about the premises owned or occupied by said person. For purposes of this Ordinance, the records of the Treasurer's Office showing the name of the owner to whom the license number was issued, and the license tag affixed to the collar or harness of the animal showing a corresponding number, shall be prima facie evidence of ownership of an animal.
- (q) **Person.** "Person" shall include individuals, corporations, societies, co-partnerships, associations and state and local officers or employees.
- (r) **Police Officer, Peace Officer or Law Enforcement Officer.** Any person employed or elected by the people of the State of Michigan, or by any city, village, county or township whose duty it is to preserve peace, to make arrests and to enforce the law within a specific geographical jurisdiction, and includes game, fish and forest fire wardens, members of the State Police and Conservation Officers.
- (s) **Poultry.** All domestic fowl and game birds possessed or being reared under authority of a breeder's license pursuant to Act 191 of the Public Acts of 1929, as amended, being MCL 317.71-84.
- (t) **Rabies suspect animal.** Any animal which has bitten a human, or any animal which has been in contact with or been bitten by a rabid animal, or any animal which shows symptoms suggestive of rabies.
- (u) **Run at large.** The unrestrained wandering or roaming of an animal other than a cat on public property or on the private property of other persons, or restrained wandering on a leash held by the owner if the leash is longer than six (6) feet.
- (v) **State.** The State of Michigan.
- (w) **Vicious animal.** Any animal:
 1. With a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings;
 2. Which has previously attacked or bitten a human being or other domestic animal other than under the type of circumstances that would be justifiable;
 3. Which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or bite human beings or other domestic animals other than under the type of circumstances that would be justifiable.

The circumstances that would be justifiable in Subsections 2 and 3 immediately above, are those set forth in [Section 1\(a\)\(i—iv\)](#) of 1988 PA 426, being MCL 287.321.

50.803 - Violations pertaining to persons generally.

Sec. 3. It shall be unlawful for any person:

- (a) To remove a collar or tag from any animal without the permission of its owner;
- (b) To decoy or entice any animal out of its enclosure or off the property of its owner;
- (c) To seize, molest or tease any animal while held or led by any person or while on the property of its owner;
- (d) To neglect or cruelly treat any animal under said person's care, custody or control by:
 - (i) Failing to provide adequate shelter, food and potable water on a regular basis which causes the animal to suffer exposure, thirst and hunger;
 - (ii) Confining an animal in a fashion that a substantial portion of the animal's living area is contaminated with excreta which the animal directly contacts or above or below which the animal must live;
 - (iii) Confining an animal in a fashion that the animal does not have a dry area on which to exercise and rest;
 - (iv) Confining an animal in enclosed quarters without sufficient fresh air or ventilation and light;
 - v Repeatedly allowing an animal who is tied or chained to become entangled so that the animal has less than five (5) feet of lead;
 - (vi) Caging or chaining an animal continuously in an area insufficient for the animal to obtain adequate exercise;
 - (vii) Placing an animal on a porch or roof at a height of greater than five (5) feet without a protective restraining barrier or without chaining so that the length of lead does not reach any of the edges of the elevated area; or
 - (viii) Restraining an animal so that the weight of the animal's tie does not allow the animal to comfortably raise his or her head or move.
- (e) To fail to inquire as to the necessity for medical care when an animal is in obvious pain or distress (examples: In a state of emaciation; unable to rise and walk; unable to urinate or defecate; crying out in pain; unable to eat or drink; suffering from unattended broken bones; painful or difficult breathing; wounds; burns; convulsions; passing blood in urine, feces, and/or vomit; infested with maggots; severe skin disease);
- (f) To let or allow an ill, diseased, aged, maimed, or injured animal to suffer unnecessary pain by neglecting to do the following: Provide medical treatment; put the animal out of its misery by euthanasia; or give the animal to another person who can provide the proper and necessary care for the animal;
- (g) To put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, road, street, alley, lane, lot, field, meadow or common, except the same and every part thereof be buried at least four (4) feet underground; or the owner or

owners of the animal to knowingly permit the same to remain in any of the aforesaid places, to the detriment of public health;

- (h) To overdrive, overload, drive when overloaded, overwork, torture, torment, cruelly beat, mutilate, or cruelly kill, or cause or procure to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, cruelly beaten, mutilated, or cruelly killed, any animal;
- (i) To abandon an animal in the care, custody or control of said person;
- (j) To transport or confine an animal in a cruel manner;
- (k) To intentionally injure or poison an animal;
- (l) To kill an animal belonging to another without legal authority or the owner's effective consent;
- (m) To cause or allow an animal to fight with another animal;
- (n) Who is an owner of an animal that is deceased to knowingly allow the carcass to be left unattended and not properly disposed of for more than seventy-two (72) hours after death of the animal; or
- (o) To let or allow an animal under his or her care, custody, or control to attack or bite a person.

(Amended: Ord. of 10-14-92; Res. No. 2005-58, 4-12-05; Ord. No. 2011-125, adopt. 7-12-11)